



1 A bill to be entitled
2 An act relating to transportation administration; amending
3 s. 95.361, F.S.; providing for government acquisition of
4 certain roads; providing procedures to contest such
5 acquisition; amending s. 255.20, F.S.; allowing certain
6 local governmental entities to require prequalification of
7 contractors for described transportation facilities
8 construction; providing a condition for ineligibility;
9 providing a presumption of eligibility for contractors
10 prequalified by the Department of Transportation;
11 providing for an appeal process to overcome that
12 presumption; requiring publication of prequalification
13 criteria and procedures prior to advertisement or notice
14 of solicitation; requiring a public hearing; requiring a
15 process for appeal; amending s. 330.27, F.S.; revising
16 definitions; amending s. 330.29, F.S.; revising duties of
17 the Department of Transportation; requiring the department
18 to establish requirements for airport site approval,
19 licensure, and registration; requiring the department to
20 establish and maintain a state aviation facility data
21 system; amending s. 330.30, F.S.; revising provisions for
22 airport site approval; revising provisions for airport
23 licensing; providing for a private airport registration
24 process; specifying requirements for such licensing and
25 registration; deleting airport license fees; providing for
26 expiration and revocation of such license or registration;
27 revising provisions for exemption from such registration
28 and licensing requirements; exempting described areas and



29 facilities from such requirements; providing described
30 private airports the option to be inspected and licensed
31 by the department; amending s. 330.35, F.S.; revising
32 provisions for airport zoning protection for public-use
33 airports; amending s. 332.007, F.S.; extending time period
34 of the department's authorization to fund certain
35 security-related airport projects; amending s. 335.02,
36 F.S.; providing that local government regulations shall
37 not apply to existing or future transportation facilities
38 on the State Highway System; amending s. 336.467, F.S.;
39 providing for the department to enter into agreements with
40 other governmental entities to acquire right-of-way;
41 deleting certain project criteria for such agreements;
42 amending s. 337.14, F.S.; revising timeframe for
43 department to act on an application for qualification as a
44 contractor; adding testing services to those activities
45 that specified contractors may not qualify to perform;
46 amending s. 337.18, F.S.; revising basis for determining
47 certain incentive payments to contractors; deleting
48 limitation on such payments; amending s. 337.401, F.S.;
49 allowing the department under described circumstances to
50 enter into permit-delegation agreements with other
51 governmental entities for issuance of permit to use
52 certain rights-of-way; amending s. 338.2216, F.S.;
53 deleting an incorrect reference; designating Cesar Calas
54 Way and Firpo Garcia Way in Miami-Dade County; designating
55 Private Robert M. McTureous, Jr., U.S.M.C., Medal of Honor
56 Memorial Highway in Lake County; directing the Department



57 | of Transportation to erect suitable markers; repealing s.
 58 | 339.12(10), F.S., relating to aid and contributions by
 59 | governmental entities for department projects; providing
 60 | effective dates.

61 |

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

63 |

64 | Section 1. Section 95.361, Florida Statutes, is amended to
 65 | read:

66 | 95.361 Roads presumed to be dedicated.--

67 | (1) When a road, constructed by a county, a municipality,
 68 | or the Department of Transportation, has been maintained or
 69 | repaired continuously and uninterruptedly for 4 years by the
 70 | county, municipality, or the Department of Transportation,
 71 | jointly or severally, the road shall be deemed to be dedicated
 72 | to the public to the extent in width that has been actually
 73 | maintained for the prescribed period, whether or not the road
 74 | has been formally established as a public highway. The
 75 | dedication shall vest all right, title, easement, and
 76 | appurtenances in and to the road in:

77 | (a) The county, if it is a county road;

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

79 | or

80 | (c) The state, if it is a road in the State Highway System
 81 | or State Park Road System,

82 |

83 | whether or not there is a record of a conveyance, dedication, or
 84 | appropriation to the public use.



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

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

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

100 or

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

104 (3) The filing of a map in the office of the clerk of the
105 circuit court of the county where the road is located showing
106 the lands and reciting on it that the road has vested in the
107 state, a county, or a municipality in accordance with subsection
108 (1) or subsection (2) or by any other means of acquisition, duly
109 certified by:

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



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

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

117
 118 shall be prima facie evidence of ownership of the land by the
 119 state, county, or municipality, as the case may be.

120 (4) Any person, firm, corporation, or entity having or
 121 claiming any interest in and to any of the property affected by
 122 subsection (2) shall have and is hereby allowed a period of 1
 123 year after the effective date of this subsection, or a period of
 124 7 years after the initial date of regular maintenance or repair
 125 of the road, whichever period is greater, to file a claim in
 126 equity or with a court of law against the particular governing
 127 authority assuming jurisdiction over such property to cause a
 128 cessation of the maintenance and occupation of the property.
 129 Such timely filed and adjudicated claim shall prevent the
 130 dedication of the road to the public pursuant to subsection (2).

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

133 255.20 Local bids and contracts for public construction
 134 works; specification of state-produced lumber.--

135 (1) A county, municipality, special district as defined in
 136 chapter 189, or other political subdivision of the state seeking
 137 to construct or improve a public building, structure, or other
 138 public construction works must competitively award to an
 139 appropriately licensed contractor each project that is estimated
 140 in accordance with generally accepted cost-accounting principles



141 to have total construction project costs of more than \$200,000.
142 For electrical work, local government must competitively award
143 to an appropriately licensed contractor each project that is
144 estimated in accordance with generally accepted cost-accounting
145 principles to have a cost of more than \$50,000. As used in this
146 section, the term "competitively award" means to award contracts
147 based on the submission of sealed bids, proposals submitted in
148 response to a request for proposal, proposals submitted in
149 response to a request for qualifications, or proposals submitted
150 for competitive negotiation. This subsection expressly allows
151 contracts for construction management services, design/build
152 contracts, continuation contracts based on unit prices, and any
153 other contract arrangement with a private sector contractor
154 permitted by any applicable municipal or county ordinance, by
155 district resolution, or by state law. For purposes of this
156 section, construction costs include the cost of all labor,
157 except inmate labor, and include the cost of equipment and
158 materials to be used in the construction of the project. Subject
159 to the provisions of subsection (3), the county, municipality,
160 special district, or other political subdivision may establish,
161 by municipal or county ordinance or special district resolution,
162 procedures for conducting the bidding process.

163 (a) Notwithstanding any other law to the contrary, a
164 county, municipality, special district as defined in chapter
165 189, or other political subdivision of the state seeking to
166 construct or improve bridges, roads, streets, highways, or
167 railroads, and services incidental thereto, in excess of
168 \$250,000, may require that persons interested in performing work



169 under contract first be certified or qualified to perform such
170 work. Any contractor may be considered ineligible to bid by the
171 governmental entity if the contractor is behind an approved
172 progress schedule for the governmental entity by 10 percent or
173 more at the time of advertisement of the work. Any contractor
174 prequalified and considered eligible by the Department of
175 Transportation to bid to perform the type of work described
176 under the contract shall be presumed to be qualified to perform
177 the work so described. The governmental entity may provide an
178 appeal process to overcome that presumption with de novo review
179 based on the record below to the circuit court.

180 (b) With respect to contractors not prequalified with the
181 Department of Transportation, the governmental entity shall
182 publish prequalification criteria and procedures prior to
183 advertisement or notice of solicitation. Such publications shall
184 include notice of a public hearing for comment on such criteria
185 and procedures prior to adoption. The procedures shall provide
186 for an appeal process within the authority for objections to the
187 prequalification process with de novo review based on the record
188 below to the circuit court within 30 days.

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

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

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



196 b. Other loss to public or private property which requires
197 emergency government action; or

198 c. An interruption of an essential governmental service.

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

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

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

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

210 6. When the project is undertaken exclusively as part of a
211 public educational program.

212 7. When the funding source of the project will be
213 diminished or lost because the time required to competitively
214 award the project after the funds become available exceeds the
215 time within which the funding source must be spent.

216 8. When the local government has competitively awarded a
217 project to a private sector contractor and the contractor has
218 abandoned the project before completion or the local government
219 has terminated the contract.

220 9. When the governing board of the local government, after
221 public notice, conducts a public meeting under s. 286.011 and
222 finds by a majority vote of the governing board that it is in
223 the public's best interest to perform the project using its own



224 services, employees, and equipment. The public notice must be
225 published at least 14 days prior to the date of the public
226 meeting at which the governing board takes final action to apply
227 this subparagraph. The notice must identify the project, the
228 estimated cost of the project, and specify that the purpose for
229 the public meeting is to consider whether it is in the public's
230 best interest to perform the project using the local
231 government's own services, employees, and equipment. In deciding
232 whether it is in the public's best interest for local government
233 to perform a project using its own services, employees, and
234 equipment, the governing board may consider the cost of the
235 project, whether the project requires an increase in the number
236 of government employees, an increase in capital expenditures for
237 public facilities, equipment or other capital assets, the impact
238 on local economic development, the impact on small and minority
239 business owners, the impact on state and local tax revenues,
240 whether the private sector contractors provide health insurance
241 and other benefits equivalent to those provided by the local
242 government, and any other factor relevant to what is in the
243 public's best interest.

244 10. When the governing board of the local government
245 determines upon consideration of specific substantive criteria
246 and administrative procedures that it is in the best interest of
247 the local government to award the project to an appropriately
248 licensed private sector contractor according to procedures
249 established by and expressly set forth in a charter, ordinance,
250 or resolution of the local government adopted prior to July 1,
251 1994. The criteria and procedures must be set out in the



252 charter, ordinance, or resolution and must be applied uniformly
253 by the local government to avoid award of any project in an
254 arbitrary or capricious manner. This exception shall apply when
255 all of the following occur:

256 a. When the governing board of the local government, after
257 public notice, conducts a public meeting under s. 286.011 and
258 finds by a two-thirds vote of the governing board that it is in
259 the public's best interest to award the project according to the
260 criteria and procedures established by charter, ordinance, or
261 resolution. The public notice must be published at least 14 days
262 prior to the date of the public meeting at which the governing
263 board takes final action to apply this subparagraph. The notice
264 must identify the project, the estimated cost of the project,
265 and specify that the purpose for the public meeting is to
266 consider whether it is in the public's best interest to award
267 the project using the criteria and procedures permitted by the
268 preexisting ordinance.

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

272 (I) There is one appropriately licensed contractor who is
273 uniquely qualified to undertake the project because that
274 contractor is currently under contract to perform work that is
275 affiliated with the project; or

276 (II) The time to competitively award the project will
277 jeopardize the funding for the project, or will materially
278 increase the cost of the project or will create an undue
279 hardship on the public health, safety, or welfare.



280 c. In the event the project is to be awarded by any method
281 other than a competitive selection process, the published notice
282 must clearly specify the ordinance or resolution by which the
283 private sector contractor will be selected and the criteria to
284 be considered.

285 d. In the event the project is to be awarded by a method
286 other than a competitive selection process, the architect or
287 engineer of record has provided a written recommendation that
288 the project be awarded to the private sector contractor without
289 competitive selection; and the consideration by, and the
290 justification of, the government body are documented, in
291 writing, in the project file and are presented to the governing
292 board prior to the approval required in this paragraph.

293 11. To projects subject to chapter 336.

294 (d)~~(b)~~1. If the project is to be awarded based on price,
295 the contract must be awarded to the lowest qualified and
296 responsive bidder in accordance with the applicable county or
297 municipal ordinance or district resolution and in accordance
298 with the applicable contract documents. The county,
299 municipality, or special district may reserve the right to
300 reject all bids and to rebid the project or elect not to proceed
301 with the project. This subsection is not intended to restrict
302 the rights of any local government to reject the low bid of a
303 nonqualified or nonresponsive bidder and to award the contract
304 to any other qualified and responsive bidder in accordance with
305 the standards and procedures of any applicable county or
306 municipal ordinance or any resolution of a special district.



307 2. If the project uses a request for proposal or a request
308 for qualifications, the request must be publicly advertised and
309 the contract must be awarded in accordance with the applicable
310 local ordinances.

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

313 (e)~~(e)~~ If a construction project greater than \$200,000, or
314 \$50,000 for electrical work, is started after October 1, 1999,
315 and is to be performed by a local government using its own
316 employees in a county or municipality that issues registered
317 contractor licenses and the project would require a licensed
318 contractor under chapter 489 if performed by a private sector
319 contractor, the local government must use a person appropriately
320 registered or certified under chapter 489 to supervise the work.

321 (f)~~(d)~~ If a construction project greater than \$200,000, or
322 \$50,000 for electrical work, is started after October 1, 1999,
323 and is to be performed by a local government using its own
324 employees in a county that does not issue registered contractor
325 licenses and the project would require a licensed contractor
326 under chapter 489 if performed by a private sector contractor,
327 the local government must use a person appropriately registered
328 or certified under chapter 489 or a person appropriately
329 licensed under chapter 471 to supervise the work.

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



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

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

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

342 330.27 Definitions, when used in ss. 330.29-330.36,
 343 330.38, 330.39.--

344 (1) "Aircraft" means a powered or unpowered machine or
 345 device capable of atmospheric flight ~~any motor vehicle or~~
 346 ~~contrivance now known, or hereafter invented, which is used or~~
 347 ~~designed for navigation of or flight in the air, except a~~
 348 parachute or other such device ~~contrivance designed for such~~
 349 ~~navigation but~~ used primarily as safety equipment.

350 (2) "Airport" means an ~~any~~ area of land or water, ~~or any~~
 351 ~~manmade object or facility located thereon, which is used for,~~
 352 or intended to be used ~~for, use, for the~~ landing and takeoff of
 353 aircraft, including ~~and any~~ appurtenant areas, ~~which are used,~~
 354 ~~or intended for use, for~~ airport buildings, ~~or other airport~~
 355 facilities, or rights-of-way necessary to facilitate such use or
 356 intended use, ~~together with all airport buildings and facilities~~
 357 located thereon.

358 ~~(3) "Airport hazard" means any structure, object of~~
 359 ~~natural growth, or use of land which obstructs the airspace~~
 360 ~~required for the flight of aircraft in landing or taking off at~~



361 ~~an airport or which is otherwise hazardous to such landing or~~
362 ~~taking off.~~

363 ~~(4) "Aviation" means the science and art of flight and~~
364 ~~includes, but is not limited to, transportation by aircraft; the~~
365 ~~operation, construction, repair, or maintenance of aircraft,~~
366 ~~aircraft power plants, and accessories, including the repair,~~
367 ~~packing, and maintenance of parachutes; the design,~~
368 ~~establishment, construction, extension, operation, improvement,~~
369 ~~repair, or maintenance of airports or other air navigation~~
370 ~~facilities; and instruction in flying or ground subjects~~
371 ~~pertaining thereto.~~

372 ~~(3)(5)~~ "Department" means the Department of
373 Transportation.

374 ~~(4)(6)~~ "Limited airport" means any ~~an~~ airport, ~~publicly or~~
375 ~~privately owned~~, limited exclusively to the specific conditions
376 stated on the site approval order or license.

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

380 ~~(8) "Political subdivision" means any county,~~
381 ~~municipality, district, port or aviation commission or~~
382 ~~authority, or similar entity authorized to establish or operate~~
383 ~~an airport in this state.~~

384 ~~(5)(9)~~ "Private airport" means an airport, publicly or
385 privately owned, which is not open or available for use by the
386 public, used primarily by the licensee but may be made ~~which is~~
387 ~~available to others~~ for use by invitation of the owner or



388 ~~manager licensee. Services may be provided if authorized by the~~
 389 ~~department.~~

390 ~~(6)(10)~~ "Public airport" means an airport, publicly or
 391 privately owned, which ~~meets minimum safety and service~~
 392 ~~standards and~~ is open for use by the public.

393 ~~(7)(11)~~ "Temporary airport" means any ~~an~~ airport, ~~publicly~~
 394 ~~or privately owned,~~ that will be used for a period of less than
 395 30 ~~90~~ days with no more than 10 operations per day.

396 ~~(8)(12)~~ "Ultralight aircraft" means any ~~heavier than air,~~
 397 ~~motorized~~ aircraft meeting ~~which meets~~ the criteria ~~for maximum~~
 398 ~~weight, fuel capacity, and airspeed~~ established ~~for such~~
 399 ~~aircraft by the Federal Aviation Administration under Part 103~~
 400 of the Federal Aviation Regulations.

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

403 330.29 Administration and enforcement; rules; requirements
 404 ~~standards~~ for airport sites and airports.--It is the duty of the
 405 department to:

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

407 (2) Establish requirements for airport site approval,
 408 licensure, and registration ~~minimum standards for airport sites~~
 409 ~~and airports under its licensing jurisdiction.~~

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

412 ~~(4)(3)~~ Adopt rules pursuant to ss. 120.536(1) and 120.54
 413 to implement the provisions of this chapter.

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



416 330.30 Approval of airport sites; registration and
 417 licensure ~~licensing~~ of airports; ~~fees~~.--

418 (1) SITE APPROVALS; REQUIREMENTS, ~~FEES~~, EFFECTIVE PERIOD,
 419 REVOCATION.--

420 (a) Except as provided in subsection (3), the owner or
 421 lessee of any proposed airport shall, prior to site ~~the~~
 422 ~~acquisition of the site~~ or ~~prior to the~~ construction or
 423 establishment of the proposed airport, obtain approval of the
 424 airport site from the department. Applications for approval of a
 425 site ~~and for an original license~~ shall be jointly made in ~~on~~ a
 426 form and manner prescribed by the department ~~and shall be~~
 427 ~~accompanied by a site approval fee of \$100~~. The department,
 428 ~~after inspection of the airport site~~, shall grant the site
 429 approval if it is satisfied:

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

432 2. That the proposed airport, ~~if constructed or~~
 433 ~~established~~, will conform to licensing or registration
 434 requirements ~~minimum standards of safety~~ and will comply with
 435 the applicable local government land development regulations or
 436 ~~county or municipal~~ zoning requirements.;

437 3. That all affected nearby airports, local governments
 438 ~~municipalities~~, and property owners have been notified and any
 439 comments submitted by them have been given adequate
 440 consideration.;

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



444 (b) Site approval shall be granted for public airports
445 only after a favorable department inspection of the proposed
446 site.

447 (c) Site approval shall be granted for private airports
448 only after receipt of documentation in a form and manner the
449 department deems necessary to satisfy the conditions in
450 paragraph (a).

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

454 (e) ~~Such~~ Approval shall remain valid in effect for a
455 ~~period of 2 years after the date of issue~~ issuance of the site
456 ~~approval order~~, unless ~~sooner~~ revoked by the department or
457 ~~unless, prior to the expiration of the 2-year period,~~ a public
458 airport license is issued or private airport registration
459 completed for an airport located on the approved site has been
460 issued pursuant to subsection (2) prior to the expiration date.

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

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

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

469 2. That ~~there has been a failure within a reasonable time~~
470 ~~to develop~~ the site has not been developed as an airport within



471 a reasonable time period or development does not ~~to~~ comply with
 472 the conditions of the site approval;

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

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

480 (2) LICENSES AND REGISTRATIONS; REQUIREMENTS, FEES,
 481 RENEWAL, REVOCATION.--

482 (a) Except as provided in subsection (3), the owner or
 483 lessee of any an airport in this state shall have either a
 484 public airport ~~must obtain a license or private airport~~
 485 registration prior to the operation of aircraft to or from the
 486 facility on the airport. ~~An~~ Application for a such license or
 487 registration shall be made in on a form and manner prescribed by
 488 the department ~~and shall be accomplished jointly with an~~
 489 ~~application for site approval.~~ Upon granting site approval:
 490 ~~making a favorable final airport inspection report indicating~~
 491 ~~compliance with all license requirements, and receiving the~~
 492 ~~appropriate license fee, the department shall issue a license to~~
 493 ~~the applicant, subject to any reasonable conditions that the~~
 494 ~~department may deem necessary to protect the public health,~~
 495 ~~safety, or welfare.~~

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



499 license may be subject to any reasonable conditions that the
 500 department may deem necessary to protect the public health,
 501 safety, or welfare.

502 2. For a private airport, the department shall provide
 503 controlled electronic access to the state aviation facility data
 504 system to permit the applicant to complete the registration
 505 process. Registration shall be completed upon self-certification
 506 by the registrant of operational and configuration data deemed
 507 necessary by the department.

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

515 (c) The department may license a public airport or a
 516 private airport may register ~~authorize a site~~ as a temporary
 517 airport provided ~~if it finds, after inspection of the site, that~~
 518 the airport will not endanger the public health, safety, or
 519 welfare and the airport meets the temporary airport requirements
 520 established by the department. A temporary airport license or
 521 registration shall be valid for less ~~Such authorization shall~~
 522 ~~expire not later than 30~~ 90 days after issuance and is not
 523 renewable.

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

526 ~~1. Public airport: \$100.~~



- 527 ~~2. Private airport: \$70.~~
- 528 ~~3. Limited airport: \$50.~~
- 529 ~~4. Temporary airport: \$25.~~

530

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

535 ~~(d)(e)1. Each public airport license shall will~~ expire no
 536 later than 1 year after the effective date of the license,
 537 except that the expiration date of a license may be adjusted to
 538 provide a maximum license period of 18 months to facilitate
 539 airport inspections, recognize seasonal airport operations, or
 540 improve administrative efficiency. ~~If the expiration date for a~~
 541 ~~public airport is adjusted, the appropriate license fee shall be~~
 542 ~~determined by prorating the annual fee based on the length of~~
 543 ~~the adjusted license period.~~

544 2. Registration ~~The license period for private all~~
 545 ~~airports shall remain valid provided specific elements of~~
 546 ~~airport data, established by the department, are periodically~~
 547 ~~recertified by the airport registrant. The ability to recertify~~
 548 ~~private airport registration data shall be available at all~~
 549 ~~times by electronic submittal. A private airport registration~~
 550 ~~that has not been recertified in the 24-month period following~~
 551 ~~the last certification shall expire, unless the registration~~
 552 ~~period has been adjusted by the department for purposes of~~
 553 ~~informing private airport owners of their registration~~
 554 ~~responsibilities or promoting administrative efficiency. The~~



555 expiration date of the current registration period will be
556 clearly identifiable from the state aviation facility data
557 system ~~other than public airports will be set by the department,~~
558 ~~but shall not exceed a period of 5 years. In determining the~~
559 ~~license period for such airports, the department shall consider~~
560 ~~the number of based aircraft, the airport location relative to~~
561 ~~adjacent land uses and other airports, and any other factors~~
562 ~~deemed by the department to be critical to airport operation and~~
563 ~~safety.~~

564 3. The effective date and expiration date shall be shown
565 on public airport licenses ~~stated on the face of the license.~~
566 Upon receiving an application for renewal of an airport a
567 license in ~~on~~ a form and manner prescribed by the department and
568 receiving ~~, making~~ a favorable inspection report indicating
569 compliance with all applicable requirements and conditions, ~~and~~
570 ~~receiving the appropriate annual license fee,~~ the department
571 shall renew the license, subject to any conditions deemed
572 necessary to protect the public health, safety, or welfare.

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

576 5. If the renewal application for a public airport license
577 has ~~and fees have~~ not been received by the department or no
578 private airport registration recertification has been
579 accomplished within 15 days after the date of expiration ~~of the~~
580 ~~license,~~ the department may revoke ~~else~~ the airport license or
581 registration.



582 ~~(e)(f)~~ The department may revoke, or refuse to allow or
 583 issue, any airport registration or recertification, or any
 584 license or license renewal thereof, or refuse to issue a
 585 renewal, if it determines:

586 1. That the site there has been abandoned as an
 587 abandonment of the airport as such;

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

591 3. That, ~~because of changed physical or legal conditions~~
 592 ~~or circumstances,~~ the airport has become either unsafe or
 593 unusable for flight operation due to physical or legal changes
 594 in conditions that were the subject of approval the aeronautical
 595 purposes for which the license or renewal was issued.

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

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

599 (b) An ultralight aircraft landing area; ~~except that any~~
 600 ~~public ultralight airport~~ located more than ~~within~~ 5 nautical
 601 miles from a ~~of another~~ public airport or military airport,
 602 except or any ultralight landing area with more than 10
 603 ultralight aircraft operating at ~~from~~ the site ~~is subject to the~~
 604 ~~provisions of this section.~~

605 (c) A helistop used solely in conjunction with a
 606 construction project undertaken pursuant to the performance of a
 607 state contract if the purpose of the helicopter operations at
 608 the site is to expedite construction.



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

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

617 ~~(e)(f)~~ An airport which meets the criteria of s.
618 330.27(7)(11) used exclusively for aerial application or
619 spraying of crops on a seasonal basis, not to include any
620 licensed airport where permanent crop aerial application or
621 spraying facilities are installed, if the period of operation
622 does not exceed 30 days per calendar year. Such proposed
623 airports, which will be located within 3 miles of existing
624 airports or approved airport sites, shall establish ~~work-out~~
625 safe air-traffic patterns with such existing airports or
626 approved airport sites, by memorandums of understanding, or by
627 letters of agreement between the parties representing the
628 airports or sites.

629 (f) Navigable waterways used for the takeoff and landing
630 of aircraft, including any land, building, structure, or any
631 other contrivance that facilitates private use or intended
632 private use.

633 (4) EXCEPTIONS.--Private airports with 10 or more based
634 aircraft may request to be inspected and licensed by the
635 department. Private airports licensed according to this



636 subsection shall be considered private airports as defined in s.
637 330.27(5) in all other respects.

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

640 330.35 Airport zoning, ~~approach zone~~ protection.--

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

645 (3) The department is granted all powers conferred upon
646 political subdivisions of this state by chapter 333 to regulate
647 airport hazards at state-owned public airports. The procedure
648 shall be to form a joint zoning board with the political
649 subdivision of the state in which the state-owned public airport
650 is located as prescribed in chapter 333.

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

653 332.007 Administration and financing of aviation and
654 airport programs and projects; state plan.--

655 (8) Notwithstanding any other provision of law to the
656 contrary, the department is authorized to provide operational
657 and maintenance assistance to publicly owned public-use
658 airports. Such assistance shall be to comply with enhanced
659 federal security requirements or to address related economic
660 impacts from the events of September 11, 2001. For projects in
661 the current adopted work program, or projects added using the
662 available budget of the department, airports may request the
663 department change the project purpose in accordance with this



664 provision notwithstanding the provisions of s. 339.135(7). For
665 purposes of this subsection, the department may fund up to 100
666 percent of eligible project costs that are not funded by the
667 Federal Government. Prior to releasing any funds under this
668 section, the department shall review and approve the expenditure
669 plans submitted by the airport. The department shall inform the
670 Legislature of any change that it approves under this
671 subsection. This subsection shall expire on June 30, 2007 ~~2004~~.

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

674 335.02 Authority to designate transportation facilities
675 and rights-of-way and establish lanes; procedure for
676 redesignation and relocation.--

677 (4) Notwithstanding any general law or special act,
678 regulations of any county, municipality, or special district,
679 including any instrumentality thereof, shall not apply to
680 existing or future transportation facilities, or appurtenances
681 thereto, on the State Highway System.

682 Section 9. Section 336.467, Florida Statutes, is amended
683 to read:

684 336.467 County-state right-of-way acquisition
685 agreements.--A county or other governmental entity may enter
686 into an agreement with the department to provide for the
687 department to acquire rights-of-way for the county or other
688 governmental entity, ~~provided the highway project is to be~~
689 ~~funded by the 80-percent portion of the constitutional gas tax~~
690 ~~allocated to that county and requires the acquisition of at~~



691 ~~least 10 parcels of land, the total cost of which will equal or~~
692 ~~exceed \$100,000.~~

693 Section 10. Subsections (1), (4), and (7) of section
694 337.14, Florida Statutes, are amended to read:

695 337.14 Application for qualification; certificate of
696 qualification; restrictions; request for hearing.--

697 (1) Any person desiring to bid for the performance of any
698 construction contract in excess of \$250,000 which the department
699 proposes to let must first be certified by the department as
700 qualified pursuant to this section and rules of the department.
701 The rules of the department shall address the qualification of
702 persons to bid on construction contracts in excess of \$250,000
703 and shall include requirements with respect to the equipment,
704 past record, experience, financial resources, and organizational
705 personnel of the applicant necessary to perform the specific
706 class of work for which the person seeks certification. The
707 department is authorized to limit the dollar amount of any
708 contract upon which a person is qualified to bid or the
709 aggregate total dollar volume of contracts such person is
710 allowed to have under contract at any one time. Each applicant
711 seeking qualification to bid on construction contracts in excess
712 of \$250,000 shall furnish the department a statement under oath,
713 on such forms as the department may prescribe, setting forth
714 detailed information as required on the application. Each
715 application for certification shall be accompanied by the latest
716 annual financial statement of the applicant completed within the
717 last 12 months. If the annual financial statement shows the
718 financial condition of the applicant more than 4 months prior to



719 the date on which the application is received by the department,
720 then an interim financial statement must also be submitted. The
721 interim financial statement must cover the period from the end
722 date of the annual statement and must show the financial
723 condition of the applicant no more than 4 months prior to the
724 date on which the application is received by the department.
725 Each required annual or interim financial statement must be
726 audited and accompanied by the opinion of a certified public
727 accountant or a public accountant approved by the department.
728 The information required by this subsection is confidential and
729 exempt from the provisions of s. 119.07(1). The department shall
730 act upon the application for qualification within 30 days after
731 the department determines that the application is complete ~~it is~~
732 ~~presented~~.

733 (4) If the applicant is found to possess the prescribed
734 qualifications, the department shall issue to him or her a
735 certificate of qualification that, unless thereafter revoked by
736 the department for good cause, will be valid for a period of 18
737 months after the date of the applicant's financial statement or
738 such shorter period as the department prescribes. Submission of
739 an application shall not affect expiration of the certificate of
740 qualification. If the department finds that an application is
741 incomplete or contains inadequate information or information
742 that cannot be verified, the department may request in writing
743 that the applicant provide the necessary information to complete
744 the application or provide the source from which any information
745 in the application may be verified. If the applicant fails to
746 comply with the initial written request within a reasonable



747 period of time as specified therein, the department shall
748 request the information a second time. If the applicant fails to
749 comply with the second request within a reasonable period of
750 time as specified therein, the application shall be denied.

751 (7) No "contractor" as defined in s. 337.165(1)(d) or his
752 or her "affiliate" as defined in s. 337.165(1)(a) qualified with
753 the department under this section may also qualify under s.
754 287.055 or s. 337.105 to provide testing services or
755 construction, engineering, and inspection services to the
756 department. This limitation shall not apply to any design-build
757 prequalification under s. 337.11(7).

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

760 337.18 Surety bonds; requirement with respect to contract
761 award; defaults; damage assessments.--

762 (4)(a) If the department determines and adequately
763 documents that the timely completion of any project will provide
764 a substantial benefit to the public health, safety, or welfare;
765 will limit the disruptive effect of construction on the
766 community; or is cost beneficial on a revenue-producing project,
767 the contract for such project may provide for an incentive
768 payment payable to the contractor for early completion of the
769 project or critical phases of the work and for additional
770 damages to be assessed against the contractor for the completion
771 of the project or critical phases of the work in excess of the
772 time specified. All contracts containing such provisions shall
773 be approved by the head of the department or his or her
774 designee. The amount of such incentive payment or such



775 additional damages shall be established in the contract based on
776 an analysis of the cost savings to the traveling public or
777 revenue projections for a revenue producing project ~~but shall~~
778 ~~not exceed \$10,000 per calendar day, except that for revenue~~
779 ~~producing projects the amounts and periods of the incentive may~~
780 ~~be greater if an analysis indicates that additional revenues~~
781 ~~projected to be received upon completion of the project will~~
782 ~~exceed the cost of the incentive payments.~~ Any liquidated
783 damages provided for under subsection (2) and any additional
784 damages provided for under this subsection shall be payable to
785 the department because of the contractor's failure to complete
786 the contract work within the time stipulated in the contract or
787 within such additional time as may have been granted by the
788 department.

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

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

795 337.401 Use of right-of-way for utilities subject to
796 regulation; permit; fees.--

797 (1) The department and local governmental entities,
798 referred to in ss. 337.401-337.404 as the "authority," that have
799 jurisdiction and control of public roads or publicly owned rail
800 corridors are authorized to prescribe and enforce reasonable
801 rules or regulations with reference to the placing and
802 maintaining along, across, or on any road or publicly owned rail



803 corridors under their respective jurisdictions any electric
804 transmission, telephone, telegraph, or other communications
805 services lines; pole lines; poles; railways; ditches; sewers;
806 water, heat, or gas mains; pipelines; fences; gasoline tanks and
807 pumps; or other structures hereinafter referred to as the
808 "utility." The department may enter into a permit-delegation
809 agreement with a governmental entity if issuance of a permit is
810 based on requirements that the department finds will ensure the
811 safety and integrity of facilities of the Department of
812 Transportation.

813 Section 13. Paragraph (b) of subsection (1) of section
814 338.2216, Florida Statutes, is amended to read:

815 338.2216 Florida Turnpike Enterprise; powers and
816 authority.--

817 (1)

818 (b) ~~It is the express intention of this part that~~ The
819 Florida Turnpike Enterprise is ~~be~~ authorized to plan, develop,
820 own, purchase, lease, or otherwise acquire, demolish, construct,
821 improve, relocate, equip, repair, maintain, operate, and manage
822 the Florida Turnpike System; to expend funds to publicize,
823 advertise, and promote the advantages of using the turnpike
824 system and its facilities; and to cooperate, coordinate,
825 partner, and contract with other entities, public and private,
826 to accomplish these purposes.

827 Section 14. Cesar Calas Way designated; department to
828 erect suitable markers.--



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

832 (2) The Department of Transportation is directed to erect
833 suitable markers designating Cesar Calas Way as described in
834 subsection (1).

835 Section 15. Firpo Garcia Way designated; department to
836 erect suitable markers.--

837 (1) That portion of Kendall Drive between 127th Avenue and
838 130th Avenue in unincorporated Miami-Dade County is hereby
839 designated as "Firpo Garcia Way."

840 (2) The Department of Transportation is directed to erect
841 suitable markers designating Firpo Garcia Way as described in
842 subsection (1).

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

846 (1) That portion of State Road 19 in Lake County from
847 the north end of Lake County to the intersection of State Road
848 19 and Highway 441 in Eustis is hereby designated as "Private
849 Robert M. McTureous, Jr., U.S.M.C., Medal of Honor Memorial
850 Highway."

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

855 Section 17. Subsection (10) of section 339.12, Florida
856 Statutes, as created by section 83 of chapter 2002-20, Laws of



857 Florida, and amended by section 58 of chapter 2002-402, Laws of
858 Florida, is repealed.

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