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1 A bill to be entitled

2 An act relating to transportation administration; amending  
3 s. 255.20, F.S.; allowing certain local governmental  
4 entities to require prequalification of contractors for  
5 described transportation facilities construction;  
6 providing a condition for ineligibility; providing a  
7 presumption of eligibility for contractors prequalified by  
8 the Department of Transportation; providing for an appeal  
9 process to overcome that presumption; requiring  
10 publication of prequalification criteria and procedures  
11 prior to advertisement or notice of solicitation;  
12 requiring a public hearing; requiring a process for  
13 appeal; amending s. 330.27, F.S.; revising definitions;  
14 amending s. 330.29, F.S.; revising duties of the  
15 Department of Transportation; requiring the department to  
16 establish requirements for airport site approval,  
17 licensure, and registration; requiring the department to  
18 establish and maintain a state aviation facility data  
19 system; amending s. 330.30, F.S.; revising provisions for  
20 airport site approval; revising provisions for airport  
21 licensing; providing for a private airport registration  
22 process; specifying requirements for such licensing and  
23 registration; deleting airport license fees; providing for  
24 expiration and revocation of such license or registration;  
25 revising provisions for exemption from such registration  
26 and licensing requirements; exempting described areas and  
27 facilities from such requirements; providing described  
28 private airports the option to be inspected and licensed  
29 by the department; amending s. 330.35, F.S.; revising  
30 provisions for airport zoning protection for public-use



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31 airports; amending s. 336.467, F.S.; providing for the  
32 department to enter into agreements with other  
33 governmental entities to acquire right-of-way; deleting  
34 certain project criteria for such agreements; amending s.  
35 337.14, F.S.; revising timeframe for department to act on  
36 an application for qualification as a contractor; adding  
37 testing services to those activities that specified  
38 contractors may not qualify to perform; amending s.  
39 337.18, F.S.; revising basis for determining certain  
40 incentive payments to contractors; deleting limitation on  
41 such payments; amending s. 337.401, F.S.; allowing the  
42 department under described circumstances to enter into  
43 permit-delegation agreements with other governmental  
44 entities for issuance of permit to use certain rights-of-  
45 way; providing effective dates.

46

47 Be It Enacted by the Legislature of the State of Florida:

48

49 Section 1. Subsection (1) of section 255.20, Florida  
50 Statutes, is amended to read:

51 255.20 Local bids and contracts for public construction  
52 works; specification of state-produced lumber.--

53 (1) A county, municipality, special district as defined in  
54 chapter 189, or other political subdivision of the state seeking  
55 to construct or improve a public building, structure, or other  
56 public construction works must competitively award to an  
57 appropriately licensed contractor each project that is estimated  
58 in accordance with generally accepted cost-accounting principles  
59 to have total construction project costs of more than \$200,000.

60 For electrical work, local government must competitively award



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61 to an appropriately licensed contractor each project that is  
62 estimated in accordance with generally accepted cost-accounting  
63 principles to have a cost of more than \$50,000. As used in this  
64 section, the term "competitively award" means to award contracts  
65 based on the submission of sealed bids, proposals submitted in  
66 response to a request for proposal, proposals submitted in  
67 response to a request for qualifications, or proposals submitted  
68 for competitive negotiation. This subsection expressly allows  
69 contracts for construction management services, design/build  
70 contracts, continuation contracts based on unit prices, and any  
71 other contract arrangement with a private sector contractor  
72 permitted by any applicable municipal or county ordinance, by  
73 district resolution, or by state law. For purposes of this  
74 section, construction costs include the cost of all labor,  
75 except inmate labor, and include the cost of equipment and  
76 materials to be used in the construction of the project. Subject  
77 to the provisions of subsection (3), the county, municipality,  
78 special district, or other political subdivision may establish,  
79 by municipal or county ordinance or special district resolution,  
80 procedures for conducting the bidding process.

81 (a) Notwithstanding any other law to the contrary, a  
82 county, municipality, special district as defined in chapter 189,  
83 or other political subdivision of the state seeking to construct  
84 or improve bridges, roads, streets, highways, or railroads, and  
85 services incidental thereto, in excess of \$250,000, may require  
86 that persons interested in performing work under contract first  
87 be certified or qualified to perform such work. Any contractor  
88 may be considered ineligible to bid by the governmental entity if  
89 the contractor is behind an approved progress schedule for the  
90 governmental entity by 10 percent or more at the time of



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91 advertisement of the work. Any contractor prequalified and  
92 considered eligible by the Department of Transportation to bid to  
93 perform the type of work described under the contract shall be  
94 presumed to be qualified to perform the work so described. The  
95 governmental entity may provide an appeal process to overcome  
96 that presumption with de novo review based on the record below to  
97 the circuit court.

98 (b) With respect to contractors not prequalified with the  
99 Department of Transportation, the governmental entity shall  
100 publish prequalification criteria and procedures prior to  
101 advertisement or notice of solicitation. Such publications shall  
102 include notice of a public hearing for comment on such criteria  
103 and procedures prior to adoption. The procedures shall provide  
104 for an appeal process within the authority for objections to the  
105 prequalification process with de novo review based on the record  
106 below to the circuit court within 30 days.

107 (c)(a) The provisions of this subsection do not apply:

108 1. When the project is undertaken to replace, reconstruct,  
109 or repair an existing facility damaged or destroyed by a sudden  
110 unexpected turn of events, such as an act of God, riot, fire,  
111 flood, accident, or other urgent circumstances, and such damage  
112 or destruction creates:

113 a. An immediate danger to the public health or safety;

114 b. Other loss to public or private property which requires  
115 emergency government action; or

116 c. An interruption of an essential governmental service.

117 2. When, after notice by publication in accordance with  
118 the applicable ordinance or resolution, the governmental entity  
119 does not receive any responsive bids or responses.



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120 3. To construction, remodeling, repair, or improvement to  
121 a public electric or gas utility system when such work on the  
122 public utility system is performed by personnel of the system.

123 4. To construction, remodeling, repair, or improvement by  
124 a utility commission whose major contracts are to construct and  
125 operate a public electric utility system.

126 5. When the project is undertaken as repair or maintenance  
127 of an existing public facility.

128 6. When the project is undertaken exclusively as part of a  
129 public educational program.

130 7. When the funding source of the project will be  
131 diminished or lost because the time required to competitively  
132 award the project after the funds become available exceeds the  
133 time within which the funding source must be spent.

134 8. When the local government has competitively awarded a  
135 project to a private sector contractor and the contractor has  
136 abandoned the project before completion or the local government  
137 has terminated the contract.

138 9. When the governing board of the local government, after  
139 public notice, conducts a public meeting under s. 286.011 and  
140 finds by a majority vote of the governing board that it is in  
141 the public's best interest to perform the project using its own  
142 services, employees, and equipment. The public notice must be  
143 published at least 14 days prior to the date of the public  
144 meeting at which the governing board takes final action to apply  
145 this subparagraph. The notice must identify the project, the  
146 estimated cost of the project, and specify that the purpose for  
147 the public meeting is to consider whether it is in the public's  
148 best interest to perform the project using the local  
149 government's own services, employees, and equipment. In deciding



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150 whether it is in the public's best interest for local government  
151 to perform a project using its own services, employees, and  
152 equipment, the governing board may consider the cost of the  
153 project, whether the project requires an increase in the number  
154 of government employees, an increase in capital expenditures for  
155 public facilities, equipment or other capital assets, the impact  
156 on local economic development, the impact on small and minority  
157 business owners, the impact on state and local tax revenues,  
158 whether the private sector contractors provide health insurance  
159 and other benefits equivalent to those provided by the local  
160 government, and any other factor relevant to what is in the  
161 public's best interest.

162 10. When the governing board of the local government  
163 determines upon consideration of specific substantive criteria  
164 and administrative procedures that it is in the best interest of  
165 the local government to award the project to an appropriately  
166 licensed private sector contractor according to procedures  
167 established by and expressly set forth in a charter, ordinance,  
168 or resolution of the local government adopted prior to July 1,  
169 1994. The criteria and procedures must be set out in the  
170 charter, ordinance, or resolution and must be applied uniformly  
171 by the local government to avoid award of any project in an  
172 arbitrary or capricious manner. This exception shall apply when  
173 all of the following occur:

174 a. When the governing board of the local government, after  
175 public notice, conducts a public meeting under s. 286.011 and  
176 finds by a two-thirds vote of the governing board that it is in  
177 the public's best interest to award the project according to the  
178 criteria and procedures established by charter, ordinance, or  
179 resolution. The public notice must be published at least 14 days



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180 prior to the date of the public meeting at which the governing  
181 board takes final action to apply this subparagraph. The notice  
182 must identify the project, the estimated cost of the project,  
183 and specify that the purpose for the public meeting is to  
184 consider whether it is in the public's best interest to award  
185 the project using the criteria and procedures permitted by the  
186 preexisting ordinance.

187 b. In the event the project is to be awarded by any method  
188 other than a competitive selection process, the governing board  
189 must find evidence that:

190 (I) There is one appropriately licensed contractor who is  
191 uniquely qualified to undertake the project because that  
192 contractor is currently under contract to perform work that is  
193 affiliated with the project; or

194 (II) The time to competitively award the project will  
195 jeopardize the funding for the project, or will materially  
196 increase the cost of the project or will create an undue  
197 hardship on the public health, safety, or welfare.

198 c. In the event the project is to be awarded by any method  
199 other than a competitive selection process, the published notice  
200 must clearly specify the ordinance or resolution by which the  
201 private sector contractor will be selected and the criteria to  
202 be considered.

203 d. In the event the project is to be awarded by a method  
204 other than a competitive selection process, the architect or  
205 engineer of record has provided a written recommendation that  
206 the project be awarded to the private sector contractor without  
207 competitive selection; and the consideration by, and the  
208 justification of, the government body are documented, in



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209 writing, in the project file and are presented to the governing  
210 board prior to the approval required in this paragraph.

211 11. To projects subject to chapter 336.

212 ~~(d)~~(b)1. If the project is to be awarded based on price,  
213 the contract must be awarded to the lowest qualified and  
214 responsive bidder in accordance with the applicable county or  
215 municipal ordinance or district resolution and in accordance  
216 with the applicable contract documents. The county,  
217 municipality, or special district may reserve the right to  
218 reject all bids and to rebid the project or elect not to proceed  
219 with the project. This subsection is not intended to restrict  
220 the rights of any local government to reject the low bid of a  
221 nonqualified or nonresponsive bidder and to award the contract  
222 to any other qualified and responsive bidder in accordance with  
223 the standards and procedures of any applicable county or  
224 municipal ordinance or any resolution of a special district.

225 2. If the project uses a request for proposal or a request  
226 for qualifications, the request must be publicly advertised and  
227 the contract must be awarded in accordance with the applicable  
228 local ordinances.

229 3. If the project is subject to competitive negotiations,  
230 the contract must be awarded in accordance with s. 287.055.

231 ~~(e)~~(e) If a construction project greater than \$200,000, or  
232 \$50,000 for electrical work, is started after October 1, 1999,  
233 and is to be performed by a local government using its own  
234 employees in a county or municipality that issues registered  
235 contractor licenses and the project would require a licensed  
236 contractor under chapter 489 if performed by a private sector  
237 contractor, the local government must use a person appropriately  
238 registered or certified under chapter 489 to supervise the work.





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239        ~~(f)(d)~~ If a construction project greater than \$200,000, or  
 240 \$50,000 for electrical work, is started after October 1, 1999,  
 241 and is to be performed by a local government using its own  
 242 employees in a county that does not issue registered contractor  
 243 licenses and the project would require a licensed contractor  
 244 under chapter 489 if performed by a private sector contractor,  
 245 the local government must use a person appropriately registered  
 246 or certified under chapter 489 or a person appropriately  
 247 licensed under chapter 471 to supervise the work.

248        ~~(g)(e)~~ Projects performed by a local government using its  
 249 own services and employees must be inspected in the same manner  
 250 as inspections required for work performed by private sector  
 251 contractors.

252        ~~(h)(f)~~ A construction project provided for in this  
 253 subsection may not be divided into more than one project for the  
 254 purpose of evading this subsection.

255        ~~(i)(g)~~ This subsection does not preempt the requirements  
 256 of any small-business or disadvantaged-business enterprise  
 257 program or any local-preference ordinance.

258        Section 2. Effective October 1, 2003, section 330.27,  
 259 Florida Statutes, is amended to read:

260        330.27 Definitions, when used in ss. 330.29-330.36,  
 261 330.38, 330.39.--

262        (1) "Aircraft" means a powered or unpowered machine or  
 263 device capable of atmospheric flight ~~any motor vehicle or~~  
 264 ~~contrivance now known, or hereafter invented, which is used or~~  
 265 ~~designed for navigation of or flight in the air, except a~~  
 266 parachute or other such device ~~contrivance designed for such~~  
 267 ~~navigation but~~ used primarily as safety equipment.



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268           (2) "Airport" means an ~~any~~ area of land or water, ~~or any~~  
 269 ~~manmade object or facility located thereon, which is used for,~~  
 270 or intended to be used for, ~~use, for the~~ landing and takeoff of  
 271 aircraft, including ~~and any~~ appurtenant areas, ~~which are used,~~  
 272 ~~or intended for use, for airport buildings, or other airport~~  
 273 ~~facilities, or rights-of-way necessary to facilitate such use or~~  
 274 intended use, ~~together with all airport buildings and facilities~~  
 275 located thereon.

276           (3) ~~"Airport hazard" means any structure, object of~~  
 277 ~~natural growth, or use of land which obstructs the airspace~~  
 278 ~~required for the flight of aircraft in landing or taking off at~~  
 279 ~~an airport or which is otherwise hazardous to such landing or~~  
 280 ~~taking off.~~

281           (4) ~~"Aviation" means the science and art of flight and~~  
 282 ~~includes, but is not limited to, transportation by aircraft; the~~  
 283 ~~operation, construction, repair, or maintenance of aircraft,~~  
 284 ~~aircraft power plants, and accessories, including the repair,~~  
 285 ~~packing, and maintenance of parachutes; the design,~~  
 286 ~~establishment, construction, extension, operation, improvement,~~  
 287 ~~repair, or maintenance of airports or other air navigation~~  
 288 ~~facilities; and instruction in flying or ground subjects~~  
 289 ~~pertaining thereto.~~

290           (3)(5) "Department" means the Department of  
 291 Transportation.

292           (4)(6) "Limited airport" means any ~~an~~ airport, ~~publicly or~~  
 293 ~~privately owned,~~ limited exclusively to the specific conditions  
 294 stated on the site approval order or license.

295           (7) ~~"Operation of aircraft" or "operate aircraft" means~~  
 296 ~~the use, navigation, or piloting of aircraft in the airspace~~  
 297 ~~over this state or upon any airport within this state.~~



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298 ~~(8) "Political subdivision" means any county,~~  
 299 ~~municipality, district, port or aviation commission or~~  
 300 ~~authority, or similar entity authorized to establish or operate~~  
 301 ~~an airport in this state.~~

302 ~~(5)(9) "Private airport" means an airport, publicly or~~  
 303 ~~privately owned, which is not open or available for use by the~~  
 304 ~~public, used primarily by the licensee but may be made which is~~  
 305 ~~available to others for use by invitation of the owner or~~  
 306 ~~manager licensee. Services may be provided if authorized by the~~  
 307 ~~department.~~

308 ~~(6)(10) "Public airport" means an airport, publicly or~~  
 309 ~~privately owned, which ~~meets minimum safety and service~~~~  
 310 ~~standards and is open for use by the public.~~

311 ~~(7)(11) "Temporary airport" means any an airport, ~~publicly~~~~  
 312 ~~or privately owned, that will be used for a period of less than~~  
 313 ~~30 ~~90~~ days with no more than 10 operations per day.~~

314 ~~(8)(12) "Ultralight aircraft" means any ~~heavier than air,~~~~  
 315 ~~motorized aircraft meeting which ~~meets~~ the criteria for ~~maximum~~~~  
 316 ~~weight, fuel capacity, and airspeed established for such~~  
 317 ~~aircraft by the Federal Aviation Administration under Part 103~~  
 318 ~~of the Federal Aviation Regulations.~~

319 Section 3. Effective October 1, 2003, section 330.29,  
 320 Florida Statutes, is amended to read:

321 330.29 Administration and enforcement; rules; requirements  
 322 ~~standards~~ for airport sites and airports.--It is the duty of the  
 323 department to:

324 (1) Administer and enforce the provisions of this chapter.

325 (2) Establish requirements for airport site approval,  
 326 licensure, and registration ~~minimum standards for airport sites~~  
 327 ~~and airports under its licensing jurisdiction.~~



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328           (3) Establish and maintain a state aviation facility data  
 329 system to facilitate licensing and registration of all airports.

330           ~~(4)(3)~~ Adopt rules pursuant to ss. 120.536(1) and 120.54  
 331 to implement the provisions of this chapter.

332           Section 4. Effective October 1, 2003, section 330.30,  
 333 Florida Statutes, is amended to read:

334           330.30 Approval of airport sites; registration and  
 335 licensure ~~licensing~~ of airports; ~~fees~~.--

336           (1) SITE APPROVALS; REQUIREMENTS, ~~FEES~~, EFFECTIVE PERIOD,  
 337 REVOCATION.--

338           (a) Except as provided in subsection (3), the owner or  
 339 lessee of any proposed airport shall, prior to site ~~the~~  
 340 ~~acquisition of the site or prior to the~~ construction or  
 341 establishment of the proposed airport, obtain approval of the  
 342 airport site from the department. Applications for approval of a  
 343 site ~~and for an original license~~ shall be jointly made in ~~on~~ a  
 344 form and manner prescribed by the department ~~and shall be~~  
 345 ~~accompanied by a site approval fee of \$100~~. The department,  
 346 ~~after inspection of the airport site,~~ shall grant the site  
 347 approval if it is satisfied:

348           1. That the site has ~~is~~ adequate area allocated for the  
 349 airport as proposed. ~~airport;~~

350           2. That the proposed airport, ~~if constructed or~~  
 351 ~~established,~~ will conform to licensing or registration  
 352 requirements ~~minimum standards of safety~~ and will comply with  
 353 the applicable local government land development regulations or  
 354 ~~county or municipal~~ zoning requirements. ~~;~~

355           3. That all affected ~~nearby~~ airports, local governments  
 356 ~~municipalities~~, and property owners have been notified and any



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357 comments submitted by them have been given adequate  
358 consideration. ~~;~~ ~~and~~

359 4. That safe air-traffic patterns can be established  
360 ~~worked out~~ for the proposed airport with ~~and for~~ all existing  
361 airports and approved airport sites in its vicinity.

362 (b) Site approval shall be granted for public airports  
363 only after a favorable department inspection of the proposed  
364 site.

365 (c) Site approval shall be granted for private airports  
366 only after receipt of documentation in a form and manner the  
367 department deems necessary to satisfy the conditions in  
368 paragraph (a).

369 (d) ~~(b)~~ Site approval may be granted subject to any  
370 reasonable conditions ~~which~~ the department deems ~~may deem~~  
371 necessary to protect the public health, safety, or welfare.

372 (e) Such Approval shall remain valid ~~in effect~~ for a  
373 ~~period of~~ 2 years after the date of issue ~~issuance of the site~~  
374 ~~approval order~~, unless ~~sooner~~ revoked by the department or  
375 ~~unless, prior to the expiration of the 2-year period,~~ a public  
376 airport license is issued or private airport registration  
377 completed for an airport located on the approved site has been  
378 issued pursuant to subsection (2) prior to the expiration date.

379 (f) The department may extend a site approval ~~may be~~  
380 ~~extended~~ for subsequent periods of 2 years per extension for a  
381 ~~maximum of 2 years upon good cause shown by the owner or lessee~~  
382 ~~of the airport site.~~

383 (g) ~~(e)~~ The department may revoke a site ~~such~~ approval if  
384 it determines:

385 1. That ~~there has been an abandonment of the site~~ has been  
386 abandoned as an airport site;



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387           2. ~~That there has been a failure within a reasonable time~~  
 388 ~~to develop~~ the site has not been developed as an airport within  
 389 a reasonable time period or development does not ~~to~~ comply with  
 390 the conditions of the site approval;

391           3. That, except as required for in-flight emergencies, ~~the~~  
 392 ~~operation of aircraft~~ have operated ~~of a nonemergency nature~~ has  
 393 occurred on the site; or

394           4. ~~That, because of changed physical or legal conditions~~  
 395 ~~or circumstances,~~ the site is no longer usable for ~~the~~ aviation  
 396 purposes due to physical or legal changes in conditions that  
 397 were the subject of the ~~for which the~~ approval was granted.

398           (2) LICENSES AND REGISTRATIONS; REQUIREMENTS, FEES,  
 399 RENEWAL, REVOCATION.--

400           (a) Except as provided in subsection (3), the owner or  
 401 lessee of any an airport in this state shall have either a  
 402 public airport ~~must obtain a license~~ or private airport  
 403 registration prior to the operation of aircraft to or from the  
 404 facility ~~on the airport.~~ An Application for a such license or  
 405 registration shall be made in ~~on~~ a form and manner prescribed by  
 406 the department ~~and shall be accomplished jointly with an~~  
 407 ~~application for site approval.~~ Upon granting site approval;~~7~~  
 408 ~~making a favorable final airport inspection report indicating~~  
 409 ~~compliance with all license requirements, and receiving the~~  
 410 ~~appropriate license fee, the department shall issue a license to~~  
 411 ~~the applicant, subject to any reasonable conditions that the~~  
 412 ~~department may deem necessary to protect the public health,~~  
 413 ~~safety, or welfare.~~

414           1. For a public airport, the department shall issue a  
 415 license after a final airport inspection finds the facility to  
 416 be in compliance with all requirements for the license. The



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417 license may be subject to any reasonable conditions that the  
 418 department may deem necessary to protect the public health,  
 419 safety, or welfare.

420 2. For a private airport, the department shall provide  
 421 controlled electronic access to the state aviation facility data  
 422 system to permit the applicant to complete the registration  
 423 process. Registration shall be completed upon self-certification  
 424 by the registrant of operational and configuration data deemed  
 425 necessary by the department.

426 (b) The department may ~~is authorized to~~ license a public  
 427 ~~an~~ airport that does not meet all of the ~~minimum~~ standards only  
 428 if it determines that such exception is justified by unusual  
 429 circumstances or is in the interest of public convenience and  
 430 does not endanger the public health, safety, or welfare. Such a  
 431 license shall bear the designation "special" and shall state the  
 432 conditions subject to which the license is granted.

433 (c) The department may license a public airport or a  
 434 private airport may register ~~authorize a site~~ as a temporary  
 435 airport provided if it finds, after inspection of the site, that  
 436 the airport will not endanger the public health, safety, or  
 437 welfare and the airport meets the temporary airport requirements  
 438 established by the department. A temporary airport license or  
 439 registration shall be valid for less ~~Such authorization shall~~  
 440 ~~expire not later than~~ 30 ~~90~~ days after issuance and is not  
 441 renewable.

442 ~~(d) The license fees for the four categories of airport~~  
 443 ~~licenses are:~~

- 444 ~~1. Public airport: \$100.~~
- 445 ~~2. Private airport: \$70.~~
- 446 ~~3. Limited airport: \$50.~~



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447 ~~4. Temporary airport: \$25.~~

448

449 ~~Airports owned or operated by the state, a county, or a~~  
450 ~~municipality and emergency helistops operated by licensed~~  
451 ~~hospitals are required to be licensed but are exempt from the~~  
452 ~~payment of site approval fees and annual license fees.~~

453 (d)~~(e)~~1. Each public airport license shall ~~will~~ expire no  
454 later than 1 year after the effective date of the license,  
455 except that the expiration date of a license may be adjusted to  
456 provide a maximum license period of 18 months to facilitate  
457 airport inspections, recognize seasonal airport operations, or  
458 improve administrative efficiency. ~~If the expiration date for a~~  
459 ~~public airport is adjusted, the appropriate license fee shall be~~  
460 ~~determined by prorating the annual fee based on the length of~~  
461 ~~the adjusted license period.~~

462 2. Registration ~~The license period for private all~~  
463 ~~airports shall remain valid provided specific elements of~~  
464 ~~airport data, established by the department, are periodically~~  
465 ~~recertified by the airport registrant. The ability to recertify~~  
466 ~~private airport registration data shall be available at all~~  
467 ~~times by electronic submittal. A private airport registration~~  
468 ~~that has not been recertified in the 24-month period following~~  
469 ~~the last certification shall expire, unless the registration~~  
470 ~~period has been adjusted by the department for purposes of~~  
471 ~~informing private airport owners of their registration~~  
472 ~~responsibilities or promoting administrative efficiency. The~~  
473 ~~expiration date of the current registration period will be~~  
474 ~~clearly identifiable from the state aviation facility data~~  
475 ~~system other than public airports will be set by the department,~~  
476 ~~but shall not exceed a period of 5 years. In determining the~~





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477 ~~license period for such airports, the department shall consider~~  
478 ~~the number of based aircraft, the airport location relative to~~  
479 ~~adjacent land uses and other airports, and any other factors~~  
480 ~~deemed by the department to be critical to airport operation and~~  
481 ~~safety.~~

482 3. The effective date and expiration date shall be shown  
483 on public airport licenses ~~stated on the face of the license.~~  
484 Upon receiving an application for renewal of an airport a  
485 license in ~~on~~ a form and manner prescribed by the department and  
486 receiving ~~, making~~ a favorable inspection report indicating  
487 compliance with all applicable requirements and conditions, ~~and~~  
488 ~~receiving the appropriate annual license fee,~~ the department  
489 shall renew the license, subject to any conditions deemed  
490 necessary to protect the public health, safety, or welfare.

491 4. The department may require a new site approval for any  
492 ~~an~~ airport if the license or registration ~~of the airport~~ has  
493 expired ~~not been renewed by the expiration date.~~

494 5. If the renewal application for a public airport license  
495 has and fees have not been received by the department or no  
496 private airport registration recertification has been  
497 accomplished within 15 days after the date of expiration ~~of the~~  
498 ~~license,~~ the department may revoke ~~else~~ the airport license or  
499 registration.

500 ~~(e)(f)~~ The department may revoke, or refuse to allow or  
501 issue, any airport registration or recertification, or any  
502 license or license renewal thereof, ~~or refuse to issue a~~  
503 ~~renewal,~~ if it determines:

504 1. That the site ~~there~~ has been abandoned as an  
505 ~~abandonment of the airport as such;~~



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506 2. That the airport does not ~~there has been a failure to~~  
507 comply with the conditions of the license, license or renewal,  
508 or site approval thereof; or

509 3. That, ~~because of changed physical or legal conditions~~  
510 ~~or circumstances,~~ the airport has become either unsafe or  
511 unusable for flight operation due to physical or legal changes  
512 in conditions that were the subject of approval ~~the aeronautical~~  
513 ~~purposes for which the license or renewal was issued.~~

514 (3) EXEMPTIONS.--The provisions of this section do not  
515 apply to:

516 (a) An airport owned or operated by the United States.

517 (b) An ultralight aircraft landing area; ~~except that any~~  
518 ~~public ultralight airport~~ located more than ~~within~~ 5 nautical  
519 miles from a ~~of another~~ public airport or military airport,  
520 except or any ultralight landing area with more than 10  
521 ultralight aircraft operating at ~~from~~ the site ~~is subject to the~~  
522 ~~provisions of this section.~~

523 (c) A helistop used solely in conjunction with a  
524 construction project undertaken pursuant to the performance of a  
525 state contract if the purpose of the helicopter operations at  
526 the site is to expedite construction.

527 ~~(d) An airport under the jurisdiction or control of a~~  
528 ~~county or municipal aviation authority or a county or municipal~~  
529 ~~port authority or the Florida Space Authority; however, the~~  
530 ~~department shall license any such airport if such authority does~~  
531 ~~not elect to exercise its exemption under this subsection.~~

532 ~~(d)(e)~~ A helistop used by mosquito control or emergency  
533 services, not to include areas where permanent facilities are  
534 installed, such as hospital landing sites.



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535        ~~(e)~~(f) An airport which meets the criteria of s.  
 536        330.27(7)~~(11)~~ used exclusively for aerial application or  
 537        spraying of crops on a seasonal basis, not to include any  
 538        licensed airport where permanent crop aerial application or  
 539        spraying facilities are installed, if the period of operation  
 540        does not exceed 30 days per calendar year. Such proposed  
 541        airports, which will be located within 3 miles of existing  
 542        airports or approved airport sites, shall establish ~~work-out~~  
 543        safe air-traffic patterns with such existing airports or  
 544        approved airport sites, by memorandums of understanding, or by  
 545        letters of agreement between the parties representing the  
 546        airports or sites.

547        (f) Navigable waterways used for the takeoff and landing  
 548        of aircraft, including any land, building, structure, or any  
 549        other contrivance that facilitates private use or intended  
 550        private use.

551        (4) EXCEPTIONS.--Private airports with 10 or more based  
 552        aircraft may request to be inspected and licensed by the  
 553        department. Private airports licensed according to this  
 554        subsection shall be considered private airports as defined in s.  
 555        330.27(5) in all other respects.

556        Section 5. Effective October 1, 2003, subsections (2) and  
 557        (3) of section 330.35, Florida Statutes, are amended to read:

558        330.35 Airport zoning, ~~approach zone~~ protection.--

559        (2) Airports licensed for ~~general~~ public use under the  
 560        provisions of s. 330.30 are eligible for airport zoning ~~approach~~  
 561        ~~zone~~ protection, ~~and the procedure shall be the same as is~~  
 562        prescribed in chapter 333.

563        (3) The department is granted all powers conferred upon  
 564        political subdivisions of this state by chapter 333 to regulate



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565 airport hazards at state-owned public airports. The procedure  
566 shall be to form a joint zoning board with the political  
567 subdivision of the state in which the state-owned public airport  
568 is located as prescribed in chapter 333.

569 Section 6. Section 336.467, Florida Statutes, is amended  
570 to read:

571 336.467 County-state right-of-way acquisition  
572 agreements.--A county or other governmental entity may enter  
573 into an agreement with the department to provide for the  
574 department to acquire rights-of-way for the county or other  
575 governmental entity, ~~provided the highway project is to be~~  
576 ~~funded by the 80-percent portion of the constitutional gas tax~~  
577 ~~allocated to that county and requires the acquisition of at~~  
578 ~~least 10 parcels of land, the total cost of which will equal or~~  
579 ~~exceed \$100,000.~~

580 Section 7. Subsections (1), (4), and (7) of section  
581 337.14, Florida Statutes, are amended to read:

582 337.14 Application for qualification; certificate of  
583 qualification; restrictions; request for hearing.--

584 (1) Any person desiring to bid for the performance of any  
585 construction contract in excess of \$250,000 which the department  
586 proposes to let must first be certified by the department as  
587 qualified pursuant to this section and rules of the department.  
588 The rules of the department shall address the qualification of  
589 persons to bid on construction contracts in excess of \$250,000  
590 and shall include requirements with respect to the equipment,  
591 past record, experience, financial resources, and organizational  
592 personnel of the applicant necessary to perform the specific  
593 class of work for which the person seeks certification. The  
594 department is authorized to limit the dollar amount of any



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595 contract upon which a person is qualified to bid or the  
596 aggregate total dollar volume of contracts such person is  
597 allowed to have under contract at any one time. Each applicant  
598 seeking qualification to bid on construction contracts in excess  
599 of \$250,000 shall furnish the department a statement under oath,  
600 on such forms as the department may prescribe, setting forth  
601 detailed information as required on the application. Each  
602 application for certification shall be accompanied by the latest  
603 annual financial statement of the applicant completed within the  
604 last 12 months. If the annual financial statement shows the  
605 financial condition of the applicant more than 4 months prior to  
606 the date on which the application is received by the department,  
607 then an interim financial statement must also be submitted. The  
608 interim financial statement must cover the period from the end  
609 date of the annual statement and must show the financial  
610 condition of the applicant no more than 4 months prior to the  
611 date on which the application is received by the department.  
612 Each required annual or interim financial statement must be  
613 audited and accompanied by the opinion of a certified public  
614 accountant or a public accountant approved by the department.  
615 The information required by this subsection is confidential and  
616 exempt from the provisions of s. 119.07(1). The department shall  
617 act upon the application for qualification within 30 days after  
618 the department determines that the application is complete ~~it is~~  
619 ~~presented~~.

620 (4) If the applicant is found to possess the prescribed  
621 qualifications, the department shall issue to him or her a  
622 certificate of qualification that, unless thereafter revoked by  
623 the department for good cause, will be valid for a period of 18  
624 months after the date of the applicant's financial statement or



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625 such shorter period as the department prescribes. Submission of  
 626 an application shall not affect expiration of the certificate of  
 627 qualification. If the department finds that an application is  
 628 incomplete or contains inadequate information or information  
 629 that cannot be verified, the department may request in writing  
 630 that the applicant provide the necessary information to complete  
 631 the application or provide the source from which any information  
 632 in the application may be verified. If the applicant fails to  
 633 comply with the initial written request within a reasonable  
 634 period of time as specified therein, the department shall  
 635 request the information a second time. If the applicant fails to  
 636 comply with the second request within a reasonable period of  
 637 time as specified therein, the application shall be denied.

638 (7) No "contractor" as defined in s. 337.165(1)(d) or his  
 639 or her "affiliate" as defined in s. 337.165(1)(a) qualified with  
 640 the department under this section may also qualify under s.  
 641 287.055 or s. 337.105 to provide testing services or  
 642 construction, engineering, and inspection services to the  
 643 department. This limitation shall not apply to any design-build  
 644 prequalification under s. 337.11(7).

645 Section 8. Subsection (4) of section 337.18, Florida  
 646 Statutes, is amended to read:

647 337.18 Surety bonds; requirement with respect to contract  
 648 award; defaults; damage assessments.--

649 (4)(a) If the department determines and adequately  
 650 documents that the timely completion of any project will provide  
 651 a substantial benefit to the public health, safety, or welfare;  
 652 will limit the disruptive effect of construction on the  
 653 community; or is cost beneficial on a revenue-producing project,  
 654 the contract for such project may provide for an incentive



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655 payment payable to the contractor for early completion of the  
656 project or critical phases of the work and for additional  
657 damages to be assessed against the contractor for the completion  
658 of the project or critical phases of the work in excess of the  
659 time specified. All contracts containing such provisions shall  
660 be approved by the head of the department or his or her  
661 designee. The amount of such incentive payment or such  
662 additional damages shall be established in the contract based on  
663 an analysis of the cost savings to the traveling public or  
664 revenue projections for a revenue producing project ~~but shall~~  
665 ~~not exceed \$10,000 per calendar day, except that for revenue~~  
666 ~~producing projects the amounts and periods of the incentive may~~  
667 ~~be greater if an analysis indicates that additional revenues~~  
668 ~~projected to be received upon completion of the project will~~  
669 ~~exceed the cost of the incentive payments.~~ Any liquidated  
670 damages provided for under subsection (2) and any additional  
671 damages provided for under this subsection shall be payable to  
672 the department because of the contractor's failure to complete  
673 the contract work within the time stipulated in the contract or  
674 within such additional time as may have been granted by the  
675 department.

676 (b) The department shall adopt rules to implement this  
677 subsection. Such rules shall include procedures and criteria for  
678 the selection of projects on which incentive payments and  
679 additional damages may be provided for by contract.

680 Section 9. Subsection (1) of section 337.401, Florida  
681 Statutes, is amended to read:

682 337.401 Use of right-of-way for utilities subject to  
683 regulation; permit; fees.--



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684 (1) The department and local governmental entities,  
685 referred to in ss. 337.401-337.404 as the "authority," that have  
686 jurisdiction and control of public roads or publicly owned rail  
687 corridors are authorized to prescribe and enforce reasonable  
688 rules or regulations with reference to the placing and  
689 maintaining along, across, or on any road or publicly owned rail  
690 corridors under their respective jurisdictions any electric  
691 transmission, telephone, telegraph, or other communications  
692 services lines; pole lines; poles; railways; ditches; sewers;  
693 water, heat, or gas mains; pipelines; fences; gasoline tanks and  
694 pumps; or other structures hereinafter referred to as the  
695 "utility." The department may enter into a permit-delegation  
696 agreement with a governmental entity if issuance of a permit is  
697 based on requirements that the department finds will ensure the  
698 safety and integrity of facilities of the Department of  
699 Transportation.

700 Section 10. Except as otherwise provided herein, this act  
701 shall take effect upon becoming a law.