



CHAMBER ACTION

The Committee on Transportation recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to the Department of Transportation; amending s. 20.23, F.S.; reorganizing the department; revising powers and duties of the Secretary of Transportation; reducing the number of assistant secretaries; deleting authority of department to adopt certain rules; deleting requirement for the Governor to approve certain salaries; requiring the secretary to report described actions at meetings of the Transportation Commission; revising functions of the central office of the department; providing for an Assistant Secretary for Transportation Development and Operations and an Assistant Secretary for Transportation Support; establishing specified offices within the department; revising staff appointments by the secretary; requiring the secretary to appoint an inspector general; requiring the district secretary and the turnpike executive director to be registered professional engineers; providing for alternative disciplines; revising staff functions and



29 | duties; providing for appointment of specified district
 30 | directors; revising certain district office functions;
 31 | deleting provisions requiring monthly management reports;
 32 | amending s. 110.205, F.S.; providing career service
 33 | exemptions for certain positions in the Department of
 34 | Transportation; correcting cross references; amending s.
 35 | 334.14, F.S.; revising requirements of certain employees
 36 | to be engineers; requiring specified registration of
 37 | described employees; providing an effective date.

38 |

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

40 |

41 | Section 1. Section 20.23, Florida Statutes, is amended to
 42 | read:

43 | 20.23 Department of Transportation.--There is created a
 44 | Department of Transportation which shall be a decentralized
 45 | agency.

46 | (1)(a)~~1~~. The head of the Department of Transportation is
 47 | the Secretary of Transportation. The secretary shall be
 48 | appointed by the Governor from among three persons nominated by
 49 | the Florida Transportation Commission and shall be subject to
 50 | confirmation by the Senate. The secretary shall serve at the
 51 | pleasure of the Governor.

52 | (b)2. The secretary shall be a proven, effective
 53 | administrator who by a combination of education and experience
 54 | shall clearly possess a broad knowledge of the administrative,
 55 | financial, and technical aspects of the development, operation,



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56 and regulation of transportation systems and facilities or
57 comparable systems and facilities.

58 ~~(b)1. The secretary shall employ all personnel of the~~
59 ~~department. He or she shall implement all laws, rules, policies,~~
60 ~~and procedures applicable to the operation of the department and~~
61 ~~may not by his or her actions disregard or act in a manner~~
62 ~~contrary to any such policy. The secretary shall represent the~~
63 ~~department in its dealings with other state agencies, local~~
64 ~~governments, special districts, and the Federal Government. He~~
65 ~~or she shall have authority to sign and execute all documents~~
66 ~~and papers necessary to carry out his or her duties and the~~
67 ~~operations of the department. At each meeting of the Florida~~
68 ~~Transportation Commission, the secretary shall submit a report~~
69 ~~of major actions taken by him or her as official representative~~
70 ~~of the department.~~

71 ~~2. The secretary shall cause the annual department budget~~
72 ~~request, the Florida Transportation Plan, and the tentative work~~
73 ~~program to be prepared in accordance with all applicable laws~~
74 ~~and departmental policies and shall submit the budget, plan, and~~
75 ~~program to the Florida Transportation Commission. The commission~~
76 ~~shall perform an in-depth evaluation of the budget, plan, and~~
77 ~~program for compliance with all applicable laws and departmental~~
78 ~~policies. If the commission determines that the budget, plan, or~~
79 ~~program is not in compliance with all applicable laws and~~
80 ~~departmental policies, it shall report its findings and~~
81 ~~recommendations regarding such noncompliance to the Legislature~~
82 ~~and the Governor.~~



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83 | (c)3- The secretary shall provide to the Florida
84 | Transportation Commission or its staff, such assistance,
85 | information, and documents as are requested by the commission or
86 | its staff to enable the commission to fulfill its duties and
87 | responsibilities.

88 | (d)(e) The secretary shall appoint two ~~three~~ assistant
89 | secretaries who shall be directly responsible to the secretary
90 | and who shall perform such duties ~~as are specified in this~~
91 | ~~section and such other duties~~ as are assigned by the secretary.
92 | The secretary may delegate to any assistant secretary the
93 | authority to act in the absence of the secretary. ~~The department~~
94 | ~~has the authority to adopt rules necessary for the delegation of~~
95 | ~~authority beyond the assistant secretaries. The assistant~~
96 | ~~secretaries shall serve at the pleasure of the secretary.~~

97 | (e)(d) Any secretary appointed after July 5, 1989, and the
98 | assistant secretaries shall be exempt from the provisions of
99 | part III of chapter 110 and shall receive compensation
100 | commensurate with their qualifications and competitive with
101 | compensation for comparable responsibility in the private
102 | sector. ~~When the salary of any assistant secretary exceeds the~~
103 | ~~limits established in part III of chapter 110, the Governor~~
104 | ~~shall approve said salary.~~

105 | (2)(a)1. The Florida Transportation Commission is hereby
106 | created and shall consist of nine members appointed by the
107 | Governor subject to confirmation by the Senate. Members of the
108 | commission shall serve terms of 4 years each.

109 | 2. Members shall be appointed in such a manner as to
110 | equitably represent all geographic areas of the state. Each



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111 member must be a registered voter and a citizen of the state.
112 Each member of the commission must also possess business
113 managerial experience in the private sector.

114 3. A member of the commission shall represent the
115 transportation needs of the state as a whole and may not
116 subordinate the needs of the state to those of any particular
117 area of the state.

118 4. The commission is assigned to the Office of the
119 Secretary of the Department of Transportation for administrative
120 and fiscal accountability purposes, but it shall otherwise
121 function independently of the control and direction of the
122 department.

123 (b) The commission shall have the primary functions to:

124 1. Recommend major transportation policies for the
125 Governor's approval, and assure that approved policies and any
126 revisions thereto are properly executed.

127 2. Periodically review the status of the state
128 transportation system including highway, transit, rail, seaport,
129 intermodal development, and aviation components of the system
130 and recommend improvements therein to the Governor and the
131 Legislature.

132 3. Perform an in-depth evaluation of the annual department
133 budget request, the Florida Transportation Plan, and the
134 tentative work program for compliance with all applicable laws
135 and established departmental policies. Except as specifically
136 provided in s. 339.135(4)(c)2., (d), and (f), the commission may
137 not consider individual construction projects, but shall



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138 consider methods of accomplishing the goals of the department in
139 the most effective, efficient, and businesslike manner.

140 4. Monitor the financial status of the department on a
141 regular basis to assure that the department is managing revenue
142 and bond proceeds responsibly and in accordance with law and
143 established policy.

144 5. Monitor on at least a quarterly basis, the efficiency,
145 productivity, and management of the department, using
146 performance and production standards developed by the commission
147 pursuant to s. 334.045.

148 6. Perform an in-depth evaluation of the factors causing
149 disruption of project schedules in the adopted work program and
150 recommend to the Legislature and the Governor methods to
151 eliminate or reduce the disruptive effects of these factors.

152 7. Recommend to the Governor and the Legislature
153 improvements to the department's organization in order to
154 streamline and optimize the efficiency of the department. In
155 reviewing the department's organization, the commission shall
156 determine if the current district organizational structure is
157 responsive to Florida's changing economic and demographic
158 development patterns. The initial report by the commission must
159 be delivered to the Governor and Legislature by December 15,
160 2000, and each year thereafter, as appropriate. The commission
161 may retain such experts as are reasonably necessary to
162 effectuate this subparagraph, and the department shall pay the
163 expenses of such experts.



164 (c) The commission or a member thereof may not enter into
 165 the day-to-day operation of the department and is specifically
 166 prohibited from taking part in:

- 167 1. The awarding of contracts.
- 168 2. The selection of a consultant or contractor or the
 169 prequalification of any individual consultant or contractor.
 170 However, the commission may recommend to the secretary standards
 171 and policies governing the procedure for selection and
 172 prequalification of consultants and contractors.
- 173 3. The selection of a route for a specific project.
- 174 4. The specific location of a transportation facility.
- 175 5. The acquisition of rights-of-way.
- 176 6. The employment, promotion, demotion, suspension,
 177 transfer, or discharge of any department personnel.
- 178 7. The granting, denial, suspension, or revocation of any
 179 license or permit issued by the department.

180 (d)1. The chair of the commission shall be selected by the
 181 commission members and shall serve a 1-year term.

182 2. The commission shall hold a minimum of 4 regular
 183 meetings annually, and other meetings may be called by the chair
 184 upon giving at least 1 week's notice to all members and the
 185 public pursuant to chapter 120. Other meetings may also be held
 186 upon the written request of at least four other members of the
 187 commission, with at least 1 week's notice of such meeting being
 188 given to all members and the public by the chair pursuant to
 189 chapter 120. Emergency meetings may be held without notice upon
 190 the request of all members of the commission. At each meeting of
 191 the commission, the secretary or his or her designee shall



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192 submit a report of major actions taken by him or her as official
193 representative of the department.

194 3. A majority of the membership of the commission
195 constitutes a quorum at any meeting of the commission. An action
196 of the commission is not binding unless the action is taken
197 pursuant to an affirmative vote of a majority of the members
198 present, but not fewer than four members of the commission at a
199 meeting held pursuant to subparagraph 2., and the vote is
200 recorded in the minutes of that meeting.

201 4. The chair shall cause to be made a complete record of
202 the proceedings of the commission, which record shall be open
203 for public inspection.

204 (e) The meetings of the commission shall be held in the
205 central office of the department in Tallahassee unless the chair
206 determines that special circumstances warrant meeting at another
207 location.

208 (f) Members of the commission are entitled to per diem and
209 travel expenses pursuant to s. 112.061.

210 (g) A member of the commission may not have any interest,
211 direct or indirect, in any contract, franchise, privilege, or
212 other benefit granted or awarded by the department during the
213 term of his or her appointment and for 2 years after the
214 termination of such appointment.

215 (h) The commission shall appoint an executive director and
216 assistant executive director, who shall serve under the
217 direction, supervision, and control of the commission. The
218 executive director, with the consent of the commission, shall
219 employ such staff as are necessary to perform adequately the



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220 functions of the commission, within budgetary limitations. All
221 employees of the commission are exempt from part II of chapter
222 110 and shall serve at the pleasure of the commission. The
223 salaries and benefits of all employees of the commission shall
224 be set in accordance with the Selected Exempt Service; provided,
225 however, that the commission shall have complete authority for
226 fixing the salary of the executive director and assistant
227 executive director.

228 (i) The commission shall develop a budget pursuant to
229 chapter 216. The budget is not subject to change by the
230 department, but such budget shall be submitted to the Governor
231 along with the budget of the department.

232 (3)(a) The central office shall establish departmental
233 policies, rules, procedures, and standards and shall monitor the
234 implementation of such policies, rules, procedures, and
235 standards in order to ensure uniform compliance and quality
236 performance by the districts and central office units that
237 implement transportation programs. Major transportation policy
238 initiatives or revisions shall be submitted to the commission
239 for review. ~~The central office monitoring function shall be
240 based on a plan that clearly specifies what areas will be
241 monitored, activities and criteria used to measure compliance,
242 and a feedback process that assures monitoring findings are
243 reported and deficiencies corrected. The secretary is
244 responsible for ensuring that a central office monitoring
245 function is implemented, and that it functions properly. In
246 conjunction with its monitoring function, the central office
247 shall provide such training and administrative support to the~~



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248 ~~districts as the department determines to be necessary to ensure~~
249 ~~that the department's programs are carried out in the most~~
250 ~~efficient and effective manner.~~

251 ~~(b) The resources necessary to ensure the efficiency,~~
252 ~~effectiveness, and quality of performance by the department of~~
253 ~~its statutory responsibilities shall be allocated to the central~~
254 ~~office.~~

255 ~~(b)(e) The secretary shall appoint an Assistant Secretary~~
256 ~~for Transportation Development and Operations and Policy, an~~
257 ~~Assistant Secretary for Transportation Support Finance and~~
258 ~~Administration, and an Assistant Secretary for District~~
259 ~~Operations, each of whom shall serve at the pleasure of the~~
260 ~~secretary. The positions are responsible for developing,~~
261 ~~monitoring, and enforcing policy and managing major technical~~
262 ~~programs. The responsibilities and duties of these positions~~
263 ~~include, but are not limited to, the following functional areas:~~

- 264 ~~1. Assistant Secretary for Transportation Policy. —~~
265 ~~a. Development of the Florida Transportation Plan and~~
266 ~~other policy planning;~~
267 ~~b. Development of statewide modal systems plans, including~~
268 ~~public transportation systems;~~
269 ~~e. Design of transportation facilities;~~
270 ~~d. Construction of transportation facilities;~~
271 ~~e. Acquisition and management of transportation rights-of-~~
272 ~~way; and~~
273 ~~f. Administration of motor carrier compliance and safety.~~
274 ~~2. Assistant Secretary for District Operations. —~~
275 ~~a. Administration of the eight districts; and~~



276 ~~b. Implementation of the decentralization of the~~
 277 ~~department.~~

278 ~~3. Assistant Secretary for Finance and Administration.~~

279 ~~a. Financial planning and management;~~
 280 ~~b. Information systems;~~
 281 ~~c. Accounting systems;~~
 282 ~~d. Administrative functions; and~~
 283 ~~e. Administration of toll operations.~~

284 ~~(d)1. Policy, program, or operations offices shall be~~
 285 ~~established within the central office for the purposes of:~~

286 ~~a. Developing policy and procedures and monitoring~~
 287 ~~performance to ensure compliance with these policies and~~
 288 ~~procedures;~~

289 ~~b. Performing statewide activities which it is more cost-~~
 290 ~~effective to perform in a central location;~~

291 ~~c. Assessing and ensuring the accuracy of information~~
 292 ~~within the department's financial management information~~
 293 ~~systems; and~~

294 ~~d. Performing other activities of a statewide nature.~~

295 (c)2. The following offices are established and shall be
 296 headed by a manager, each of whom shall be appointed by and
 297 serve at the pleasure of the secretary. The positions shall be
 298 classified at a level equal to a division director:

299 1.a. The Office of Administration.†

300 2.b. The Office of Policy Planning and Environmental
 301 Management.†

302 3.c. The Office of Design.†

303 4.d. The Office of Highway Operations.†



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- 304 5.e. The Office of Right-of-Way.†
305 ~~6.f.~~ The Office of Toll Operations.†
306 7.g. The Office of Information Systems.†~~and~~
307 ~~8.h.~~ The Office of Motor Carrier Compliance.
308 9. The Office of Management and Budget.
309 10. The Office of Comptroller.
310 11. The Office of Construction.
311 12. The Office of Maintenance.
312 13. The Office of Materials.

313 ~~(d)3.~~ Other offices may be established in accordance with
314 s. 20.04(7). The heads of such offices are exempt from part II
315 of chapter 110. No office or organization shall be created at a
316 level equal to or higher than a division without specific
317 legislative authority.

318 ~~4.~~ During the construction of a major transportation
319 improvement project or as determined by the district secretary,
320 the department may provide assistance to a business entity
321 significantly impacted by the project if the entity is a for-
322 profit entity that has been in business for 3 years prior to the
323 beginning of construction and has direct or shared access to the
324 transportation project being constructed. The assistance program
325 shall be in the form of additional guarantees to assist the
326 impacted business entity in receiving loans pursuant to Title 13
327 C.F.R. part 120. However, in no instance shall the combined
328 guarantees be greater than 90 percent of the loan. The
329 department shall adopt rules to implement this subparagraph.

330 ~~(e)~~ The Assistant Secretary for Finance and Administration
331 must possess a broad knowledge of the administrative, financial,



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332 ~~and technical aspects of a complete cost accounting system,~~
333 ~~budget preparation and management, and management information~~
334 ~~systems. The Assistant Secretary for Finance and Administration~~
335 ~~must be a proven, effective manager with specialized skills in~~
336 ~~financial planning and management. The Assistant Secretary for~~
337 ~~Finance and Administration shall ensure that financial~~
338 ~~information is processed in a timely, accurate, and complete~~
339 ~~manner.~~

340 ~~(f)1. Within the central office there is created an Office~~
341 ~~of Management and Budget. The head of the Office of Management~~
342 ~~and Budget is responsible to the Assistant Secretary for Finance~~
343 ~~and Administration and is exempt from part II of chapter 110.~~

344 ~~2. The functions of the Office of Management and Budget~~
345 ~~include, but are not limited to:~~

- 346 ~~a. Preparation of the work program;~~
347 ~~b. Preparation of the departmental budget; and~~
348 ~~c. Coordination of related policies and procedures.~~

349 ~~3. The Office of Management and Budget shall also be~~
350 ~~responsible for developing uniform implementation and monitoring~~
351 ~~procedures for all activities performed at the district level~~
352 ~~involving the budget and the work program.~~

353 ~~(e)(g)~~ The secretary shall may appoint an inspector
354 general pursuant to s. 20.055 who shall be directly responsible
355 to the secretary and shall serve at the pleasure of the
356 secretary.

357 ~~(h)1. The secretary shall appoint an inspector general~~
358 ~~pursuant to s. 20.055. The inspector general may be~~
359 ~~organizationally located within another unit of the department~~



360 ~~for administrative purposes, but shall function independently~~
361 ~~and be directly responsible to the secretary pursuant to s.~~
362 ~~20.055. The duties of the inspector general shall include, but~~
363 ~~are not restricted to, reviewing, evaluating, and reporting on~~
364 ~~the policies, plans, procedures, and accounting, financial, and~~
365 ~~other operations of the department and recommending changes for~~
366 ~~the improvement thereof, as well as performing audits of~~
367 ~~contracts and agreements between the department and private~~
368 ~~entities or other governmental entities. The inspector general~~
369 ~~shall give priority to reviewing major parts of the department's~~
370 ~~accounting system and central office monitoring function to~~
371 ~~determine whether such systems effectively ensure accountability~~
372 ~~and compliance with all laws, rules, policies, and procedures~~
373 ~~applicable to the operation of the department. The inspector~~
374 ~~general shall also give priority to assessing the department's~~
375 ~~management information systems as required by s. 282.318. The~~
376 ~~internal audit function shall use the necessary expertise, in~~
377 ~~particular, engineering, financial, and property appraising~~
378 ~~expertise, to independently evaluate the technical aspects of~~
379 ~~the department's operations. The inspector general shall have~~
380 ~~access at all times to any personnel, records, data, or other~~
381 ~~information of the department and shall determine the methods~~
382 ~~and procedures necessary to carry out his or her duties. The~~
383 ~~inspector general is responsible for audits of departmental~~
384 ~~operations and for audits of consultant contracts and~~
385 ~~agreements, and such audits shall be conducted in accordance~~
386 ~~with generally accepted governmental auditing standards. The~~
387 ~~inspector general shall annually perform a sufficient number of~~



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388 ~~audits to determine the efficiency and effectiveness, as well as~~
389 ~~verify the accuracy of estimates and charges, of contracts~~
390 ~~executed by the department with private entities and other~~
391 ~~governmental entities. The inspector general has the sole~~
392 ~~responsibility for the contents of his or her reports, and a~~
393 ~~copy of each report containing his or her findings and~~
394 ~~recommendations shall be furnished directly to the secretary and~~
395 ~~the commission.~~

396 ~~2. In addition to the authority and responsibilities~~
397 ~~herein provided, the inspector general is required to report to~~
398 ~~the:~~

399 ~~a. Secretary whenever the inspector general makes a~~
400 ~~preliminary determination that particularly serious or flagrant~~
401 ~~problems, abuses, or deficiencies relating to the administration~~
402 ~~of programs and operations of the department have occurred. The~~
403 ~~secretary shall review and assess the correctness of the~~
404 ~~preliminary determination by the inspector general. If the~~
405 ~~preliminary determination is substantiated, the secretary shall~~
406 ~~submit such report to the appropriate committees of the~~
407 ~~Legislature within 7 calendar days, together with a report by~~
408 ~~the secretary containing any comments deemed appropriate.~~
409 ~~Nothing in this section shall be construed to authorize the~~
410 ~~public disclosure of information which is specifically~~
411 ~~prohibited from disclosure by any other provision of law.~~

412 ~~b. Transportation Commission and the Legislature any~~
413 ~~actions by the secretary that prohibit the inspector general~~
414 ~~from initiating, carrying out, or completing any audit after the~~
415 ~~inspector general has decided to initiate, carry out, or~~



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416 ~~complete such audit. The secretary shall, within 30 days after~~
417 ~~transmission of the report, set forth in a statement to the~~
418 ~~Transportation Commission and the Legislature the reasons for~~
419 ~~his or her actions.~~

420 ~~(i)1. The secretary shall appoint a comptroller who is~~
421 ~~responsible to the Assistant Secretary for Finance and~~
422 ~~Administration. This position is exempt from part II of chapter~~
423 ~~110.~~

424 ~~2. The comptroller is the chief financial officer of the~~
425 ~~department and must be a proven, effective administrator who by~~
426 ~~a combination of education and experience clearly possesses a~~
427 ~~broad knowledge of the administrative, financial, and technical~~
428 ~~aspects of a complex cost accounting system. The comptroller~~
429 ~~must also have a working knowledge of generally accepted~~
430 ~~accounting principles. At a minimum, the comptroller must hold~~
431 ~~an active license to practice public accounting in Florida~~
432 ~~pursuant to chapter 473 or an active license to practice public~~
433 ~~accounting in any other state. In addition to the requirements~~
434 ~~of the Florida Fiscal Accounting Management Information System~~
435 ~~Act, the comptroller is responsible for the development,~~
436 ~~maintenance, and modification of an accounting system that will~~
437 ~~in a timely manner accurately reflect the revenues and~~
438 ~~expenditures of the department and that includes a cost-~~
439 ~~accounting system to properly identify, segregate, allocate, and~~
440 ~~report department costs. The comptroller shall supervise and~~
441 ~~direct preparation of a detailed 36-month forecast of cash and~~
442 ~~expenditures and is responsible for managing cash and~~
443 ~~determining cash requirements. The comptroller shall review all~~



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444 ~~comparative cost studies that examine the cost-effectiveness and~~
445 ~~feasibility of contracting for services and operations performed~~
446 ~~by the department. The review must state that the study was~~
447 ~~prepared in accordance with generally accepted cost-accounting~~
448 ~~standards applied in a consistent manner using valid and~~
449 ~~accurate cost data.~~

450 ~~3. The department shall by rule or internal management~~
451 ~~memoranda as required by chapter 120 provide for the maintenance~~
452 ~~by the comptroller of financial records and accounts of the~~
453 ~~department as will afford a full and complete check against the~~
454 ~~improper payment of bills and provide a system for the prompt~~
455 ~~payment of the just obligations of the department, which records~~
456 ~~must at all times disclose:~~

457 ~~a. The several appropriations available for the use of the~~
458 ~~department;~~

459 ~~b. The specific amounts of each such appropriation~~
460 ~~budgeted by the department for each improvement or purpose;~~

461 ~~c. The apportionment or division of all such~~
462 ~~appropriations among the several counties and districts, when~~
463 ~~such apportionment or division is made;~~

464 ~~d. The amount or portion of each such apportionment~~
465 ~~against general contractual and other liabilities then created;~~

466 ~~e. The amount expended and still to be expended in~~
467 ~~connection with each contractual and other obligation of the~~
468 ~~department;~~

469 ~~f. The expense and operating costs of the various~~
470 ~~activities of the department;~~



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471 ~~g. The receipts accruing to the department and the~~
472 ~~distribution thereof;~~

473 ~~h. The assets, investments, and liabilities of the~~
474 ~~department; and~~

475 ~~i. The cash requirements of the department for a 36-month~~
476 ~~period.~~

477 ~~4. The comptroller shall maintain a separate account for~~
478 ~~each fund administered by the department.~~

479 ~~5. The comptroller shall perform such other related duties~~
480 ~~as designated by the department.~~

481 ~~(f)(j)~~ The secretary shall appoint a general counsel who
482 shall be ~~employed full time and shall be~~ directly responsible to
483 and serve at the pleasure of the secretary. The general counsel
484 is responsible for all legal matters of the department. The
485 department may employ as many attorneys as it deems necessary to
486 advise and represent the department in all transportation
487 matters.

488 ~~(g)(k)~~ The secretary shall appoint a state transportation
489 development administrator ~~planner who shall report to the~~
490 ~~Assistant Secretary for Transportation Policy. The state~~
491 ~~transportation planner's responsibilities shall include, but are~~
492 ~~not limited to, policy planning, systems planning, and~~
493 ~~transportation statistics. This position shall be classified at~~
494 a level equal to a deputy assistant secretary.

495 ~~(h)(l)~~ The secretary shall appoint a state transportation
496 operations administrator ~~highway engineer who shall report to~~
497 ~~the Assistant Secretary for Transportation Policy. The state~~
498 ~~highway engineer's responsibilities shall include, but are not~~



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499 ~~limited to, design, construction, and maintenance of highway~~
500 ~~facilities; acquisition and management of transportation rights-~~
501 ~~of-way; traffic engineering; and materials testing.~~ This
502 position shall be classified at a level equal to a deputy
503 assistant secretary.

504 (i)~~(m)~~ The secretary shall appoint a state public
505 transportation and modal administrator ~~who shall report to the~~
506 ~~Assistant Secretary for Transportation Policy.~~ The state public
507 ~~transportation administrator's responsibilities shall include,~~
508 ~~but are not limited to, the administration of statewide transit,~~
509 ~~rail, intermodal development, and aviation programs.~~ This
510 position shall be classified at a level equal to a deputy
511 assistant secretary. ~~The department shall also assign to the~~
512 ~~public transportation administrator an organizational unit the~~
513 ~~primary function of which is to administer the high-speed rail~~
514 ~~program.~~

515 (4)(a) The operations of the department shall be organized
516 into seven districts, each headed by a district secretary and a
517 turnpike enterprise, headed by an executive director. The
518 district secretary and the turnpike executive director shall
519 each be a registered professional engineer in accordance with
520 the provisions of chapter 471 or, in lieu of professional
521 engineer registration, may hold an advanced degree in an
522 appropriate related discipline, such as a Master of Business
523 Administration. ~~The district secretaries shall report to the~~
524 ~~Assistant Secretary for District Operations.~~ The headquarters of
525 the districts shall be located in Polk, Columbia, Washington,
526 Broward, Volusia, Dade, and Hillsborough Counties. The



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527 headquarters of the turnpike enterprise shall be located in
528 Orange County. In order to provide for efficient operations and
529 to expedite the decisionmaking process, the department shall
530 provide for maximum decentralization to the districts. ~~However,~~
531 ~~before making a decision to centralize or decentralize~~
532 ~~department operations, the department must first determine if~~
533 ~~the decision would be cost-effective and in the public's best~~
534 ~~interest. The department shall periodically evaluate such~~
535 ~~decisions to ensure that they are appropriate.~~

536 ~~(b) The primary responsibility for the implementation of~~
537 ~~the department's transportation programs shall be delegated by~~
538 ~~the secretary to the district secretaries, and sufficient~~
539 ~~authority shall be vested in each district to ensure adequate~~
540 ~~control of the resources commensurate with the delegated~~
541 ~~responsibility. Each district secretary shall also be~~
542 ~~accountable for ensuring their district's quality of performance~~
543 ~~and compliance with all laws, rules, policies, and procedures~~
544 ~~related to the operation of the department.~~

545 ~~(b)(e)~~ Each district secretary may appoint a district
546 director for transportation development, a district director for
547 transportation operations, and a district director for
548 transportation support or, until July 1, 2005, each district
549 secretary may appoint a district director for planning and
550 programming, a district director for production, ~~and~~ a district
551 director for operations, and a district director for
552 administration. These positions are exempt from part II of
553 chapter 110.



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554 (c)~~(d)~~ Within each district, offices shall be established
555 for managing major functional responsibilities of the
556 department. ~~The offices may include planning, design,~~
557 ~~construction, right-of-way, maintenance, and public~~
558 ~~transportation.~~ The heads of these offices shall be exempt from
559 part II of chapter 110.

560 (d)~~(e)~~ The district director for the Fort Myers Urban
561 Office of the Department of Transportation is responsible for
562 developing the 5-year Transportation Plan for Charlotte,
563 Collier, DeSoto, Glades, Hendry, and Lee Counties. The Fort
564 Myers Urban Office also is responsible for providing policy,
565 direction, local government coordination, and planning for those
566 counties.

567 (e)~~(f)~~1. The responsibility for the turnpike system shall
568 be delegated by the secretary to the executive director of the
569 turnpike enterprise, who shall serve at the pleasure of the
570 secretary. The executive director shall report directly to the
571 secretary, and the turnpike enterprise shall operate pursuant to
572 ss. 338.22-338.241.

573 2. To facilitate the most efficient and effective
574 management of the turnpike enterprise, including the use of best
575 business practices employed by the private sector, the turnpike
576 enterprise, except as provided in s. 287.055, shall be exempt
577 from departmental policies, procedures, and standards, subject
578 to the secretary having the authority to apply any such
579 policies, procedures, and standards to the turnpike enterprise
580 from time to time as deemed appropriate.



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581 (5) Notwithstanding the provisions of s. 110.205, the
582 Department of Management Services is authorized to exempt
583 positions within the Department of Transportation which are
584 comparable to positions within the Senior Management Service
585 pursuant to s. 110.205(2)(j) or positions which are comparable
586 to positions in the Selected Exempt Service under s.
587 110.205(2)(m).

588 ~~(6) To facilitate the efficient and effective management~~
589 ~~of the department in a businesslike manner, the department shall~~
590 ~~develop a system for the submission of monthly management~~
591 ~~reports to the Florida Transportation Commission and secretary~~
592 ~~from the district secretaries. The commission and the secretary~~
593 ~~shall determine which reports are required to fulfill their~~
594 ~~respective responsibilities under this section. A copy of each~~
595 ~~such report shall be submitted monthly to the appropriations and~~
596 ~~transportation committees of the Senate and the House of~~
597 ~~Representatives. Recommendations made by the Auditor General in~~
598 ~~his or her audits of the department that relate to management~~
599 ~~practices, systems, or reports shall be implemented in a timely~~
600 ~~manner. However, if the department determines that one or more~~
601 ~~of the recommendations should be altered or should not be~~
602 ~~implemented, it shall provide a written explanation of such~~
603 ~~determination to the Legislative Auditing Committee within 6~~
604 ~~months after the date the recommendations were published.~~

605 (6)(7) The department is authorized to contract with local
606 governmental entities and with the private sector if the
607 department first determines that:



608 (a) Consultants can do the work at less cost than state
609 employees;

610 (b) State employees can do the work at less cost, but
611 sufficient positions have not been approved by the Legislature
612 as requested in the department's most recent legislative budget
613 request;

614 (c) The work requires specialized expertise, and it would
615 not be economical for the state to acquire, and then maintain,
616 the expertise after the work is done;

617 (d) The workload is at a peak level, and it would not be
618 economical to acquire, and then keep, extra personnel after the
619 workload decreases; or

620 (e) The use of such entities is clearly in the public's
621 best interest.

622
623 Such contracts shall require compliance with applicable federal
624 and state laws, and clearly specify the product or service to be
625 provided.

626 Section 2. Paragraphs (j) and (m) of subsection (2) of
627 section 110.205, Florida Statutes, are amended to read:

628 110.205 Career service; exemptions.--

629 (2) EXEMPT POSITIONS.--The exempt positions that are not
630 covered by this part include the following:

631 (j) The appointed secretaries, assistant secretaries,
632 deputy secretaries, and deputy assistant secretaries of all
633 departments; the executive directors, assistant executive
634 directors, deputy executive directors, and deputy assistant
635 executive directors of all departments; the directors of all



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636 divisions and those positions determined by the department to
 637 have managerial responsibilities comparable to such positions,
 638 which positions include, but are not limited to, program
 639 directors, assistant program directors, district administrators,
 640 deputy district administrators, the Director of Central
 641 Operations Services of the Department of Children and Family
 642 Services, and the State Transportation Development Administrator
 643 ~~Planner~~, State Transportation Operations Administrator ~~Highway~~
 644 ~~Engineer~~, ~~State Public Transportation Administrator~~, district
 645 secretaries, district directors of transportation development,
 646 transportation operations, and transportation support, Motor
 647 Carrier Compliance captains and majors ~~planning and programming,~~
 648 ~~production, and operations~~, and the managers of the offices
 649 specified in s. 20.23(3)(c) ~~(d)2.~~, of the Department of
 650 Transportation. Unless otherwise fixed by law, the department
 651 shall set the salary and benefits of these positions in
 652 accordance with the rules of the Senior Management Service; and
 653 the county health department directors and county health
 654 department administrators of the Department of Health.

655 (m) All assistant division director, deputy division
 656 director, and bureau chief positions in any department, and
 657 those positions determined by the department to have managerial
 658 responsibilities comparable to such positions, which positions
 659 include, but are not limited to, positions in the Department of
 660 Health, the Department of Children and Family Services, and the
 661 Department of Corrections that are assigned primary duties of
 662 serving as the superintendent or assistant superintendent, or
 663 warden or assistant warden, of an institution; positions in the



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664 Department of Corrections that are assigned primary duties of
 665 serving as the circuit administrator or deputy circuit
 666 administrator; positions in the Department of Transportation
 667 that are assigned primary duties of serving as regional toll
 668 managers and managers of offices as defined in s. 20.23(3)(d)~~3-~~
 669 and (4)(c)~~(d)~~; positions in the Department of Environmental
 670 Protection that are assigned the duty of an Environmental
 671 Administrator or program administrator; and positions in the
 672 Department of Health that are assigned the duties of
 673 Environmental Administrator, Assistant County Health Department
 674 Director, and County Health Department Financial Administrator.
 675 Unless otherwise fixed by law, the department shall set the
 676 salary and benefits of these positions in accordance with the
 677 rules established for the Selected Exempt Service.

678 Section 3. Section 334.14, Florida Statutes, is amended to
 679 read:

680 334.14 Employees of department who are required to be
 681 engineers.--Each employee performing engineering as defined in
 682 chapter 471 shall be registered in accordance with the
 683 provisions of chapter 471.

684 ~~(1) At a minimum, each of the following employees of the~~
 685 ~~department must be a professional engineer registered under~~
 686 ~~chapter 471:~~

687 ~~(a) The State Highway Engineer and the district secretary~~
 688 ~~for each district, except that in lieu of engineering~~
 689 ~~registration the district secretary for each district may hold~~
 690 ~~an advanced degree in an appropriate related discipline such as~~
 691 ~~a master of business administration.~~



692 ~~(b)1. The head of each office, or equivalent unit, of the~~
693 ~~department that is responsible for the design of transportation~~
694 ~~facilities.~~

695 ~~2. Any person who is employed or assigned by any such unit~~
696 ~~to be in responsible charge of an engineering project designed~~
697 ~~by the unit, regardless of whether such person is employed in~~
698 ~~the central office or in a field office.~~

699 ~~(c)1. The head of each office, or equivalent unit, of the~~
700 ~~department that is responsible for the construction of~~
701 ~~transportation facilities or materials testing.~~

702 ~~2. Any area or resident engineer who is in responsible~~
703 ~~charge of an engineering construction project.~~

704 ~~(d)1. The head of each office, or equivalent unit, of the~~
705 ~~department that is directly responsible for traffic operations~~
706 ~~or the maintenance of transportation facilities.~~

707 ~~2. The senior maintenance engineer assigned to a field~~
708 ~~office.~~

709 ~~3. The senior maintenance engineers in charge of the~~
710 ~~various area maintenance yards assigned to the field units.~~

711 ~~(2) As used in this section, the term "responsible charge"~~
712 ~~means the rendering of engineering judgment and decisions in the~~
713 ~~development of technical policy and programs or the direct~~
714 ~~control and personal supervision of work performed by himself or~~
715 ~~herself or by others over whom the person holds supervisory~~
716 ~~authority.~~

717 ~~(3) Any person holding the position of resident engineer~~
718 ~~of construction or senior maintenance engineer of a field unit~~
719 ~~on July 1, 1984, or the position of designer as identified in~~



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720 ~~subparagraph (1)(b)2. on July 1, 1985, is not subject to the~~
721 ~~engineering registration requirement. However, when such person~~
722 ~~vacates his or her position, his or her replacement must comply~~
723 ~~with that requirement.~~

724 ~~(4) The department shall employ a district secretary for~~
725 ~~each transportation district whose duties shall be fixed by the~~
726 ~~department and who shall be responsible for the efficient~~
727 ~~operation and administration of that district.~~

728 ~~(5) In addition to the requirement for engineering~~
729 ~~registration in subsection (1), the department, in filling the~~
730 ~~positions described in this section, shall place emphasis on~~
731 ~~proven management ability and experience.~~

732 Section 4. This act shall take effect upon becoming a law.