

Amendment No. 001 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

The Committee on Transportation offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause

and insert:

Section 1. Paragraph (c) of subsection (2) of section 163.3180, Florida Statutes, is amended to read:

163.3180 Concurrency.--

(2)

(c) Consistent with the public welfare, and except as otherwise provided in this section, transportation facilities designated as part of the Florida Intrastate Highway System needed to serve new development shall be in place or under actual construction not more than 5 years after issuance by the local government of a certificate of occupancy or its functional equivalent. Other transportation facilities needed to serve new development shall be in place or under actual construction no more than 3 years after issuance by the local government of a certificate of occupancy or its functional equivalent.

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1 Section 2. Subsection (5) and paragraph (b) of
2 subsection (15) of section 334.044, Florida Statutes, are
3 amended to read:

4 334.044 Department; powers and duties.--The department
5 shall have the following general powers and duties:

6 (5) To purchase, lease, or otherwise acquire property
7 and materials, including the purchase of promotional items as
8 part of public information and education campaigns for the
9 promotion of scenic highways, traffic and train safety
10 awareness, alternatives to single-occupant vehicle travel, and
11 commercial motor vehicle safety; to purchase, lease, or
12 otherwise acquire equipment and supplies; and to sell,
13 exchange, or otherwise dispose of any property that is no
14 longer needed by the department.

15 (15) To regulate and prescribe conditions for the
16 transfer of stormwater to the state right-of-way as a result
17 of manmade changes to adjacent properties.

18 (b) The department is specifically authorized to adopt
19 rules which set forth the purpose; necessary definitions;
20 permit exceptions; permit and assurance requirements; permit
21 application procedures; permit forms; general conditions for a
22 drainage permit; provisions for suspension or revocation of a
23 permit; and provisions for department recovery of fines,
24 penalties, and costs incurred due to permittee actions. In
25 order to avoid duplication and overlap with other units of
26 government, the department shall accept a surface water
27 management permit issued by a water management district, the
28 Department of Environmental Protection, a surface water
29 management permit issued by a delegated local government, or a
30 permit issued pursuant to an approved Stormwater Management
31 Plan or Master Drainage Plan; provided issuance is based on

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1 requirements equal to or more stringent than those of the
2 department. The department may enter into a permit-delegation
3 agreement with a governmental entity if issuance of a permit
4 is based on requirements that the department finds will ensure
5 the safety and integrity of facilities of the Department of
6 Transportation.

7 Section 3. Paragraph (b) of subsection (4) of section
8 339.135, Florida Statutes, is amended to read:

9 339.135 Work program; legislative budget request;
10 definitions; preparation, adoption, execution, and
11 amendment.--

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

13 (b)1. A tentative work program, including the ensuing
14 fiscal year and the successive 4 fiscal years, shall be
15 prepared for the State Transportation Trust Fund and other
16 funds managed by the department, unless otherwise provided by
17 law. The tentative work program shall be based on the
18 district work programs and shall set forth all projects by
19 phase to be undertaken during the ensuing fiscal year and
20 planned for the successive 4 fiscal years. The total amount of
21 the liabilities accruing in each fiscal year of the tentative
22 work program may not exceed the revenues available for
23 expenditure during the respective fiscal year based on the
24 cash forecast for that respective fiscal year.

25 2. The tentative work program shall be developed in
26 accordance with the Florida Transportation Plan required in s.
27 339.155 and must comply with the program funding levels
28 contained in the program and resource plan.

29 3. The department may include in the tentative work
30 program proposed changes to the programs contained in the
31 previous work program adopted pursuant to subsection (5);

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1 however, the department shall minimize changes and adjustments
2 that affect the scheduling of project phases in the 4 common
3 fiscal years contained in the previous adopted work program
4 and the tentative work program. The department, in the
5 development of the tentative work program, shall advance by 1
6 fiscal year all projects included in the second year of the
7 previous year's adopted work program, unless the secretary
8 specifically determines that it is necessary, for specific
9 reasons, to reschedule or delete one or more projects from
10 that year. Such changes and adjustments shall be clearly
11 identified, and the effect on the 4 common fiscal years
12 contained in the previous adopted work program and the
13 tentative work program shall be shown. It is the intent of
14 the Legislature that the first 5 years of the adopted work
15 program for facilities designated as part of the Florida
16 Intrastate Highway System and the first 3 years of the adopted
17 work program stand as the commitment of the state to undertake
18 transportation projects that local governments may rely on for
19 planning purposes and in the development and amendment of the
20 capital improvements elements of their local government
21 comprehensive plans.

22 4. The tentative work program must include a balanced
23 36-month forecast of cash and expenditures and a 5-year
24 finance plan supporting the tentative work program.

25 Section 4. Subsection (2) of section 479.15, Florida
26 Statutes, is amended to read:

27 479.15 Harmony of regulations.--

28 (2) A municipality, county, local zoning authority, or
29 other local governmental entity may not remove, or cause to be
30 removed, any lawfully erected sign along any portion of the
31 interstate or federal-aid primary highway system without first

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1 paying just compensation for such removal. A local
2 governmental entity may not cause in any way the alteration of
3 any lawfully erected sign located along any portion of the
4 interstate or federal-aid primary highway system without
5 payment of just compensation if such alteration constitutes a
6 taking under state law. The municipality, county, local zoning
7 authority, or other local government entity that adopts
8 ~~promulgating~~ requirements for such alteration shall pay must
9 ~~be responsible for payment of~~ just compensation to the sign
10 owner if such alteration constitutes a taking under state law.
11 This subsection applies only to a lawfully erected sign the
12 subject matter of which relates to premises other than the
13 premises on which it is located or to merchandise, services,
14 activities, or entertainment not sold, produced, manufactured,
15 or furnished on the premises on which the sign is located. As
16 used in this subsection, the term "federal-aid primary highway
17 system" means the federal-aid primary highway system in
18 existence on June 1, 1991, and any highway that was not a part
19 of such system as of that date, but that is, or becomes after
20 June 1, 1991, a part of the National Highway System.This
21 subsection shall not be interpreted as explicit or implicit
22 legislative recognition that alterations do or do not
23 constitute a taking under state law.

24 Section 5. Section 479.25, Florida Statutes, is
25 created to read:

26 479.25 Application of chapter.--This chapter does not
27 prevent a governmental entity from entering into an agreement
28 with the department allowing the height above ground level of
29 a lawfully erected sign to be increased at its permitted
30 location if a noise-attenuation barrier, visibility screen, or
31 other highway improvement is erected in such a way as to

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1 screen or block visibility of the sign. However, if a
 2 nonconforming sign is located on the federal-aid primary
 3 highway system, as such system existed on June 1, 1991, or on
 4 any highway that was not a part of such system as of that
 5 date, but that is, or becomes after June 1, 1991, a part of
 6 the National Highway System, the agreement must be approved by
 7 the Federal Highway Administration. Any increase in height
 8 permitted under this section may only be the increase in
 9 height which is required to achieve the same degree of
 10 visibility from the right-of-way which the sign had prior to
 11 the construction of the noise-attenuation barrier, visibility
 12 screen, or other highway improvement.

Section 6. This act shall take effect July 1, 2002.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

On page 1, lines 3 through 17
remove: all of said lines

and insert:

163.3180, F.S.; extending the period within
 which certain transportation facilities needed
 to serve new development must be in place or
 under actual construction; amending s. 334.044,
 F.S.; authorizing the Department of
 Transportation to expend funds to promote
 scenic highways; authorizing the department to
 delegate to other governmental entities the
 authority to issue drainage permits under
 certain circumstances; amending s. 339.135,

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1 F.S.; providing a 5-year commitment for
 2 projects on the Florida Intrastate Highway
 3 System; amending s. 479.15, F.S.; defining the
 4 term "federal-aid primary highway system" for
 5 purposes of provisions governing the alteration
 6 of certain lawfully erected signs; creating s.
 7 479.25, F.S.; authorizing local governments to
 8 enter into agreements with the department which
 9 allow outdoor signs to be erected above sound
 10 barriers; providing an effective date.

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