

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. 316.3025, F.S.; updating a cross-reference
13 to federal trucking regulations; amending s.
14 316.515, F.S.; deleting a requirement for a
15 department permit with respect to the height of
16 automobile transporters; amending s. 337.185,
17 F.S.; clarifying application of limitation on
18 certain claims brought before the State
19 Arbitration Board; amending s. 316.535, F.S.;
20 adding weight requirements for certain
21 commercial trucks; amending s. 316.545, F.S.;
22 conforming provisions; amending s. 334.044,
23 F.S.; providing powers and duties for
24 department law enforcement officers; amending
25 s. 334.175, F.S.; adding state-registered
26 landscape architects to the list of design
27 professionals who sign, seal, and certify
28 certain Department of Transportation project
29 plans; amending s. 337.025, F.S.; eliminating
30 the cap on innovative highway projects for the
31 turnpike enterprise; amending s. 337.11, F.S.,

1 relating to design-build contract; adding, for
2 a specified period, rights-of-way services to
3 activities that may be part of a design-build
4 contract; providing restrictions; amending s.
5 338.165, F.S.; conforming provisions; amending
6 s. 338.22, F.S.; redesignating the Florida
7 Turnpike Law as the Florida Turnpike Enterprise
8 Law; amending s. 338.221, F.S.; conforming
9 provisions to the redesignation; creating s.
10 338.2215, F.S.; providing legislative findings,
11 policy, purpose, and intent for the turnpike
12 enterprise; creating s. 338.2216, F.S.;
13 prescribing the power and authority of the
14 turnpike enterprise; amending s. 338.223, F.S.;
15 increasing the maximum loan amount for the
16 turnpike enterprise; amending ss. 338.165,
17 338.227, F.S.; conforming provisions; amending
18 s. 338.234, F.S.; authorizing the turnpike
19 enterprise to expand business opportunities;
20 prohibiting the department from exercising its
21 powers of eminent domain solely to acquire
22 property for business opportunities on the
23 Florida Turnpike; amending s. 338.235, F.S.;
24 authorizing the consideration of goods instead
25 of fees; amending s. 338.239, F.S.; providing
26 that approved expenditures to the Florida
27 Highway Patrol be paid by the turnpike
28 enterprise; amending s. 338.241, F.S.; lowering
29 the required cash reserve for the turnpike
30 enterprise; amending ss. 338.251, 339.135,
31 F.S.; conforming provisions; amending s.

1 339.12, F.S.; raising the amount that local
2 governments may advance to the department;
3 amending s. 337.408, F.S.; providing for
4 regulation of street light poles; amending s.
5 348.0003, F.S.; authorizing a county governing
6 body to set qualifications, terms of office,
7 and obligations and rights for the members of
8 expressway authorities their jurisdictions;
9 amending s. 348.0008, F.S.; allowing expressway
10 authorities to acquire certain interests in
11 land; providing for expressway authorities and
12 their agents or employees to access public or
13 private property for certain purposes; amending
14 s. 553.80, F.S.; providing for self-regulation;
15 amending s. 212.055, F.S.; providing for the
16 levy of the infrastructure sales surtax and the
17 school capital outlay surtax by a two-thirds
18 vote and requiring certain educational facility
19 planning prior to the levy of the school
20 capital outlay surtax; providing for the uses
21 of the surtax proceeds; repealing s. 59, ch.
22 99-385, Laws of Florida; abrogating the repeal
23 of provisions governing business damages in
24 eminent domain actions; amending s. 73.071,
25 F.S.; providing for the age required of a
26 standing business in order to qualify for
27 business damages; creating the "Florida
28 High-Speed Rail Authority Act"; creating s.
29 341.8201, F.S.; providing a short title;
30 creating s. 341.8202, F.S.; providing
31 legislative findings, policy, purpose, and

1 intent with respect to the development, design,
2 financing, construction, and operation of a
3 high-speed rail system in the state; creating
4 s. 341.8203, F.S.; providing definitions;
5 amending s. 341.821, F.S., relating to the
6 creation of the Florida High-Speed Rail
7 Authority; removing obsolete provisions;
8 amending s. 341.822, F.S.; revising and
9 providing additional powers and duties of the
10 authority; amending s. 341.823, F.S.; revising
11 the criteria for assessment and recommendations
12 with respect to the establishment of the
13 high-speed rail system; requiring the authority
14 to establish specified requirements; requiring
15 the authority to develop a specified plan,
16 study, and estimates; amending s. 341.824,
17 F.S.; specifying types of technical,
18 scientific, or other assistance to be provided
19 by the Department of Community Affairs and the
20 Department of Environmental Protection;
21 creating s. 341.827, F.S.; providing for
22 determination of service areas and the order of
23 system segment construction; creating s.
24 341.828, F.S.; authorizing the authority to
25 utilize existing permitting processes;
26 requiring cooperation between the authority and
27 metropolitan planning organizations; creating
28 s. 341.829, F.S.; requiring the authority, in
29 conjunction with the Executive Office of the
30 Governor, the Department of Community Affairs,
31 and the Department of Environmental Protection,

1 to develop and implement a process to mitigate
2 and resolve conflicts between the system and
3 growth management requirements and
4 environmental standards; providing time limits
5 for the filing of and response to specified
6 complaints; creating s. 341.830, F.S.;
7 authorizing the authority to employ specified
8 procurement methods; providing for the adoption
9 of rules; authorizing the authority to procure
10 commodities and services for the designing,
11 building, financing, maintenance, operation,
12 and implementation of a high-speed rail system;
13 creating s. 341.831, F.S.; authorizing the
14 authority to prequalify interested persons or
15 entities prior to seeking proposals for the
16 design, construction, operation, maintenance,
17 and financing of the high-speed rail system;
18 providing for the establishment of qualifying
19 criteria; creating s. 341.832, F.S.;
20 authorizing the authority to develop and
21 execute a request for qualifications process;
22 creating s. 341.833, F.S.; authorizing the
23 authority to develop and execute a request for
24 proposals process to seek a person or entity to
25 design, build, operate, maintain, and finance a
26 high-speed rail system; creating s. 341.834,
27 F.S.; providing for award of a conditional
28 contract; providing contract requirements;
29 prohibiting transfer of system property without
30 written approval; creating s. 341.835, F.S.;
31 authorizing the authority to purchase, lease,

1 exchange, or acquire land, property, or
2 buildings necessary to secure or utilize
3 rights-of-way for high-speed rail system
4 facilities; providing that the authority is not
5 subject to specified liability; authorizing the
6 authority and the Department of Environmental
7 Protection to enter into certain interagency
8 agreements; providing for the disposal of
9 interest in property; authorizing agents and
10 employees of the authority to enter upon
11 certain property; authorizing the authority to
12 accept donations of real property; creating s.
13 341.836, F.S.; authorizing the authority to
14 undertake the development of associated
15 developments; providing requirements of
16 associated developments; creating s. 341.837,
17 F.S.; providing for payment of expenses
18 incurred in carrying out the act; creating s.
19 341.838, F.S.; authorizing the authority to
20 fix, revise, charge, collect, and adjust rates,
21 rents, fees, charges, and revenues, and to
22 enter into contracts; providing for annual
23 review by the authority of rates, rents, fees,
24 and charges; providing for uses of revenues;
25 creating s. 341.839, F.S.; providing that the
26 act is supplemental and additional to powers
27 conferred by other laws; exempting powers of
28 the authority from specified supervision,
29 approval, or consent; creating s. 341.840,
30 F.S.; providing tax exemptions for property
31 acquired or used by the authority or specified

1 income; creating s. 341.841, F.S.; requiring
2 the authority to prepare and submit a report;
3 providing for an annual audit; creating s.
4 341.842, F.S.; providing construction of the
5 act; amending s. 288.109, F.S.; removing a
6 cross-reference; amending s. 334.30, F.S.;
7 removing a cross-reference; amending s.
8 337.251, F.S.; removing a cross-reference;
9 amending s. 341.501, F.S.; providing that
10 specified actions do not apply to the Florida
11 High-Speed Rail Authority Act; repealing s.
12 341.3201, F.S., relating to the short title for
13 ss. 341.3201-341.386, F.S., the "Florida
14 High-Speed Rail Transportation Act"; repealing
15 s. 341.321, F.S., relating to legislative
16 findings, policy, purpose, and intent with
17 respect to the development of a high-speed rail
18 transportation system connecting the major
19 urban areas of the state; repealing s. 341.322,
20 F.S., relating to definitions of terms;
21 repealing s. 341.325, F.S., relating to special
22 powers and duties of the Department of
23 Transportation; repealing s. 341.327, F.S.,
24 which provides that the Florida High-Speed Rail
25 Transportation Act is the sole and exclusive
26 determination of need for any high-speed rail
27 transportation system established under the
28 act, thereby preempting specified
29 determinations of need; repealing s. 341.329,
30 F.S., relating to the issuance of bonds to
31 finance a high-speed rail transportation

1 system; repealing s. 341.331, F.S., relating to
2 designation of the areas of the state to be
3 served by the high-speed rail transportation
4 system and designation of termini; repealing s.
5 341.332, F.S., relating to the award of
6 franchises by the Department of Transportation
7 to establish a high-speed rail transportation
8 system; repealing s. 341.3331, F.S., relating
9 to request for proposals; repealing s.
10 341.3332, F.S., relating to notice of issuance
11 of request for proposals; repealing s.
12 341.3333, F.S., relating to requirements with
13 respect to an application for franchise, and
14 confidentiality of the application and portions
15 of the application relating to trade secrets;
16 repealing s. 341.3334, F.S., relating to the
17 departmental review process of application for
18 franchise; repealing s. 341.3335, F.S.,
19 relating to interagency coordination of
20 franchise application review; repealing s.
21 341.3336, F.S., relating to public meetings on
22 franchise applications; repealing s. 341.3337,
23 F.S., relating to determination and award of
24 franchise; repealing s. 341.3338, F.S.,
25 relating to effect of franchise; repealing s.
26 341.3339, F.S., relating to postfranchise
27 agreements; repealing s. 341.334, F.S.,
28 relating to the powers and duties of the
29 Department of Transportation with respect to
30 the act; repealing s. 341.335, F.S., relating
31 to the powers and duties of the Florida Land

1 and Water Adjudicatory Commission sitting as
2 the board; repealing s. 341.336, F.S., relating
3 to the powers and duties of the Department of
4 Environmental Protection, the Department of
5 Community Affairs, and other affected agencies;
6 repealing s. 341.3365, F.S., relating to
7 certification procedures; repealing s. 341.342,
8 F.S., relating to agreements concerning
9 contents of certification application and
10 supporting documentation; repealing s. 341.343,
11 F.S., relating to review of certification
12 applications; repealing s. 341.344, F.S.,
13 relating to the establishment, composition,
14 organization, and duties of the Citizens'
15 Planning and Environmental Advisory Committee;
16 repealing s. 341.345, F.S., relating to
17 alternate corridors or transit station
18 locations; repealing s. 341.346, F.S., relating
19 to the powers and duties of an administrative
20 law judge appointed to conduct hearings under
21 the act; repealing s. 341.3465, F.S., relating
22 to alteration of time limitations specified by
23 the act; repealing s. 341.347, F.S., relating
24 to required combined public meetings and land
25 use and zoning hearings to be conducted by
26 local governments; repealing s. 341.348, F.S.,
27 relating to reports and studies required of
28 various agencies by the act; repealing s.
29 341.351, F.S., relating to publication and
30 contents of notice of certification application
31 and proceedings; repealing s. 341.352, F.S.,

1 relating to certification hearings; repealing
2 s. 341.353, F.S., relating to final disposition
3 of certification applications; repealing s.
4 341.363, F.S., relating to the effect of
5 certification; repealing s. 341.364, F.S.,
6 relating to a franchisee's right to appeal to
7 the Florida Land and Water Adjudicatory
8 Commission under specified circumstances;
9 repealing s. 341.365, F.S., relating to
10 associated development; repealing s. 341.366,
11 F.S., relating to recording of notice of
12 certified corridor route; repealing s. 341.368,
13 F.S., relating to modification of certification
14 or franchise; repealing s. 341.369, F.S.,
15 relating to fees imposed by the department and
16 the disposition of such fees; repealing s.
17 341.371, F.S., relating to revocation or
18 suspension of franchise or certification;
19 repealing s. 341.372, F.S., relating to
20 imposition by the department of specified
21 administrative fines in lieu of revocation or
22 suspension of franchise; repealing s. 341.375,
23 F.S., relating to the required participation by
24 women, minorities, and economically
25 disadvantaged individuals in all phases of the
26 design, construction, maintenance, and
27 operation of a high-speed rail transportation
28 system developed under the act, and required
29 plans for compliance by franchisees; repealing
30 s. 341.381, F.S., relating to applicability of
31 the act; repealing s. 341.382, F.S., relating

1 to laws and regulations superseded by the act;
2 repealing s. 341.383, F.S., relating to the
3 authority of local governments to assess
4 specified fees; repealing s. 341.386, F.S.,
5 relating to the admissibility of the award of a
6 franchise and of a certification under the act
7 in eminent domain proceedings; providing an
8 effective date.
9

10 Be It Enacted by the Legislature of the State of Florida:
11

12 Section 1. Paragraphs (c) and (d) of subsection (3),
13 paragraph (a) of subsection (4), and subsection (6) of section
14 20.23, Florida Statutes, are amended, and paragraph (f) is
15 added to subsection (4) of that section, to read:

16 20.23 Department of Transportation.--There is created
17 a Department of Transportation which shall be a decentralized
18 agency.

19 (3)

20 (c) The secretary shall appoint an Assistant Secretary
21 for Transportation Policy, an Assistant Secretary for Finance
22 and Administration, and an Assistant Secretary for District
23 Operations, each of whom shall serve at the pleasure of the
24 secretary. The positions are responsible for developing,
25 monitoring, and enforcing policy and managing major technical
26 programs. The responsibilities and duties of these positions
27 include, but are not limited to, the following functional
28 areas:

29 1. Assistant Secretary for Transportation Policy.--

30 a. Development of the Florida Transportation Plan and
31 other policy planning;

- 1 b. Development of statewide modal systems plans,
2 including public transportation systems;
- 3 c. Design of transportation facilities;
- 4 d. Construction of transportation facilities;
- 5 e. Acquisition and management of transportation
6 rights-of-way; and
- 7 f. Administration of motor carrier compliance and
8 safety.
- 9 2. Assistant Secretary for District Operations.--
- 10 a. Administration of the seven ~~eight~~ districts; and
- 11 b. Implementation of the decentralization of the
12 department.
- 13 3. Assistant Secretary for Finance and
14 Administration.--
- 15 a. Financial planning and management;
- 16 b. Information systems;
- 17 c. Accounting systems; and
- 18 d. Administrative functions. ~~and~~
- 19 ~~e. Administration of toll operations.~~
- 20 (d)1. Policy, program, or operations offices shall be
21 established within the central office for the purposes of:
- 22 a. Developing policy and procedures and monitoring
23 performance to ensure compliance with these policies and
24 procedures;
- 25 b. Performing statewide activities which it is more
26 cost-effective to perform in a central location;
- 27 c. Assessing and ensuring the accuracy of information
28 within the department's financial management information
29 systems; and
- 30 d. Performing other activities of a statewide nature.
- 31

1 2. The following offices are established and shall be
2 headed by a manager, each of whom shall be appointed by and
3 serve at the pleasure of the secretary. The positions shall be
4 classified at a level equal to a division director:

5 a. The Office of Administration;

6 b. The Office of Policy Planning;

7 c. The Office of Design;

8 d. The Office of Highway Operations;

9 e. The Office of Right-of-Way;

10 ~~f. The Office of Toll Operations;~~

11 f.g. The Office of Information Systems; and

12 g.h. The Office of Motor Carrier Compliance.

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

18 4. During the construction of a major transportation
19 improvement project or as determined by the district
20 secretary, the department may provide assistance to a business
21 entity significantly impacted by the project if the entity is
22 a for-profit entity that has been in business for 3 years
23 prior to the beginning of construction and has direct or
24 shared access to the transportation project being constructed.
25 The assistance program shall be in the form of additional
26 guarantees to assist the impacted business entity in receiving
27 loans pursuant to Title 13 C.F.R. part 120. However, in no
28 instance shall the combined guarantees be greater than 90
29 percent of the loan. The department shall adopt rules to
30 implement this subparagraph.

31

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

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

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

1 such policies, procedures, and standards to the turnpike
2 enterprise when he or she considers it appropriate.

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

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

24 206.46 State Transportation Trust Fund.--

25 (2) Notwithstanding any other provisions of law, from
26 the revenues deposited into the State Transportation Trust
27 Fund a maximum of 7 percent in each fiscal year shall be
28 transferred into the Right-of-Way Acquisition and Bridge
29 Construction Trust Fund created in s. 215.605, as needed to
30 meet the requirements of the documents authorizing the bonds
31 issued or proposed to be issued under ss. 215.605 and 337.276

1 or at a minimum amount sufficient to pay for the debt service
2 coverage requirements of outstanding bonds. Notwithstanding
3 the 7 percent annual transfer authorized in this subsection,
4 the annual amount transferred under this subsection shall not
5 exceed an amount necessary to provide the required debt
6 service coverage levels for a maximum debt service not to
7 exceed ~~\$200~~^{\$135} million. Such transfer shall be payable
8 primarily from the motor and diesel fuel taxes transferred to
9 the State Transportation Trust Fund from the Fuel Tax
10 Collection Trust Fund.

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

14 316.302 Commercial motor vehicles; safety regulations;
15 transporters and shippers of hazardous materials;
16 enforcement.--

17 (1)

18 (b) Except as otherwise provided in this section, all
19 owners or drivers of commercial motor vehicles that are
20 engaged in intrastate commerce are subject to the rules and
21 regulations contained in 49 C.F.R. parts 382, 385, and
22 390-397, with the exception of 49 C.F.R. s. 390.5 as it
23 relates to the definition of bus, as such rules and
24 regulations existed on October 1, 2001 ~~March 1, 1999~~.

25 (8) For the purpose of enforcing this section, any law
26 enforcement officer ~~Any agent~~ of the Department of
27 Transportation or duly appointed agent who holds a current
28 safety-inspector certification from the Commercial Vehicle
29 Safety Alliance, may require the driver of any commercial
30 vehicle operated on the highways of this state to stop and
31 submit to an inspection of the vehicle or the driver's

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

1 laws of this state pursuant to s. 316.640, who has reason to
2 believe that a vehicle or driver is operating in an unsafe
3 condition may, as provided in subsection (10), enforce the
4 provisions of this section.

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

10 Section 4. Paragraph (a) of subsection (3) of section
11 316.3025, Florida Statutes, is amended to read:

12 316.3025 Penalties.--

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

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

17 316.515 Maximum width, height, length.--

18 (2) HEIGHT LIMITATION.--No vehicle may exceed a height
19 of 13 feet 6 inches, inclusive of load carried thereon.
20 However, an automobile transporter may, ~~with a permit from the~~
21 ~~Department of Transportation,~~ measure a height not to exceed
22 14 feet, inclusive of the load carried thereon.

23 Section 6. Subsection (3) of section 337.185, Florida
24 Statutes, is amended to read:

25 337.185 State Arbitration Board.--

26 (3) A hearing may be requested by the department or by
27 a contractor who has a dispute with the department which,
28 under the rules of the board, may be the subject of
29 arbitration. The request is to be made to the board within
30 820 days after the final acceptance of the work for all
31 contracts entered into after June 30, 1993.The board shall

1 conduct the hearing within 45 days of the request. The party
2 requesting the board's consideration shall give notice of the
3 hearing to each member. If the board finds that a third party
4 is necessary to resolve the dispute, the board may vote to
5 dismiss the claim, which may thereafter be pursued in
6 accordance with the laws of the State of Florida.

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

11 316.535 Maximum weights.--

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

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

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 8. 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 9. 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 10. Section 334.175, Florida Statutes, is
12 amended to read:

13 334.175 Certification of project design plans and
14 surveys.--All design plans and surveys prepared by or for the
15 department shall be signed, sealed, and certified by the
16 professional engineer, or surveyor, or architect, or landscape
17 architect in responsible charge of the project work. Such
18 professional engineer, surveyor, ~~or~~ architect, or landscape
19 architect must be duly registered in this state.

20 Section 11. Section 337.025, Florida Statutes, is
21 amended to read:

22 337.025 Innovative highway projects; department to
23 establish program.--The department is authorized to establish
24 a program for highway projects demonstrating innovative
25 techniques of highway construction, maintenance, and finance
26 which have the intended effect of controlling time and cost
27 increases on construction projects. Such techniques may
28 include, but are not limited to, state-of-the-art technology
29 for pavement, safety, and other aspects of highway
30 construction and maintenance; innovative bidding and financing
31 techniques; accelerated construction procedures; and those

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

19 Section 12. Paragraph (c) of subsection (3) and
20 paragraph (c) of subsection (6) of section 337.11, Florida
21 Statutes, are amended to read:

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

26 (3)

27 (c) No advertisement for bids shall be published and
28 no bid solicitation notice shall be provided until title to
29 all necessary rights-of-way and easements for the construction
30 of the project covered by such advertisement or notice has
31 vested in the state or a local governmental entity, and all

1 railroad crossing and utility agreements have been executed.
2 The turnpike enterprise is exempt from this paragraph with
3 respect to a turnpike enterprise project.Title to all
4 necessary rights-of-way shall be deemed to have been vested in
5 the State of Florida when such title has been dedicated to the
6 public or acquired by prescription.

7 (6)

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

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

28
29 The department shall make a good faith effort to obtain two or
30 more quotes, if available, from qualified contractors before
31 entering into any contract. The department shall give

1 consideration to disadvantaged business enterprise
2 participation. However, when the work exists within the limits
3 of an existing contract, the department shall make a good
4 faith effort to negotiate and enter into a contract with the
5 prime contractor on the existing contract.

6 Section 13. Effective July 1, 2003, paragraph (a) of
7 subsection (7) of section 337.11, Florida Statutes, as amended
8 by section 4 of chapter 2001-350, Laws of Florida, is amended
9 to read:

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

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

30 Section 14. Effective July 1, 2005, paragraph (a) of
31 subsection (7) of section 337.11, Florida Statutes, as amended

1 by sections 2 and 4 of chapter 2001-350, Laws of Florida, and
2 by this act, is amended to read:

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

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

23 Section 15. Section 338.165, Florida Statutes, is
24 amended to read:

25 338.165 Continuation of tolls.--

26 (1) The department, any transportation or expressway
27 authority or, in the absence of an authority, a county or
28 counties may continue to collect the toll on a
29 revenue-producing project after the discharge of any bond
30 indebtedness related to such project and may increase such
31 toll. All tolls so collected shall first be used to pay the

1 annual cost of the operation, maintenance, and improvement of
2 the toll project.

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

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

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

26 (5) Selection of projects on the State Highway System
27 for construction, maintenance, or improvement with toll
28 revenues shall be, with the concurrence of the department,
29 consistent with the Florida Transportation Plan.

30 (6) Notwithstanding the provisions of subsection (1),
31 and not including high occupancy toll lanes or express lanes,

1 no tolls may be charged for use of an interstate highway where
2 tolls were not charged as of July 1, 1997.

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

5 Section 16. Section 338.22, Florida Statutes, is
6 amended to read:

7 338.22 Florida Turnpike Law; short title.--Sections
8 338.22-338.241 may be cited as the "Florida Turnpike
9 Enterprise Law."

10 Section 17. Section 338.221, Florida Statutes, is
11 amended to read:

12 338.221 Definitions of terms used in ss.
13 338.22-338.241.--As used in ss. 338.22-338.241, the term
14 ~~following words and terms have the following meanings, unless~~
15 ~~the context indicates another or different meaning or intent:~~

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

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

1 expenses, plans, specifications, surveys, estimates of cost
2 and revenues; other expenses necessary or incident to
3 determining the feasibility or practicability of acquiring or
4 constructing any such turnpike project; administrative
5 expenses; and such other expenses as may be necessary or
6 incident to the acquisition or construction of a turnpike
7 project, the financing of such acquisition or construction,
8 and the placing of the turnpike project in operation.

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

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

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

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

28 (7) "Turnpike improvement" means any betterment
29 necessary or desirable for the operation of the turnpike
30 system, including, but not limited to, widenings, the addition
31

1 of interchanges to the existing turnpike system, resurfacings,
2 toll plazas, machinery, and equipment.

3 (8) "Economically feasible" means:

4 (a) For a proposed turnpike project, that, as
5 determined by the department before the issuance of revenue
6 bonds for the project, the estimated net revenues of the
7 proposed turnpike project, excluding feeder roads and turnpike
8 improvements, will be sufficient to pay at least 50 percent of
9 the debt service on the bonds by the end of the 12th ~~5th~~ year
10 of operation and to pay at least 100 percent of the debt
11 service on the bonds by the end of the 22nd ~~15th~~ year of
12 operation. In implementing this paragraph, up to 50 percent of
13 the adopted work program costs of the project may be funded
14 from turnpike revenues.

15 (b) For turnpike projects, except for feeder roads and
16 turnpike improvements, financed from revenues of the turnpike
17 system, such project, or such group of projects, originally
18 financed from revenues of the turnpike system, that the
19 project is expected to generate sufficient revenues to
20 amortize project costs within 15 years of opening to traffic.

21
22 This subsection does not prohibit the pledging of revenues
23 from the entire turnpike system to bonds issued to finance or
24 refinance a turnpike project or group of turnpike projects.

25 (9) "Turnpike project" means any extension to or
26 expansion of the existing turnpike system and new limited
27 access toll highways and associated feeder roads and other
28 structures, interchanges, appurtenances, or rights as may be
29 approved in accordance with the Florida Turnpike Enterprise
30 Law.

31

1 (10) "Statement of environmental feasibility" means a
2 statement by the Department of Environmental Protection of the
3 project's significant environmental impacts.

4 Section 18. Section 338.2215, Florida Statutes, is
5 created to read:

6 338.2215 Florida Turnpike Enterprise; legislative
7 findings, policy, purpose, and intent.--It is the intent of
8 the Legislature that the turnpike enterprise be provided
9 additional powers and authority in order to maximize the
10 advantages obtainable through fully leveraging the Florida
11 Turnpike System asset. The additional powers and authority
12 will provide the turnpike enterprise with the autonomy and
13 flexibility necessary to enable it to more easily pursue
14 innovations as well as best practices found in the private
15 sector in management, finance, organization, and operations.
16 The additional powers and authority are intended to improve
17 cost-effectiveness and timeliness of project delivery,
18 increase revenues, expand the turnpike system's capital
19 program capability, and improve the quality of service to its
20 patrons, while continuing to protect the turnpike system's
21 bondholders and further preserve, expand, and improve the
22 Florida Turnpike System.

23 Section 19. Section 338.2216, Florida Statutes, is
24 created to read:

25 338.2216 Florida Turnpike Enterprise; powers and
26 authority.--

27 (1)(a) In addition to the powers granted to the
28 department, the Florida Turnpike Enterprise has full authority
29 to exercise all powers granted to it under this chapter. These
30 powers include, but are not limited to, the authority to plan,
31

1 construct, maintain, repair, and operate the Florida Turnpike
2 System.

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

12 (c) The executive director of the turnpike enterprise
13 shall appoint a staff, which is exempt from part II of chapter
14 110, among them a chief financial officer who must be a proven
15 effective administrator with demonstrated experience in
16 financial management, including management of a large bonded
17 capital program and must hold an active license to practice
18 public accounting in this state under chapter 473.

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

23 (2) The department may employ procurement methods
24 available to the Department of Management Services under
25 chapter 255 or chapter 287 and under any rule adopted under
26 either of those chapters solely for the benefit of the
27 turnpike enterprise.

28 (3)(a) Effective July 1, 2002, the turnpike enterprise
29 shall be a single budget entity and shall develop a budget
30 pursuant to chapter 216. The budget for the turnpike
31

1 enterprise must be submitted to the Legislature with the
2 department's budget.

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

16 (4) The powers conferred upon the turnpike enterprise
17 under ss. 338.22-338.241 are in addition and supplemental to
18 the existing powers of the department and the turnpike
19 enterprise, and these powers may not be construed as
20 abrogating any provision of any other law, general or local;
21 but ss. 338.22-338.241 supersede such other laws as are
22 inconsistent with the exercise of the powers provided under
23 those sections and provide a complete method for the exercise
24 of the powers granted under those sections.

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

27 338.223 Proposed turnpike projects.--

28 (4) The department is authorized, with the approval of
29 the Legislature, to use federal and state transportation funds
30 to lend or pay a portion of the operating, maintenance, and
31 capital costs of turnpike projects. ~~Federal and state~~

1 ~~transportation funds included in an adopted work program, or~~
2 ~~the General Appropriations Act, for a turnpike project do not~~
3 ~~have to be reimbursed to the State Transportation Trust Fund,~~
4 ~~or used in determining the economic feasibility of the~~
5 ~~proposed project.~~ For operating and maintenance loans, the
6 maximum net loan amount in any fiscal year shall not exceed
7 1.5 ~~0.5~~ percent of state transportation tax revenues for that
8 fiscal year.

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

11 338.227 Turnpike revenue bonds.--

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

30 Section 22. 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. However, the department, pursuant to
26 the grants of authority to the turnpike enterprise under this
27 section, shall not exercise the power of eminent domain solely
28 for the purpose of acquiring real property in order to provide
29 business service or opportunities, such as lodging and meeting
30 room space on the turnpike system.; ~~and the granting of~~
31 ~~concessions which provide banking and other business services.~~

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

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

7 Section 23. Subsection (3) of section 338.235, Florida
8 Statutes, is amended to read:

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

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

31

1 Section 24. Subsection (2) of section 338.239, Florida
2 Statutes, is amended to read:

3 338.239 Traffic control on the turnpike system.--

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

26 Section 25. Section 338.241, Florida Statutes, is
27 amended to read:

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

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

3 Section 26. Section 338.251, Florida Statutes, is
4 amended to read:

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

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

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

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

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

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

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

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

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

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

29 (7) The department may advance funds sufficient to
30 defray shortages in toll revenues of facilities receiving
31 funds pursuant to this section for the first 5 years of

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

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

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

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

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

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

21 Section 27. Paragraph (a) of subsection (4) of section
22 339.135, Florida Statutes, is amended to read:

23 339.135 Work program; legislative budget request;
24 definitions; preparation, adoption, execution, and
25 amendment.--

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

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

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

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

23 Section 28. Paragraph (c) of subsection (4) and
24 subsection (5) of section 339.12, Florida Statutes, are
25 amended to read.

26 339.12 Aid and contributions by governmental entities
27 for department projects; federal aid.--

28 (4)

29 (c) The department may enter into agreements under
30 this subsection for a project or project phase not included in
31 the adopted work program. As used in this paragraph, the term

1 "project phase" means acquisition of rights-of-way,
2 construction, construction inspection, and related support
3 phases. The project or project phase must be a high priority
4 of the governmental entity. Reimbursement for a project or
5 project phase must be made from funds appropriated by the
6 Legislature pursuant to s. 339.135(5). All other provisions of
7 this subsection apply to agreements entered into under this
8 paragraph. The total amount of project agreements for projects
9 or project phases not included in the adopted work program may
10 not at any time exceed ~~\$150~~\$100 million.

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

28 Section 29. Subsection (5) of section 337.408, Florida
29 Statutes, is renumbered as subsection (6), and a new
30 subsection (5) is added to said section to read:

31

1 337.408 Regulation of benches, transit shelters,
2 street light poles, and waste disposal receptacles within
3 rights-of-way.--

4 (5) Street light poles, including attached public
5 service messages and advertisements, may be located within the
6 right-of-way limits of municipal and county roads in the same
7 manner as benches, transit shelters, and waste disposal
8 receptacles as provided in this section and in accordance with
9 municipal and county ordinances. Public service messages and
10 advertisements may be installed on street light poles on roads
11 on the State Highway System in accordance with height, size,
12 setback, spacing distance, duration of display, safety,
13 traffic control, and permitting requirements established by
14 administrative rule of the Department of Transportation.
15 Public service messages and advertisements shall be subject to
16 bilateral agreements, where applicable, to be negotiated with
17 the owner of the street light poles, which shall consider,
18 among other things, power source rates, design, safety,
19 operational and maintenance concerns, and other matters of
20 public importance. For the purposes of this section, the term
21 "street light poles" does not include electric transmission or
22 distribution poles. The department shall have authority to
23 establish administrative rules to implement this subsection.
24 No advertising on light poles shall be permitted on the
25 Interstate Highway System. No permanent structures carrying
26 advertisements attached to light poles shall be permitted on
27 the National Highway System.

28 Section 30. Paragraph (d) of subsection (2) of section
29 348.0003, Florida Statutes, is amended to read:

30 348.0003 Expressway authority; formation;
31 membership.--

1 (2) The governing body of an authority shall consist
2 of not fewer than five nor more than nine voting members. The
3 district secretary of the affected department district shall
4 serve as a nonvoting member of the governing body of each
5 authority located within the district. Each member of the
6 governing body must at all times during his or her term of
7 office be a permanent resident of the county which he or she
8 is appointed to represent.

9 (d) Notwithstanding any provision to the contrary in
10 this subsection, in any county as defined in s. 125.011(1),
11 the governing body of an authority shall consist of up to 13
12 members, and the following provisions of this paragraph shall
13 apply specifically to such authority. Except for the district
14 secretary of the department, the members must be residents of
15 the county. Seven voting members shall be appointed by the
16 governing body of the county. At the discretion of the
17 governing body of the county, up to two of the members
18 appointed by the governing body of the county may be elected
19 officials residing in the county. Five voting members of the
20 authority shall be appointed by the Governor. One member shall
21 be the district secretary of the department serving in the
22 district that contains such county. This member shall be an ex
23 officio voting member of the authority. If the governing board
24 of an authority includes any member originally appointed by
25 the governing body of the county as a nonvoting member, when
26 the term of such member expires, that member shall be replaced
27 by a member appointed by the Governor until the governing body
28 of the authority is composed of seven members appointed by the
29 governing body of the county and five members appointed by the
30 Governor. The qualifications, terms of office, and obligations
31 and rights of members of the authority shall be determined by

1 resolution or ordinance of the governing body of the county in
2 a manner that is consistent with subsections (3) and (4).

3 Section 31. Section 348.0008, Florida Statutes, is
4 amended to read:

5 348.0008 Acquisition of lands and property.--

6 (1) For the purposes of the Florida Expressway
7 Authority Act, an expressway authority may acquire such
8 rights, title, or interest in private or public property and
9 such property rights, including easements, rights of access,
10 air, view, and light, by gift, devise, purchase, or
11 condemnation by eminent domain proceedings, as the authority
12 may deem necessary for any of the purposes of the Florida
13 Expressway Authority Act, including, but not limited to, any
14 lands reasonably necessary for securing applicable permits,
15 areas necessary for management of access, borrow pits,
16 drainage ditches, water retention areas, rest areas,
17 replacement access for landowners whose access is impaired due
18 to the construction of an expressway system, and replacement
19 rights-of-way for relocated rail and utility facilities; for
20 existing, proposed, or anticipated transportation facilities
21 on the expressway system or in a transportation corridor
22 designated by the authority; or for the purposes of screening,
23 relocation, removal, or disposal of junkyards and scrap metal
24 processing facilities. The authority may also condemn any
25 material and property necessary for such purposes.

26 (2) An authority and its authorized agents,
27 contractors, and employees are authorized to enter upon any
28 lands, waters, and premises, upon giving reasonable notice to
29 the landowner, for the purpose of making surveys, soundings,
30 drillings, appraisals, environmental assessments including
31 phase I and phase II environmental surveys, archaeological

1 assessments, and such other examinations as are necessary for
2 the acquisition of private or public property and property
3 rights, including rights of access, air, view, and light, by
4 gift, devise, purchase, or condemnation by eminent domain
5 proceedings or as are necessary for the authority to perform
6 its duties and functions; and any such entry shall not be
7 deemed a trespass or an entry that would constitute a taking
8 in an eminent domain proceeding. An expressway authority shall
9 make reimbursement for any actual damage to such lands, water,
10 and premises as a result of such activities.

11 (3)~~(2)~~ The right of eminent domain conferred by the
12 Florida Expressway Authority Act must be exercised by each
13 authority in the manner provided by law.

14 (4)~~(3)~~ When an authority acquires property for an
15 expressway system or in a transportation corridor as defined
16 in s. 334.03, it is not subject to any liability imposed by
17 chapter 376 or chapter 403 for preexisting soil or groundwater
18 contamination due solely to its ownership. This subsection
19 does not affect the rights or liabilities of any past or
20 future owners of the acquired property nor does it affect the
21 liability of any governmental entity for the results of its
22 actions which create or exacerbate a pollution source. An
23 authority and the Department of Environmental Protection may
24 enter into interagency agreements for the performance,
25 funding, and reimbursement of the investigative and remedial
26 acts necessary for property acquired by the authority.

27 Section 32. Subsection (1) of section 553.80, Florida
28 Statutes, is amended to read:

29 553.80 Enforcement.--

30 (1) Except as provided in paragraphs (a)-(f)~~(a)-(e)~~,
31 each local government and each legally constituted enforcement

1 district with statutory authority shall regulate building
2 construction and, where authorized in the state agency's
3 enabling legislation, each state agency shall enforce the
4 Florida Building Code required by this part on all public or
5 private buildings, structures, and facilities, unless such
6 responsibility has been delegated to another unit of
7 government pursuant to s. 553.79(9).

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

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

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

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

1 (e) Construction regulations governing public schools,
2 state universities, and community colleges shall be enforced
3 as provided in subsection (6).

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

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

20 Section 33. Paragraphs (a) and (d) of subsection (2)
21 and subsection (6) of section 212.055, Florida Statutes, are
22 amended to read:

23 212.055 Discretionary sales surtaxes; legislative
24 intent; authorization and use of proceeds.--It is the
25 legislative intent that any authorization for imposition of a
26 discretionary sales surtax shall be published in the Florida
27 Statutes as a subsection of this section, irrespective of the
28 duration of the levy. Each enactment shall specify the types
29 of counties authorized to levy; the rate or rates which may be
30 imposed; the maximum length of time the surtax may be imposed,
31 if any; the procedure which must be followed to secure voter

1 approval, if required; the purpose for which the proceeds may
2 be expended; and such other requirements as the Legislature
3 may provide. Taxable transactions and administrative
4 procedures shall be as provided in s. 212.054.

5 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--

6 (a)1. The governing authority in each county may levy
7 a discretionary sales surtax of 0.5 percent or 1 percent. The
8 levy of the surtax shall be pursuant to ordinance enacted by a
9 two-thirds vote ~~majority~~ of the members of the county
10 governing authority or pursuant to ordinance enacted by a
11 majority of the members of the county governing authority and
12 approved by a majority of the electors of the county voting in
13 a referendum on the surtax. If the governing bodies of the
14 municipalities representing a majority of the county's
15 population adopt uniform resolutions establishing the rate of
16 the surtax and calling for a referendum on the surtax, the
17 levy of the surtax shall be placed on the ballot and shall
18 take effect if approved by a majority of the electors of the
19 county voting in the referendum on the surtax.

20 2. If the surtax was levied pursuant to a referendum
21 held before July 1, 1993, the surtax may not be levied beyond
22 the time established in the ordinance, or, if the ordinance
23 did not limit the period of the levy, the surtax may not be
24 levied for more than 15 years. The levy of such surtax may be
25 extended only by approval of a majority of the electors of the
26 county voting in a referendum on the surtax or pursuant to
27 ordinance enacted by a two-thirds vote of the members of the
28 county governing authority.

29 (d)1. The proceeds of the surtax authorized by this
30 subsection and approved by referendum and any interest accrued
31 thereto shall be expended by the school district or within the

1 county and municipalities within the county, or, in the case
2 of a negotiated joint county agreement, within another county,
3 to finance, plan, and construct infrastructure and to acquire
4 land for public recreation or conservation or protection of
5 natural resources and to finance the closure of county-owned
6 or municipally owned solid waste landfills that are already
7 closed or are required to close by order of the Department of
8 Environmental Protection. Any use of such proceeds or interest
9 for purposes of landfill closure prior to July 1, 1993, is
10 ratified. Neither the proceeds nor any interest accrued
11 thereto shall be used for operational expenses of any
12 infrastructure, except that any county with a population of
13 less than 75,000 that is required to close a landfill by order
14 of the Department of Environmental Protection may use the
15 proceeds or any interest accrued thereto for long-term
16 maintenance costs associated with landfill closure. Counties,
17 as defined in s. 125.011(1), and charter counties may, in
18 addition, use the proceeds and any interest accrued thereto to
19 retire or service indebtedness incurred for bonds issued prior
20 to July 1, 1987, for infrastructure purposes, and for bonds
21 subsequently issued to refund such bonds. Any use of such
22 proceeds or interest for purposes of retiring or servicing
23 indebtedness incurred for such refunding bonds prior to July
24 1, 1999, is ratified.

25 2. The proceeds of the surtax where the surtax is
26 levied by a two-thirds vote of the governing body of the
27 county and any interest accrued thereto shall be expended by
28 the school district or within the county and municipalities
29 within the county for infrastructure located within the urban
30 service area that is identified in the local government
31 comprehensive plan of the county or municipality and is

1 identified in that local government's capital improvements
2 element adopted pursuant to s. 163.3177(3) or that is
3 identified in the school district's educational facilities
4 plan adopted pursuant to s. 235.185.

5 ~~3.2.~~ For the purposes of this paragraph,
6 "infrastructure" means:

7 a. Any fixed capital expenditure or fixed capital
8 outlay associated with the construction, reconstruction, or
9 improvement of public facilities which have a life expectancy
10 of 5 or more years and any land acquisition, land improvement,
11 design, and engineering costs related thereto.

12 b. A fire department vehicle, an emergency medical
13 service vehicle, a sheriff's office vehicle, a police
14 department vehicle, or any other vehicle, and such equipment
15 necessary to outfit the vehicle for its official use or
16 equipment that has a life expectancy of at least 5 years.

17 ~~4.3.~~ Notwithstanding any other provision of this
18 subsection, a discretionary sales surtax imposed or extended
19 after the effective date of this act may provide for an amount
20 not to exceed 15 percent of the local option sales surtax
21 proceeds to be allocated for deposit to a trust fund within
22 the county's accounts created for the purpose of funding
23 economic development projects of a general public purpose
24 targeted to improve local economies, including the funding of
25 operational costs and incentives related to such economic
26 development. If applicable, the ballot statement must indicate
27 the intention to make an allocation under the authority of
28 this subparagraph.

29 (6) SCHOOL CAPITAL OUTLAY SURTAX.--

30 (a) The school board in each county may levy, pursuant
31 to resolution conditioned to take effect only upon approval by

1 (d)~~(c)~~ The resolution providing for the imposition of
2 the surtax shall set forth a plan for use of the surtax
3 proceeds for fixed capital expenditures or fixed capital costs
4 associated with the construction, reconstruction, or
5 improvement of school facilities and campuses which have a
6 useful life expectancy of 5 or more years, and any land
7 acquisition, land improvement, design, and engineering costs
8 related thereto. Additionally, the plan shall include the
9 costs of retrofitting and providing for technology
10 implementation, including hardware and software, for the
11 various sites within the school district. Surtax revenues may
12 be used for the purpose of servicing bond indebtedness to
13 finance projects authorized by this subsection, and any
14 interest accrued thereto may be held in trust to finance such
15 projects. Neither the proceeds of the surtax nor any interest
16 accrued thereto shall be used for operational expenses. If the
17 district school board has been recognized by the State Board
18 of Education as having a Florida Frugal Schools Program, the
19 district's plan for use of the surtax proceeds must be
20 consistent with this subsection and with uses assured under
21 the Florida Frugal Schools Program.

22 (e)~~(d)~~ Any school board imposing the surtax shall
23 implement a freeze on noncapital local school property taxes,
24 at the millage rate imposed in the year prior to the
25 implementation of the surtax, for a period of at least 3 years
26 from the date of imposition of the surtax. This provision
27 shall not apply to existing debt service or required state
28 taxes.

29 (f)~~(e)~~ Surtax revenues collected by the Department of
30 Revenue pursuant to this subsection shall be distributed to
31 the school board imposing the surtax in accordance with law.

1 Section 34. Section 59 of chapter 99-385, Laws of
2 Florida, is repealed.

3 Section 35. Subsection (3) of section 73.071, Florida
4 Statutes, is amended to read:

5 73.071 Jury trial; compensation; severance damages;
6 business damages.--

7 (3) The jury shall determine solely the amount of
8 compensation to be paid, which compensation shall include:

9 (a) The value of the property sought to be
10 appropriated;

11 (b) Where less than the entire property is sought to
12 be appropriated, any damages to the remainder caused by the
13 taking, including, when the action is by the Department of
14 Transportation, county, municipality, board, district or other
15 public body for the condemnation of a right-of-way, and the
16 effect of the taking of the property involved may damage or
17 destroy an established business of more than 4 years' standing
18 before January 1, 2005, or the effect of the taking of the
19 property involved may damage or destroy an established
20 business of more than 5 years' standing on or after January 1,
21 2005, owned by the party whose lands are being so taken,
22 located upon adjoining lands owned or held by such party, the
23 probable damages to such business which the denial of the use
24 of the property so taken may reasonably cause; any person
25 claiming the right to recover such special damages shall set
26 forth in his or her written defenses the nature and extent of
27 such damages; and

28 (c) Where the appropriation is of property upon which
29 a mobile home, other than a travel trailer as defined in s.
30 320.01, is located, whether or not the owner of the mobile
31 home is an owner or lessee of the property involved, and the

1 effect of the taking of the property involved requires the
2 relocation of such mobile home, the reasonable removal or
3 relocation expenses incurred by such mobile home owner, not to
4 exceed the replacement value of such mobile home. The
5 compensation paid to a mobile home owner under this paragraph
6 shall preclude an award to a mobile home park owner for such
7 expenses of removal or relocation. Any mobile home owner
8 claiming the right to such removal or relocation expenses
9 shall set forth in his or her written defenses the nature and
10 extent of such expenses. This paragraph shall not apply to
11 any governmental authority exercising its power of eminent
12 domain when reasonable removal or relocation expenses must be
13 paid to mobile home owners under other provisions of law or
14 agency rule applicable to such exercise of power.

15 Section 36. Section 341.8201, Florida Statutes, is
16 created to read:

17 341.8201 Short title.--Sections 341.8201-341.843 may
18 be cited as the "Florida High-Speed Rail Authority Act."

19 Section 37. Section 341.8202, Florida Statutes, is
20 created to read:

21 341.8202 Legislative findings, policy, purpose, and
22 intent.--

23 (1) The intent of this act is to implement the purpose
24 of s. 19, Art. X of the State Constitution, which directs the
25 Legislature, the Cabinet and the Governor to proceed with the
26 development, either by the state or an approved private
27 entity, of a high-speed monorail, fixed guideway, or magnetic
28 levitation system, capable of speeds in excess of 120 miles
29 per hour. The development of such a system, which will link
30 Florida's five largest urban areas as defined in this act,
31 includes acquisition of right-of-way and the financing of

1 design and construction with construction beginning on or
2 before November 1, 2003. Further, this act promotes the
3 various growth management and environmental protection laws
4 enacted by the Legislature and encourages and enhances the
5 establishment of a high-speed rail system. The Legislature
6 further finds that:

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

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

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

28 (d) Transportation benefits of a high-speed rail
29 system include improved travel times and more reliable travel,
30 which will increase productivity and energy efficiency in the
31 state.

1 (2) The Legislature further finds that:

2 (a) Access to timely and efficient modes of passenger
3 transportation is necessary for travelers, visitors, and
4 day-to-day commuters, to the quality of life in the state, and
5 to the economy of the state.

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

11 (c) The geography of the state is suitable for the
12 construction and efficient operation of a high-speed rail
13 system.

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

30 (e) Areas surrounding certain proposed high-speed rail
31 stations can, as a result of existing conditions, crime, and

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

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

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

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

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

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

12 Section 38. Section 341.8203, Florida Statutes, is
13 created to read:

14 341.8203 Definitions.--As used in this act, unless the
15 context clearly indicates otherwise, the term:

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

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

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

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

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

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

29 (7) "Joint development" means the planning, managing,
30 financing, or constructing of projects adjacent to,
31 functionally related to, or otherwise related to a high-speed

1 rail system pursuant to agreements between any person, firm,
2 corporation, association, organization, agency, or other
3 entity, public or private.

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

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

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

19 (11) "Selected person or entity" means the person or
20 entity to whom the authority awards a contract under s.
21 341.834 to establish a high-speed rail system pursuant to this
22 act.

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

26 (13) "Southwest Florida" means the counties of
27 Manatee, Hardee, DeSoto, Sarasota, Highlands, Charlotte,
28 Glades, Lee, Hendry, and Collier.

29 (14) "Urban areas" means Central Florida, Northeast
30 Florida, Northwest Florida, Southeast Florida, and Southwest
31 Florida.

1 Section 39. Section 341.821, Florida Statutes, is
2 amended to read:

3 341.821 Florida High-Speed Rail Authority.--

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

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

10 1. Three members shall be appointed by the Governor,
11 one of whom must have a background in the area of
12 environmental concerns, one of whom must have a legislative
13 background, and one of whom must have a general business
14 background.

15 2. Three members shall be appointed by the President
16 of the Senate, one of whom must have a background in civil
17 engineering, one of whom must have a background in
18 transportation construction, and one of whom must have a
19 general business background.

20 3. Three members shall be appointed by the Speaker of
21 the House of Representatives, one of whom must have a legal
22 background, one of whom must have a background in financial
23 matters, and one of whom must have a general business
24 background.

25 (b) The appointed members shall not be subject to
26 confirmation by the Senate. The initial term of each member
27 appointed by the Governor shall be for 4 years. The initial
28 term of each member appointed by the President of the Senate
29 shall be for 3 years. The initial term of each member
30 appointed by the Speaker of the House of Representatives shall
31 be for 2 years. Succeeding terms for all members shall be for

1 terms of 4 years. ~~Initial appointments must be made within 30~~
2 ~~days after the effective date of this act.~~

3 (c) A vacancy occurring during a term shall be filled
4 by the respective appointing authority in the same manner as
5 the original appointment and only for the balance of the
6 unexpired term. An appointment to fill a vacancy shall be made
7 within 60 days after the occurrence of the vacancy.

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

10 (e) The board shall elect one of its members as chair
11 of the authority. The chair shall hold office at the will of
12 the board. Five members of the board shall constitute a
13 quorum, and the vote of five members shall be necessary for
14 any action taken by the authority. The authority may meet upon
15 the constitution of a quorum. No vacancy in the authority
16 shall impair the right of a quorum of the board to exercise
17 all rights and perform all duties of the authority.

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

21 (3) Notwithstanding any other law to the contrary, it
22 shall not be or constitute a conflict of interest for a person
23 having a background specified in this section to serve as a
24 member of the authority. However, in each official decision to
25 which this act is applicable, such member's firm or related
26 entity may not have a financial or economic interest nor shall
27 the authority contract with or conduct any business with a
28 member or such member's firm or directly related business
29 entity.

30 (4) The authority shall be assigned to the Department
31 of Transportation for administrative purposes. The authority

1 shall be a separate budget entity. The Department of
2 Transportation shall provide administrative support and
3 service to the authority to the extent requested by the chair
4 of the authority. The authority shall not be subject to
5 control, supervision, or direction by the Department of
6 Transportation in any manner, including, but not limited to,
7 personnel, purchasing, transactions involving real or personal
8 property, and budgetary matters.

9 Section 40. Section 341.822, Florida Statutes, is
10 amended to read:

11 341.822 Powers and duties.--

12 (1) The authority created and established by this act
13 shall locate, plan, design, finance, construct, maintain, own,
14 operate, administer, and manage the preliminary engineering
15 and preliminary environmental assessment of the intrastate
16 high-speed rail system in the state, ~~hereinafter referred to~~
17 ~~as "intrastate high-speed rail."~~

18 (2) The authority may exercise all powers granted to
19 corporations under the Florida Business Corporation Act,
20 chapter 607, except the authority may only not incur debt in
21 accordance with levels authorized by the Legislature.

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

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

28 (5) The authority may employ an executive director,
29 ~~permanent or temporary,~~ as it may require and shall determine
30 the qualifications and fix the compensation. The authority may
31 delegate to one or more of its agents or employees such of its

1 power as it deems necessary to carry out the purposes of this
2 act, subject always to the supervision and control of the
3 authority.

4 Section 41. Section 341.823, Florida Statutes, is
5 amended to read:

6 341.823 Criteria for assessment and recommendations.--

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

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

14 (b) The initial segments of the system will be
15 developed and operated between the St. Petersburg area, the
16 Tampa area, and the Orlando area, with future service to the
17 Miami area;

18 (c) The authority is to develop a program model that
19 uses, to the maximum extent feasible, nongovernmental sources
20 of funding for the design, construction, maintenance, and
21 operation, and financing of the system;

22 (2) The authority shall establish requirements ~~make~~
23 ~~recommendations~~ concerning:

24 (a) The format and types of information that must be
25 included in a financial or business plan for the high-speed
26 rail system, and the authority may develop that financial or
27 business plan;

28 (b) The preferred routes between the cities and urban
29 areas designated in accordance with s. 341.8203 in paragraph
30 ~~(1)(b);~~

31

1 (c) The preferred locations for the stations in the
2 cities and urban areas designated in accordance with s.
3 341.8203 in paragraph (1)(b);

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

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

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

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

16 ~~(3) When preparing the operating plan, the authority~~
17 ~~shall include:~~

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

20 ~~(b) The proposed fare structure for passenger and~~
21 ~~freight service;~~

22 ~~(c) Proposed trip times, system capacity, passenger~~
23 ~~accommodations, and amenities;~~

24 ~~(d) Methods to ensure compliance with applicable~~
25 ~~environmental standards and regulations;~~

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

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

29 ~~(g) Consideration of nonfare revenues that may be~~
30 ~~derived from:~~

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

- 1 ~~2. License, franchise, and lease fees;~~
2 ~~3. Sale of advertising space on the trains or in the~~
3 ~~stations; and~~
4 ~~4. Any other potential sources deemed appropriate.~~
5 ~~(h) An estimate of the total cost of the entire~~
6 ~~system, including, but not limited to, the costs to:~~
7 ~~1. Design and build the stations and monorail, fixed~~
8 ~~guideway, or magnetic levitation system;~~
9 ~~2. Acquire any necessary rights-of-way;~~
10 ~~3. Purchase or lease rolling stock and other equipment~~
11 ~~necessary to build, operate, and maintain the system.~~
12 ~~(i) An estimate of the annual operating and~~
13 ~~maintenance costs for the system and all other associated~~
14 ~~expenses.~~
15 ~~(j) An estimate of the value of assets the state or~~
16 ~~its political subdivisions may provide as in-kind~~
17 ~~contributions for the system, including rights-of-way,~~
18 ~~engineering studies performed for previous high-speed rail~~
19 ~~initiatives, land for rail stations and necessary maintenance~~
20 ~~facilities, and any expenses that may be incurred by the state~~
21 ~~or its political subdivisions to accommodate the installation~~
22 ~~of the system.~~
23 ~~(k) An estimate of the funding required per year from~~
24 ~~state funds for the next 30 years for operating the preferred~~
25 ~~routes between the cities designated in paragraph (1)(b).~~
26
27 ~~Whenever applicable and appropriate, the authority will base~~
28 ~~estimates of projected costs, expenses, and revenues on~~
29 ~~documented expenditures or experience derived from similar~~
30 ~~projects.~~
31

1 Section 42. Section 341.824, Florida Statutes, is
2 amended to read:

3 341.824 Technical, scientific, or other assistance.--

4 (1) The Florida Transportation Commission, the
5 Department of Community Affairs, and the Department of
6 Environmental Protection shall, at the authority's request,
7 provide technical, scientific, or other assistance.

8 (2) The Department of Community Affairs shall, if
9 requested, provide assistance to local governments in
10 analyzing the land use and comprehensive planning aspects of
11 the high-speed rail system. The Department of Community
12 Affairs shall assist the authority with the resolution of any
13 conflicts between the system and adopted local comprehensive
14 plans.

15 (3) The Department of Environmental Protection shall,
16 if requested, provide assistance to local governments and
17 other permitting agencies in analyzing the environmental
18 aspects of the high-speed rail system. The Department of
19 Environmental Protection shall assist the authority and the
20 contractor in expediting the approval of the necessary
21 environmental permits for the system.

22 Section 43. Section 341.827, Florida Statutes, is
23 created to read:

24 341.827 Service areas; segment designation.--

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

28 (2) The authority shall plan and develop the
29 high-speed rail system so that construction proceeds as
30 follows:

31

1 (a) The initial segments of the system shall be
2 developed and operated between the St. Petersburg area, the
3 Tampa area, the Lakeland/Winter Haven area, and the Orlando
4 area, with future service to the Miami area.

5 (b) Construction of subsequent segments of the
6 high-speed rail system shall connect the metropolitan areas of
7 Port Canaveral/Cocoa Beach, Ft. Pierce, West Palm Beach, Ft.
8 Lauderdale, Daytona Beach, St. Augustine, Jacksonville, Ft.
9 Myers/Naples, Sarasota/Bradenton, Gainesville/Ocala,
10 Tallahassee, and Pensacola.

11 (c) Selection of segments of the high-speed rail
12 system to be constructed subsequent to the initial segments of
13 the system shall be prioritized by the authority, giving
14 consideration to the demand for service, financial
15 participation by local governments, financial participation by
16 the private sector, and the available financial resources of
17 the authority.

18 Section 44. Section 341.828, Florida Statutes, is
19 created to read:

20 341.828 Permitting.--

21 (1) The authority, for the purposes of permitting, may
22 utilize one or more permitting processes provided for in
23 statute, including, but not limited to, the metropolitan
24 planning organization long-range transportation planning
25 process as defined in s. 339.175 (6) and (7), in conjunction
26 with the Department of Transportation's work program process
27 as defined in s. 339.135, or any permitting process now in
28 effect or that may be in effect at the time of permitting and
29 will provide the most timely and cost-effective permitting
30 process.

31

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

11 (3) For purposes of selecting a route alignment, the
12 authority may use the project development and environment
13 study process, including the efficient transportation
14 decisionmaking system process as adopted by the Department of
15 Transportation.

16 Section 45. Section 341.829, Florida Statutes, is
17 created to read:

18 341.829 Conflict prevention, mitigation, and
19 resolution.--

20 (1) The authority, in conjunction with the Executive
21 Office of the Governor, the Department of Community Affairs,
22 and the Department of Environmental Protection, shall develop
23 and implement, within 180 days after the effective date of
24 this act, a process to prevent, mitigate, and resolve, to the
25 maximum extent feasible, any conflicts or potential conflicts
26 of a high-speed rail system with growth management
27 requirements and environmental standards.

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

31

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

4 Section 46. Section 341.830, Florida Statutes, is
5 created to read:

6 341.830 Procurement.--

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

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

20 Section 47. Section 341.831, Florida Statutes, is
21 created to read:

22 341.831 Prequalification.--

23 (1) The authority may prequalify interested persons or
24 entities prior to seeking proposals for the design,
25 construction, operation, maintenance, and financing of the
26 high-speed rail system. The authority may establish qualifying
27 criteria that may include, but not be limited to, experience,
28 financial resources, organization and personnel, equipment,
29 past record or history of the person or entity, ability to
30 finance or issue bonds, and ability to post a construction or
31 performance bond.

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

4 Section 48. Section 341.832, Florida Statutes, is
5 created to read:

6 341.832 Request for qualifications.--

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

14 (2) The authority may issue a request for
15 qualifications without adopting a rule.

16 Section 49. Section 341.833, Florida Statutes, is
17 created to read:

18 341.833 Request for proposals.--

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

26 (2) In the request for proposals, the authority shall
27 specify the minimum period of time for the contract duration.
28 A person or entity may propose a longer period of time for the
29 contract and provide justification of the need for an extended
30 contract period. If the authority extends the time period for
31

1 the contract, such time period shall be extended for all
2 persons or entities if so requested.

3 Section 50. Section 341.834, Florida Statutes, is
4 created to read:

5 341.834 Award of contract.--

6 (1) The authority may award a contract subject to such
7 terms and conditions, including, but not limited to,
8 compliance with any applicable permitting requirements, and
9 any other terms and conditions the authority considers
10 appropriate.

11 (2) The contract shall authorize the contractor to
12 provide service between stations as established by the
13 contract. The contractor shall coordinate its facilities and
14 services with passenger rail providers, commuter rail
15 authorities, and public transit providers to provide access to
16 and from the high-speed rail system.

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

21 Section 51. Section 341.835, Florida Statutes, is
22 created to read:

23 341.835 Acquisition of property; rights-of-way;
24 disposal of land.--

25 (1) The authority may purchase, lease, exchange, or
26 otherwise acquire any land, property interests, or buildings
27 or other improvements, including personal property within such
28 buildings or on such lands, necessary to secure or utilize
29 rights-of-way for existing, proposed, or anticipated
30 high-speed rail system facilities.

31

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

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

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

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

28 (6) The authority and its employees and agents shall
29 have the right to enter upon properties which may be
30 determined to be necessary for the construction,
31 reconstruction, relocation, maintenance, and operation of a

1 proposed high-speed rail system and associated development and
2 related or ancillary facilities as described in subsection (1)
3 for the purposes of surveying and soil and environmental
4 testing.

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

8 Section 52. Section 341.836, Florida Statutes, is
9 created to read:

10 341.836 Associated development.--

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

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

27 Section 53. Section 341.837, Florida Statutes, is
28 created to read:

29 341.837 Payment of expenses.--All expenses incurred in
30 carrying out the provisions of this act shall be payable
31

1 solely from funds provided under the authority of this act, or
2 from other legally available sources.

3 Section 54. Section 341.838, Florida Statutes, is
4 created to read:

5 341.838 Rates, rents, fees, and charges.--

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

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

25 Section 55. Section 341.839, Florida Statutes, is
26 created to read:

27 341.839 Alternate means.--The foregoing sections of
28 this act shall be deemed to provide an additional and
29 alternative method for accomplishing the purposes authorized
30 therein, and shall be regarded as supplemental and additional
31 to powers conferred by other laws. Except as otherwise

1 expressly provided in this act, none of the powers granted to
2 the authority under the provisions of this act shall be
3 subject to the supervision or require the approval or consent
4 of any municipality or political subdivision or any
5 commission, board, body, bureau, or official.

6 Section 56. Section 341.840, Florida Statutes, is
7 created to read:

8 341.840 Tax exemption.--The exercise of the powers
9 granted by this act will be in all respects for the benefit of
10 the people of this state, for the increase of their commerce,
11 welfare, and prosperity, and for the improvement of their
12 health and living conditions, and as the design, building,
13 operation, maintenance, and financing of a system by the
14 authority or its agent or the owner or lessee thereof, as
15 herein authorized, constitutes the performance of an essential
16 public function, neither the authority, its agent, nor the
17 owner of such system shall be required to pay any taxes or
18 assessments upon or in respect to the system or any property
19 acquired or used by the authority, its agent, or such owner
20 under the provisions of this act or upon the income therefrom,
21 any security therefor, their transfer, and the income
22 therefrom, including any profit made on the sale thereof,
23 shall at all times be free from taxation of every kind by the
24 state, the counties, and the municipalities and other
25 political subdivisions in the state.

26 Section 57. Section 341.841, Florida Statutes, is
27 created to read:

28 341.841 Report; audit.--The authority shall prepare an
29 annual report of its actions, findings, and recommendations
30 and submit the report to the Governor, the President of the
31 Senate, and the Speaker of the House of Representatives on or

1 before January 1. The authority shall provide for an annual
2 financial audit, as defined in s. 11.45, of its accounts and
3 records conducted by an independent certified public
4 accountant. The audit report shall include a management letter
5 as defined in s. 11.45. The cost of the audit shall be paid
6 from funds available to the authority pursuant to this act.

7 Section 58. Section 341.842, Florida Statutes, is
8 created to read:

9 341.842 Liberal construction.--This act, being
10 necessary for the welfare of the state and its inhabitants,
11 shall be liberally construed to effect the purposes hereof.

12 Section 59. Subsection (10) of section 288.109,
13 Florida Statutes, is amended to read:

14 288.109 One-Stop Permitting System.--

15 (10) Notwithstanding any other provision of law or
16 administrative rule to the contrary, the fee imposed by a
17 state agency or water management district for issuing a
18 development permit shall be waived for a 6-month period
19 beginning on the date the state agency or water management
20 district begins accepting development permit applications over
21 the Internet and the applicant submits the development permit
22 to the agency or district using the One-Stop Permitting
23 System. The 6-month fee waiver shall not apply to development
24 permit fees assessed by the Electrical Power Plant Siting Act,
25 ss. 403.501-403.519; the Transmission Line Siting Act, ss.
26 403.52-403.5365; the statewide Multi-purpose Hazardous Waste
27 Facility Siting Act, ss. 403.78-403.7893; and the Natural Gas
28 Pipeline Siting Act, ss. 403.9401-403.9425; ~~and the High Speed~~
29 ~~Rail Transportation Siting Act, ss. 341.3201-341.386.~~

30 Section 60. Subsection (6) of section 334.30, Florida
31 Statutes, is amended to read:

1 334.30 Private transportation facilities.--The
2 Legislature hereby finds and declares that there is a public
3 need for rapid construction of safe and efficient
4 transportation facilities for the purpose of travel within the
5 state, and that it is in the public's interest to provide for
6 the construction of additional safe, convenient, and
7 economical transportation facilities.

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

13 Section 61. Subsection (9) of section 337.251, Florida
14 Statutes, is amended to read:

15 337.251 Lease of property for joint public-private
16 development and areas above or below department property.--

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

22 Section 62. Section 341.501, Florida Statutes, is
23 amended to read:

24 341.501 High-technology transportation systems; joint
25 project agreement or assistance.--Notwithstanding any other
26 provision of law, the Department of Transportation may enter
27 into a joint project agreement with, or otherwise assist,
28 private or public entities, or consortia thereof, to
29 facilitate the research, development, and demonstration of
30 high-technology transportation systems, including, but not
31 limited to, systems using magnetic levitation technology. ~~The~~

1 ~~provisions of the Florida High-Speed Rail Transportation Act,~~
2 ~~ss. 341.3201-341.386, do not apply to actions taken under this~~
3 ~~section, and~~ The department may, subject to s. 339.135,
4 provide funds to match any available federal aid for
5 effectuating the research, development, and demonstration of
6 high-technology transportation systems.

7 Section 63. Sections 341.3201, 341.321, 341.322,
8 341.325, 341.327, 341.329, 341.331, 341.332, 341.3331,
9 341.3332, 341.3333, 341.3334, 341.3335, 341.3336, 341.3337,
10 341.3338, 341.3339, 341.334, 341.335, 341.336, 341.3365,
11 341.342, 341.343, 341.344, 341.345, 341.346, 341.3465,
12 341.347, 341.348, 341.351, 341.352, 341.353, 341.363, 341.364,
13 341.365, 341.366, 341.368, 341.369, 341.371, 341.372, 341.375,
14 341.381, 341.382, 341.383, and 341.386, Florida Statutes, are
15 repealed.

16 Section 64. This act shall take effect upon becoming a
17 law.