



CHAMBER ACTION

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The Committee on Transportation recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to transportation administration; amending s. 95.361, F.S.; providing for government acquisition of certain roads; providing procedures to contest such acquisition; amending s. 255.20, F.S.; allowing certain local governmental entities to require prequalification of contractors for described transportation facilities construction; providing a condition for ineligibility; providing a presumption of eligibility for contractors prequalified by the Department of Transportation; providing for an appeal process to overcome that presumption; requiring publication of prequalification criteria and procedures prior to advertisement or notice of solicitation; requiring a public hearing; requiring a process for appeal; amending s. 330.27, F.S.; revising definitions; amending s. 330.29, F.S.; revising duties of the Department of Transportation; requiring the department to establish requirements for airport site approval, licensure, and registration; requiring the department to



29 | establish and maintain a state aviation facility data
30 | system; amending s. 330.30, F.S.; revising provisions for
31 | airport site approval; revising provisions for airport
32 | licensing; providing for a private airport registration
33 | process; specifying requirements for such licensing and
34 | registration; deleting airport license fees; providing for
35 | expiration and revocation of such license or registration;
36 | revising provisions for exemption from such registration
37 | and licensing requirements; exempting described areas and
38 | facilities from such requirements; providing described
39 | private airports the option to be inspected and licensed
40 | by the department; amending s. 330.35, F.S.; revising
41 | provisions for airport zoning protection for public-use
42 | airports; amending s. 332.007, F.S.; extending time period
43 | of the department's authorization to fund certain
44 | security-related airport projects; amending s. 335.02,
45 | F.S.; providing that local government regulations shall
46 | not apply to existing or future transportation facilities
47 | on the State Highway System; amending s. 336.467, F.S.;
48 | providing for the department to enter into agreements with
49 | other governmental entities to acquire right-of-way;
50 | deleting certain project criteria for such agreements;
51 | amending s. 337.14, F.S.; revising timeframe for
52 | department to act on an application for qualification as a
53 | contractor; adding testing services to those activities
54 | that specified contractors may not qualify to perform;
55 | amending s. 337.18, F.S.; revising basis for determining
56 | certain incentive payments to contractors; deleting



57 | limitation on such payments; amending s. 337.401, F.S.;
 58 | allowing the department under described circumstances to
 59 | enter into permit-delegation agreements with other
 60 | governmental entities for issuance of permit to use
 61 | certain rights-of-way; amending s. 338.2216, F.S.;
 62 | deleting an incorrect reference; designating Cesar Calas
 63 | Way and Firpo Garcia Way in Miami-Dade County; designating
 64 | Private Robert M. McTureous, Jr., U.S.M.C., Medal of Honor
 65 | Memorial Highway in Lake County; directing the Department
 66 | of Transportation to erect suitable markers; repealing s.
 67 | 339.12(10), F.S., relating to aid and contributions by
 68 | governmental entities for department projects; providing
 69 | effective dates.

71 | Be It Enacted by the Legislature of the State of Florida:

72 |
 73 | Section 1. Section 95.361, Florida Statutes, is amended to
 74 | read:

75 | 95.361 Roads presumed to be dedicated.--

76 | (1) When a road, constructed by a county, a municipality,
 77 | or the Department of Transportation, has been maintained or
 78 | repaired continuously and uninterruptedly for 4 years by the
 79 | county, municipality, or the Department of Transportation,
 80 | jointly or severally, the road shall be deemed to be dedicated
 81 | to the public to the extent in width that has been actually
 82 | maintained for the prescribed period, whether or not the road
 83 | has been formally established as a public highway. The



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84 dedication shall vest all right, title, easement, and
85 appurtenances in and to the road in:

86 (a) The county, if it is a county road;

87 (b) The municipality, if it is a municipal street or road;

88 or

89 (c) The state, if it is a road in the State Highway System
90 or State Park Road System,

91

92 whether or not there is a record of a conveyance, dedication, or
93 appropriation to the public use.

94 (2) In those instances where a road has been constructed
95 by a nongovernmental entity, or where the road was not
96 constructed by the entity currently maintaining or repairing it,
97 or where it cannot be determined who constructed the road, and
98 when such road has been regularly maintained or repaired for the
99 immediate past 7 years by a county, a municipality, or the
100 Department of Transportation, whether jointly or severally, such
101 road shall be deemed to be dedicated to the public to the extent
102 of the width that actually has been maintained or repaired for
103 the prescribed period, whether or not the road has been formally
104 established as a public highway. The dedication shall vest all
105 rights, title, easement, and appurtenances in and to the road
106 in:

107 (a) The county, if it is a county road;

108 (b) The municipality, if it is a municipal street or road;

109 or



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110 (c) The state, if it is a road in the State Highway System
111 or State Park Road System, whether or not there is a record of
112 conveyance, dedication, or appropriation to the public use.

113 (3) The filing of a map in the office of the clerk of the
114 circuit court of the county where the road is located showing
115 the lands and reciting on it that the road has vested in the
116 state, a county, or a municipality in accordance with subsection
117 (1) or subsection (2) or by any other means of acquisition, duly
118 certified by:

119 (a) The secretary of the Department of Transportation, or
120 the secretary's designee, if the road is a road in the State
121 Highway System or State Park Road System;

122 (b) The chair and clerk of the board of county
123 commissioners of the county, if the road is a county road; or

124 (c) The mayor and clerk of the municipality, if the road
125 is a municipal road or street,

126
127 shall be prima facie evidence of ownership of the land by the
128 state, county, or municipality, as the case may be.

129 (4) Any person, firm, corporation, or entity having or
130 claiming any interest in and to any of the property affected by
131 subsection (2) shall have and is hereby allowed a period of 1
132 year after the effective date of this subsection, or a period of
133 7 years after the initial date of regular maintenance or repair
134 of the road, whichever period is greater, to file a claim in
135 equity or with a court of law against the particular governing
136 authority assuming jurisdiction over such property to cause a
137 cessation of the maintenance and occupation of the property.



138 Such timely filed and adjudicated claim shall prevent the
 139 dedication of the road to the public pursuant to subsection (2).

140 Section 2. Subsection (1) of section 255.20, Florida
 141 Statutes, is amended to read:

142 255.20 Local bids and contracts for public construction
 143 works; specification of state-produced lumber.--

144 (1) A county, municipality, special district as defined in
 145 chapter 189, or other political subdivision of the state seeking
 146 to construct or improve a public building, structure, or other
 147 public construction works must competitively award to an
 148 appropriately licensed contractor each project that is estimated
 149 in accordance with generally accepted cost-accounting principles
 150 to have total construction project costs of more than \$200,000.
 151 For electrical work, local government must competitively award
 152 to an appropriately licensed contractor each project that is
 153 estimated in accordance with generally accepted cost-accounting
 154 principles to have a cost of more than \$50,000. As used in this
 155 section, the term "competitively award" means to award contracts
 156 based on the submission of sealed bids, proposals submitted in
 157 response to a request for proposal, proposals submitted in
 158 response to a request for qualifications, or proposals submitted
 159 for competitive negotiation. This subsection expressly allows
 160 contracts for construction management services, design/build
 161 contracts, continuation contracts based on unit prices, and any
 162 other contract arrangement with a private sector contractor
 163 permitted by any applicable municipal or county ordinance, by
 164 district resolution, or by state law. For purposes of this
 165 section, construction costs include the cost of all labor,



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166 except inmate labor, and include the cost of equipment and
167 materials to be used in the construction of the project. Subject
168 to the provisions of subsection (3), the county, municipality,
169 special district, or other political subdivision may establish,
170 by municipal or county ordinance or special district resolution,
171 procedures for conducting the bidding process.

172 (a) Notwithstanding any other law to the contrary, a
173 county, municipality, special district as defined in chapter
174 189, or other political subdivision of the state seeking to
175 construct or improve bridges, roads, streets, highways, or
176 railroads, and services incidental thereto, in excess of
177 \$250,000, may require that persons interested in performing work
178 under contract first be certified or qualified to perform such
179 work. Any contractor may be considered ineligible to bid by the
180 governmental entity if the contractor is behind an approved
181 progress schedule for the governmental entity by 10 percent or
182 more at the time of advertisement of the work. Any contractor
183 prequalified and considered eligible by the Department of
184 Transportation to bid to perform the type of work described
185 under the contract shall be presumed to be qualified to perform
186 the work so described. The governmental entity may provide an
187 appeal process to overcome that presumption with de novo review
188 based on the record below to the circuit court.

189 (b) With respect to contractors not prequalified with the
190 Department of Transportation, the governmental entity shall
191 publish prequalification criteria and procedures prior to
192 advertisement or notice of solicitation. Such publications shall
193 include notice of a public hearing for comment on such criteria



194 and procedures prior to adoption. The procedures shall provide
 195 for an appeal process within the authority for objections to the
 196 prequalification process with de novo review based on the record
 197 below to the circuit court within 30 days.

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

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

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

205 b. Other loss to public or private property which requires
 206 emergency government action; or

207 c. An interruption of an essential governmental service.

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

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

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

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

219 6. When the project is undertaken exclusively as part of a
 220 public educational program.



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221 | 7. When the funding source of the project will be
222 | diminished or lost because the time required to competitively
223 | award the project after the funds become available exceeds the
224 | time within which the funding source must be spent.

225 | 8. When the local government has competitively awarded a
226 | project to a private sector contractor and the contractor has
227 | abandoned the project before completion or the local government
228 | has terminated the contract.

229 | 9. When the governing board of the local government, after
230 | public notice, conducts a public meeting under s. 286.011 and
231 | finds by a majority vote of the governing board that it is in
232 | the public's best interest to perform the project using its own
233 | services, employees, and equipment. The public notice must be
234 | published at least 14 days prior to the date of the public
235 | meeting at which the governing board takes final action to apply
236 | this subparagraph. The notice must identify the project, the
237 | estimated cost of the project, and specify that the purpose for
238 | the public meeting is to consider whether it is in the public's
239 | best interest to perform the project using the local
240 | government's own services, employees, and equipment. In deciding
241 | whether it is in the public's best interest for local government
242 | to perform a project using its own services, employees, and
243 | equipment, the governing board may consider the cost of the
244 | project, whether the project requires an increase in the number
245 | of government employees, an increase in capital expenditures for
246 | public facilities, equipment or other capital assets, the impact
247 | on local economic development, the impact on small and minority
248 | business owners, the impact on state and local tax revenues,



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249 whether the private sector contractors provide health insurance
250 and other benefits equivalent to those provided by the local
251 government, and any other factor relevant to what is in the
252 public's best interest.

253 10. When the governing board of the local government
254 determines upon consideration of specific substantive criteria
255 and administrative procedures that it is in the best interest of
256 the local government to award the project to an appropriately
257 licensed private sector contractor according to procedures
258 established by and expressly set forth in a charter, ordinance,
259 or resolution of the local government adopted prior to July 1,
260 1994. The criteria and procedures must be set out in the
261 charter, ordinance, or resolution and must be applied uniformly
262 by the local government to avoid award of any project in an
263 arbitrary or capricious manner. This exception shall apply when
264 all of the following occur:

265 a. When the governing board of the local government, after
266 public notice, conducts a public meeting under s. 286.011 and
267 finds by a two-thirds vote of the governing board that it is in
268 the public's best interest to award the project according to the
269 criteria and procedures established by charter, ordinance, or
270 resolution. The public notice must be published at least 14 days
271 prior to the date of the public meeting at which the governing
272 board takes final action to apply this subparagraph. The notice
273 must identify the project, the estimated cost of the project,
274 and specify that the purpose for the public meeting is to
275 consider whether it is in the public's best interest to award



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276 the project using the criteria and procedures permitted by the
277 preexisting ordinance.

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

281 (I) There is one appropriately licensed contractor who is
282 uniquely qualified to undertake the project because that
283 contractor is currently under contract to perform work that is
284 affiliated with the project; or

285 (II) The time to competitively award the project will
286 jeopardize the funding for the project, or will materially
287 increase the cost of the project or will create an undue
288 hardship on the public health, safety, or welfare.

289 c. In the event the project is to be awarded by any method
290 other than a competitive selection process, the published notice
291 must clearly specify the ordinance or resolution by which the
292 private sector contractor will be selected and the criteria to
293 be considered.

294 d. In the event the project is to be awarded by a method
295 other than a competitive selection process, the architect or
296 engineer of record has provided a written recommendation that
297 the project be awarded to the private sector contractor without
298 competitive selection; and the consideration by, and the
299 justification of, the government body are documented, in
300 writing, in the project file and are presented to the governing
301 board prior to the approval required in this paragraph.

302 11. To projects subject to chapter 336.



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303 (d)~~(b)~~1. If the project is to be awarded based on price,
304 the contract must be awarded to the lowest qualified and
305 responsive bidder in accordance with the applicable county or
306 municipal ordinance or district resolution and in accordance
307 with the applicable contract documents. The county,
308 municipality, or special district may reserve the right to
309 reject all bids and to rebid the project or elect not to proceed
310 with the project. This subsection is not intended to restrict
311 the rights of any local government to reject the low bid of a
312 nonqualified or nonresponsive bidder and to award the contract
313 to any other qualified and responsive bidder in accordance with
314 the standards and procedures of any applicable county or
315 municipal ordinance or any resolution of a special district.

316 2. If the project uses a request for proposal or a request
317 for qualifications, the request must be publicly advertised and
318 the contract must be awarded in accordance with the applicable
319 local ordinances.

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

322 (e)~~(e)~~ If a construction project greater than \$200,000, or
323 \$50,000 for electrical work, is started after October 1, 1999,
324 and is to be performed by a local government using its own
325 employees in a county or municipality that issues registered
326 contractor licenses and the project would require a licensed
327 contractor under chapter 489 if performed by a private sector
328 contractor, the local government must use a person appropriately
329 registered or certified under chapter 489 to supervise the work.



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330 ~~(f)(d)~~ If a construction project greater than \$200,000, or
331 \$50,000 for electrical work, is started after October 1, 1999,
332 and is to be performed by a local government using its own
333 employees in a county that does not issue registered contractor
334 licenses and the project would require a licensed contractor
335 under chapter 489 if performed by a private sector contractor,
336 the local government must use a person appropriately registered
337 or certified under chapter 489 or a person appropriately
338 licensed under chapter 471 to supervise the work.

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

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

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

349 Section 3. Effective October 1, 2003, section 330.27,
350 Florida Statutes, is amended to read:

351 330.27 Definitions, when used in ss. 330.29-330.36,
352 330.38, 330.39.--

353 (1) "Aircraft" means a powered or unpowered machine or
354 device capable of atmospheric flight ~~any motor vehicle or~~
355 ~~contrivance now known, or hereafter invented, which is used or~~
356 ~~designed for navigation of or flight in the air, except a~~



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357 parachute or other such device ~~contrivance designed for such~~
358 ~~navigation but~~ used primarily as safety equipment.

359 (2) "Airport" means an ~~any~~ area of land or water, ~~or any~~
360 ~~manmade object or facility located thereon, which is used for,~~
361 or intended to be used for, ~~use, for the~~ landing and takeoff of
362 aircraft, including ~~and any~~ appurtenant areas, ~~which are used,~~
363 ~~or intended for use, for airport buildings, or other airport~~
364 ~~facilities, or rights-of-way necessary to facilitate such use or~~
365 intended use, ~~together with all airport buildings and facilities~~
366 located thereon.

367 (3) ~~"Airport hazard" means any structure, object of~~
368 ~~natural growth, or use of land which obstructs the airspace~~
369 ~~required for the flight of aircraft in landing or taking off at~~
370 ~~an airport or which is otherwise hazardous to such landing or~~
371 ~~taking off.~~

372 (4) ~~"Aviation" means the science and art of flight and~~
373 ~~includes, but is not limited to, transportation by aircraft; the~~
374 ~~operation, construction, repair, or maintenance of aircraft,~~
375 ~~aircraft power plants, and accessories, including the repair,~~
376 ~~packing, and maintenance of parachutes; the design,~~
377 ~~establishment, construction, extension, operation, improvement,~~
378 ~~repair, or maintenance of airports or other air navigation~~
379 ~~facilities; and instruction in flying or ground subjects~~
380 ~~pertaining thereto.~~

381 (3)(5) "Department" means the Department of
382 Transportation.



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383 ~~(4)(6)~~ "Limited airport" means any an airport, ~~publicly or~~
384 ~~privately owned~~, limited exclusively to the specific conditions
385 stated on the site approval order or license.

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

389 ~~(8)~~ "Political subdivision" means any county,
390 municipality, district, port or aviation commission or
391 authority, or similar entity authorized to establish or operate
392 an airport in this state.

393 ~~(5)(9)~~ "Private airport" means an airport, publicly or
394 privately owned, which is not open or available for use by the
395 public, used primarily by the licensee but may be made which is
396 available to others ~~for use~~ by invitation of the owner or
397 manager licensee. Services may be provided if authorized by the
398 department.

399 ~~(6)(10)~~ "Public airport" means an airport, publicly or
400 privately owned, which ~~meets minimum safety and service~~
401 ~~standards and~~ is open for use by the public.

402 ~~(7)(11)~~ "Temporary airport" means any an airport, ~~publicly~~
403 ~~or privately owned~~, that will be used for a period of less than
404 30 ~~90~~ days with no more than 10 operations per day.

405 ~~(8)(12)~~ "Ultralight aircraft" means any ~~heavier than air,~~
406 ~~motorized~~ aircraft meeting which ~~meets~~ the criteria ~~for maximum~~
407 ~~weight, fuel capacity, and airspeed~~ established for such
408 aircraft by the ~~Federal Aviation Administration under~~ Part 103
409 of the Federal Aviation Regulations.



410 Section 4. Effective October 1, 2003, section 330.29,
411 Florida Statutes, is amended to read:

412 330.29 Administration and enforcement; rules; requirements
413 ~~standards~~ for airport sites and airports.--It is the duty of the
414 department to:

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

416 (2) Establish requirements for airport site approval,
417 licensure, and registration ~~minimum standards for airport sites~~
418 ~~and airports under its licensing jurisdiction.~~

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

421 (4)~~(3)~~ Adopt rules pursuant to ss. 120.536(1) and 120.54
422 to implement the provisions of this chapter.

423 Section 5. Effective October 1, 2003, section 330.30,
424 Florida Statutes, is amended to read:

425 330.30 Approval of airport sites; registration and
426 licensure ~~licensing~~ of airports; ~~fees.~~--

427 (1) SITE APPROVALS; REQUIREMENTS, ~~FEES,~~ EFFECTIVE PERIOD,
428 REVOCATION.--

429 (a) Except as provided in subsection (3), the owner or
430 lessee of any proposed airport shall, prior to site ~~the~~
431 ~~acquisition of the site~~ or ~~prior to the~~ construction or
432 establishment of the proposed airport, obtain approval of the
433 airport site from the department. Applications for approval of a
434 site ~~and for an original license~~ shall be jointly made in ~~on~~ a
435 form and manner prescribed by the department ~~and shall be~~
436 ~~accompanied by a site approval fee of \$100.~~ The department,



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437 ~~after inspection of the airport site,~~ shall grant the site
438 approval if it is satisfied:

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

441 2. That the proposed airport, ~~if constructed or~~
442 ~~established,~~ will conform to licensing or registration
443 requirements ~~minimum standards of safety~~ and will comply with
444 the applicable local government land development regulations or
445 county or municipal zoning requirements.

446 3. That all affected nearby airports, local governments
447 ~~municipalities,~~ and property owners have been notified and any
448 comments submitted by them have been given adequate
449 consideration. ~~;~~ ~~and~~

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

453 (b) Site approval shall be granted for public airports
454 only after a favorable department inspection of the proposed
455 site.

456 (c) Site approval shall be granted for private airports
457 only after receipt of documentation in a form and manner the
458 department deems necessary to satisfy the conditions in
459 paragraph (a).

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

463 (e) Such Approval shall remain valid ~~in effect~~ for a
464 ~~period of 2 years after the date of~~ issue ~~issuance of the site~~



465 ~~approval order~~, unless ~~sooner~~ revoked by the department or
 466 unless, ~~prior to the expiration of the 2-year period~~, a public
 467 airport license is issued or private airport registration
 468 completed for an airport located on the approved site has been
 469 issued pursuant to subsection (2) prior to the expiration date.

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

474 (g)-(e) The department may revoke a site ~~such~~ approval if
 475 it determines:

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

478 2. That ~~there has been a failure within a reasonable time~~
 479 ~~to develop~~ the site has not been developed as an airport within
 480 a reasonable time period or development does not ~~to~~ comply with
 481 the conditions of the site approval;

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

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

489 (2) LICENSES AND REGISTRATIONS; REQUIREMENTS, FEES,
 490 RENEWAL, REVOCATION. --

491 (a) Except as provided in subsection (3), the owner or
 492 lessee of any ~~an~~ airport in this state shall have either a



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493 public airport ~~must obtain a license or private airport~~
494 registration prior to the operation of aircraft to or from the
495 facility ~~on the airport~~. ~~An~~ Application for a such license or
496 registration shall be made in ~~on~~ a form and manner prescribed by
497 the department ~~and shall be accomplished jointly with an~~
498 ~~application for site approval~~. Upon granting site approval:
499 ~~making a favorable final airport inspection report indicating~~
500 ~~compliance with all license requirements, and receiving the~~
501 ~~appropriate license fee, the department shall issue a license to~~
502 ~~the applicant, subject to any reasonable conditions that the~~
503 ~~department may deem necessary to protect the public health,~~
504 ~~safety, or welfare.~~

505 1. For a public airport, the department shall issue a
506 license after a final airport inspection finds the facility to
507 be in compliance with all requirements for the license. The
508 license may be subject to any reasonable conditions that the
509 department may deem necessary to protect the public health,
510 safety, or welfare.

511 2. For a private airport, the department shall provide
512 controlled electronic access to the state aviation facility data
513 system to permit the applicant to complete the registration
514 process. Registration shall be completed upon self-certification
515 by the registrant of operational and configuration data deemed
516 necessary by the department.

517 (b) The department may ~~is authorized to~~ license a public
518 ~~an~~ airport that does not meet ~~all of the minimum~~ standards only
519 if it determines that such exception is justified by unusual
520 circumstances or is in the interest of public convenience and



521 does not endanger the public health, safety, or welfare. Such a
522 license shall bear the designation "special" and shall state the
523 conditions subject to which the license is granted.

524 (c) The department may license a public airport or a
525 private airport may register ~~authorize a site~~ as a temporary
526 airport provided ~~if it finds, after inspection of the site,~~ that
527 the airport will not endanger the public health, safety, or
528 welfare and the airport meets the temporary airport requirements
529 established by the department. A temporary airport license or
530 registration shall be valid for less ~~Such authorization shall~~
531 ~~expire not later than 30 90 days after issuance~~ and is not
532 renewable.

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

- 535 1. ~~Public airport: \$100.~~
- 536 2. ~~Private airport: \$70.~~
- 537 3. ~~Limited airport: \$50.~~
- 538 4. ~~Temporary airport: \$25.~~

539
540 ~~Airports owned or operated by the state, a county, or a~~
541 ~~municipality and emergency helistops operated by licensed~~
542 ~~hospitals are required to be licensed but are exempt from the~~
543 ~~payment of site approval fees and annual license fees.~~

544 ~~(d)(e)~~1. Each public airport license shall ~~will~~ expire no
545 later than 1 year after the effective date of the license,
546 except that the expiration date of a license may be adjusted to
547 provide a maximum license period of 18 months to facilitate
548 airport inspections, recognize seasonal airport operations, or



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549 improve administrative efficiency. ~~If the expiration date for a~~
550 ~~public airport is adjusted, the appropriate license fee shall be~~
551 ~~determined by prorating the annual fee based on the length of~~
552 ~~the adjusted license period.~~

553 2. Registration ~~The license period for private all~~
554 ~~airports shall remain valid provided specific elements of~~
555 ~~airport data, established by the department, are periodically~~
556 ~~recertified by the airport registrant. The ability to recertify~~
557 ~~private airport registration data shall be available at all~~
558 ~~times by electronic submittal. A private airport registration~~
559 ~~that has not been recertified in the 24-month period following~~
560 ~~the last certification shall expire, unless the registration~~
561 ~~period has been adjusted by the department for purposes of~~
562 ~~informing private airport owners of their registration~~
563 ~~responsibilities or promoting administrative efficiency. The~~
564 ~~expiration date of the current registration period will be~~
565 ~~clearly identifiable from the state aviation facility data~~
566 ~~system other than public airports will be set by the department,~~
567 ~~but shall not exceed a period of 5 years. In determining the~~
568 ~~license period for such airports, the department shall consider~~
569 ~~the number of based aircraft, the airport location relative to~~
570 ~~adjacent land uses and other airports, and any other factors~~
571 ~~deemed by the department to be critical to airport operation and~~
572 ~~safety.~~

573 3. The effective date and expiration date shall be shown
574 on public airport licenses ~~stated on the face of the license.~~
575 Upon receiving an application for renewal of an airport a
576 license in ~~on~~ a form and manner prescribed by the department and



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577 receiving ~~, making~~ a favorable inspection report indicating
578 compliance with all applicable requirements and conditions, ~~and~~
579 ~~receiving the appropriate annual license fee~~, the department
580 shall renew the license, subject to any conditions deemed
581 necessary to protect the public health, safety, or welfare.

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

585 5. If the renewal application for a public airport license
586 has and fees have not been received by the department or no
587 private airport registration recertification has been
588 accomplished within 15 days after the date of expiration ~~of the~~
589 ~~license~~, the department may revoke ~~elose~~ the airport license or
590 registration.

591 (e)(f) The department may revoke, or refuse to allow or
592 issue, any airport registration or recertification, or any
593 license or license renewal thereof, or refuse to issue a
594 ~~renewal~~, if it determines:

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

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

600 3. That, ~~because of changed physical or legal conditions~~
601 ~~or circumstances~~, the airport has become either unsafe or
602 unusable for flight operation due to physical or legal changes
603 in conditions that were the subject of approval the aeronautical
604 ~~purposes for which the license or renewal was issued~~.



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

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

608 (b) An ultralight aircraft landing area; ~~except that any~~
609 ~~public ultralight airport~~ located more than ~~within~~ 5 nautical
610 miles from a ~~of another~~ public ~~airport~~ or military airport,
611 except ~~or~~ any ultralight landing area with more than 10
612 ultralight aircraft operating at ~~from~~ the site ~~is subject to the~~
613 ~~provisions of this section.~~

614 (c) A helistop used solely in conjunction with a
615 construction project undertaken pursuant to the performance of a
616 state contract if the purpose of the helicopter operations at
617 the site is to expedite construction.

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

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

626 ~~(e)(f)~~ An airport which meets the criteria of s.
627 330.27(7)~~(11)~~ used exclusively for aerial application or
628 spraying of crops on a seasonal basis, not to include any
629 licensed airport where permanent crop aerial application or
630 spraying facilities are installed, if the period of operation
631 does not exceed 30 days per calendar year. Such proposed
632 airports, which will be located within 3 miles of existing



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633 airports or approved airport sites, shall establish ~~work-out~~
634 safe air-traffic patterns with such existing airports or
635 approved airport sites, by memorandums of understanding, or by
636 letters of agreement between the parties representing the
637 airports or sites.

638 (f) Navigable waterways used for the takeoff and landing
639 of aircraft, including any land, building, structure, or any
640 other contrivance that facilitates private use or intended
641 private use.

642 (4) EXCEPTIONS.--Private airports with 10 or more based
643 aircraft may request to be inspected and licensed by the
644 department. Private airports licensed according to this
645 subsection shall be considered private airports as defined in s.
646 330.27(5) in all other respects.

647 Section 6. Effective October 1, 2003, subsections (2) and
648 (3) of section 330.35, Florida Statutes, are amended to read:

649 330.35 Airport zoning, ~~approach zone~~ protection.--

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

654 (3) The department is granted all powers conferred upon
655 political subdivisions of this state by chapter 333 to regulate
656 airport hazards at state-owned public airports. The procedure
657 shall be to form a joint zoning board with the political
658 subdivision of the state in which the state-owned public airport
659 is located as prescribed in chapter 333.



660 Section 7. Subsection (8) of section 332.007, Florida
661 Statutes, is amended to read:

662 332.007 Administration and financing of aviation and
663 airport programs and projects; state plan.--

664 (8) Notwithstanding any other provision of law to the
665 contrary, the department is authorized to provide operational
666 and maintenance assistance to publicly owned public-use
667 airports. Such assistance shall be to comply with enhanced
668 federal security requirements or to address related economic
669 impacts from the events of September 11, 2001. For projects in
670 the current adopted work program, or projects added using the
671 available budget of the department, airports may request the
672 department change the project purpose in accordance with this
673 provision notwithstanding the provisions of s. 339.135(7). For
674 purposes of this subsection, the department may fund up to 100
675 percent of eligible project costs that are not funded by the
676 Federal Government. Prior to releasing any funds under this
677 section, the department shall review and approve the expenditure
678 plans submitted by the airport. The department shall inform the
679 Legislature of any change that it approves under this
680 subsection. This subsection shall expire on June 30, 2007 ~~2004~~.

681 Section 8. Subsection (4) is added to section 335.02,
682 Florida Statutes, to read:

683 335.02 Authority to designate transportation facilities
684 and rights-of-way and establish lanes; procedure for
685 redesignation and relocation.--

686 (4) Notwithstanding any general law or special act,
687 regulations of any county, municipality, or special district,



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688 including any instrumentality thereof, shall not apply to
689 existing or future transportation facilities, or appurtenances
690 thereto, on the State Highway System.

691 Section 9. Section 336.467, Florida Statutes, is amended
692 to read:

693 336.467 County-state right-of-way acquisition
694 agreements.--A county or other governmental entity may enter
695 into an agreement with the department to provide for the
696 department to acquire rights-of-way for the county or other
697 governmental entity, ~~provided the highway project is to be~~
698 ~~funded by the 80 percent portion of the constitutional gas tax~~
699 ~~allocated to that county and requires the acquisition of at~~
700 ~~least 10 parcels of land, the total cost of which will equal or~~
701 ~~exceed \$100,000.~~

702 Section 10. Subsections (1), (4), and (7) of section
703 337.14, Florida Statutes, are amended to read:

704 337.14 Application for qualification; certificate of
705 qualification; restrictions; request for hearing.--

706 (1) Any person desiring to bid for the performance of any
707 construction contract in excess of \$250,000 which the department
708 proposes to let must first be certified by the department as
709 qualified pursuant to this section and rules of the department.
710 The rules of the department shall address the qualification of
711 persons to bid on construction contracts in excess of \$250,000
712 and shall include requirements with respect to the equipment,
713 past record, experience, financial resources, and organizational
714 personnel of the applicant necessary to perform the specific
715 class of work for which the person seeks certification. The



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716 department is authorized to limit the dollar amount of any
717 contract upon which a person is qualified to bid or the
718 aggregate total dollar volume of contracts such person is
719 allowed to have under contract at any one time. Each applicant
720 seeking qualification to bid on construction contracts in excess
721 of \$250,000 shall furnish the department a statement under oath,
722 on such forms as the department may prescribe, setting forth
723 detailed information as required on the application. Each
724 application for certification shall be accompanied by the latest
725 annual financial statement of the applicant completed within the
726 last 12 months. If the annual financial statement shows the
727 financial condition of the applicant more than 4 months prior to
728 the date on which the application is received by the department,
729 then an interim financial statement must also be submitted. The
730 interim financial statement must cover the period from the end
731 date of the annual statement and must show the financial
732 condition of the applicant no more than 4 months prior to the
733 date on which the application is received by the department.
734 Each required annual or interim financial statement must be
735 audited and accompanied by the opinion of a certified public
736 accountant or a public accountant approved by the department.
737 The information required by this subsection is confidential and
738 exempt from the provisions of s. 119.07(1). The department shall
739 act upon the application for qualification within 30 days after
740 the department determines that the application is complete ~~it is~~
741 ~~presented~~.

742 (4) If the applicant is found to possess the prescribed
743 qualifications, the department shall issue to him or her a



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744 certificate of qualification that, unless thereafter revoked by
745 the department for good cause, will be valid for a period of 18
746 months after the date of the applicant's financial statement or
747 such shorter period as the department prescribes. Submission of
748 an application shall not affect expiration of the certificate of
749 qualification. If the department finds that an application is
750 incomplete or contains inadequate information or information
751 that cannot be verified, the department may request in writing
752 that the applicant provide the necessary information to complete
753 the application or provide the source from which any information
754 in the application may be verified. If the applicant fails to
755 comply with the initial written request within a reasonable
756 period of time as specified therein, the department shall
757 request the information a second time. If the applicant fails to
758 comply with the second request within a reasonable period of
759 time as specified therein, the application shall be denied.

760 (7) No "contractor" as defined in s. 337.165(1)(d) or his
761 or her "affiliate" as defined in s. 337.165(1)(a) qualified with
762 the department under this section may also qualify under s.
763 287.055 or s. 337.105 to provide testing services or
764 construction, engineering, and inspection services to the
765 department. This limitation shall not apply to any design-build
766 prequalification under s. 337.11(7).

767 Section 11. Subsection (4) of section 337.18, Florida
768 Statutes, is amended to read:

769 337.18 Surety bonds; requirement with respect to contract
770 award; defaults; damage assessments.--



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771 (4)(a) If the department determines and adequately
772 documents that the timely completion of any project will provide
773 a substantial benefit to the public health, safety, or welfare;
774 will limit the disruptive effect of construction on the
775 community; or is cost beneficial on a revenue-producing project,
776 the contract for such project may provide for an incentive
777 payment payable to the contractor for early completion of the
778 project or critical phases of the work and for additional
779 damages to be assessed against the contractor for the completion
780 of the project or critical phases of the work in excess of the
781 time specified. All contracts containing such provisions shall
782 be approved by the head of the department or his or her
783 designee. The amount of such incentive payment or such
784 additional damages shall be established in the contract based on
785 an analysis of the cost savings to the traveling public or
786 revenue projections for a revenue producing project ~~but shall~~
787 ~~not exceed \$10,000 per calendar day, except that for revenue~~
788 ~~producing projects the amounts and periods of the incentive may~~
789 ~~be greater if an analysis indicates that additional revenues~~
790 ~~projected to be received upon completion of the project will~~
791 ~~exceed the cost of the incentive payments.~~ Any liquidated
792 damages provided for under subsection (2) and any additional
793 damages provided for under this subsection shall be payable to
794 the department because of the contractor's failure to complete
795 the contract work within the time stipulated in the contract or
796 within such additional time as may have been granted by the
797 department.



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

802 Section 12. Subsection (1) of section 337.401, Florida
803 Statutes, is amended to read:

804 337.401 Use of right-of-way for utilities subject to
805 regulation; permit; fees.--

806 (1) The department and local governmental entities,
807 referred to in ss. 337.401-337.404 as the "authority," that have
808 jurisdiction and control of public roads or publicly owned rail
809 corridors are authorized to prescribe and enforce reasonable
810 rules or regulations with reference to the placing and
811 maintaining along, across, or on any road or publicly owned rail
812 corridors under their respective jurisdictions any electric
813 transmission, telephone, telegraph, or other communications
814 services lines; pole lines; poles; railways; ditches; sewers;
815 water, heat, or gas mains; pipelines; fences; gasoline tanks and
816 pumps; or other structures hereinafter referred to as the
817 "utility." The department may enter into a permit-delegation
818 agreement with a governmental entity if issuance of a permit is
819 based on requirements that the department finds will ensure the
820 safety and integrity of facilities of the Department of
821 Transportation.

822 Section 13. Paragraph (b) of subsection (1) of section
823 338.2216, Florida Statutes, is amended to read:

824 338.2216 Florida Turnpike Enterprise; powers and
825 authority.--



826 (1)

827 (b) ~~It is the express intention of this part that~~ The
 828 Florida Turnpike Enterprise is ~~be~~ authorized to plan, develop,
 829 own, purchase, lease, or otherwise acquire, demolish, construct,
 830 improve, relocate, equip, repair, maintain, operate, and manage
 831 the Florida Turnpike System; to expend funds to publicize,
 832 advertise, and promote the advantages of using the turnpike
 833 system and its facilities; and to cooperate, coordinate,
 834 partner, and contract with other entities, public and private,
 835 to accomplish these purposes.

836 Section 14. Cesar Calas Way designated; department to
 837 erect suitable markers.--

838 (1) That portion of 8th Street between S.W. 58th Avenue
 839 and S.W. 60th Avenue in Miami-Dade County is hereby designated
 840 as "Cesar Calas Way."

841 (2) The Department of Transportation is directed to erect
 842 suitable markers designating Cesar Calas Way as described in
 843 subsection (1).

844 Section 15. Firpo Garcia Way designated; department to
 845 erect suitable markers.--

846 (1) That portion of Kendall Drive between 127th Avenue and
 847 130th Avenue in unincorporated Miami-Dade County is hereby
 848 designated as "Firpo Garcia Way."

849 (2) The Department of Transportation is directed to erect
 850 suitable markers designating Firpo Garcia Way as described in
 851 subsection (1).



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852 Section 16. Private Robert M. McTureous, Jr., U.S.M.C.,
853 Medal of Honor Memorial Highway designated; department to erect
854 suitable markers.--

855 (1) That portion of State Road 19 in Lake County from
856 the north end of Lake County to the intersection of State Road
857 19 and Highway 441 in Eustis is hereby designated as "Private
858 Robert M. McTureous, Jr., U.S.M.C., Medal of Honor Memorial
859 Highway."

860 (2) The Department of Transportation is directed to
861 erect suitable markers designating the Private Robert M.
862 McTureous, Jr., U.S.M.C., Medal of Honor Memorial Highway as
863 described in subsection (1).

864 Section 17. Subsection (10) of section 339.12, Florida
865 Statutes, as created by section 83 of chapter 2002-20, Laws of
866 Florida, and amended by section 58 of chapter 2002-402, Laws of
867 Florida, is repealed.

868 Section 18. Except as otherwise provided herein, this act
869 shall take effect upon becoming a law.