



CHAMBER ACTION

The Committee on Appropriations recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to transportation; amending ss. 20.23 and 110.205, F.S.; providing for the reorganization of the Department of Transportation; revising duties of the assistant secretaries; providing for additional offices; amending s. 95.361, F.S.; providing for government acquisition of certain roads; providing procedures to contest such acquisition; amending s. 255.20, F.S.; providing for a presumption of prequalification for certain contractors; amending s. 316.1001, F.S.; providing for issuing citations for toll violations by first class mail; providing that mailing constitutes notification of such a violation; amending s. 316.302, F.S.; revising provisions for exemption from specified notification requirements for commercial motor vehicles carrying hazardous materials; incorporating specified federal regulations; updating regulations and rules applicable to certain commercial motor vehicle owners and drivers; specifying ownership identification requirements for



29 certain commercial motor carriers; providing penalties for
30 violation of such requirements; providing for compliance
31 reviews; deleting obsolete references; requirements for
32 identifying commercial vehicles; authorizing the
33 department to conduct compliance reviews; amending s.
34 316.3025, F.S.; conforming references; providing for a
35 civil penalty to be assessed for additional specified
36 violations; providing penalties for commercial trucks
37 found to be operating following an out-of-service order;
38 amending s. 316.3026, F.S.; providing for the Office of
39 Motor Carrier Compliance to enforce laws governing the
40 operating authority of motor carriers; repealing s.
41 316.3027, F.S., relating to identification requirements of
42 commercial vehicles; amending s. 316.515, F.S.; revising
43 length limitations for certain commercial vehicles;
44 amending s. 316.545, F.S.; providing for placement of a
45 lien on a vehicle for failure to pay an out-of-service
46 fine; deleting obsolete provisions; authorizing weight
47 inspectors to detain a commercial vehicle under certain
48 circumstances; repealing s. 316.610(3), F.S., relating to
49 a commercial vehicle inspection program within the
50 department which no longer exists; amending s. 316.640,
51 F.S.; providing for authorization of traffic accident
52 investigation officers; amending s. 316.650, F.S.;
53 authorizing the transfer of toll violation citations via
54 electronic means; amending s. 316.70, F.S.; authorizing
55 the department to conduct compliance reviews of nonpublic
56 sector buses; amending s. 318.14, F.S.; revising the time



57 | period for paying certain civil penalties; amending s.
58 | 330.27, F.S.; revising definitions; amending s. 330.29,
59 | F.S.; revising duties of the Department of Transportation
60 | with respect to the regulation of airport sites and
61 | airports; requiring the department to establish
62 | requirements for airport site approval, licensure, and
63 | registration; requiring the department to establish and
64 | maintain a state aviation facility data system; amending
65 | s. 330.30, F.S.; revising provisions for airport site
66 | approval; revising provisions for airport licensing;
67 | providing for a private airport registration process;
68 | specifying requirements for such licensing and
69 | registration; deleting airport license fees; providing for
70 | expiration and revocation of such license or registration;
71 | revising provisions for exemption from such registration
72 | and licensing requirements; exempting described areas and
73 | facilities from such requirements; providing described
74 | private airports the option to be inspected and licensed
75 | by the department; amending s. 330.35, F.S.; revising
76 | provisions for airport zoning protection for public-use
77 | airports; amending s. 330.36, F.S.; providing for zoning
78 | requirements governing the landing of seaplanes; amending
79 | s. 332.007, F.S.; extending time period of the
80 | department's authorization to fund certain security-
81 | related airport projects; amending s. 334.03, F.S.;
82 | defining "511 services" and "interactive voice response";
83 | amending s. 334.044, F.S.; expanding the powers and duties
84 | of the department to include oversight of traveler



85 information systems; amending s. 334.071, F.S.; requiring
86 local government approval of any proposed road or bridge
87 honorary designation; amending s. 334.14, F.S.; revising
88 the qualifications required for engineers employed by the
89 department; creating s. 334.60, F.S.; requiring the
90 department to be the lead agency in establishing and
91 coordinating a 511 traveler information phone system;
92 amending s. 335.02, F.S.; providing that local government
93 regulations shall not apply to transportation facilities
94 on the State Highway System; amending s. 336.467, F.S.;
95 authorizing the department to acquire rights-of-way for
96 other governmental entities; amending s. 337.11, F.S.;
97 exempting the Department of Transportation from fees
98 imposed for Internet procurement systems; amending s.
99 337.14, F.S.; clarifying the contractor prequalification
100 process; prohibiting a construction contractor from
101 providing testing services; amending s. 337.18, F.S.;
102 clarifying that surety bonds issued in favor of the
103 department for construction and maintenance projects over
104 a specified amount are governed by chapter 337, F.S.;
105 removing certain limitations on contractor incentive
106 payments; amending s. 337.401, F.S.; allowing the
107 department under described circumstances to enter into
108 permit-delegation agreements with other governmental
109 entities for issuance of permit to use certain rights-of-
110 way; amending s. 338.165, F.S.; authorizing the Division
111 of Bond Finance to issue bonds at the department's request
112 for certain facilities; amending s. 338.2216, F.S.;



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113 deleting an incorrect reference; amending s. 338.235,
114 F.S.; authorizing the turnpike authority to secure
115 products, business opportunities, and services by
116 competitive solicitation; creating s. 339.61, F.S.;
117 providing legislative findings; creating s. 339.62, F.S.;
118 providing the components of the Florida Strategic
119 Intermodal System; creating s. 339.63, F.S.; designating
120 system facilities; creating s. 339.64, F.S.; providing for
121 the Strategic Intermodal System Plan; creating s.
122 339.1372, F.S.; redirecting use of Transportation Outreach
123 Program funds; specifying project criteria and
124 solicitation process; creating the Statewide Intermodal
125 Transportation Advisory Council; specifying membership,
126 responsibilities, and purpose; creating s. 341.0532, F.S.;
127 designating statewide transportation corridors; amending
128 s. 339.08, F.S.; revising provisions for the use of funds
129 in the State Transportation Trust Fund; amending s.
130 339.1371, F.S.; deleting reference to the Transportation
131 Outreach Program; repealing s. 339.137, F.S., the
132 Transportation Outreach Program; repealing s. 339.12(10),
133 F.S., relating to aid and contributions by governmental
134 entities for department projects; creating s. 348.7546,
135 F.S.; providing toll exemption for certain funeral
136 processions using Orlando-Orange County Expressway
137 Authority facilities; providing effective dates.

138
139 Be It Enacted by the Legislature of the State of Florida:
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141 Section 1. Section 20.23, Florida Statutes, is amended to
142 read:

143 20.23 Department of Transportation.--There is created a
144 Department of Transportation which shall be a decentralized
145 agency.

146 (1)(a)~~1~~. The head of the Department of Transportation is
147 the Secretary of Transportation. The secretary shall be
148 appointed by the Governor from among three persons nominated by
149 the Florida Transportation Commission and shall be subject to
150 confirmation by the Senate. The secretary shall serve at the
151 pleasure of the Governor.

152 (b)2. The secretary shall be a proven, effective
153 administrator who by a combination of education and experience
154 shall clearly possess a broad knowledge of the administrative,
155 financial, and technical aspects of the development, operation,
156 and regulation of transportation systems and facilities or
157 comparable systems and facilities.

158 ~~(b)1. The secretary shall employ all personnel of the~~
159 ~~department. He or she shall implement all laws, rules,~~
160 ~~policies, and procedures applicable to the operation of the~~
161 ~~department and may not by his or her actions disregard or act in~~
162 ~~a manner contrary to any such policy. The secretary shall~~
163 ~~represent the department in its dealings with other state~~
164 ~~agencies, local governments, special districts, and the Federal~~
165 ~~Government. He or she shall have authority to sign and execute~~
166 ~~all documents and papers necessary to carry out his or her~~
167 ~~duties and the operations of the department. At each meeting of~~
168 ~~the Florida Transportation Commission, the secretary shall~~



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169 ~~submit a report of major actions taken by him or her as official~~
170 ~~representative of the department.~~

171 ~~2. The secretary shall cause the annual department budget~~
172 ~~request, the Florida Transportation Plan, and the tentative work~~
173 ~~program to be prepared in accordance with all applicable laws~~
174 ~~and departmental policies and shall submit the budget, plan, and~~
175 ~~program to the Florida Transportation Commission. The commission~~
176 ~~shall perform an in-depth evaluation of the budget, plan, and~~
177 ~~program for compliance with all applicable laws and departmental~~
178 ~~policies. If the commission determines that the budget, plan,~~
179 ~~or program is not in compliance with all applicable laws and~~
180 ~~departmental policies, it shall report its findings and~~
181 ~~recommendations regarding such noncompliance to the Legislature~~
182 ~~and the Governor.~~

183 ~~(c)3-~~ The secretary shall provide to the Florida
184 Transportation Commission or its staff, such assistance,
185 information, and documents as are requested by the commission or
186 its staff to enable the commission to fulfill its duties and
187 responsibilities.

188 ~~(d)(e)~~ The secretary shall appoint two ~~three~~ assistant
189 secretaries who shall be directly responsible to the secretary
190 and who shall perform such duties as ~~are specified in this~~
191 ~~section and such other duties~~ as are assigned by the secretary.
192 The secretary may delegate to any assistant secretary the
193 authority to act in the absence of the secretary. ~~The department~~
194 ~~has the authority to adopt rules necessary for the delegation of~~
195 ~~authority beyond the assistant secretaries. The assistant~~
196 ~~secretaries shall serve at the pleasure of the secretary.~~



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197 (e)~~(d)~~ Any secretary appointed after July 5, 1989, and the
198 assistant secretaries shall be exempt from the provisions of
199 part III of chapter 110 and shall receive compensation
200 commensurate with their qualifications and competitive with
201 compensation for comparable responsibility in the private
202 sector. ~~When the salary of any assistant secretary exceeds the~~
203 ~~limits established in part III of chapter 110, the Governor~~
204 ~~shall approve said salary.~~

205 (2)(a)1. The Florida Transportation Commission is hereby
206 created and shall consist of nine members appointed by the
207 Governor subject to confirmation by the Senate. Members of the
208 commission shall serve terms of 4 years each.

209 2. Members shall be appointed in such a manner as to
210 equitably represent all geographic areas of the state. Each
211 member must be a registered voter and a citizen of the state.
212 Each member of the commission must also possess business
213 managerial experience in the private sector.

214 3. A member of the commission shall represent the
215 transportation needs of the state as a whole and may not
216 subordinate the needs of the state to those of any particular
217 area of the state.

218 4. The commission is assigned to the Office of the
219 Secretary of the Department of Transportation for administrative
220 and fiscal accountability purposes, but it shall otherwise
221 function independently of the control and direction of the
222 department.

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



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224 1. Recommend major transportation policies for the
225 Governor's approval, and assure that approved policies and any
226 revisions thereto are properly executed.

227 2. Periodically review the status of the state
228 transportation system including highway, transit, rail, seaport,
229 intermodal development, and aviation components of the system
230 and recommend improvements therein to the Governor and the
231 Legislature.

232 3. Perform an in-depth evaluation of the annual department
233 budget request, the Florida Transportation Plan, and the
234 tentative work program for compliance with all applicable laws
235 and established departmental policies. Except as specifically
236 provided in s. 339.135(4)(c)2., (d), and (f), the commission may
237 not consider individual construction projects, but shall
238 consider methods of accomplishing the goals of the department in
239 the most effective, efficient, and businesslike manner.

240 4. Monitor the financial status of the department on a
241 regular basis to assure that the department is managing revenue
242 and bond proceeds responsibly and in accordance with law and
243 established policy.

244 5. Monitor on at least a quarterly basis, the efficiency,
245 productivity, and management of the department, using
246 performance and production standards developed by the commission
247 pursuant to s. 334.045.

248 6. Perform an in-depth evaluation of the factors causing
249 disruption of project schedules in the adopted work program and
250 recommend to the Legislature and the Governor methods to
251 eliminate or reduce the disruptive effects of these factors.



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252 7. Recommend to the Governor and the Legislature
253 improvements to the department's organization in order to
254 streamline and optimize the efficiency of the department. In
255 reviewing the department's organization, the commission shall
256 determine if the current district organizational structure is
257 responsive to Florida's changing economic and demographic
258 development patterns. The initial report by the commission must
259 be delivered to the Governor and Legislature by December 15,
260 2000, and each year thereafter, as appropriate. The commission
261 may retain such experts as are reasonably necessary to
262 effectuate this subparagraph, and the department shall pay the
263 expenses of such experts.

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

267 1. The awarding of contracts.

268 2. The selection of a consultant or contractor or the
269 prequalification of any individual consultant or contractor.
270 However, the commission may recommend to the secretary standards
271 and policies governing the procedure for selection and
272 prequalification of consultants and contractors.

273 3. The selection of a route for a specific project.

274 4. The specific location of a transportation facility.

275 5. The acquisition of rights-of-way.

276 6. The employment, promotion, demotion, suspension,
277 transfer, or discharge of any department personnel.

278 7. The granting, denial, suspension, or revocation of any
279 license or permit issued by the department.



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

282 2. The commission shall hold a minimum of 4 regular
283 meetings annually, and other meetings may be called by the chair
284 upon giving at least 1 week's notice to all members and the
285 public pursuant to chapter 120. Other meetings may also be held
286 upon the written request of at least four other members of the
287 commission, with at least 1 week's notice of such meeting being
288 given to all members and the public by the chair pursuant to
289 chapter 120. Emergency meetings may be held without notice upon
290 the request of all members of the commission. At each meeting of
291 the commission, the secretary or his or her designee shall
292 submit a report of major actions taken by him or her as the
293 official representative of the department.

294 3. A majority of the membership of the commission
295 constitutes a quorum at any meeting of the commission. An
296 action of the commission is not binding unless the action is
297 taken pursuant to an affirmative vote of a majority of the
298 members present, but not fewer than four members of the
299 commission at a meeting held pursuant to subparagraph 2., and
300 the vote is recorded in the minutes of that meeting.

301 4. The chair shall cause to be made a complete record of
302 the proceedings of the commission, which record shall be open
303 for public inspection.

304 (e) The meetings of the commission shall be held in the
305 central office of the department in Tallahassee unless the chair
306 determines that special circumstances warrant meeting at another
307 location.



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

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

315 (h) The commission shall appoint an executive director and
316 assistant executive director, who shall serve under the
317 direction, supervision, and control of the commission. The
318 executive director, with the consent of the commission, shall
319 employ such staff as are necessary to perform adequately the
320 functions of the commission, within budgetary limitations. All
321 employees of the commission are exempt from part II of chapter
322 110 and shall serve at the pleasure of the commission. The
323 salaries and benefits of all employees of the commission shall
324 be set in accordance with the Selected Exempt Service; provided,
325 however, that the commission shall have complete authority for
326 fixing the salary of the executive director and assistant
327 executive director.

328 (i) The commission shall develop a budget pursuant to
329 chapter 216. The budget is not subject to change by the
330 department, but such budget shall be submitted to the Governor
331 along with the budget of the department.

332 (3)(a) The central office shall establish departmental
333 policies, rules, procedures, and standards and shall monitor the
334 implementation of such policies, rules, procedures, and
335 standards in order to ensure uniform compliance and quality



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336 performance by the districts and central office units that
337 implement transportation programs. Major transportation policy
338 initiatives or revisions shall be submitted to the commission
339 for review. ~~The central office monitoring function shall be~~
340 ~~based on a plan that clearly specifies what areas will be~~
341 ~~monitored, activities and criteria used to measure compliance,~~
342 ~~and a feedback process that assures monitoring findings are~~
343 ~~reported and deficiencies corrected. The secretary is~~
344 ~~responsible for ensuring that a central office monitoring~~
345 ~~function is implemented, and that it functions properly. In~~
346 ~~conjunction with its monitoring function, the central office~~
347 ~~shall provide such training and administrative support to the~~
348 ~~districts as the department determines to be necessary to ensure~~
349 ~~that the department's programs are carried out in the most~~
350 ~~efficient and effective manner.~~

351 ~~(b) The resources necessary to ensure the efficiency,~~
352 ~~effectiveness, and quality of performance by the department of~~
353 ~~its statutory responsibilities shall be allocated to the central~~
354 ~~office.~~

355 (b)(e) The secretary shall appoint an Assistant Secretary
356 for Transportation Development and Operations and Policy, an
357 Assistant Secretary for Transportation Support. ~~Finance and~~
358 ~~Administration, and an Assistant Secretary for District~~
359 ~~Operations, each of whom shall serve at the pleasure of the~~
360 ~~secretary. The positions are responsible for developing,~~
361 ~~monitoring, and enforcing policy and managing major technical~~
362 ~~programs. The responsibilities and duties of these positions~~
363 ~~include, but are not limited to, the following functional areas:~~



- 364 | ~~1. Assistant Secretary for Transportation Policy.~~
- 365 | ~~a. Development of the Florida Transportation Plan and~~
- 366 | ~~other policy planning;~~
- 367 | ~~b. Development of statewide modal systems plans, including~~
- 368 | ~~public transportation systems;~~
- 369 | ~~c. Design of transportation facilities;~~
- 370 | ~~d. Construction of transportation facilities;~~
- 371 | ~~e. Acquisition and management of transportation rights-of-~~
- 372 | ~~way; and~~
- 373 | ~~f. Administration of motor carrier compliance and safety.~~
- 374 | ~~2. Assistant Secretary for District Operations.~~
- 375 | ~~a. Administration of the eight districts; and~~
- 376 | ~~b. Implementation of the decentralization of the~~
- 377 | ~~department.~~
- 378 | ~~3. Assistant Secretary for Finance and Administration.~~
- 379 | ~~a. Financial planning and management;~~
- 380 | ~~b. Information systems;~~
- 381 | ~~c. Accounting systems;~~
- 382 | ~~d. Administrative functions; and~~
- 383 | ~~e. Administration of toll operations.~~
- 384 | ~~(d)1. Policy, program, or operations offices shall be~~
- 385 | ~~established within the central office for the purposes of:~~
- 386 | ~~a. Developing policy and procedures and monitoring~~
- 387 | ~~performance to ensure compliance with these policies and~~
- 388 | ~~procedures;~~
- 389 | ~~b. Performing statewide activities which it is more cost-~~
- 390 | ~~effective to perform in a central location;~~



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391 ~~e. Assessing and ensuring the accuracy of information~~
392 ~~within the department's financial management information~~
393 ~~systems; and~~

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

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

399 1.a. The Office of Administration;

400 2.b. The Office of Policy Planning and Environmental
401 Management;

402 3.e. The Office of Design;

403 4.d. The Office of Highway Operations;

404 5.e. The Office of Right-of-Way;

405 6.f. The Office of Toll Operations;

406 7.g. The Office of Information Systems; ~~and~~

407 8.h. The Office of Motor Carrier Compliance; ~~and~~

408 9. The Office of Management and Budget;

409 10. The Office of Comptroller;

410 11. The Office of Construction;

411 12. The Office of Maintenance; and

412 13. The Office of Materials.

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



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418 ~~4. During the construction of a major transportation~~
419 ~~improvement project or as determined by the district secretary,~~
420 ~~the department may provide assistance to a business entity~~
421 ~~significantly impacted by the project if the entity is a for-~~
422 ~~profit entity that has been in business for 3 years prior to the~~
423 ~~beginning of construction and has direct or shared access to the~~
424 ~~transportation project being constructed. The assistance program~~
425 ~~shall be in the form of additional guarantees to assist the~~
426 ~~impacted business entity in receiving loans pursuant to Title 13~~
427 ~~C.F.R. part 120. However, in no instance shall the combined~~
428 ~~guarantees be greater than 90 percent of the loan. The~~
429 ~~department shall adopt rules to implement this subparagraph.~~

430 ~~(c) The Assistant Secretary for Finance and Administration~~
431 ~~must possess a broad knowledge of the administrative, financial,~~
432 ~~and technical aspects of a complete cost accounting system,~~
433 ~~budget preparation and management, and management information~~
434 ~~systems. The Assistant Secretary for Finance and Administration~~
435 ~~must be a proven, effective manager with specialized skills in~~
436 ~~financial planning and management. The Assistant Secretary for~~
437 ~~Finance and Administration shall ensure that financial~~
438 ~~information is processed in a timely, accurate, and complete~~
439 ~~manner.~~

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

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



446 ~~a. Preparation of the work program;~~
447 ~~b. Preparation of the departmental budget; and~~
448 ~~c. Coordination of related policies and procedures.~~
449 ~~3. The Office of Management and Budget shall also be~~
450 ~~responsible for developing uniform implementation and monitoring~~
451 ~~procedures for all activities performed at the district level~~
452 ~~involving the budget and the work program.~~

453 ~~(e)(g)~~ The secretary shall may appoint an inspector
454 general pursuant to s. 20.055 who shall be directly responsible
455 to the secretary and shall serve at the pleasure of the
456 secretary.

457 ~~(h)1. The secretary shall appoint an inspector general~~
458 ~~pursuant to s. 20.055. The inspector general may be~~
459 ~~organizationally located within another unit of the department~~
460 ~~for administrative purposes, but shall function independently~~
461 ~~and be directly responsible to the secretary pursuant to s.~~
462 ~~20.055. The duties of the inspector general shall include, but~~
463 ~~are not restricted to, reviewing, evaluating, and reporting on~~
464 ~~the policies, plans, procedures, and accounting, financial, and~~
465 ~~other operations of the department and recommending changes for~~
466 ~~the improvement thereof, as well as performing audits of~~
467 ~~contracts and agreements between the department and private~~
468 ~~entities or other governmental entities. The inspector general~~
469 ~~shall give priority to reviewing major parts of the department's~~
470 ~~accounting system and central office monitoring function to~~
471 ~~determine whether such systems effectively ensure accountability~~
472 ~~and compliance with all laws, rules, policies, and procedures~~
473 ~~applicable to the operation of the department. The inspector~~



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474 ~~general shall also give priority to assessing the department's~~
475 ~~management information systems as required by s. 282.318. The~~
476 ~~internal audit function shall use the necessary expertise, in~~
477 ~~particular, engineering, financial, and property appraising~~
478 ~~expertise, to independently evaluate the technical aspects of~~
479 ~~the department's operations. The inspector general shall have~~
480 ~~access at all times to any personnel, records, data, or other~~
481 ~~information of the department and shall determine the methods~~
482 ~~and procedures necessary to carry out his or her duties. The~~
483 ~~inspector general is responsible for audits of departmental~~
484 ~~operations and for audits of consultant contracts and~~
485 ~~agreements, and such audits shall be conducted in accordance~~
486 ~~with generally accepted governmental auditing standards. The~~
487 ~~inspector general shall annually perform a sufficient number of~~
488 ~~audits to determine the efficiency and effectiveness, as well as~~
489 ~~verify the accuracy of estimates and charges, of contracts~~
490 ~~executed by the department with private entities and other~~
491 ~~governmental entities. The inspector general has the sole~~
492 ~~responsibility for the contents of his or her reports, and a~~
493 ~~copy of each report containing his or her findings and~~
494 ~~recommendations shall be furnished directly to the secretary and~~
495 ~~the commission.~~

496 ~~2. In addition to the authority and responsibilities~~
497 ~~herein provided, the inspector general is required to report to~~
498 ~~the:~~

499 ~~a. Secretary whenever the inspector general makes a~~
500 ~~preliminary determination that particularly serious or flagrant~~
501 ~~problems, abuses, or deficiencies relating to the administration~~



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502 ~~of programs and operations of the department have occurred. The~~
503 ~~secretary shall review and assess the correctness of the~~
504 ~~preliminary determination by the inspector general. If the~~
505 ~~preliminary determination is substantiated, the secretary shall~~
506 ~~submit such report to the appropriate committees of the~~
507 ~~Legislature within 7 calendar days, together with a report by~~
508 ~~the secretary containing any comments deemed appropriate.~~
509 ~~Nothing in this section shall be construed to authorize the~~
510 ~~public disclosure of information which is specifically~~
511 ~~prohibited from disclosure by any other provision of law.~~

512 ~~b.—Transportation Commission and the Legislature any~~
513 ~~actions by the secretary that prohibit the inspector general~~
514 ~~from initiating, carrying out, or completing any audit after the~~
515 ~~inspector general has decided to initiate, carry out, or~~
516 ~~complete such audit. The secretary shall, within 30 days after~~
517 ~~transmission of the report, set forth in a statement to the~~
518 ~~Transportation Commission and the Legislature the reasons for~~
519 ~~his or her actions.~~

520 ~~(i)1. The secretary shall appoint a comptroller who is~~
521 ~~responsible to the Assistant Secretary for Finance and~~
522 ~~Administration. This position is exempt from part II of chapter~~
523 ~~110.~~

524 ~~2. The comptroller is the chief financial officer of the~~
525 ~~department and must be a proven, effective administrator who by~~
526 ~~a combination of education and experience clearly possesses a~~
527 ~~broad knowledge of the administrative, financial, and technical~~
528 ~~aspects of a complex cost accounting system. The comptroller~~
529 ~~must also have a working knowledge of generally accepted~~



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530 ~~accounting principles. At a minimum, the comptroller must hold~~
531 ~~an active license to practice public accounting in Florida~~
532 ~~pursuant to chapter 473 or an active license to practice public~~
533 ~~accounting in any other state. In addition to the requirements~~
534 ~~of the Florida Fiscal Accounting Management Information System~~
535 ~~Act, the comptroller is responsible for the development,~~
536 ~~maintenance, and modification of an accounting system that will~~
537 ~~in a timely manner accurately reflect the revenues and~~
538 ~~expenditures of the department and that includes a cost-~~
539 ~~accounting system to properly identify, segregate, allocate, and~~
540 ~~report department costs. The comptroller shall supervise and~~
541 ~~direct preparation of a detailed 36-month forecast of cash and~~
542 ~~expenditures and is responsible for managing cash and~~
543 ~~determining cash requirements. The comptroller shall review all~~
544 ~~comparative cost studies that examine the cost-effectiveness and~~
545 ~~feasibility of contracting for services and operations performed~~
546 ~~by the department. The review must state that the study was~~
547 ~~prepared in accordance with generally accepted cost-accounting~~
548 ~~standards applied in a consistent manner using valid and~~
549 ~~accurate cost data.~~

550 ~~3. The department shall by rule or internal management~~
551 ~~memoranda as required by chapter 120 provide for the maintenance~~
552 ~~by the comptroller of financial records and accounts of the~~
553 ~~department as will afford a full and complete check against the~~
554 ~~improper payment of bills and provide a system for the prompt~~
555 ~~payment of the just obligations of the department, which records~~
556 ~~must at all times disclose:~~



557 ~~a. The several appropriations available for the use of the~~
558 ~~department;~~

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

561 ~~c. The apportionment or division of all such~~
562 ~~appropriations among the several counties and districts, when~~
563 ~~such apportionment or division is made;~~

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

566 ~~e. The amount expended and still to be expended in~~
567 ~~connection with each contractual and other obligation of the~~
568 ~~department;~~

569 ~~f. The expense and operating costs of the various~~
570 ~~activities of the department;~~

571 ~~g. The receipts accruing to the department and the~~
572 ~~distribution thereof;~~

573 ~~h. The assets, investments, and liabilities of the~~
574 ~~department; and~~

575 ~~i. The cash requirements of the department for a 36-month~~
576 ~~period.~~

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

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

581 (f)-(j) The secretary shall appoint a general counsel who
582 shall be employed full time and shall be directly responsible to
583 the secretary. The general counsel is responsible for all legal
584 matters of the department. The department may employ as many



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585 attorneys as it deems necessary to advise and represent the
586 department in all transportation matters.

587 (g)~~(k)~~ The secretary shall appoint a state transportation
588 development administrator ~~planner who shall report to the~~
589 ~~Assistant Secretary for Transportation Policy. The state~~
590 ~~transportation planner's responsibilities shall include, but are~~
591 ~~not limited to, policy planning, systems planning, and~~
592 ~~transportation statistics. This position shall be classified at~~
593 a level equal to a deputy assistant secretary.

594 (h)~~(l)~~ The secretary shall appoint a state transportation
595 operations administrator ~~highway engineer who shall report to~~
596 ~~the Assistant Secretary for Transportation Policy. The state~~
597 ~~highway engineer's responsibilities shall include, but are not~~
598 ~~limited to, design, construction, and maintenance of highway~~
599 ~~facilities; acquisition and management of transportation rights-~~
600 ~~of-way; traffic engineering; and materials testing. This~~
601 position shall be classified at a level equal to a deputy
602 assistant secretary.

603 (i)~~(m)~~ The secretary shall appoint a state public
604 transportation and modal administrator ~~who shall report to the~~
605 ~~Assistant Secretary for Transportation Policy. The state public~~
606 ~~transportation administrator's responsibilities shall include,~~
607 ~~but are not limited to, the administration of statewide transit,~~
608 ~~rail, intermodal development, and aviation programs. This~~
609 position shall be classified at a level equal to a deputy
610 assistant secretary. ~~The department shall also assign to the~~
611 ~~public transportation administrator an organizational unit the~~



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612 ~~primary function of which is to administer the high-speed rail~~
613 ~~program.~~

614 (4)(a) The operations of the department shall be organized
615 into seven districts, each headed by a district secretary and a
616 turnpike enterprise, headed by an executive director. The
617 district secretaries and the turnpike executive director shall
618 be registered professional engineers in accordance with the
619 provisions of chapter 471 or, in lieu of professional engineer
620 registration, a district secretary or turnpike executive
621 director may hold an advanced degree in an appropriate related
622 discipline, such as a Master of Business Administration. The
623 ~~district secretaries shall report to the Assistant Secretary for~~
624 ~~District Operations.~~ The headquarters of the districts shall be
625 located in Polk, Columbia, Washington, Broward, Volusia, Dade,
626 and Hillsborough Counties. The headquarters of the turnpike
627 enterprise shall be located in Orange County. In order to
628 provide for efficient operations and to expedite the
629 decisionmaking process, the department shall provide for maximum
630 decentralization to the districts. ~~However, before making a~~
631 ~~decision to centralize or decentralize department operations,~~
632 ~~the department must first determine if the decision would be~~
633 ~~cost-effective and in the public's best interest. The department~~
634 ~~shall periodically evaluate such decisions to ensure that they~~
635 ~~are appropriate.~~

636 (b) ~~The primary responsibility for the implementation of~~
637 ~~the department's transportation programs shall be delegated by~~
638 ~~the secretary to the district secretaries, and sufficient~~
639 ~~authority shall be vested in each district to ensure adequate~~



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640 ~~control of the resources commensurate with the delegated~~
641 ~~responsibility. Each district secretary shall also be~~
642 ~~accountable for ensuring their district's quality of performance~~
643 ~~and compliance with all laws, rules, policies, and procedures~~
644 ~~related to the operation of the department.~~

645 (b)(e) Each district secretary may appoint a district
646 director for transportation development, a district director for
647 transportation operations, and a district director for
648 transportation support or, until July 1, 2005, each district
649 secretary may appoint a district director for planning and
650 programming, a district director for production, and a district
651 director for operations, and a district director for
652 administration. These positions are exempt from part II of
653 chapter 110.

654 (c)(d) Within each district, offices shall be established
655 for managing major functional responsibilities of the
656 department. ~~The offices may include planning, design,~~
657 ~~construction, right-of-way, maintenance, and public~~
658 ~~transportation~~. The heads of these offices shall be exempt from
659 part II of chapter 110.

660 (d)(e) The district director for the Fort Myers Urban
661 Office of the Department of Transportation is responsible for
662 developing the 5-year Transportation Plan for Charlotte,
663 Collier, DeSoto, Glades, Hendry, and Lee Counties. The Fort
664 Myers Urban Office also is responsible for providing policy,
665 direction, local government coordination, and planning for those
666 counties.



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667 (e)~~(f)~~1. The responsibility for the turnpike system shall
668 be delegated by the secretary to the executive director of the
669 turnpike enterprise, who shall serve at the pleasure of the
670 secretary. The executive director shall report directly to the
671 secretary, and the turnpike enterprise shall operate pursuant to
672 ss. 338.22-338.241.

673 2. To facilitate the most efficient and effective
674 management of the turnpike enterprise, including the use of best
675 business practices employed by the private sector, the turnpike
676 enterprise, except as provided in s. 287.055, shall be exempt
677 from departmental policies, procedures, and standards, subject
678 to the secretary having the authority to apply any such
679 policies, procedures, and standards to the turnpike enterprise
680 from time to time as deemed appropriate.

681 (5) Notwithstanding the provisions of s. 110.205, the
682 Department of Management Services is authorized to exempt
683 positions within the Department of Transportation which are
684 comparable to positions within the Senior Management Service
685 pursuant to s. 110.205(2)(j) or positions which are comparable
686 to positions in the Selected Exempt Service under s.
687 110.205(2)(m).

688 ~~(6) To facilitate the efficient and effective management
689 of the department in a businesslike manner, the department shall
690 develop a system for the submission of monthly management
691 reports to the Florida Transportation Commission and secretary
692 from the district secretaries. The commission and the secretary
693 shall determine which reports are required to fulfill their
694 respective responsibilities under this section. A copy of each~~



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695 ~~such report shall be submitted monthly to the appropriations and~~
696 ~~transportation committees of the Senate and the House of~~
697 ~~Representatives. Recommendations made by the Auditor General in~~
698 ~~his or her audits of the department that relate to management~~
699 ~~practices, systems, or reports shall be implemented in a timely~~
700 ~~manner. However, if the department determines that one or more~~
701 ~~of the recommendations should be altered or should not be~~
702 ~~implemented, it shall provide a written explanation of such~~
703 ~~determination to the Legislative Auditing Committee within 6~~
704 ~~months after the date the recommendations were published.~~

705 (6)~~(7)~~ The department is authorized to contract with local
706 governmental entities and with the private sector if the
707 department first determines that:

708 (a) Consultants can do the work at less cost than state
709 employees;

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

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

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

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

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723 Such contracts shall require compliance with applicable federal
724 and state laws, and clearly specify the product or service to be
725 provided.

726 Section 2. Section 95.361, Florida Statutes, is amended to
727 read:

728 95.361 Roads presumed to be dedicated.--

729 (1) When a road, constructed by a county, a municipality,
730 or the Department of Transportation, has been maintained or
731 repaired continuously and uninterruptedly for 4 years by the
732 county, municipality, or the Department of Transportation,
733 jointly or severally, the road shall be deemed to be dedicated
734 to the public to the extent in width that has been actually
735 maintained for the prescribed period, whether or not the road
736 has been formally established as a public highway. The
737 dedication shall vest all right, title, easement, and
738 appurtenances in and to the road in:

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

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

741 or

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

744
745 whether or not there is a record of a conveyance, dedication, or
746 appropriation to the public use.

747 (2) In those instances where a road has been constructed
748 by a nongovernmental entity, or where the road was not
749 constructed by the entity currently maintaining or repairing it,
750 or where it cannot be determined who constructed the road, and



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751 when such road has been regularly maintained or repaired for the
752 immediate past 7 years by a county, a municipality, or the
753 Department of Transportation, whether jointly or severally, such
754 road shall be deemed to be dedicated to the public to the extent
755 of the width that actually has been maintained or repaired for
756 the prescribed period, whether or not the road has been formally
757 established as a public highway. The dedication shall vest all
758 rights, title, easement, and appurtenances in and to the road
759 in:

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

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

762 or

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

766 (3) The filing of a map in the office of the clerk of the
767 circuit court of the county where the road is located showing
768 the lands and reciting on it that the road has vested in the
769 state, a county, or a municipality in accordance with subsection
770 (1) or subsection (2) or by any other means of acquisition, duly
771 certified by:

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

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

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



779
780 shall be prima facie evidence of ownership of the land by the
781 state, county, or municipality, as the case may be.

782 (4) Any person, firm, corporation, or entity having or
783 claiming any interest in and to any of the property affected by
784 subsection (2) shall have and is hereby allowed a period of 1
785 year after the effective date of this subsection, or a period of
786 7 years after the initial date of regular maintenance or repair
787 of the road, whichever period is greater, to file a claim in
788 equity or with a court of law against the particular governing
789 authority assuming jurisdiction over such property to cause a
790 cessation of the maintenance and occupation of the property.
791 Such timely filed and adjudicated claim shall prevent the
792 dedication of the road to the public pursuant to subsection (2).

793 Section 3. Paragraphs (j) and (m) of subsection (2) of
794 section 110.205, Florida Statutes, are amended to read:

795 110.205 Career service; exemptions.--

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

798 (j) The appointed secretaries, assistant secretaries,
799 deputy secretaries, and deputy assistant secretaries of all
800 departments; the executive directors, assistant executive
801 directors, deputy executive directors, and deputy assistant
802 executive directors of all departments; the directors of all
803 divisions and those positions determined by the department to
804 have managerial responsibilities comparable to such positions,
805 which positions include, but are not limited to, program
806 directors, assistant program directors, district administrators,



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807 deputy district administrators, the Director of Central
808 Operations Services of the Department of Children and Family
809 Services, ~~and~~ the State Transportation Development Administrator
810 Planner, the State Transportation Operations Administrator,
811 ~~Highway Engineer~~, State Public Transportation and Modal
812 Administrator, district secretaries, district directors of
813 transportation development, transportation operations,
814 transportation support, captains and majors of the Office of
815 Motor Carrier Compliance ~~planning and programming, production,~~
816 ~~and operations~~, and the managers of the offices specified in s.
817 20.23(3)(c)~~(d)2~~, of the Department of Transportation. Unless
818 otherwise fixed by law, the department shall set the salary and
819 benefits of these positions in accordance with the rules of the
820 Senior Management Service; and the county health department
821 directors and county health department administrators of the
822 Department of Health.

823 (m) All assistant division director, deputy division
824 director, and bureau chief positions in any department, and
825 those positions determined by the department to have managerial
826 responsibilities comparable to such positions, which positions
827 include, but are not limited to, positions in the Department of
828 Health, the Department of Children and Family Services, and the
829 Department of Corrections that are assigned primary duties of
830 serving as the superintendent or assistant superintendent, or
831 warden or assistant warden, of an institution; positions in the
832 Department of Corrections that are assigned primary duties of
833 serving as the circuit administrator or deputy circuit
834 administrator; positions in the Department of Transportation



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835 that are assigned primary duties of serving as regional toll
836 managers and managers of offices as defined in s.
837 20.23(3)(c)~~(d)3~~ and (4)(d); positions in the Department of
838 Environmental Protection that are assigned the duty of an
839 Environmental Administrator or program administrator; and
840 positions in the Department of Health that are assigned the
841 duties of Environmental Administrator, Assistant County Health
842 Department Director, and County Health Department Financial
843 Administrator. Unless otherwise fixed by law, the department
844 shall set the salary and benefits of these positions in
845 accordance with the rules established for the Selected Exempt
846 Service.

847 Section 4. Paragraphs (a), (b), (c), (d), (e), (f), and
848 (g) of subsection (1) of section 255.20, Florida Statutes, are
849 redesignated as paragraphs (c), (d), (e), (f), (g), (h), and
850 (i), respectively, and new paragraphs (a) and (b) are added to
851 that subsection, to read:

852 255.20 Local bids and contracts for public construction
853 works; specification of state-produced lumber.--

854 (1) A county, municipality, special district as defined in
855 chapter 189, or other political subdivision of the state seeking
856 to construct or improve a public building, structure, or other
857 public construction works must competitively award to an
858 appropriately licensed contractor each project that is estimated
859 in accordance with generally accepted cost-accounting principles
860 to have total construction project costs of more than \$200,000.
861 For electrical work, local government must competitively award
862 to an appropriately licensed contractor each project that is



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863 estimated in accordance with generally accepted cost-accounting
864 principles to have a cost of more than \$50,000. As used in this
865 section, the term "competitively award" means to award contracts
866 based on the submission of sealed bids, proposals submitted in
867 response to a request for proposal, proposals submitted in
868 response to a request for qualifications, or proposals submitted
869 for competitive negotiation. This subsection expressly allows
870 contracts for construction management services, design/build
871 contracts, continuation contracts based on unit prices, and any
872 other contract arrangement with a private sector contractor
873 permitted by any applicable municipal or county ordinance, by
874 district resolution, or by state law. For purposes of this
875 section, construction costs include the cost of all labor,
876 except inmate labor, and include the cost of equipment and
877 materials to be used in the construction of the project. Subject
878 to the provisions of subsection (3), the county, municipality,
879 special district, or other political subdivision may establish,
880 by municipal or county ordinance or special district resolution,
881 procedures for conducting the bidding process.

882 (a) Notwithstanding any other law to the contrary, a
883 county, municipality, special district as defined in chapter
884 189, or other political subdivision of the state seeking to
885 construct or improve bridges, roads, streets, highways, or
886 railroads, and services incidental thereto, at costs in excess
887 of \$250,000 may require that persons interested in performing
888 work under contract first be certified or qualified to perform
889 such work. Any contractor may be considered ineligible to bid by
890 the governmental entity if the contractor is behind on



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891 completing an approved progress schedule for the governmental
892 entity by 10 percent or more at the time of advertisement of the
893 work. Any contractor prequalified and considered eligible by the
894 Department of Transportation to bid to perform the type of work
895 described under the contract shall be presumed to be qualified
896 to perform the work described. The governmental entity may
897 provide an appeal process to overcome that presumption with de
898 novo review based on the record below to the circuit court.

899 (b) With respect to contractors not prequalified with the
900 Department of Transportation, the governmental entity shall
901 publish prequalification criteria and procedures prior to
902 advertisement or notice of solicitation. Such publications shall
903 include notice of a public hearing for comment on such criteria
904 and procedures prior to adoption. The procedures shall provide
905 for an appeal process within the authority for objections to the
906 prequalification process with de novo review based on the record
907 below to the circuit court within 30 days.

908 Section 5. Subsections (2) and (4) of section 316.1001,
909 Florida Statutes, are amended to read:

910 316.1001 Payment of toll on toll facilities required;
911 penalties.--

912 (2)(a) For the purpose of enforcing this section, any
913 governmental entity, as defined in s. 334.03, that owns or
914 operates a toll facility may, by rule or ordinance, authorize a
915 toll enforcement officer to issue a uniform traffic citation for
916 a violation of this section. Toll enforcement officer means the
917 designee of a governmental entity whose ~~sole~~ authority is to



918 enforce the payment of tolls. The governmental entity may
919 designate toll enforcement officers pursuant to s. 316.640(1).

920 (b) A citation issued under this subsection may be issued
921 by mailing the citation by first class mail, or by certified
922 mail, return receipt requested, to the address of the registered
923 owner of the motor vehicle involved in the violation. Mailing
924 the citation to this address constitutes notification. In the
925 case of joint ownership of a motor vehicle, the traffic citation
926 must be mailed to the first name appearing on the registration,
927 unless the first name appearing on the registration is a
928 business organization, in which case the second name appearing
929 on the registration may be used. A citation issued under this
930 paragraph must be mailed to the registered owner of the motor
931 vehicle involved in the violation within 14 days after the date
932 of issuance of the violation. In addition to the citation,
933 notification must be sent to the registered owner of the motor
934 vehicle involved in the violation specifying remedies ~~the remedy~~
935 available under ss. 318.14(12) and s. 318.18(7).

936 (c) The owner of the motor vehicle involved in the
937 violation is responsible and liable for payment of a citation
938 issued for failure to pay a toll, unless the owner can establish
939 the motor vehicle was, at the time of the violation, in the
940 care, custody, or control of another person. In order to
941 establish such facts, the owner of the motor vehicle is
942 required, within 14 days after the date of issuance of the
943 citation ~~notification of the alleged violation,~~ to furnish to
944 the appropriate governmental entity an affidavit setting forth:



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945 | 1. The name, address, date of birth, and, if known, the
946 | driver license number of the person who leased, rented, or
947 | otherwise had the care, custody, or control of the motor vehicle
948 | at the time of the alleged violation; or

949 | 2. If stolen, the police report indicating that the
950 | vehicle was stolen at the time of the alleged violation.

951

952 | Upon receipt of an affidavit the person designated as having
953 | care, custody, and control of the motor vehicle at the time of
954 | the violation may be issued a citation for failure to pay a
955 | required toll. The affidavit shall be admissible in a
956 | proceeding pursuant to this section for the purpose of providing
957 | that the person identified in the affidavit was in actual care,
958 | custody, or control of the motor vehicle.

959 | (d) A written report of a toll enforcement officer or
960 | photographic evidence that indicates that a required toll was
961 | not paid is admissible in any proceeding to enforce this section
962 | and raises a rebuttable presumption that the motor vehicle named
963 | in the report or shown in the photographic evidence was used in
964 | violation of this section.

965 | (4) Any governmental entity may supply the department with
966 | data that is machine readable by the department's computer
967 | system, listing persons who have one ~~three~~ or more outstanding
968 | violations of this section. Pursuant to s. 320.03(8), those
969 | persons may not be issued a license plate or revalidation
970 | sticker for any motor vehicle.

971 | Section 6. Paragraph (b) of subsection (1), paragraphs
972 | (a), (b), (c), (d), (e), (f), and (j) of subsection (2), and



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973 subsection (5) of section 316.302, Florida Statutes, are amended
974 to read:

975 316.302 Commercial motor vehicles; safety regulations;
976 transporters and shippers of hazardous materials; enforcement.--

977 (1)

978 (b) Except as otherwise provided in this section, all
979 owners or drivers of commercial motor vehicles that are engaged
980 in intrastate commerce are subject to the rules and regulations
981 contained in 49 C.F.R. parts 382, 385, and 390-397, with the
982 exception of 49 C.F.R. s. 390.5 as it relates to the definition
983 of bus, as such rules and regulations existed on October 1, 2002
984 ~~2001~~.

985 (2)(a) A person who operates a commercial motor vehicle
986 solely in intrastate commerce not transporting any hazardous
987 material in amounts that require placarding pursuant to 49
988 C.F.R. part 172 need not comply with 49 C.F.R. ss. 391.11(b)(1)
989 and 395.3(a) and (b).

990 (b) A person who operates a commercial motor vehicle
991 solely in intrastate commerce not transporting any hazardous
992 material in amounts that require placarding pursuant to 49
993 C.F.R. part 172 is exempt from 49 C.F.R. s. 395.3(a) and (b) and
994 may, after 8 hours' rest, and following the required initial
995 motor vehicle inspection, be permitted to drive any part of the
996 first 15 on-duty hours in any 24-hour period, but may not be
997 permitted to operate a commercial motor vehicle after that until
998 the requirement of another 8 hours' rest has been fulfilled. The
999 provisions of this paragraph do not apply to drivers of public



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1000 utility vehicles or authorized emergency vehicles during periods
1001 of severe weather or other emergencies.

1002 (c) A person who operates a commercial motor vehicle
1003 solely in intrastate commerce not transporting any hazardous
1004 material in amounts that require placarding pursuant to 49
1005 C.F.R. part 172 may not be on duty more than 72 hours in any
1006 period of 7 consecutive days, but carriers operating every day
1007 in a week may permit drivers to remain on duty for a total of
1008 not more than 84 hours in any period of 8 consecutive days;
1009 however, 24 consecutive hours off duty shall constitute the end
1010 of any such period of 7 or 8 consecutive days. This weekly limit
1011 does not apply to a person who operates a commercial motor
1012 vehicle solely within this state while transporting, during
1013 harvest periods, any unprocessed agricultural products that are
1014 subject to seasonal harvesting from place of harvest to the
1015 first place of processing or storage or from place of harvest
1016 directly to market. Upon request of the Department of
1017 Transportation, motor carriers shall furnish time records or
1018 other written verification to that department so that the
1019 Department of Transportation can determine compliance with this
1020 subsection. These time records must be furnished to the
1021 Department of Transportation within 10 days after receipt of
1022 that department's request. Falsification of such information is
1023 subject to a civil penalty not to exceed \$100. The provisions of
1024 this paragraph do not apply to drivers of public utility
1025 vehicles or authorized emergency vehicles during periods of
1026 severe weather or other emergencies.



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1027 (d) A person who operates a commercial motor vehicle
 1028 solely in intrastate commerce not transporting any hazardous
 1029 material in amounts that require placarding pursuant to 49
 1030 C.F.R. part 172 within a 200 air-mile radius of the location
 1031 where the vehicle is based need not comply with 49 C.F.R. s.
 1032 395.8, except that time records shall be maintained as
 1033 prescribed in 49 C.F.R. s. 395.1(e)(5).

1034 (e) A person who operates a commercial motor vehicle
 1035 solely in intrastate commerce is exempt from subsection (1)
 1036 while transporting agricultural products, including
 1037 horticultural or forestry products, from farm or harvest place
 1038 to the first place of processing or storage, or from farm or
 1039 harvest place directly to market. However, such person must
 1040 comply with 49 C.F.R. parts 382, 392, and 393, and with 49
 1041 C.F.R. ss. 396.3(a)(1) and 396.9. A vehicle or combination of
 1042 vehicles operated pursuant to this paragraph having a gross
 1043 vehicle weight of 26,001 pounds or more or having three or more
 1044 axles on the power unit, regardless of weight, must display the
 1045 name of the vehicle owner or motor carrier and the municipality
 1046 or town where the vehicle is based on each side of the power
 1047 unit in letters that contrast with the background and that are
 1048 readable from a distance of 50 feet. A person who violates this
 1049 vehicle identification requirement may be assessed a penalty as
 1050 provided in s. 316.3025(3)(a).

1051 (f) A person who operates a commercial motor vehicle
 1052 having a declared gross vehicle weight of less than 26,000
 1053 pounds solely in intrastate commerce and who is not transporting
 1054 hazardous materials in amounts that require placarding pursuant



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1055 | to 49 C.F.R. part 172, or who is transporting petroleum products
 1056 | as defined in s. 376.301(31), is exempt from subsection(1).
 1057 | However, such person must comply with 49 C.F.R. parts 382, 392,
 1058 | and 393, and with 49 C.F.R. ss. 396.3(a)(1) and 396.9.

1059 | (j) A person who is otherwise qualified as a driver under
 1060 | 49 C.F.R. part 391, ~~and~~ who operates a commercial motor vehicle
 1061 | in intrastate commerce only, and who does not transport
 1062 | hazardous materials in amounts that require placarding pursuant
 1063 | to 49 C.F.R. part 172, ~~is shall be~~ exempt from the requirements
 1064 | of 49 C.F.R. part 391, subpart E, ss. 391.41(b)(3) and
 1065 | 391.43(e), relating to diabetes.

1066 | (5) The Department of Transportation may adopt and revise
 1067 | rules to assure the safe operation of commercial motor vehicles.
 1068 | The Department of Transportation may enter into cooperative
 1069 | agreements as provided in 49 C.F.R. part 388. Department of
 1070 | Transportation personnel may conduct motor carrier and shipper
 1071 | compliance reviews ~~terminal audits only~~ for the purpose of
 1072 | determining compliance with this section ~~49 C.F.R. parts 171,~~
 1073 | ~~172, 173, 177, 178, 180, 382, 391, 393, 396, and 397; 49 C.F.R.~~
 1074 | ~~s. 395.1(e)(5);~~ and s. 627.7415.

1075 | Section 7. Section 316.3025, Florida Statutes, is amended
 1076 | to read:

1077 | 316.3025 Penalties.--

1078 | (1) A commercial motor vehicle that is found to be
 1079 | operating in such an unsafe condition as to be declared out-of-
 1080 | service or a driver declared out-of-service or removed from
 1081 | driving status pursuant to the North American Standard ~~Uniform~~



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1082 Out-of-Service Criteria must be repaired or returned to driving
1083 status before being returned to service.

1084 (2) Any person who owns, operates, or causes or permits a
1085 commercial motor vehicle that has been declared out-of-service
1086 pursuant to the North American Standard ~~Uniform~~ Out-of-Service
1087 Criteria to be driven before the completion of required repairs
1088 is subject to the imposition of a penalty as provided in 49
1089 C.F.R. s. 383.53, in addition to any other penalties imposed
1090 against him or her. Any person who operates a commercial motor
1091 vehicle while he or she is declared out-of-service or removed
1092 from driving status pursuant to the North American Standard
1093 ~~Uniform~~ Out-of-Service Criteria, or who causes or permits such
1094 out-of-service driver to operate a commercial motor vehicle, is
1095 subject to the imposition of a penalty as provided in 49 C.F.R.
1096 s. 383.53, in addition to any other penalties imposed against
1097 the person.

1098 (3)(a) A civil penalty of \$50 may be assessed for a
1099 violation of the identification requirements of 49 C.F.R. s.
1100 390.21 or s. 316.302(2)(e).

1101 (b) A civil penalty of \$100 may be assessed for:

1102 1. Each violation of the North American Uniform Driver
1103 Out-of-Service Criteria;

1104 2. A violation of s. 316.302(2)(b) or (c); ~~or~~

1105 3. A violation of 49 C.F.R. s. 392.60; or

1106 4. A violation of the North American Standard Vehicle Out-
1107 of-Service Criteria resulting from an inspection of a commercial
1108 motor vehicle involved in a crash.

1109 (c) A civil penalty of \$250 may be assessed for:



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1110 1. A violation of the placarding requirements of 49 C.F.R.
1111 parts 171-179;

1112 2. A violation of the shipping paper requirements of 49
1113 C.F.R. parts 171-179;

1114 3. A violation of 49 C.F.R. s. 392.10;

1115 4. A violation of 49 C.F.R. s. 397.5;

1116 5. A violation of 49 C.F.R. s. 397.7;

1117 6. A violation of 49 C.F.R. s. 397.13; or

1118 7. A violation of 49 C.F.R. s. 397.15.

1119 (d) A civil penalty of \$500 may be assessed for:

1120 1. Each violation of the North American Standard Hazardous
1121 Materials Out-of-Service Criteria;

1122 2. Each violation of 49 C.F.R. s. 390.19, for failure of
1123 an interstate or intrastate motor carrier to register;

1124 3. Each violation of 49 C.F.R. s. 392.9a, for failure of
1125 an interstate motor carrier to obtain operating authority; or

1126 4. Each violation of 49 C.F.R. s. 392.9a, for operating
1127 beyond the scope of an interstate motor carrier's operating
1128 authority. ~~each violation of the North American Uniform~~
1129 ~~Hazardous Materials Out-of-Service Criteria.~~

1130 (e) A civil penalty not to exceed \$5,000 in the aggregate
1131 may be assessed for violations found in the conduct of
1132 compliance reviews ~~terminal audits~~ pursuant to s. 316.302(5). A
1133 civil penalty not to exceed \$25,000 in the aggregate may be
1134 assessed for violations found in a follow-up compliance review
1135 conducted within a 24-month period. A civil penalty not to
1136 exceed \$25,000 in the aggregate may be assessed and the motor
1137 carrier may be enjoined pursuant to s. 316.3026 if violations



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1138 are found after a second follow-up compliance review within 12
 1139 months after the first follow-up compliance review. Motor
 1140 carriers found to be operating without insurance required by s.
 1141 627.7415 may be enjoined as provided in s. 316.3026.

1142 (4) A vehicle operated by an interstate motor carrier
 1143 found to be in violation of 49 C.F.R. s. 392.9a may be placed
 1144 out of service for the carrier's failure to obtain operating
 1145 authority or operating beyond the scope of its operating
 1146 authority.

1147 (5)(4) Whenever any person or motor carrier as defined in
 1148 chapter 320 violates the provisions of this section and becomes
 1149 indebted to the state because of such violation and refuses to
 1150 pay the appropriate penalty, in addition to the provisions of s.
 1151 316.3026, such ~~the~~ penalty becomes a lien upon the property
 1152 including the motor vehicles of such person or motor carrier and
 1153 may be foreclosed by the state in a civil action in any court of
 1154 this state. It shall be presumed that the owner of the motor
 1155 vehicle is liable for the sum, and the vehicle may be detained
 1156 or impounded until the penalty is paid.

1157 (6)(5)(a) ~~Any officer or agent collecting the penalties~~
 1158 ~~imposed pursuant to this section shall give to the owner, motor~~
 1159 ~~carrier, or driver of the vehicle an official receipt for all~~
 1160 ~~penalties collected from him or her.~~ Only an officer or agent of
 1161 the Department of Transportation is authorized to collect the
 1162 penalty provided by this section. Such officer or agent shall
 1163 cooperate with the owner or driver of the motor vehicle so as
 1164 not to unduly delay the vehicle.



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1165 (b) All penalties imposed and collected under this section
 1166 ~~by any state agency having jurisdiction~~ shall be paid to the
 1167 Treasurer, who shall credit the total amount collected to the
 1168 State Transportation Trust Fund for use in repairing and
 1169 maintaining the roads of this state.

1170 ~~(7)(6)~~ Any person aggrieved by the imposition of a civil
 1171 penalty pursuant to this section may apply to the Commercial
 1172 Motor Vehicle Review Board for a modification, cancellation, or
 1173 revocation of the penalty. The Commercial Motor Vehicle Review
 1174 Board may modify, cancel, revoke, or sustain such penalty.

1175 Section 8. Section 316.3026, Florida Statutes, is amended
 1176 to read:

1177 316.3026 Unlawful operation of motor carriers ~~may be~~
 1178 ~~enjoined.~~--

1179 (1) The Office of Motor Carrier Compliance of the
 1180 Department of Transportation may issue out-of-service orders to
 1181 motor carriers, as defined in s. 320.01(33), who have after
 1182 proper notice failed to pay any penalty or fine assessed by the
 1183 department, or its agent, against any owner or motor carrier for
 1184 violations of state law, refused to submit to a compliance
 1185 review and provide records pursuant to s. 316.302(5) or s.
 1186 316.70, or violated safety regulations pursuant to s. 316.302 or
 1187 insurance requirements found in s. 627.7415. Such out-of-service
 1188 orders shall have the effect of prohibiting the operations of
 1189 any motor vehicles owned, leased, or otherwise operated by the
 1190 motor carrier upon the roadways of this state, until such time
 1191 as the violations have been corrected or penalties have been
 1192 paid. Out-of-service orders issued under this section must be



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1193 approved by the Secretary of Transportation or his or her
1194 designee. An administrative hearing pursuant to s. 120.569 shall
1195 be afforded to motor carriers subject to such orders.

1196 (2) Any motor carrier enjoined or prohibited from
1197 operating by an out-of-service order by this state, any other
1198 state, or the Federal Motor Carrier Safety Administration may
1199 not operate on the roadways of this state until the motor
1200 carrier has been authorized to resume operations by the
1201 originating enforcement jurisdiction. Commercial motor vehicles
1202 owned or operated by any motor carrier prohibited from operation
1203 found on the roadways of this state shall be placed out of
1204 service by law enforcement officers of the Department of
1205 Transportation, and the motor carrier assessed a \$10,000 civil
1206 penalty pursuant to 49 C.F.R. s. 383.53, in addition to any
1207 other penalties imposed on the driver or other responsible
1208 person. Any person who knowingly drives, operates, or causes to
1209 be operated any commercial motor vehicle in violation of an out-
1210 of-service order issued by the department in accordance with
1211 this section commits a felony of the third degree, punishable as
1212 provided in s. 775.082(3)(d). Any costs associated with the
1213 impoundment or storage of such vehicles are the responsibility
1214 of the motor carrier. Vehicle out-of-service orders may be
1215 rescinded when the department receives proof of authorization
1216 for the motor carrier to resume operation.

1217 (3) In addition to the sanctions found in subsections (1)
1218 and (2), the Department of Transportation may petition the
1219 circuit courts of this state to enjoin any motor carrier from
1220 operating when it fails to comply with out-of-service orders



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1221 issued by a competent authority within or outside this state.
1222 ~~Any motor carrier which operates a commercial motor vehicle upon~~
1223 ~~the highways of this state in violation of the provisions of~~
1224 ~~this chapter may be enjoined by the courts of this state from~~
1225 ~~any such violation. Such injunctive proceeding may be~~
1226 ~~instituted by the Department of Transportation.~~

1227 Section 9. Section 316.3027, Florida Statutes, is
1228 repealed.

1229 Section 10. Paragraph (b) of subsection (3) of section
1230 316.515, Florida Statutes, is amended to read:

1231 316.515 Maximum width, height, length.--

1232 (3) LENGTH LIMITATION.--Except as otherwise provided in
1233 this section, length limitations apply solely to a semitrailer
1234 or trailer, and not to a truck tractor or to the overall length
1235 of a combination of vehicles. No combination of commercial
1236 motor vehicles coupled together and operating on the public
1237 roads may consist of more than one truck tractor and two
1238 trailing units. Unless otherwise specifically provided for in
1239 this section, a combination of vehicles not qualifying as
1240 commercial motor vehicles may consist of no more than two units
1241 coupled together; such nonqualifying combination of vehicles may
1242 not exceed a total length of 65 feet, inclusive of the load
1243 carried thereon, but exclusive of safety and energy conservation
1244 devices approved by the department for use on vehicles using
1245 public roads. Notwithstanding any other provision of this
1246 section, a truck tractor-semitrailer combination engaged in the
1247 transportation of automobiles or boats may transport motor
1248 vehicles or boats on part of the power unit; and, except as may



1249 otherwise be mandated under federal law, an automobile or boat
 1250 transporter semitrailer may not exceed 50 feet in length,
 1251 exclusive of the load; however, the load may extend up to an
 1252 additional 6 feet beyond the rear of the trailer. The 50-foot
 1253 length limitation does not apply to non-stinger-steered
 1254 automobile or boat transporters that are 65 feet or less in
 1255 overall length, exclusive of the load carried thereon, or to
 1256 stinger-steered automobile or boat transporters that are 75 feet
 1257 or less in overall length, exclusive of the load carried
 1258 thereon. For purposes of this subsection, a "stinger-steered
 1259 automobile or boat transporter" is an automobile or boat
 1260 transporter configured as a semitrailer combination wherein the
 1261 fifth wheel is located on a drop frame located behind and below
 1262 the rearmost axle of the power unit. Notwithstanding paragraphs
 1263 (a) and (b), any straight truck or truck tractor-semitrailer
 1264 combination engaged in the transportation of horticultural trees
 1265 may allow the load to extend up to an additional 10 feet beyond
 1266 the rear of the vehicle, provided said trees are resting against
 1267 a retaining bar mounted above the truck bed so that the root
 1268 balls of the trees rest on the floor and to the front of the
 1269 truck bed and the tops of the trees extend up over and to the
 1270 rear of the truck bed, and provided the overhanging portion of
 1271 the load is covered with protective fabric.

1272 (b) Semitrailers.--

1273 1. A semitrailer operating in a truck tractor-semitrailer
 1274 combination may not exceed 48 feet in extreme overall outside
 1275 dimension, measured from the front of the unit to the rear of
 1276 the unit and the load carried thereon, exclusive of safety and



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1277 energy conservation devices approved by the department for use
1278 on vehicles using public roads, unless it complies with
1279 subparagraph 2. A semitrailer which exceeds 48 feet in length
1280 and is used to transport divisible loads may operate in this
1281 state only if issued a permit under s. 316.550 and if such
1282 trailer meets the requirements of this chapter relating to
1283 vehicle equipment and safety. Except for highways on the tandem
1284 trailer truck highway network, public roads deemed unsafe for
1285 longer semitrailer vehicles or those roads on which such longer
1286 vehicles are determined not to be in the interest of public
1287 convenience shall, in conformance with s. 316.006, be restricted
1288 by the Department of Transportation or by the local authority to
1289 use by semitrailers not exceeding a length of 48 feet, inclusive
1290 of the load carried thereon but exclusive of safety and energy
1291 conservation devices approved by the department for use on
1292 vehicles using public roads. Truck tractor-semitrailer
1293 combinations shall be afforded reasonable access to terminals;
1294 facilities for food, fuel, repairs, and rest; and points of
1295 loading and unloading.

1296 2. A semitrailer which is more than 48 feet but not more
1297 than 53 feet in extreme overall outside dimension, as measured
1298 pursuant to subparagraph 1., may operate on public roads, except
1299 roads on the State Highway System which are restricted by the
1300 Department of Transportation or other roads restricted by local
1301 authorities, if:

1302 a. The distance between the kingpin or other peg that
1303 ~~which~~ locks into the fifth wheel of a truck tractor and the
1304 center of the rear axle or rear group of axles does not exceed



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1305 41 feet, or, in the case of a semitrailer used exclusively or
1306 primarily to transport vehicles in connection with motorsports
1307 competition events, the distance does not exceed 46 feet from
1308 the kingpin to the center of the rear axles; and

1309 b. It is equipped with a substantial rear-end underride
1310 protection device meeting the requirements of 49 C.F.R. s.
1311 393.86, "Rear End Protection."

1312 Section 11. Subsections (5), (6), and (10) of section
1313 316.545, Florida Statutes, are amended to read:

1314 316.545 Weight and load unlawful; special fuel and motor
1315 fuel tax enforcement; inspection; penalty; review.--

1316 (5) Whenever any person violates the provisions of this
1317 chapter and becomes indebted to the state because of such
1318 violation in the amounts aforesaid and refuses to pay said
1319 penalty, in addition to the provisions of s. 316.3026, such
1320 penalty shall become a lien upon the motor vehicle, and the same
1321 may be foreclosed by the state in a court of equity. It shall be
1322 presumed that the owner of the motor vehicle is liable for the
1323 sum. Any person, firm, or corporation claiming an interest in
1324 the seized motor vehicle may, at any time after the lien of the
1325 state attaches to the motor vehicle, obtain possession of the
1326 seized vehicle by filing a good and sufficient forthcoming bond
1327 with the officer having possession of the vehicle, payable to
1328 the Governor of the state in twice the amount of the state's
1329 lien, with a corporate surety duly authorized to transact
1330 business in this state as surety, conditioned to have the motor
1331 vehicle or combination of vehicles forthcoming to abide the
1332 result of any suit for the foreclosure of such lien. It shall



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1333 be presumed that the owner of the motor vehicle is liable for
 1334 the penalty imposed under this section. Upon the posting of such
 1335 bond with the officer making the seizure, the vehicle shall be
 1336 released and the bond shall be forwarded to the Department of
 1337 Transportation for safekeeping. The lien of the state against
 1338 the motor vehicle aforesaid shall be foreclosed in equity, and
 1339 the ordinary rules of court relative to proceedings in equity
 1340 shall control. If it appears that the seized vehicle has been
 1341 released to the defendant upon his or her forthcoming bond, the
 1342 state shall take judgment of foreclosure against the property
 1343 itself, and judgment against the defendant and the sureties on
 1344 the bond for the amount of the lien, including cost of
 1345 proceedings. After the rendition of the decree, the state may,
 1346 at its option, proceed to sue out execution against the
 1347 defendant and his or her sureties for the amount recovered as
 1348 aforesaid or direct the sale of the vehicle under foreclosure.

1349 (6) Any officer or agent collecting the penalties herein
 1350 imposed shall ~~give to the owner or driver of the vehicle an~~
 1351 ~~official receipt for all penalties collected. Such officers or~~
 1352 ~~agents of the state departments shall~~ cooperate with the owners
 1353 or drivers of motor vehicles so as not to delay unduly the
 1354 vehicles. All penalties imposed and collected under this section
 1355 by any state agency having jurisdiction shall be paid to the
 1356 Treasurer, who shall credit the total amount thereof to the
 1357 State Transportation Trust Fund, which shall be used to repair
 1358 and maintain the roads of this state and to enforce this
 1359 section.



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1360 (10) The Department of Transportation may employ weight
1361 inspectors to operate its fixed-scale facilities. Weight
1362 inspectors on duty at a fixed-scale facility are authorized to
1363 enforce the laws governing commercial motor vehicle weight,
1364 registration, size, and load and to assess and collect civil
1365 penalties for violations of said laws. A weight inspector may
1366 detain a commercial motor vehicle that has an obvious safety
1367 defect critical to the continued safe operation of the vehicle
1368 or that is operating in violation of an out-of-service order as
1369 reported on the federal Safety and Fitness Electronic Records
1370 database. The weight inspector may immediately summon a law
1371 enforcement officer of the Department of Transportation, or
1372 other law enforcement officer authorized by s. 316.640 to
1373 enforce the traffic laws of this state, to take appropriate
1374 enforcement action. The vehicle shall be released if the defect
1375 is repaired prior to the arrival of a law enforcement officer.
1376 Weight inspectors shall not be classified as law enforcement
1377 officers subject to certification requirements of chapter 943,
1378 and are not authorized to carry weapons or make arrests. Any
1379 person who obstructs, opposes, or resists a weight inspector in
1380 the performance of the duties herein prescribed shall be guilty
1381 of an offense as described in subsection (1) for obstructing,
1382 opposing, or resisting a law enforcement officer.

1383 Section 12. Subsection (3) of section 316.610, Florida
1384 Statutes, is repealed.

1385 Section 13. Paragraph (a) of subsection (1) of section
1386 316.640, Florida Statutes, is amended to read:



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1387 316.640 Enforcement.--The enforcement of the traffic laws
1388 of this state is vested as follows:

1389 (1) STATE.--

1390 (a)1.a. The Division of Florida Highway Patrol of the
1391 Department of Highway Safety and Motor Vehicles, the Division of
1392 Law Enforcement of the Fish and Wildlife Conservation
1393 Commission, the Division of Law Enforcement of the Department of
1394 Environmental Protection, and law enforcement officers of the
1395 Department of Transportation each have authority to enforce all
1396 of the traffic laws of this state on all the streets and
1397 highways thereof and elsewhere throughout the state wherever the
1398 public has a right to travel by motor vehicle. ~~The Division of~~
1399 ~~the Florida Highway Patrol may employ as a traffic accident~~
1400 ~~investigation officer any individual who successfully completes~~
1401 ~~instruction in traffic accident investigation and court~~
1402 ~~presentation through the Selective Traffic Enforcement Program~~
1403 ~~as approved by the Criminal Justice Standards and Training~~
1404 ~~Commission and funded through the National Highway Traffic~~
1405 ~~Safety Administration or a similar program approved by the~~
1406 ~~commission, but who does not necessarily meet the uniform~~
1407 ~~minimum standards established by the commission for law~~
1408 ~~enforcement officers or auxiliary law enforcement officers under~~
1409 ~~chapter 943. Any such traffic accident investigation officer who~~
1410 ~~makes an investigation at the scene of a traffic accident may~~
1411 ~~issue traffic citations, based upon personal investigation, when~~
1412 ~~he or she has reasonable and probable grounds to believe that a~~
1413 ~~person who was involved in the accident committed an offense~~
1414 ~~under this chapter, chapter 319, chapter 320, or chapter 322 in~~



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1415 ~~connection with the accident. This paragraph does not permit the~~
1416 ~~carrying of firearms or other weapons, nor do such officers have~~
1417 ~~arrest authority.~~

1418 b. University police officers shall have authority to
1419 enforce all of the traffic laws of this state when such
1420 violations occur on or about any property or facilities that are
1421 under the guidance, supervision, regulation, or control of a
1422 state university, a direct-support organization of such state
1423 university, or any other organization controlled by the state
1424 university or a direct-support organization of the state
1425 university, except that traffic laws may be enforced off-campus
1426 when hot pursuit originates on or adjacent to any such property
1427 or facilities.

1428 c. Community college police officers shall have the
1429 authority to enforce all the traffic laws of this state only
1430 when such violations occur on any property or facilities that
1431 are under the guidance, supervision, regulation, or control of
1432 the community college system.

1433 d. Police officers employed by an airport authority shall
1434 have the authority to enforce all of the traffic laws of this
1435 state only when such violations occur on any property or
1436 facilities that are owned or operated by an airport authority.

1437 (I) An airport authority may employ as a parking
1438 enforcement specialist any individual who successfully completes
1439 a training program established and approved by the Criminal
1440 Justice Standards and Training Commission for parking
1441 enforcement specialists but who does not otherwise meet the
1442 uniform minimum standards established by the commission for law



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1443 enforcement officers or auxiliary or part-time officers under s.
1444 943.12. Nothing in this sub-sub-subparagraph shall be construed
1445 to permit the carrying of firearms or other weapons, nor shall
1446 such parking enforcement specialist have arrest authority.

1447 (II) A parking enforcement specialist employed by an
1448 airport authority is authorized to enforce all state, county,
1449 and municipal laws and ordinances governing parking only when
1450 such violations are on property or facilities owned or operated
1451 by the airport authority employing the specialist, by
1452 appropriate state, county, or municipal traffic citation.

1453 e. The Office of Agricultural Law Enforcement of the
1454 Department of Agriculture and Consumer Services shall have the
1455 authority to enforce traffic laws of this state.

1456 f. School safety officers shall have the authority to
1457 enforce all of the traffic laws of this state when such
1458 violations occur on or about any property or facilities which
1459 are under the guidance, supervision, regulation, or control of
1460 the district school board.

1461 2. An agency of the state as described in subparagraph 1.
1462 is prohibited from establishing a traffic citation quota. A
1463 violation of this subparagraph is not subject to the penalties
1464 provided in chapter 318.

1465 3. Any disciplinary action taken or performance evaluation
1466 conducted by an agency of the state as described in subparagraph
1467 1. of a law enforcement officer's traffic enforcement activity
1468 must be in accordance with written work-performance standards.
1469 Such standards must be approved by the agency and any collective
1470 bargaining unit representing such law enforcement officer. A



1471 violation of this subparagraph is not subject to the penalties
1472 provided in chapter 318.

1473 4. The Division of the Florida Highway Patrol may employ
1474 as a traffic accident investigation officer any individual who
1475 successfully completes instruction in traffic accident
1476 investigation and court presentation through the Selective
1477 Traffic Enforcement Program as approved by the Criminal Justice
1478 Standards and Training Commission and funded through the
1479 National Highway Traffic Safety Administration or a similar
1480 program approved by the commission, but who does not necessarily
1481 meet the uniform minimum standards established by the commission
1482 for law enforcement officers or auxiliary law enforcement
1483 officers under chapter 943. Any such traffic accident
1484 investigation officer who makes an investigation at the scene of
1485 a traffic accident may issue traffic citations, based upon
1486 personal investigation, when he or she has reasonable and
1487 probable grounds to believe that a person who was involved in
1488 the accident committed an offense under this chapter, chapter
1489 319, chapter 320, or chapter 322 in connection with the
1490 accident. This subparagraph does not permit the officer to carry
1491 firearms or other weapons and such an officer does not have
1492 authority to make arrests.

1493 Section 14. Subsection (3) of section 316.650, Florida
1494 Statutes, is amended to read:

1495 316.650 Traffic citations.--

1496 (3)(a) Except for a traffic citation issued pursuant to s.
1497 316.1001, each ~~Every~~ traffic enforcement officer, upon issuing a
1498 traffic citation to an alleged violator of any provision of the



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1499 motor vehicle laws of this state or of any traffic ordinance of
1500 any city or town, shall deposit the original and one copy of
1501 such traffic citation or, in the case of a traffic enforcement
1502 agency which has an automated citation issuance system, shall
1503 provide an electronic facsimile with a court having jurisdiction
1504 over the alleged offense or with its traffic violations bureau
1505 within 5 days after issuance to the violator.

1506 (b) If a traffic citation is issued pursuant to s.
1507 316.1001, a traffic enforcement officer may deposit the original
1508 and one copy of such traffic citation or, in the case of a
1509 traffic enforcement agency that has an automated citation
1510 system, may provide an electronic facsimile with a court having
1511 jurisdiction over the alleged offense or with its traffic
1512 violations bureau within 45 days after the date of issuance of
1513 the citation to the violator.

1514 Section 15. Subsection (2) of section 316.70, Florida
1515 Statutes, is amended to read:

1516 316.70 Nonpublic sector buses; safety rules.--

1517 (2) Department of Transportation personnel may conduct
1518 compliance reviews for the purpose of determining compliance
1519 with this section. A civil penalty not to exceed \$5,000 in the
1520 aggregate may be assessed against any person who violates any
1521 provision of this section or who violates any rule or order of
1522 the Department of Transportation. A civil penalty not to exceed
1523 \$25,000 in the aggregate may be assessed for violations found in
1524 a follow-up compliance review conducted within a 24-month
1525 period. A civil penalty not to exceed \$25,000 in the aggregate
1526 may be assessed and the motor carrier may be enjoined pursuant



1527 to s. 316.3026 if violations are found after a second follow-up
 1528 compliance review within 12 months after the first follow-up
 1529 compliance review. Motor carriers found to be operating without
 1530 insurance coverage required by s. 627.742 or 49 C.F.R. part 387
 1531 may be enjoined as provided in s. 316.3026. The Department of
 1532 Transportation may assess a civil penalty of up to \$5,000 per
 1533 infraction against any person who violates any provision of this
 1534 section or who violates any rule or order of the department.

1535 Section 16. Subsection (4) of section 318.14, Florida
 1536 Statutes, is amended, and subsection(12) is added to that
 1537 section, to read:

1538 318.14 Noncriminal traffic infractions; exception;
 1539 procedures.--

1540 (4) Except as provided in subsection (12), any person
 1541 charged with a noncriminal infraction under this section who
 1542 does not elect to appear shall pay the civil penalty and
 1543 delinquent fee, if applicable, either by mail or in person,
 1544 within 30 days after the date of issuance of ~~receiving~~ the
 1545 citation. If the person cited follows the above procedure, he
 1546 or she shall be deemed to have admitted the infraction and to
 1547 have waived his or her right to a hearing on the issue of
 1548 commission of the infraction. Such admission shall not be used
 1549 as evidence in any other proceedings. Any person who is cited
 1550 for a violation of s. 320.0605 or s. 322.15(1), or subject to a
 1551 penalty under s. 320.07(3)(a) or (b) or s. 322.065, and who
 1552 makes an election under this subsection shall submit proof of
 1553 compliance with the applicable section to the clerk of the
 1554 court. For the purposes of this subsection, proof of compliance



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1555 consists of a valid driver's license or a valid registration
1556 certificate.

1557 (12) Any person cited for a violation of s. 316.1001 may,
1558 in lieu of making an election as set forth in subsection (4) or
1559 s. 318.18(7), elect to pay his or her fine directly to the
1560 governmental entity that issued the citation, within 30 days
1561 after the date of issuance of the citation. Any person cited for
1562 a violation of s. 316.1001 who does not elect to pay the fine
1563 directly to the governmental entity that issued the citation as
1564 described in this section shall have an additional 45 days after
1565 the date of the issuance of the citation in which to pay the
1566 civil penalty and delinquent fee, if applicable, as provided in
1567 s. 318.18(7), either by mail or in person, in accordance with
1568 subsection (4).

1569 Section 17. Effective October 1, 2003, section 330.27,
1570 Florida Statutes, is amended to read:

1571 330.27 Definitions, when used in ss. 330.29-330.36,
1572 330.38, 330.39.--

1573 (1) "Aircraft" means a powered or unpowered machine or
1574 device capable of atmospheric flight ~~any motor vehicle or~~
1575 ~~contrivance now known, or hereafter invented, which is used or~~
1576 ~~designed for navigation of or flight in the air, except a~~
1577 parachute or other such device ~~contrivance designed for such~~
1578 ~~navigation but~~ used primarily as safety equipment.

1579 (2) "Airport" means an ~~any~~ area of land or water, ~~or any~~
1580 ~~manmade object or facility located thereon, which is used for,~~
1581 or intended to be used ~~for,~~ use, ~~for the~~ landing and takeoff of
1582 aircraft, including and any ~~any~~ appurtenant areas, ~~which are used,~~



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1583 ~~or intended for use, for airport buildings, or other airport~~
1584 ~~facilities, or rights-of-way necessary to facilitate such use or~~
1585 ~~intended use, together with all airport buildings and facilities~~
1586 ~~located thereon.~~

1587 ~~(3) "Airport hazard" means any structure, object of~~
1588 ~~natural growth, or use of land which obstructs the airspace~~
1589 ~~required for the flight of aircraft in landing or taking off at~~
1590 ~~an airport or which is otherwise hazardous to such landing or~~
1591 ~~taking off.~~

1592 ~~(4) "Aviation" means the science and art of flight and~~
1593 ~~includes, but is not limited to, transportation by aircraft; the~~
1594 ~~operation, construction, repair, or maintenance of aircraft,~~
1595 ~~aircraft power plants, and accessories, including the repair,~~
1596 ~~packing, and maintenance of parachutes; the design,~~
1597 ~~establishment, construction, extension, operation, improvement,~~
1598 ~~repair, or maintenance of airports or other air navigation~~
1599 ~~facilities; and instruction in flying or ground subjects~~
1600 ~~pertaining thereto.~~

1601 ~~(3)(5)~~ "Department" means the Department of
1602 Transportation.

1603 ~~(4)(6)~~ "Limited airport" means any ~~an~~ airport, ~~publicly or~~
1604 ~~privately owned,~~ limited exclusively to the specific conditions
1605 stated on the site approval order or license.

1606 ~~(7) "Operation of aircraft" or "operate aircraft" means~~
1607 ~~the use, navigation, or piloting of aircraft in the airspace~~
1608 ~~over this state or upon any airport within this state.~~

1609 ~~(8) "Political subdivision" means any county,~~
1610 ~~municipality, district, port or aviation commission or~~



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1611 ~~authority, or similar entity authorized to establish or operate~~
1612 ~~an airport in this state.~~

1613 (5)~~(9)~~ "Private airport" means an airport, publicly or
1614 privately owned, which is not open or available for use by the
1615 public, used primarily by the licensee but may be made ~~which is~~
1616 available to others ~~for use~~ by invitation of the owner or
1617 manager licensee. ~~Services may be provided if authorized by the~~
1618 ~~department.~~

1619 (6)~~(10)~~ "Public airport" means an airport, publicly or
1620 privately owned, which ~~meets minimum safety and service~~
1621 ~~standards and~~ is open for use by the public.

1622 (7)~~(11)~~ "Temporary airport" means any ~~an~~ airport, ~~publicly~~
1623 ~~or privately owned,~~ that will be used for a period of less than
1624 30 ~~90~~ days with no more than 10 operations per day.

1625 (8)~~(12)~~ "Ultralight aircraft" means any ~~heavier than air,~~
1626 ~~motorized~~ aircraft meeting ~~which meets~~ the criteria ~~for maximum~~
1627 ~~weight, fuel capacity, and airspeed~~ established ~~for such~~
1628 ~~aircraft by the Federal Aviation Administration under Part 103~~
1629 ~~of the Federal Aviation Regulations.~~

1630 Section 18. Effective October 1, 2003, section 330.29,
1631 Florida Statutes, is amended to read:

1632 330.29 Administration and enforcement; rules; requirements
1633 ~~standards~~ for airport sites and airports.--It is the duty of the
1634 department to:

1635 (1) Administer and enforce the provisions of this chapter.

1636 (2) Establish requirements for airport site approval,
1637 licensure, and registration ~~minimum standards for airport sites~~
1638 ~~and airports under its licensing jurisdiction.~~



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1639 (3) Establish and maintain a state aviation facility data
 1640 system to facilitate licensing and registration of all airports.

1641 ~~(4)(3)~~ Adopt rules pursuant to ss. 120.536(1) and 120.54
 1642 to implement the provisions of this chapter.

1643 Section 19. Effective October 1, 2003, section 330.30,
 1644 Florida Statutes, is amended to read:

1645 330.30 Approval of airport sites; registration and
 1646 licensure ~~licensing~~ of airports; ~~fees~~.--

1647 (1) SITE APPROVALS; REQUIREMENTS, ~~FEES~~, EFFECTIVE PERIOD,
 1648 REVOCATION.--

1649 (a) Except as provided in subsection (3), the owner or
 1650 lessee of any proposed airport shall, prior to site ~~the~~
 1651 ~~acquisition of the site~~ or ~~prior to the~~ construction or
 1652 establishment of the proposed airport, obtain approval of the
 1653 airport site from the department. Applications for approval of a
 1654 site ~~and for an original license~~ shall be ~~jointly~~ made in ~~on~~ a
 1655 form and manner prescribed by the department ~~and shall be~~
 1656 ~~accompanied by a site approval fee of \$100~~. The department,
 1657 ~~after inspection of the airport site~~, shall grant the site
 1658 approval if it is satisfied:

1659 1. That the site has is ~~adequate~~ area allocated for the
 1660 airport as proposed. ~~airport~~;

1661 2. That the proposed airport, ~~if constructed or~~
 1662 ~~established~~, will conform to licensing or registration
 1663 requirements ~~minimum standards of safety~~ and will comply with
 1664 the applicable local government land development regulations or
 1665 ~~county or municipal~~ zoning requirements. ~~;~~



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1666 3. That all affected nearby airports, local governments
1667 ~~municipalities~~, and property owners have been notified and any
1668 comments submitted by them have been given adequate
1669 consideration. ~~and~~

1670 4. That safe air-traffic patterns can be established
1671 ~~worked out~~ for the proposed airport with ~~and for~~ all existing
1672 airports and approved airport sites in its vicinity.

1673 (b) Site approval shall be granted for public airports
1674 only after a favorable department inspection of the proposed
1675 site.

1676 (c) Site approval shall be granted for private airports
1677 only after receipt of documentation in a form and manner the
1678 department deems necessary to satisfy the conditions in
1679 paragraph (a).

1680 (d)(b) Site approval may be granted subject to any
1681 reasonable conditions ~~which~~ the department deems ~~may deem~~
1682 necessary to protect the public health, safety, or welfare.

1683 (e) Such Approval shall remain valid ~~in effect~~ for a
1684 ~~period of~~ 2 years after the date of issue ~~issuance of the site~~
1685 ~~approval order~~, unless ~~sooner~~ revoked by the department or
1686 ~~unless, prior to the expiration of the 2-year period,~~ a public
1687 airport license is issued or private airport registration
1688 completed ~~for an airport located on the approved site has been~~
1689 ~~issued~~ pursuant to subsection (2) prior to the expiration date.

1690 (f) The department may extend a site approval ~~may be~~
1691 ~~extended~~ for subsequent periods of 2 years per extension for a
1692 ~~maximum of 2 years upon~~ good cause ~~shown by the owner or lessee~~
1693 ~~of the airport site.~~



1694 ~~(g)(e)~~ The department may revoke a site ~~such~~ approval if
 1695 it determines:

1696 1. That ~~there has been an abandonment of the site~~ has been
 1697 abandoned as an airport site;

1698 2. That ~~there has been a failure within a reasonable time~~
 1699 ~~to develop~~ the site has not been developed as an airport within
 1700 a reasonable time period or development does not ~~to~~ comply with
 1701 the conditions of the site approval;

1702 3. That, except as required for in-flight emergencies, ~~the~~
 1703 ~~operation of aircraft~~ have operated ~~of a nonemergency nature~~ has
 1704 ~~occurred~~ on the site; or

1705 4. That, ~~because of changed physical or legal conditions~~
 1706 ~~or circumstances,~~ the site is no longer usable for ~~the~~ aviation
 1707 purposes due to physical or legal changes in conditions that
 1708 were the subject of the ~~for which the~~ approval was granted.

1709 (2) LICENSES AND REGISTRATIONS; REQUIREMENTS, FEES,
 1710 RENEWAL, REVOCATION.--

1711 (a) Except as provided in subsection (3), the owner or
 1712 lessee of any ~~an~~ airport in this state shall have either a
 1713 public airport ~~must obtain a license~~ or private airport
 1714 registration prior to the operation of aircraft to or from the
 1715 facility ~~on the airport.~~ An Application for a ~~such~~ license or
 1716 registration shall be made in ~~on~~ a form and manner prescribed by
 1717 the department ~~and shall be accomplished jointly with an~~
 1718 ~~application for site approval.~~ Upon granting site approval;7
 1719 ~~making a favorable final airport inspection report indicating~~
 1720 ~~compliance with all license requirements, and receiving the~~
 1721 ~~appropriate license fee, the department shall issue a license to~~



1722 ~~the applicant, subject to any reasonable conditions that the~~
 1723 ~~department may deem necessary to protect the public health,~~
 1724 ~~safety, or welfare.~~

1725 1. For a public airport, the department shall issue a
 1726 license after a final airport inspection finds the facility to
 1727 be in compliance with all requirements for the license. The
 1728 license may be subject to any reasonable conditions that the
 1729 department may deem necessary to protect the public health,
 1730 safety, or welfare.

1731 2. For a private airport, the department shall provide
 1732 controlled electronic access to the state aviation facility data
 1733 system to permit the applicant to complete the registration
 1734 process. Registration shall be completed upon self-certification
 1735 by the registrant of operational and configuration data deemed
 1736 necessary by the department.

1737 (b) The department may ~~is authorized to~~ license a public
 1738 ~~an~~ airport that does not meet all of the ~~minimum~~ standards only
 1739 if it determines that such exception is justified by unusual
 1740 circumstances or is in the interest of public convenience and
 1741 does not endanger the public health, safety, or welfare. Such a
 1742 license shall bear the designation "special" and shall state the
 1743 conditions subject to which the license is granted.

1744 (c) The department may license a public airport or a
 1745 private airport may register ~~authorize a site~~ as a temporary
 1746 airport provided ~~if it finds, after inspection of the site, that~~
 1747 the airport will not endanger the public health, safety, or
 1748 welfare and the airport meets the temporary airport requirements
 1749 established by the department. A temporary airport license or



1750 registration shall be valid for less ~~Such authorization shall~~
 1751 ~~expire not later than 30~~ 90 days after issuance and is not
 1752 renewable.

1753 ~~(d) The license fees for the four categories of airport~~
 1754 ~~licenses are:~~

- 1755 ~~1. Public airport: \$100.~~
- 1756 ~~2. Private airport: \$70.~~
- 1757 ~~3. Limited airport: \$50.~~
- 1758 ~~4. Temporary airport: \$25.~~

1759
 1760 ~~Airports owned or operated by the state, a county, or a~~
 1761 ~~municipality and emergency helistops operated by licensed~~
 1762 ~~hospitals are required to be licensed but are exempt from the~~
 1763 ~~payment of site approval fees and annual license fees.~~

1764 (d)(e)1. Each public airport license shall ~~will~~ expire no
 1765 later than 1 year after the effective date of the license,
 1766 except that the expiration date of a license may be adjusted to
 1767 provide a maximum license period of 18 months to facilitate
 1768 airport inspections, recognize seasonal airport operations, or
 1769 improve administrative efficiency. ~~If the expiration date for a~~
 1770 ~~public airport is adjusted, the appropriate license fee shall be~~
 1771 ~~determined by prorating the annual fee based on the length of~~
 1772 ~~the adjusted license period.~~

1773 2. Registration ~~The license period for private~~ all
 1774 airports shall remain valid provided specific elements of
 1775 airport data, established by the department, are periodically
 1776 recertified by the airport registrant. The ability to recertify
 1777 private airport registration data shall be available at all



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1778 times by electronic submittal. A private airport registration
1779 that has not been recertified in the 24-month period following
1780 the last certification shall expire, unless the registration
1781 period has been adjusted by the department for purposes of
1782 informing private airport owners of their registration
1783 responsibilities or promoting administrative efficiency. The
1784 expiration date of the current registration period will be
1785 clearly identifiable from the state aviation facility data
1786 ~~system other than public airports will be set by the department,~~
1787 ~~but shall not exceed a period of 5 years. In determining the~~
1788 ~~license period for such airports, the department shall consider~~
1789 ~~the number of based aircraft, the airport location relative to~~
1790 ~~adjacent land uses and other airports, and any other factors~~
1791 ~~deemed by the department to be critical to airport operation and~~
1792 ~~safety.~~

1793 3. The effective date and expiration date shall be shown
1794 on public airport licenses ~~stated on the face of the license.~~
1795 Upon receiving an application for renewal of an airport a
1796 license in ~~on~~ a form and manner prescribed by the department and
1797 receiving, ~~making~~ a favorable inspection report indicating
1798 compliance with all applicable requirements and conditions, ~~and~~
1799 ~~receiving the appropriate annual license fee,~~ the department
1800 shall renew the license, subject to any conditions deemed
1801 necessary to protect the public health, safety, or welfare.

1802 4. The department may require a new site approval for any
1803 ~~an~~ airport if the license or registration ~~of the airport~~ has
1804 expired ~~not been renewed by the expiration date.~~



1805 5. If the renewal application for a public airport license
 1806 has and fees have not been received by the department or no
 1807 private airport registration recertification has been
 1808 accomplished within 15 days after the date of expiration ~~of the~~
 1809 license, the department may revoke ~~else~~ the airport license or
 1810 registration.

1811 (e)(f) The department may revoke, or refuse to allow or
 1812 issue, any airport registration or recertification, or any
 1813 license or license renewal thereof, or refuse to issue a
 1814 renewal, if it determines:

1815 1. That the site there has been abandoned as an
 1816 abandonment of the airport as such;

1817 2. That the airport does not ~~there has been a failure to~~
 1818 comply with the conditions of the license, license or renewal,
 1819 or site approval thereof; or

1820 3. That, ~~because of changed physical or legal conditions~~
 1821 ~~or circumstances~~, the airport has become either unsafe or
 1822 unusable for flight operation due to physical or legal changes
 1823 in conditions that were the subject of approval the aeronautical
 1824 purposes for which the license or renewal was issued.

1825 (3) EXEMPTIONS.--The provisions of this section do not
 1826 apply to:

1827 (a) An airport owned or operated by the United States.

1828 (b) An ultralight aircraft landing area; ~~except that any~~
 1829 ~~public ultralight airport~~ located more than within 5 nautical
 1830 miles from a ~~of another~~ public airport or military airport,
 1831 except or any ultralight landing area with more than 10



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1832 ultralight aircraft operating at ~~from~~ the site ~~is subject to the~~
1833 ~~provisions of this section.~~

1834 (c) A helistop used solely in conjunction with a
1835 construction project undertaken pursuant to the performance of a
1836 state contract if the purpose of the helicopter operations at
1837 the site is to expedite construction.

1838 ~~(d) An airport under the jurisdiction or control of a~~
1839 ~~county or municipal aviation authority or a county or municipal~~
1840 ~~port authority or the Florida Space Authority; however, the~~
1841 ~~department shall license any such airport if such authority does~~
1842 ~~not elect to exercise its exemption under this subsection.~~

1843 (d)(e) A helistop used by mosquito control or emergency
1844 services, not to include areas where permanent facilities are
1845 installed, such as hospital landing sites.

1846 (e)(f) An airport which meets the criteria of s.
1847 330.27(7)~~(11)~~ used exclusively for aerial application or
1848 spraying of crops on a seasonal basis, not to include any
1849 licensed airport where permanent crop aerial application or
1850 spraying facilities are installed, if the period of operation
1851 does not exceed 30 days per calendar year. Such proposed
1852 airports, which will be located within 3 miles of existing
1853 airports or approved airport sites, shall establish ~~work-out~~
1854 safe air-traffic patterns with such existing airports or
1855 approved airport sites, by memorandums of understanding, or by
1856 letters of agreement between the parties representing the
1857 airports or sites.

1858 (f) Any body of water used for the takeoff and landing of
1859 aircraft, including any land, building, structure, or any other



1860 contrivance that facilitates private use or intended private
 1861 use.

1862 (4) EXCEPTIONS.--Private airports with 10 or more based
 1863 aircraft may request to be inspected and licensed by the
 1864 department. Private airports licensed according to this
 1865 subsection shall be considered private airports as defined in s.
 1866 330.27(5) in all other respects.

1867 Section 20. Effective October 1, 2003, section 330.35,
 1868 Florida Statutes, is amended to read:

1869 330.35 Airport zoning, ~~approach zone~~ protection.--

1870 (1) Nothing in ss. 330.29-330.36, 330.38, and 330.39 shall
 1871 be construed to limit any right, power, or authority of the
 1872 state or a political subdivision to regulate airport hazards by
 1873 zoning.

1874 (2) Airports licensed for ~~general~~ public use under the
 1875 provisions of s. 330.30 are eligible for airport zoning ~~approach~~
 1876 ~~zone~~ protection, ~~and the procedure shall be the same as is~~
 1877 prescribed in chapter 333.

1878 (3) The department is granted all powers conferred upon
 1879 political subdivisions of this state by chapter 333 to regulate
 1880 airport hazards at state-owned public airports. The procedure
 1881 shall be to form a joint zoning board with the political
 1882 subdivision of the state in which the state-owned public airport
 1883 is located as prescribed in chapter 333.

1884 Section 21. Effective October 1, 2003, subsection (2) of
 1885 section 330.36, Florida Statutes, is amended to read:

1886 330.36 Prohibition against county or municipal licensing
 1887 of airports; regulation of seaplane landings.--



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1888 (2) Upon adoption of zoning requirements in compliance
1889 with subsection (1), a municipality may prohibit or otherwise
1890 regulate, for specified public health and safety purposes, the
1891 landing of seaplanes in and upon any public waters of the state
1892 which are located within the limits or jurisdiction of, or
1893 bordering on, the municipality.

1894 Section 22. Subsection (8) of section 332.007, Florida
1895 Statutes, is amended to read:

1896 332.007 Administration and financing of aviation and
1897 airport programs and projects; state plan.--

1898 (8) Notwithstanding any other provision of law to the
1899 contrary, the department is authorized to provide operational
1900 and maintenance assistance to publicly owned public-use
1901 airports. Such assistance shall be to comply with enhanced
1902 federal security requirements or to address related economic
1903 impacts from the events of September 11, 2001. For projects in
1904 the current adopted work program, or projects added using the
1905 available budget of the department, airports may request the
1906 department change the project purpose in accordance with this
1907 provision notwithstanding the provisions of s. 339.135(7). For
1908 purposes of this subsection, the department may fund up to 100
1909 percent of eligible project costs that are not funded by the
1910 Federal Government. Prior to releasing any funds under this
1911 section, the department shall review and approve the expenditure
1912 plans submitted by the airport. The department shall inform the
1913 Legislature of any change that it approves under this
1914 subsection. This subsection shall expire on June 30, 2007 ~~2004~~.



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1915 Section 23. Subsections (37) and (38) are added to section
1916 334.03, Florida Statutes, to read:

1917 334.03 Definitions.--When used in the Florida
1918 Transportation Code, the term:

1919 (37) "511" or "511 services" means three-digit
1920 telecommunications dialing to access interactive voice response
1921 telephone traveler information services provided in the state as
1922 defined by the Federal Communications Commission in FCC Order
1923 No. 00-256, July 31, 2000.

1924 (38) "Interactive voice response" means a software
1925 application that accepts a combination of voice telephone input
1926 and touch-tone keypad selection and provides appropriate
1927 responses in the form of voice, fax, callback, e-mail, and other
1928 media.

1929 Section 24. Present subsection (31) of section 334.044,
1930 Florida Statutes, is renumbered as subsection (32), and a new
1931 subsection (31) is added to that section to read:

1932 334.044 Department; powers and duties.--The department
1933 shall have the following general powers and duties:

1934 (31) To provide oversight of traveler information systems
1935 that may include the provision of interactive voice response
1936 telephone systems accessible via the 511 number as assigned by
1937 the Federal Communications Commission for traveler information
1938 services. The department shall ensure that uniform standards and
1939 criteria for the collection and dissemination of traveler
1940 information are applied using interactive voice response
1941 systems.



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1942 Section 25. Subsection (3) is added to section 334.071,
1943 Florida Statutes, to read:

1944 334.071 Legislative designation of transportation
1945 facilities.--

1946 (3) Erection of markers shall be contingent on the
1947 appropriate city or county commission passing a resolution in
1948 support of the particular honorary designation. If the bridge or
1949 road segment being designated is located in more than one city
1950 or county, resolutions supporting the designation must be passed
1951 by each affected local government prior to the erection of the
1952 markers.

1953 Section 26. Section 334.14, Florida Statutes, is amended
1954 to read:

1955 334.14 Employees of department who are required to be
1956 engineers.--Each employee performing engineering as defined in
1957 chapter 471 shall be registered in accordance with the
1958 provisions of chapter 471.

1959 ~~(1) At a minimum, each of the following employees of the~~
1960 ~~department must be a professional engineer registered under~~
1961 ~~chapter 471:~~

1962 ~~(a) The State Highway Engineer and the district secretary~~
1963 ~~for each district, except that in lieu of engineering~~
1964 ~~registration the district secretary for each district may hold~~
1965 ~~an advanced degree in an appropriate related discipline such as~~
1966 ~~a master of business administration.~~

1967 ~~(b)1. The head of each office, or equivalent unit, of the~~
1968 ~~department that is responsible for the design of transportation~~
1969 ~~facilities.~~



1970 ~~2. Any person who is employed or assigned by any such unit~~
 1971 ~~to be in responsible charge of an engineering project designed~~
 1972 ~~by the unit, regardless of whether such person is employed in~~
 1973 ~~the central office or in a field office.~~

1974 ~~(c)1. The head of each office, or equivalent unit, of the~~
 1975 ~~department that is responsible for the construction of~~
 1976 ~~transportation facilities or materials testing.~~

1977 ~~2. Any area or resident engineer who is in responsible~~
 1978 ~~charge of an engineering construction project.~~

1979 ~~(d)1. The head of each office, or equivalent unit, of the~~
 1980 ~~department that is directly responsible for traffic operations~~
 1981 ~~or the maintenance of transportation facilities.~~

1982 ~~2. The senior maintenance engineer assigned to a field~~
 1983 ~~office.~~

1984 ~~3. The senior maintenance engineers in charge of the~~
 1985 ~~various area maintenance yards assigned to the field units.~~

1986 ~~(2) As used in this section, the term "responsible charge"~~
 1987 ~~means the rendering of engineering judgment and decisions in the~~
 1988 ~~development of technical policy and programs or the direct~~
 1989 ~~control and personal supervision of work performed by himself or~~
 1990 ~~herself or by others over whom the person holds supervisory~~
 1991 ~~authority.~~

1992 ~~(3) Any person holding the position of resident engineer~~
 1993 ~~of construction or senior maintenance engineer of a field unit~~
 1994 ~~on July 1, 1984, or the position of designer as identified in~~
 1995 ~~subparagraph (1)(b)2. on July 1, 1985, is not subject to the~~
 1996 ~~engineering registration requirement. However, when such person~~



1997 ~~vacates his or her position, his or her replacement must comply~~
 1998 ~~with that requirement.~~

1999 ~~(4) The department shall employ a district secretary for~~
 2000 ~~each transportation district whose duties shall be fixed by the~~
 2001 ~~department and who shall be responsible for the efficient~~
 2002 ~~operation and administration of that district.~~

2003 ~~(5) In addition to the requirement for engineering~~
 2004 ~~registration in subsection (1), the department, in filling the~~
 2005 ~~positions described in this section, shall place emphasis on~~
 2006 ~~proven management ability and experience.~~

2007 Section 27. Section 334.60, Florida Statutes, is created
 2008 to read:

2009 334.60 511 traveler information system.--

2010 (1) The department is the state's lead agency for
 2011 implementing 511 services and is the state's point of contact
 2012 for coordinating 511 services with telecommunications service
 2013 providers. The department shall:

2014 (a) Implement and administer 511 services in the state;

2015 (b) Coordinate with other transportation authorities in
 2016 the state to provide multimodal traveler information through 511
 2017 services and other means;

2018 (c) Develop uniform standards and criteria for the
 2019 collection and dissemination of traveler information using the
 2020 511 number or other interactive voice response systems; and

2021 (d) Enter into joint participation agreements or contracts
 2022 with highway authorities and public transit districts to share
 2023 the costs of implementing and administering 511 services in the
 2024 state. The department may also enter into other agreements or



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2025 contracts with private firms relating to the 511 services to
 2026 offset the costs of implementing and administering 511 services
 2027 in the state.

2028
 2029 The department shall adopt rules to administer the coordination
 2030 of 511 traveler information phone services in the state.

2031 Section 28. Subsection (4) is added to section 335.02,
 2032 Florida Statutes, to read:

2033 335.02 Authority to designate transportation facilities
 2034 and rights-of-way and establish lanes; procedure for
 2035 redesignation and relocation.--

2036 (4) Notwithstanding any general law or special act,
 2037 regulations of any county, municipality, or special district,
 2038 including any instrumentality thereof, shall not apply to
 2039 existing or future transportation facilities, or appurtenances
 2040 thereto, on the State Highway System.

2041 Section 29. Section 336.467, Florida Statutes, is amended
 2042 to read:

2043 336.467 County-state right-of-way acquisition
 2044 agreements.--A county or other governmental entity may enter
 2045 into an agreement with the department to provide for the
 2046 department to acquire rights-of-way for the county or other
 2047 governmental entity, ~~provided the highway project is to be~~
 2048 ~~funded by the 80 percent portion of the constitutional gas tax~~
 2049 ~~allocated to that county and requires the acquisition of at~~
 2050 ~~least 10 parcels of land, the total cost of which will equal or~~
 2051 ~~exceed \$100,000.~~



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2052 Section 30. Subsection (16) is added to section 337.11,
2053 Florida Statutes, to read:

2054 337.11 Contracting authority of department; bids;
2055 emergency repairs, supplemental agreements, and change orders;
2056 combined design and construction contracts; progress payments;
2057 records; requirements of vehicle registration.--

2058 (16) Department procurements under this section are exempt
2059 from the transaction fees imposed by contract, rule, or statute
2060 for MyFloridaMarketPlace.com or any successor Internet
2061 procurement system.

2062 Section 31. Subsections (1), (4), and (7) of section
2063 337.14, Florida Statutes, are amended to read:

2064 337.14 Application for qualification; certificate of
2065 qualification; restrictions; request for hearing.--

2066 (1) Any person desiring to bid for the performance of any
2067 construction contract in excess of \$250,000 which the department
2068 proposes to let must first be certified by the department as
2069 qualified pursuant to this section and rules of the department.
2070 The rules of the department shall address the qualification of
2071 persons to bid on construction contracts in excess of \$250,000
2072 and shall include requirements with respect to the equipment,
2073 past record, experience, financial resources, and organizational
2074 personnel of the applicant necessary to perform the specific
2075 class of work for which the person seeks certification. The
2076 department is authorized to limit the dollar amount of any
2077 contract upon which a person is qualified to bid or the
2078 aggregate total dollar volume of contracts such person is
2079 allowed to have under contract at any one time. Each applicant



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2080 seeking qualification to bid on construction contracts in excess
2081 of \$250,000 shall furnish the department a statement under oath,
2082 on such forms as the department may prescribe, setting forth
2083 detailed information as required on the application. Each
2084 application for certification shall be accompanied by the latest
2085 annual financial statement of the applicant completed within the
2086 last 12 months. If the annual financial statement shows the
2087 financial condition of the applicant more than 4 months prior to
2088 the date on which the application is received by the department,
2089 then an interim financial statement must also be submitted. The
2090 interim financial statement must cover the period from the end
2091 date of the annual statement and must show the financial
2092 condition of the applicant no more than 4 months prior to the
2093 date on which the application is received by the department.
2094 Each required annual or interim financial statement must be
2095 audited and accompanied by the opinion of a certified public
2096 accountant or a public accountant approved by the department.
2097 The information required by this subsection is confidential and
2098 exempt from the provisions of s. 119.07(1). The department
2099 shall act upon the application for qualification within 30 days
2100 after the department determines that the application is complete
2101 ~~it is presented.~~

2102 (4) If the applicant is found to possess the prescribed
2103 qualifications, the department shall issue to him or her a
2104 certificate of qualification that, unless thereafter revoked by
2105 the department for good cause, will be valid for a period of 18
2106 months after the date of the applicant's financial statement or
2107 such shorter period as the department prescribes. Submission of



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2108 | an application shall not affect expiration of the certificate of
2109 | qualification. If the department finds that an application is
2110 | incomplete or contains inadequate information or information
2111 | that cannot be verified, the department may request in writing
2112 | that the applicant provide the necessary information to complete
2113 | the application or provide the source from which any information
2114 | in the application may be verified. If the applicant fails to
2115 | comply with the initial written request within a reasonable
2116 | period of time as specified therein, the department shall
2117 | request the information a second time. If the applicant fails to
2118 | comply with the second request within a reasonable period of
2119 | time as specified therein, the application shall be denied.

2120 | (7) No "contractor" as defined in s. 337.165(1)(d) or his
2121 | or her "affiliate" as defined in s. 337.165(1)(a) qualified with
2122 | the department under this section may also qualify under s.
2123 | 287.055 or s. 337.105 to provide testing services, construction,
2124 | engineering, and inspection services to the department. This
2125 | limitation shall not apply to any design-build prequalification
2126 | under s. 337.11(7).

2127 | Section 32. Section 337.18, Florida Statutes, is amended
2128 | to read:

2129 | 337.18 Surety bonds for construction or maintenance
2130 | contracts; requirement with respect to contract award; bond
2131 | requirements; defaults; damage assessments.--

2132 | (1)(a) A surety bond shall be required of the successful
2133 | bidder in an amount equal to the awarded contract price. For a
2134 | project for which the contract price is \$150,000 or less, the
2135 | department may waive the requirement for all or a portion of a



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2136 surety bond if it determines the project is of a noncritical
2137 nature and nonperformance will not endanger public health,
2138 safety, or property. The department may require alternate means
2139 of security if a surety bond is waived. The surety on such bond
2140 shall be a surety company authorized to do business in the
2141 state. All bonds shall be payable to the department and
2142 conditioned for the prompt, faithful, and efficient performance
2143 of the contract according to plans and specifications and within
2144 the time period specified, and for the prompt payment of all
2145 persons defined in s. 713.01 furnishing labor, material,
2146 equipment, and supplies for work provided in the contract
2147 ~~therefor~~; however, whenever an improvement, demolition, or
2148 removal contract price is \$25,000 or less, the security may, in
2149 the discretion of the bidder, be in the form of a cashier's
2150 check, bank money order of any state or national bank, certified
2151 check, or postal money order. The department shall adopt rules
2152 to implement this subsection. Such rules shall include
2153 provisions under which the department shall refuse to accept
2154 bonds on contracts when a surety wrongfully fails or refuses to
2155 settle or provide a defense for claims or actions arising under
2156 a contract for which the surety previously furnished a bond.

2157 (b) Upon execution of the contract, and prior to beginning
2158 any work under the contract, the contractor shall record in the
2159 public records of the county where the improvement is located
2160 the payment and performance bond required under this section. A
2161 claimant shall have a right of action against the contractor and
2162 surety for the amount due him or her, including unpaid finance



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2163 charges due under the claimant's contract. Such action shall not
2164 involve the department in any expense.

2165 (c) A claimant, except a laborer, who is not in privity
2166 with the contractor shall, before commencing or not later than
2167 90 days after commencing to furnish labor, materials, or
2168 supplies for the prosecution of the work, furnish the contractor
2169 with a notice that he or she intends to look to the bond for
2170 protection. A claimant who is not in privity with the contractor
2171 and who has not received payment for his or her labor,
2172 materials, or supplies shall deliver to the contractor and to
2173 the surety written notice of the performance of the labor or
2174 delivery of the materials or supplies and of the nonpayment. The
2175 notice of nonpayment may be served at any time during the
2176 progress of the work or thereafter but not before 45 days after
2177 the first furnishing of labor, services, or materials, and not
2178 later than 90 days after the final furnishing of the labor,
2179 services, or materials by the claimant or, with respect to
2180 rental equipment, not later than 90 days after the date that the
2181 rental equipment was last on the job site available for use. An
2182 action by a claimant, except a laborer, who is not in privity
2183 with the contractor for the labor, materials, or supplies may
2184 not be instituted against the contractor or the surety unless
2185 both notices have been given. Notices required or permitted
2186 under this section may be served in any manner provided in s.
2187 713.18.

2188 (d) An action must be instituted by a claimant, whether in
2189 privity with the contractor or not, against the contractor or
2190 the surety on the payment bond or the payment provisions of a



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2191 combined payment and performance bond within 365 days after the
2192 final acceptance of the contract work by the department. A
2193 claimant may not waive in advance his or her right to bring an
2194 action under the bond against the surety. In any action brought
2195 to enforce a claim against a payment bond under this section,
2196 the prevailing party is entitled to recover a reasonable fee for
2197 the services of his or her attorney for trial and appeal or for
2198 arbitration, in an amount to be determined by the court, which
2199 fee must be taxed as part of the prevailing party's costs, as
2200 allowed in equitable actions.

2201 (e) When a contractor has furnished a payment bond
2202 pursuant to this section, he or she may, when the department
2203 makes any payment to the contractor, serve a written demand on
2204 any claimant who is not in privity with the contractor for a
2205 written statement under oath of his or her account showing the
2206 nature of the labor or services performed to date, if any; the
2207 materials furnished; the materials to be furnished, if known;
2208 the amount paid on account to date; the amount due; and the
2209 amount to become due, if known, as of the date of the statement
2210 by the claimant. Any such demand to a claimant who is not in
2211 privity with the contractor must be served on the claimant at
2212 the address and to the attention of any person who is designated
2213 to receive the demand in the notice to the contractor served by
2214 the claimant. The failure or refusal to furnish the statement
2215 does not deprive the claimant of his or her rights under the
2216 bond if the demand is not served at the address of the claimant
2217 or directed to the attention of the person designated to receive
2218 the demand in the notice to contractor. The failure to furnish



2219 the statement within 60 days after the demand, or the furnishing
 2220 of a false or fraudulent statement, deprives the claimant who
 2221 fails to furnish the statement, or who furnishes the false or
 2222 fraudulent statement, of his or her rights under the bond. If
 2223 the contractor serves more than one demand for statement of
 2224 account on a claimant and none of the information regarding the
 2225 account has changed since the claimant's last response to a
 2226 demand, the failure or refusal to furnish such statement does
 2227 not deprive the claimant of his or her rights under the bond.
 2228 The negligent inclusion or omission of any information deprives
 2229 the claimant of his or her rights under the bond to the extent
 2230 that the contractor can demonstrate prejudice from such act or
 2231 omission by the claimant. The failure to furnish a response to a
 2232 demand for statement of account does not affect the validity of
 2233 any claim on the bond being enforced in a lawsuit filed before
 2234 the date the demand for statement of account is received by the
 2235 claimant.

2236 (f) The bonds provided for in this section are statutory
 2237 bonds. The provisions of s. 255.05 are not applicable to bonds
 2238 issued pursuant to this section.

2239 (2) The department shall provide in its contracts for the
 2240 determination of default on the part of any contractor for cause
 2241 attributable to such contractor. The department shall have no
 2242 liability for anticipated profits for unfinished work on a
 2243 contract which has been determined to be in default. Every
 2244 contract let by the department for the performance of work shall
 2245 contain a provision for payment to the department by the
 2246 contractor of liquidated damages due to failure of the



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2247 contractor to complete the contract work within the time
2248 stipulated in the contract or within such additional time as may
2249 have been granted by the department. The contractual provision
2250 shall include a reasonable estimate of the damages that would be
2251 incurred by the department as a result of such failure. The
2252 department shall establish a schedule of daily liquidated damage
2253 charges, based on original contract amounts, for construction
2254 contracts entered into by the department, which schedule shall
2255 be incorporated by reference into the contract. The department
2256 shall update the schedule of liquidated damages at least once
2257 every 2 years, but no more often than once a year. The schedule
2258 shall, at a minimum, be based on the average construction,
2259 engineering, and inspection costs experienced by the department
2260 on contracts over the 2 preceding fiscal years. The schedule
2261 shall also include anticipated costs of project-related delays
2262 and inconveniences to the department and traveling public.
2263 Anticipated costs may include, but are not limited to, road user
2264 costs, a portion of the projected revenues that will be lost due
2265 to failure to timely open a project to revenue-producing
2266 traffic, costs resulting from retaining detours for an extended
2267 time, and other similar costs. Any such liquidated damages paid
2268 to the department shall be deposited to the credit of the fund
2269 from which payment for the work contracted was authorized.

2270 (3) In addition to the provision for payment to the
2271 department by the contractor of liquidated damages due to the
2272 failure of the contractor to complete the project within the
2273 time stipulated in the contract or within such additional time
2274 as may have been granted by the department, the department may



2275 also recover from the contractor amounts paid by the department
 2276 for damages suffered by third parties as a result of the
 2277 contractor's failure to complete the project within the time
 2278 stipulated in the contract or within such additional time as may
 2279 have been granted by the department, unless the failure to
 2280 timely complete the project was caused by the department's act
 2281 or omission. However, nothing herein shall create a cause of
 2282 action against the department, or against a contractor by an
 2283 abutting property owner or business entity, where none has
 2284 previously existed.

2285 (4)(a) If the department determines and adequately
 2286 documents that the timely completion of any project will provide
 2287 a substantial benefit to the public health, safety, or welfare;
 2288 will limit the disruptive effect of construction on the
 2289 community; or is cost beneficial on a revenue-producing project,
 2290 the contract for such project may provide for an incentive
 2291 payment payable to the contractor for early completion of the
 2292 project or critical phases of the work and for additional
 2293 damages to be assessed against the contractor for the completion
 2294 of the project or critical phases of the work in excess of the
 2295 time specified. All contracts containing such provisions shall
 2296 be approved by the head of the department or his or her
 2297 designee. The amount of such incentive payment or such
 2298 additional damages shall be established in the contract based on
 2299 an analysis of the cost savings to the traveling public or
 2300 revenue projections for a revenue-producing project ~~but shall~~
 2301 ~~not exceed \$10,000 per calendar day, except that for revenue-~~
 2302 ~~producing projects the amounts and periods of the incentive may~~



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2303 ~~be greater if an analysis indicates that additional revenues~~
2304 ~~projected to be received upon completion of the project will~~
2305 ~~exceed the cost of the incentive payments.~~ Any liquidated
2306 damages provided for under subsection (2) and any additional
2307 damages provided for under this subsection shall be payable to
2308 the department because of the contractor's failure to complete
2309 the contract work within the time stipulated in the contract or
2310 within such additional time as may have been granted by the
2311 department.

2312 (b) The department shall adopt rules to implement this
2313 subsection. Such rules shall include procedures and criteria for
2314 the selection of projects on which incentive payments and
2315 additional damages may be provided for by contract.

2316 (5) Such bonds shall be subject to the additional
2317 obligation that the principal and surety executing the same
2318 shall be liable to the state in a civil action instituted by the
2319 department or any officer of the state authorized in such cases,
2320 for double any amount in money or property the state may lose or
2321 be overcharged or otherwise defrauded of, by reason of any
2322 wrongful or criminal act, if any, of the contractor, the
2323 contractor's agent, or employees.

2324 Section 33. Subsection (1) of section 337.401, Florida
2325 Statutes, is amended to read:

2326 337.401 Use of right-of-way for utilities subject to
2327 regulation; permit; fees.--

2328 (1) The department and local governmental entities,
2329 referred to in ss. 337.401-337.404 as the "authority," that have
2330 jurisdiction and control of public roads or publicly owned rail



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2331 corridors are authorized to prescribe and enforce reasonable
 2332 rules or regulations with reference to the placing and
 2333 maintaining along, across, or on any road or publicly owned rail
 2334 corridors under their respective jurisdictions any electric
 2335 transmission, telephone, telegraph, or other communications
 2336 services lines; pole lines; poles; railways; ditches; sewers;
 2337 water, heat, or gas mains; pipelines; fences; gasoline tanks and
 2338 pumps; or other structures hereinafter referred to as the
 2339 "utility." The department may enter into a permit-delegation
 2340 agreement with a governmental entity if issuance of a permit is
 2341 based on requirements that the department finds will ensure the
 2342 safety and integrity of facilities of the Department of
 2343 Transportation.

2344 Section 34. Subsection (3) of section 338.165, Florida
 2345 Statutes, is amended to read:

2346 338.165 Continuation of tolls.--

2347 (3) Notwithstanding any other law to the contrary,
 2348 pursuant to s. 11, Art. VII of the State Constitution, and
 2349 subject to the requirements of subsection(2), the Department of
 2350 Transportation may request the Division of Bond Finance to issue
 2351 bonds secured by toll revenues collected on the Alligator Alley,
 2352 Sunshine Skyway Bridge, Beeline-East Expressway, and Pinellas
 2353 Bayway to fund transportation projects located within the county
 2354 or counties in which the facility is located and contained in
 2355 the 1993-1994 Adopted Work Program or in any subsequent adopted
 2356 work program of the department.

2357 Section 35. Paragraph (b) of subsection (1) of section
 2358 338.2216, Florida Statutes, is amended to read:



2359 | 338.2216 Florida Turnpike Enterprise; powers and
2360 | authority.--

2361 | (1)

2362 | (b) ~~It is the express intention of this part that~~ The
2363 | Florida Turnpike Enterprise is ~~be~~ authorized to plan, develop,
2364 | own, purchase, lease, or otherwise acquire, demolish, construct,
2365 | improve, relocate, equip, repair, maintain, operate, and manage
2366 | the Florida Turnpike System; to expend funds to publicize,
2367 | advertise, and promote the advantages of using the turnpike
2368 | system and its facilities; and to cooperate, coordinate,
2369 | partner, and contract with other entities, public and private,
2370 | to accomplish these purposes.

2371 | Section 36. Subsection (2) of section 338.235, Florida
2372 | Statutes, is amended to read:

2373 | 338.235 Contracts with department for provision of
2374 | services on the turnpike system.--

2375 | (2) In order to secure high-quality products, business
2376 | opportunities, and services on the turnpike system, products,
2377 | business opportunities, and services authorized by s. 338.234
2378 | may be secured by competitive solicitation ~~for turnpike patrons~~,
2379 | ~~products and services authorized by s. 338.234(1) may be secured~~
2380 | ~~through the request for proposal process.~~ If the department
2381 | receives an unsolicited proposal for products, business
2382 | opportunities, or services that it wishes to consider, it shall
2383 | publish a notice in a newspaper of general circulation at least
2384 | once a week for 2 weeks, or may broadcast such notice by
2385 | electronic media for 2 weeks, stating that it has received a
2386 | proposal and will accept other proposals on the same subject for



2387 30 days after the date of publication. The department may select
 2388 offers that ~~the proposal and fee which~~ best satisfy the
 2389 conditions of a quality service, business opportunity, or ~~and~~
 2390 product ~~operation~~ for the turnpike system. The factors to be
 2391 used in evaluating proposals include, but are not limited to:
 2392 (a) The financial capacity of the provider;
 2393 (b) The willingness to contribute toward the cost of
 2394 facility construction;
 2395 (c) The type and quality of the service or product
 2396 offered;
 2397 (d) The price structure of the service or product offered;
 2398 (e) Management experience and capabilities;
 2399 (f) The national brand names offered;
 2400 (g) The originality of the concept and its relationship to
 2401 the turnpike system;
 2402 (h) The lease rate; and
 2403 (i) Other factors that the department may deem pertinent.

2404 Section 37. Chapter 339, Florida Statutes, is designated
 2405 as part I of said chapter, and part II, consisting of sections
 2406 339.61, 339.62, 339.63, and 339.64, is created to read:

2407 PART II

2408 FLORIDA STRATEGIC INTERMODAL SYSTEM

2409 339.61 Florida Strategic Intermodal System; legislative
 2410 findings, declaration, and intent.--

2411 (1) There is hereby created the Florida Strategic
 2412 Intermodal System.

2413 (2) The Legislature finds that increasing demands are
 2414 continuing to be placed on the state's transportation system by



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2415 a fast-growing economy, continued population growth, and
2416 projected increases in freight movement, international trade,
2417 and tourism. The Legislature also finds that the state's growing
2418 regional and intercity economic centers will increase the demand
2419 for interregional and intercity travel and that the evolving
2420 service-based and information-based industries will change the
2421 type of transportation system that business and industry demand,
2422 increasing the importance of speed and reliability. The
2423 Legislature further finds that the state's transportation system
2424 must be designed and operated in such a way that it preserves
2425 the abundance of natural and manmade amenities that have been so
2426 successful in attracting new residents, businesses, and tourists
2427 to this state. Therefore, the Legislature declares that the
2428 designation of a strategic intermodal system, composed of
2429 facilities and services of statewide and interregional
2430 significance, will efficiently serve the mobility needs of
2431 Florida's citizens, businesses, and visitors and will help
2432 Florida become a worldwide economic leader, enhance economic
2433 prosperity and competitiveness, enrich quality of life, and
2434 reflect responsible environmental stewardship. To that end, it
2435 is the intent of the Legislature that the Florida Strategic
2436 Intermodal System consist of transportation facilities that meet
2437 a strategic and essential state interest and that limited
2438 resources available for the implementation of statewide and
2439 interregional transportation priorities be focused on that
2440 system.

2441 339.62 System components.--The Florida Strategic
2442 Intermodal System shall consist of appropriate components of:



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2443 (1) The Florida Intrastate Highway System established
2444 pursuant to s. 338.001.

2445 (2) The National Highway System.

2446 (3) Airport, seaport, and spaceport facilities.

2447 (4) Rail lines and rail facilities.

2448 (5) Selected intermodal facilities; passenger and freight
2449 terminals; and appropriate components of the State Highway
2450 System, county road system, city street system, and local public
2451 transit systems that serve as existing or planned connectors
2452 between the components listed in subsections (1)-(4).

2453 (6) Existing or planned corridors that serve a statewide
2454 or interregional purpose.

2455 339.63 System facilities designated; additions and
2456 deletions.--

2457 (1) The initial Florida Strategic Intermodal System shall
2458 include all facilities that meet the criteria recommended by the
2459 Strategic Intermodal Steering Committee in a report entitled
2460 "Steering Committee Final Report: Recommendations for
2461 Designating the Florida Strategic Intermodal System" dated
2462 December 2002.

2463 (2) Subsequent to the initial designation of the Florida
2464 Strategic Intermodal System pursuant to subsection (1), the
2465 Secretary of Transportation shall periodically add facilities to
2466 or delete facilities from the Florida Strategic Intermodal
2467 System based upon adopted criteria.

2468 339.64 Strategic Intermodal System Plan.--

2469 (1) The department, in cooperation with metropolitan
2470 planning organizations, regional planning councils, local



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2471 governments, the Statewide Intermodal Transportation Advisory
2472 Council, and other transportation providers, shall develop a
2473 Strategic Intermodal System Plan. The plan shall be consistent
2474 with the Florida Transportation Plan developed pursuant to s.
2475 339.155 and shall be updated at least once every 5 years,
2476 subsequent to updates of the Florida Transportation Plan.

2477 (2) In association with the development of the initial
2478 Strategic Intermodal System Plan, the Florida Transportation
2479 Commission shall conduct an assessment of the need for an
2480 improved philosophical approach to regional and intermodal input
2481 in the planning for and governing of the Florida Strategic
2482 Intermodal System. The Florida Transportation Commission shall
2483 coordinate with the department, the Statewide Intermodal
2484 Transportation Advisory Council, and other appropriate entities
2485 when developing this assessment. The Florida Transportation
2486 Commission shall deliver a report to the Governor and
2487 Legislature by December 15, 2003, with recommendations as
2488 necessary to fully implement the Florida Strategic Intermodal
2489 System.

2490 (3) During the development of the Strategic Intermodal
2491 System Plan and the development of all subsequent updates, the
2492 department shall provide metropolitan planning organizations,
2493 regional planning councils, local governments, transportation
2494 providers, affected public agencies, and citizens with an
2495 opportunity to participate in and comment on the development of
2496 the proposed plan or update.

2497 (4) The Strategic Intermodal System Plan shall include the
2498 following:



2499 (a) A needs assessment.

2500 (b) A project prioritization process.

2501 (c) A map of facilities designated as Florida Strategic
 2502 Intermodal System facilities and facilities that are emerging in
 2503 importance that are likely to become part of the system in the
 2504 future.

2505 (d) A finance plan based on reasonable projections of
 2506 anticipated revenues, including both 10-year and 20-year cost-
 2507 feasible components.

2508 Section 38. Section 339.1372, Florida Statutes, is created
 2509 to read:

2510 339.1372 Transportation funding for intermodal funding.--

2511 (1) The Legislature finds that in order to meet the
 2512 prevailing principles of enhancing Florida's economic
 2513 competitiveness and improving travel choices to ensure mobility,
 2514 major capital investments are required in transportation
 2515 projects and economic development infrastructure that ensure the
 2516 safe and efficient movement of goods, people, and services;
 2517 assist local governments in developing intermodal linkages;
 2518 promote logical linkages between different modes of
 2519 transportation; attract federal, state, local, and private
 2520 sector funds; and enhance the state's economy.

2521 (2) The department shall allocate \$100 million annually
 2522 from the former Transportation Outreach Program established
 2523 under ss. 339.137 and 339.1371 to be used for projects in
 2524 accordance with this section. In any year in which the State
 2525 Transportation Trust Fund is required to transfer funds to the
 2526 General Revenue Fund or other state trust funds, or in which



2527 existing revenue sources available to the department are
 2528 temporarily or permanently reduced, this shall reduce the amount
 2529 allocated to projects under this section in the impacted fiscal
 2530 year up to the total available under this section. The projects
 2531 shall be qualified and selected by the department and the
 2532 Statewide Intermodal Transportation Advisory Council in
 2533 accordance with the following requirements:

2534 (a) Seventy-five percent of the available funds under this
 2535 section shall be for projects that are part of the Florida
 2536 Strategic Intermodal System established in accordance with part
 2537 II of this chapter with priority given to statewide
 2538 transportation corridors established in s. 341.0532.

2539 (b) Twenty-five percent of the available funds under this
 2540 section shall be for intermodal projects that are not part of
 2541 the Florida Strategic Intermodal System but are part of the
 2542 statewide transportation corridors established in s. 341.0532,
 2543 including facilities that are emerging in importance that are
 2544 likely to become part of the Florida Strategic Intermodal System
 2545 in the future.

2546 (c) In any given year, the actual percentage of funds
 2547 under paragraphs (a) and (b) may vary by up to 10 percent,
 2548 provided that the total percentage over a 5-year period equals
 2549 the percentage outlined in paragraphs (a) and (b).

2550 (d) Projects selected shall meet the following
 2551 requirements prior to being included on the proposed list of
 2552 projects:

2553 1. Projects that are not part of the State Highway System
 2554 shall include a 25-percent match of the state funds from any



2555 combination of local or private funds or federal funds not
 2556 designated for the department.

2557 2. Projects must be consistent with the Florida
 2558 Transportation Plan and current transportation system plans,
 2559 including, but not limited to, the Strategic Intermodal System
 2560 Plan, the Florida Intrastate Highway System Plan, and aviation,
 2561 rail, intermodal, seaport, spaceport, or transit system plans.

2562 3. The project phase will be production-ready in the year
 2563 included in the proposed project list.

2564 4. The project must be consistent, to the maximum extent
 2565 feasible, with applicable local metropolitan planning
 2566 organization plans and local government comprehensive plans.

2567 (e) The department and the Statewide Intermodal
 2568 Transportation Advisory Council shall consider, but are not
 2569 limited to considering, the following criteria in the selection
 2570 of projects to be included in the proposed list of projects:

2571 1. The demonstration that the project will encourage,
 2572 enhance, or create economic benefits.

2573 2. The extent to which the project will provide for
 2574 increased mobility and connectivity between the State Highway
 2575 System and airports, seaports, rail facilities, and other
 2576 transportation terminals and intermodal centers for the
 2577 increased accessibility and movement of people and goods.

2578 3. Projects not on the State Highway System that include a
 2579 matching percentage greater than 25 percent may be given
 2580 priority over other projects.



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2581 4. The extent to which the assistance would foster
2582 innovative public-private partnerships and attract private debt
2583 or equity investment.

2584 (3) The department shall develop and implement a process
2585 to solicit proposals for projects that are eligible to receive
2586 funding under this section. The process for 2003 shall include a
2587 solicitation for projects that can utilize funding in fiscal
2588 years 2004-2005 through 2008-2009. The department, after review
2589 and approval by the Governor, shall provide a list of proposed
2590 projects that totals 150 percent of the amount available under
2591 this section for fiscal years 2004-2005 through 2008-2009 to the
2592 Statewide Intermodal Transportation Advisory Council by November
2593 14, 2003. The Statewide Intermodal Transportation Advisory
2594 Council shall provide a report of comments and prioritized
2595 recommendations on the proposed list of projects for fiscal
2596 years 2004-2005 through 2008-2009 to the President of the Senate
2597 and the Speaker of the House of Representatives by January 16,
2598 2004. The Legislature shall approve the final list of projects
2599 up to the funding available under this section from the projects
2600 proposed by the department for fiscal year 2004-2005 in the
2601 General Appropriations Act. The President of the Senate and the
2602 Speaker of the House of Representatives shall jointly approve,
2603 in writing, a final list of projects for this section up to \$100
2604 million per year by May 14, 2004, from the projects proposed by
2605 the department for fiscal years 2005-2006 through 2008-2009,
2606 subject to appropriation in subsequent General Appropriations
2607 Acts. Notwithstanding any other law to the contrary, the
2608 requirements of ss. 339.135, 339.155, and 339.175 shall not



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2609 apply to projects funded in this section, and the department is
2610 directed to include the final list of approved projects in the
2611 Adopted Work Program, July 1, 2004.

2612 (4) In 2004 and each year thereafter, the department shall
2613 solicit projects for a new fifth year that totals 150 percent of
2614 the amount available under this section and, after review and
2615 approval by the Governor, present a list of proposed projects to
2616 the Statewide Intermodal Transportation Advisory Council at
2617 least 120 days prior to the start of the regular legislative
2618 session. The Statewide Intermodal Transportation Advisory
2619 Council shall provide a report of comments and prioritized
2620 recommendations on the proposed list of projects to the
2621 President of the Senate and the Speaker of the House of
2622 Representatives at least 60 days prior to the start of the
2623 regular legislative session. The President of the Senate and the
2624 Speaker of the House of Representatives shall jointly approve,
2625 in writing, a final list of projects up to \$100 million by May
2626 15, 2005, and each May 15 thereafter from the projects proposed
2627 by the department in the new fifth year, subject to
2628 appropriation in subsequent General Appropriations Acts.
2629 Notwithstanding any other law to the contrary, the requirements
2630 of ss. 339.135, 339.155, and 339.175 shall not apply to projects
2631 funded in this section, and the department is directed to
2632 include the final list of approved projects in the fifth year of
2633 the Adopted Work Program, July 1 of that year.

2634 (5) There is created the Statewide Intermodal
2635 Transportation Advisory Council.



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2636 (a) The Statewide Intermodal Transportation Advisory
2637 Council is created to advise and make recommendations to the
2638 Legislature and the department on policies, planning, and
2639 funding of intermodal transportation projects considered for
2640 funding under this section. The council's responsibilities shall
2641 include:

2642 1. Advising the department on the policies, planning, and
2643 implementation of strategies related to intermodal
2644 transportation and specific projects as outlined in this section
2645 to move people and goods in the most efficient and effective
2646 manner for the state.

2647 2. Providing advice and recommendations to the Legislature
2648 on funding for projects as outlined in this section that provide
2649 strategic investments to move goods and people in the most
2650 efficient and effective manner for the state.

2651 (b) Members of the Statewide Intermodal Transportation
2652 Advisory Council shall consist of the following:

2653 1. Five intermodal industry representatives selected by
2654 the Governor as follows:

2655 a. Two representatives from airports involved in the
2656 movement of freight and people from the airport facility to
2657 another transportation mode. In no event may both of the
2658 representatives be employed by the same company or airport.

2659 b. One representative from a fixed-route, local government
2660 transit system.

2661 c. One representative from an intercity bus company
2662 providing regularly scheduled bus travel as determined by
2663 federal regulations.



2664 | d. One representative from a spaceport.

2665 | 2. Three intermodal industry representatives selected by

2666 | the President of the Senate as follows:

2667 | a. One representative from a major-line railroad.

2668 | b. One representative from a seaport listed in s.

2669 | 311.09(1) from the Atlantic Coast.

2670 | c. One representative from an intermodal trucking company.

2671 | 3. Three intermodal industry representatives selected by

2672 | the Speaker of the House of Representatives as follows:

2673 | a. One representative from a short-line railroad.

2674 | b. One representative from a seaport listed in s.

2675 | 311.09(1) from the Gulf Coast.

2676 | c. One representative from an intermodal trucking company.

2677 | In no event may this representative be employed by the same

2678 | company that employs the intermodal trucking company

2679 | representative selected by the President of the Senate.

2680 | (c) Initial appointments to the council must be made no

2681 | later than 30 days after the effective date of this section.

2682 | 1. The council members initially appointed by the

2683 | President of the Senate and the Speaker of the House of

2684 | Representatives shall serve terms concurrent with those of the

2685 | respective appointing officer. Beginning January 15, 2005, and

2686 | for all subsequent appointments, council members appointed by

2687 | the President of the Senate and the Speaker of the House of

2688 | Representatives shall serve 2-year terms, concurrent with the

2689 | term of the respective appointing officer.

2690 | 2. All council members appointed by the Governor shall

2691 | serve 2-year terms.



2692 3. Vacancies on the council shall be filled in the same
 2693 manner as the initial appointments.

2694 (d) Each member of the council shall be allowed one vote.
 2695 The council shall select a chair from among its membership.
 2696 Meetings shall be held at the call of the chair but not less
 2697 frequently than quarterly. The members of the council shall be
 2698 reimbursed for per diem and travel expenses as provided in s.
 2699 112.061.

2700 (e) The department shall provide administrative staff
 2701 support and shall ensure that council meetings are
 2702 electronically recorded. Such recordings and all documents
 2703 received, prepared for, or used by the council in conducting its
 2704 business shall be preserved pursuant to chapters 119 and 257.

2705 Section 39. Section 341.0532, Florida Statutes, is created
 2706 to read:

2707 341.0532 Statewide transportation corridors.--

2708 (1) "Statewide transportation corridor" means a system of
 2709 transportation infrastructure that collectively provides for the
 2710 efficient movement of significant volumes of intrastate,
 2711 interstate, and international commerce by seamlessly linking
 2712 multiple modes of transport.

2713 (2) Florida's statewide transportation corridors are:

2714 (a) The Atlantic Coast Corridor, from Jacksonville to
 2715 Miami, including Interstate 95.

2716 (b) The Gulf Coast Corridor, from Pensacola to St.
 2717 Petersburg and to Tampa including U.S. Route 98 and U.S. Route
 2718 19, State Road 27.

2719 (c) The Central Florida North-South Corridor, from the



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2720 Florida-Georgia border to Naples and Fort Lauderdale and Miami,
2721 including Interstate 75.

2722 (d) The Central Florida East-West Corridor from St.
2723 Petersburg to Tampa and to Titusville, including Interstate 4
2724 and the Beeline Expressway.

2725 (e) The North Florida Corridor, from Pensacola to
2726 Jacksonville, including Interstate 10, and U.S. Route 231, State
2727 Road 77, and State Road 79 from the Florida-Alabama border to
2728 Panama City.

2729 (f) The Jacksonville to Tampa Corridor, including U.S.
2730 Route 301.

2731 (g) The Jacksonville to Orlando Corridor, including U.S.
2732 17.

2733 (h) The Southeastern Everglades Corridor, linking
2734 Wildwood, Winter Garden, Orlando, and West Palm Beach via the
2735 Florida Turnpike.

2736
2737 For the purposes of this subsection, the term "corridor"
2738 includes railways adjacent to such corridor and the roadways
2739 linking to transportation terminals, and intermodal service
2740 centers to the major highways listed in this subsection.

2741 Section 40. Subsections (1) and (2) of section 339.08,
2742 Florida Statutes, are amended to read:

2743 339.08 Use of moneys in State Transportation Trust Fund.--

2744 (1) The department shall expend ~~by rule provide for the~~
2745 ~~expenditure of the~~ moneys in the State Transportation Trust Fund
2746 accruing to the department, in accordance with its annual
2747 budget.



2748 (2) ~~These rules must restrict~~ The use of such moneys shall
2749 be restricted to the following purposes:

2750 (a) To pay administrative expenses of the department,
2751 including administrative expenses incurred by the several state
2752 transportation districts, but excluding administrative expenses
2753 of commuter rail authorities that do not operate rail service.

2754 (b) To pay the cost of construction of the State Highway
2755 System.

2756 (c) To pay the cost of maintaining the State Highway
2757 System.

2758 (d) To pay the cost of public transportation projects in
2759 accordance with chapter 341 and ss. 332.003-332.007.

2760 (e) To reimburse counties or municipalities for
2761 expenditures made on projects in the State Highway System as
2762 authorized by s. 339.12(4) upon legislative approval.

2763 (f) To pay the cost of economic development transportation
2764 projects in accordance with s. 288.063.

2765 (g) To lend or pay a portion of the operating,
2766 maintenance, and capital costs of a revenue-producing
2767 transportation project that is located on the State Highway
2768 System or that is demonstrated to relieve traffic congestion on
2769 the State Highway System.

2770 (h) To match any federal-aid funds allocated for any other
2771 transportation purpose, including funds allocated to projects
2772 not located in the State Highway System.

2773 (i) To pay the cost of county road projects selected in
2774 accordance with the Small County Road Assistance Program created
2775 in s. 339.2816.



2776 (j) To pay the cost of county or municipal road projects
 2777 selected in accordance with the County Incentive Grant Program
 2778 created in s. 339.2817 and the Small County Outreach Program
 2779 created in s. 339.2818.

2780 (k) To provide loans and credit enhancements for use in
 2781 constructing and improving highway transportation facilities
 2782 selected in accordance with the state-funded infrastructure bank
 2783 created in s. 339.55.

2784 (l) To fund transportation projects pursuant to s.
 2785 339.1372 ~~the Transportation Outreach Program created in s.~~
 2786 ~~339.137.~~

2787 (m) To pay the cost of projects on the Florida Strategic
 2788 Intermodal System developed pursuant to s. 339.61.

2789 (n)~~(m)~~ To pay other lawful expenditures of the department.
 2790 Section 41. Section 339.1371, Florida Statutes, is amended
 2791 to read:

2792 339.1371 Mobility 2000; ~~Transportation Outreach Program;~~
 2793 funding.--

2794 (1) Beginning in fiscal year 2000-2001 the Department of
 2795 Transportation shall allocate sufficient funds to implement the
 2796 Mobility 2000 (Building Roads for the 21st Century) initiative.
 2797 The department shall develop a plan to expend these revenues and
 2798 amend the current tentative work program for the time period
 2799 2000-2001 through 2004-2005 prior to adoption to include
 2800 Mobility 2000 projects. In addition, prior to work program
 2801 adoption, the department shall submit a budget amendment
 2802 pursuant to s. 339.135(7), requesting budget authority needed to
 2803 implement the Mobility 2000 initiative. Funds will be used for



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2804 corridors that link Florida's economic regions to seaports,
2805 international airports, and markets to provide connections
2806 through major gateways, improved mobility in major urbanized
2807 areas, and access routes for emergency evacuation to coastal
2808 communities based on analysis of current and projected traffic
2809 conditions.

2810 (2) Notwithstanding any other provision of law, in fiscal
2811 year 2001-2002 and each year thereafter, the increase in revenue
2812 to the State Transportation Trust Fund derived from ss. 1, 2, 3,
2813 7, 9, and 10, ch. 2000-257, Laws of Florida, shall be first used
2814 by the Department of Transportation to fund the Mobility 2000
2815 initiative ~~and any remaining funds shall be used to fund the~~
2816 ~~Transportation Outreach Program created pursuant to s. 339.137.~~
2817 Notwithstanding any other law to the contrary, the requirements
2818 of ss. 206.46(3) and 206.606(2) shall not apply to the Mobility
2819 2000 initiative.

2820 Section 42. Section 339.137, Florida Statutes, is
2821 repealed.

2822 Section 43. Subsection (10) of section 339.12, Florida
2823 Statutes, as created by section 83 of chapter 2002-20, Laws of
2824 Florida, and amended by section 58 of chapter 2002-402, Laws of
2825 Florida, is repealed.

2826 Section 44. Section 348.7546, Florida Statutes, is created
2827 to read:

2828 348.7546 Payment of toll on toll facilities required;
2829 exemptions.--No person shall use any toll facility owned or
2830 operated by the Orlando-Orange County Expressway Authority



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2831 | without payment of tolls, except that the following shall be
2832 | exempt from toll payment:

2833 | (1) Any person exempt from paying tolls pursuant to s.
2834 | 338.155.

2835 | (2) Any person traveling as part of a law enforcement
2836 | officer's or a firefighter's funeral procession.

2837 | Section 45. Except as otherwise provided herein, this act
2838 | shall take effect upon becoming a law.