



1 A bill to be entitled
2 An act relating to transportation; amending ss. 20.23 and
3 110.205, F.S.; providing for the reorganization of the
4 Department of Transportation; revising duties of the
5 assistant secretaries; providing for additional offices;
6 amending s. 95.361, F.S.; providing for government
7 acquisition of certain roads; providing procedures to
8 contest such acquisition; amending s. 255.20, F.S.;
9 providing for a presumption of prequalification for
10 certain contractors; amending s. 316.1001, F.S.; providing
11 for issuing citations for toll violations by first class
12 mail; providing that mailing constitutes notification of
13 such a violation; amending s. 316.302, F.S.; revising
14 provisions for exemption from specified notification
15 requirements for commercial motor vehicles carrying
16 hazardous materials; incorporating specified federal
17 regulations; updating regulations and rules applicable to
18 certain commercial motor vehicle owners and drivers;
19 specifying ownership identification requirements for
20 certain commercial motor carriers; providing penalties for
21 violation of such requirements; providing for compliance
22 reviews; deleting obsolete references; requirements for
23 identifying commercial vehicles; authorizing the
24 department to conduct compliance reviews; amending s.
25 316.3025, F.S.; conforming references; providing for a
26 civil penalty to be assessed for additional specified
27 violations; providing penalties for commercial trucks
28 found to be operating following an out-of-service order;



29 | amending s. 316.3026, F.S.; providing for the Office of
30 | Motor Carrier Compliance to enforce laws governing the
31 | operating authority of motor carriers; repealing s.
32 | 316.3027, F.S., relating to identification requirements of
33 | commercial vehicles; amending s. 316.515, F.S.; revising
34 | length limitations for certain commercial vehicles;
35 | amending s. 316.545, F.S.; providing for placement of a
36 | lien on a vehicle for failure to pay an out-of-service
37 | fine; deleting obsolete provisions; authorizing weight
38 | inspectors to detain a commercial vehicle under certain
39 | circumstances; repealing s. 316.610(3), F.S., relating to
40 | a commercial vehicle inspection program within the
41 | department which no longer exists; amending s. 316.640,
42 | F.S.; providing for authorization of traffic accident
43 | investigation officers; amending s. 316.650, F.S.;
44 | authorizing the transfer of toll violation citations via
45 | electronic means; amending s. 316.70, F.S.; authorizing
46 | the department to conduct compliance reviews of nonpublic
47 | sector buses; amending s. 318.14, F.S.; revising the time
48 | period for paying certain civil penalties; amending s.
49 | 330.27, F.S.; revising definitions; amending s. 330.29,
50 | F.S.; revising duties of the Department of Transportation
51 | with respect to the regulation of airport sites and
52 | airports; requiring the department to establish
53 | requirements for airport site approval, licensure, and
54 | registration; requiring the department to establish and
55 | maintain a state aviation facility data system; amending
56 | s. 330.30, F.S.; revising provisions for airport site



57 approval; revising provisions for airport licensing;
58 providing for a private airport registration process;
59 specifying requirements for such licensing and
60 registration; deleting airport license fees; providing for
61 expiration and revocation of such license or registration;
62 revising provisions for exemption from such registration
63 and licensing requirements; exempting described areas and
64 facilities from such requirements; providing described
65 private airports the option to be inspected and licensed
66 by the department; amending s. 330.35, F.S.; revising
67 provisions for airport zoning protection for public-use
68 airports; amending s. 330.36, F.S.; providing for zoning
69 requirements governing the landing of seaplanes; amending
70 s. 332.007, F.S.; extending time period of the
71 department's authorization to fund certain security-
72 related airport projects; amending s. 334.03, F.S.;
73 defining "511 services" and "interactive voice response";
74 amending s. 334.044, F.S.; expanding the powers and duties
75 of the department to include oversight of traveler
76 information systems; amending s. 334.071, F.S.; requiring
77 local government approval of any proposed road or bridge
78 honorary designation; amending s. 334.14, F.S.; revising
79 the qualifications required for engineers employed by the
80 department; creating s. 334.60, F.S.; requiring the
81 department to be the lead agency in establishing and
82 coordinating a 511 traveler information phone system;
83 amending s. 335.02, F.S.; providing that local government
84 regulations shall not apply to transportation facilities



85 | on the State Highway System; amending s. 336.467, F.S.;
86 | authorizing the department to acquire rights-of-way for
87 | other governmental entities; amending s. 337.11, F.S.;
88 | exempting the Department of Transportation from fees
89 | imposed for Internet procurement systems; amending s.
90 | 337.14, F.S.; clarifying the contractor prequalification
91 | process; prohibiting a construction contractor from
92 | providing testing services; amending s. 337.18, F.S.;
93 | clarifying that surety bonds issued in favor of the
94 | department for construction and maintenance projects over
95 | a specified amount are governed by chapter 337, F.S.;
96 | removing certain limitations on contractor incentive
97 | payments; amending s. 337.401, F.S.; allowing the
98 | department under described circumstances to enter into
99 | permit-delegation agreements with other governmental
100 | entities for issuance of permit to use certain rights-of-
101 | way; amending s. 338.165, F.S.; authorizing the Division
102 | of Bond Finance to issue bonds at the department's request
103 | for certain facilities; amending s. 338.2216, F.S.;
104 | deleting an incorrect reference; amending s. 338.235,
105 | F.S.; authorizing the turnpike authority to secure
106 | products, business opportunities, and services by
107 | competitive solicitation; creating s. 339.61, F.S.;
108 | providing legislative findings; creating s. 339.62, F.S.;
109 | providing the components of the Florida Strategic
110 | Intermodal System; creating s. 339.63, F.S.; designating
111 | system facilities; creating s. 339.64, F.S.; providing for
112 | the Strategic Intermodal System Plan; creating s.



113 339.1372, F.S.; redirecting use of Transportation Outreach
 114 Program funds; specifying project criteria and
 115 solicitation process; creating the Statewide Intermodal
 116 Transportation Advisory Council; specifying membership,
 117 responsibilities, and purpose; creating s. 341.0532, F.S.;
 118 designating statewide transportation corridors; amending
 119 s. 339.08, F.S.; revising provisions for the use of funds
 120 in the State Transportation Trust Fund; amending s.
 121 339.1371, F.S.; deleting reference to the Transportation
 122 Outreach Program; repealing s. 339.137, F.S., the
 123 Transportation Outreach Program; repealing s. 339.12(10),
 124 F.S., relating to aid and contributions by governmental
 125 entities for department projects; creating s. 348.7546,
 126 F.S.; providing toll exemption for certain funeral
 127 processions using Orlando-Orange County Expressway
 128 Authority facilities; providing effective dates.

129
 130 Be It Enacted by the Legislature of the State of Florida:

131
 132 Section 1. Section 20.23, Florida Statutes, is amended to
 133 read:

134 20.23 Department of Transportation.--There is created a
 135 Department of Transportation which shall be a decentralized
 136 agency.

137 (1)(a)~~1~~. The head of the Department of Transportation is
 138 the Secretary of Transportation. The secretary shall be
 139 appointed by the Governor from among three persons nominated by
 140 the Florida Transportation Commission and shall be subject to



141 confirmation by the Senate. The secretary shall serve at the
142 pleasure of the Governor.

143 (b)2. The secretary shall be a proven, effective
144 administrator who by a combination of education and experience
145 shall clearly possess a broad knowledge of the administrative,
146 financial, and technical aspects of the development, operation,
147 and regulation of transportation systems and facilities or
148 comparable systems and facilities.

149 ~~(b)1. The secretary shall employ all personnel of the~~
150 ~~department. He or she shall implement all laws, rules,~~
151 ~~policies, and procedures applicable to the operation of the~~
152 ~~department and may not by his or her actions disregard or act in~~
153 ~~a manner contrary to any such policy. The secretary shall~~
154 ~~represent the department in its dealings with other state~~
155 ~~agencies, local governments, special districts, and the Federal~~
156 ~~Government. He or she shall have authority to sign and execute~~
157 ~~all documents and papers necessary to carry out his or her~~
158 ~~duties and the operations of the department. At each meeting of~~
159 ~~the Florida Transportation Commission, the secretary shall~~
160 ~~submit a report of major actions taken by him or her as official~~
161 ~~representative of the department.~~

162 ~~2. The secretary shall cause the annual department budget~~
163 ~~request, the Florida Transportation Plan, and the tentative work~~
164 ~~program to be prepared in accordance with all applicable laws~~
165 ~~and departmental policies and shall submit the budget, plan, and~~
166 ~~program to the Florida Transportation Commission. The commission~~
167 ~~shall perform an in-depth evaluation of the budget, plan, and~~
168 ~~program for compliance with all applicable laws and departmental~~



169 ~~policies. If the commission determines that the budget, plan,~~
170 ~~or program is not in compliance with all applicable laws and~~
171 ~~departmental policies, it shall report its findings and~~
172 ~~recommendations regarding such noncompliance to the Legislature~~
173 ~~and the Governor.~~

174 (c)3. The secretary shall provide to the Florida
175 Transportation Commission or its staff, such assistance,
176 information, and documents as are requested by the commission or
177 its staff to enable the commission to fulfill its duties and
178 responsibilities.

179 (d)(e) The secretary shall appoint two ~~three~~ assistant
180 secretaries who shall be directly responsible to the secretary
181 and who shall perform such duties ~~as are specified in this~~
182 ~~section and such other duties~~ as are assigned by the secretary.
183 The secretary may delegate to any assistant secretary the
184 authority to act in the absence of the secretary. ~~The department~~
185 ~~has the authority to adopt rules necessary for the delegation of~~
186 ~~authority beyond the assistant secretaries. The assistant~~
187 ~~secretaries shall serve at the pleasure of the secretary.~~

188 (e)(d) Any secretary appointed after July 5, 1989, and the
189 assistant secretaries shall be exempt from the provisions of
190 part III of chapter 110 and shall receive compensation
191 commensurate with their qualifications and competitive with
192 compensation for comparable responsibility in the private
193 sector. ~~When the salary of any assistant secretary exceeds the~~
194 ~~limits established in part III of chapter 110, the Governor~~
195 ~~shall approve said salary.~~



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

200 2. Members shall be appointed in such a manner as to
201 equitably represent all geographic areas of the state. Each
202 member must be a registered voter and a citizen of the state.
203 Each member of the commission must also possess business
204 managerial experience in the private sector.

205 3. A member of the commission shall represent the
206 transportation needs of the state as a whole and may not
207 subordinate the needs of the state to those of any particular
208 area of the state.

209 4. The commission is assigned to the Office of the
210 Secretary of the Department of Transportation for administrative
211 and fiscal accountability purposes, but it shall otherwise
212 function independently of the control and direction of the
213 department.

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

215 1. Recommend major transportation policies for the
216 Governor's approval, and assure that approved policies and any
217 revisions thereto are properly executed.

218 2. Periodically review the status of the state
219 transportation system including highway, transit, rail, seaport,
220 intermodal development, and aviation components of the system
221 and recommend improvements therein to the Governor and the
222 Legislature.



223 3. Perform an in-depth evaluation of the annual department
224 budget request, the Florida Transportation Plan, and the
225 tentative work program for compliance with all applicable laws
226 and established departmental policies. Except as specifically
227 provided in s. 339.135(4)(c)2., (d), and (f), the commission may
228 not consider individual construction projects, but shall
229 consider methods of accomplishing the goals of the department in
230 the most effective, efficient, and businesslike manner.

231 4. Monitor the financial status of the department on a
232 regular basis to assure that the department is managing revenue
233 and bond proceeds responsibly and in accordance with law and
234 established policy.

235 5. Monitor on at least a quarterly basis, the efficiency,
236 productivity, and management of the department, using
237 performance and production standards developed by the commission
238 pursuant to s. 334.045.

239 6. Perform an in-depth evaluation of the factors causing
240 disruption of project schedules in the adopted work program and
241 recommend to the Legislature and the Governor methods to
242 eliminate or reduce the disruptive effects of these factors.

243 7. Recommend to the Governor and the Legislature
244 improvements to the department's organization in order to
245 streamline and optimize the efficiency of the department. In
246 reviewing the department's organization, the commission shall
247 determine if the current district organizational structure is
248 responsive to Florida's changing economic and demographic
249 development patterns. The initial report by the commission must
250 be delivered to the Governor and Legislature by December 15,



251 2000, and each year thereafter, as appropriate. The commission
252 may retain such experts as are reasonably necessary to
253 effectuate this subparagraph, and the department shall pay the
254 expenses of such experts.

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

258 1. The awarding of contracts.

259 2. The selection of a consultant or contractor or the
260 prequalification of any individual consultant or contractor.
261 However, the commission may recommend to the secretary standards
262 and policies governing the procedure for selection and
263 prequalification of consultants and contractors.

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

265 4. The specific location of a transportation facility.

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

267 6. The employment, promotion, demotion, suspension,
268 transfer, or discharge of any department personnel.

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

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

273 2. The commission shall hold a minimum of 4 regular
274 meetings annually, and other meetings may be called by the chair
275 upon giving at least 1 week's notice to all members and the
276 public pursuant to chapter 120. Other meetings may also be held
277 upon the written request of at least four other members of the
278 commission, with at least 1 week's notice of such meeting being



279 given to all members and the public by the chair pursuant to
280 chapter 120. Emergency meetings may be held without notice upon
281 the request of all members of the commission. At each meeting of
282 the commission, the secretary or his or her designee shall
283 submit a report of major actions taken by him or her as the
284 official representative of the department.

285 3. A majority of the membership of the commission
286 constitutes a quorum at any meeting of the commission. An
287 action of the commission is not binding unless the action is
288 taken pursuant to an affirmative vote of a majority of the
289 members present, but not fewer than four members of the
290 commission at a meeting held pursuant to subparagraph 2., and
291 the vote is recorded in the minutes of that meeting.

292 4. The chair shall cause to be made a complete record of
293 the proceedings of the commission, which record shall be open
294 for public inspection.

295 (e) The meetings of the commission shall be held in the
296 central office of the department in Tallahassee unless the chair
297 determines that special circumstances warrant meeting at another
298 location.

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

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



306 (h) The commission shall appoint an executive director and
307 assistant executive director, who shall serve under the
308 direction, supervision, and control of the commission. The
309 executive director, with the consent of the commission, shall
310 employ such staff as are necessary to perform adequately the
311 functions of the commission, within budgetary limitations. All
312 employees of the commission are exempt from part II of chapter
313 110 and shall serve at the pleasure of the commission. The
314 salaries and benefits of all employees of the commission shall
315 be set in accordance with the Selected Exempt Service; provided,
316 however, that the commission shall have complete authority for
317 fixing the salary of the executive director and assistant
318 executive director.

319 (i) The commission shall develop a budget pursuant to
320 chapter 216. The budget is not subject to change by the
321 department, but such budget shall be submitted to the Governor
322 along with the budget of the department.

323 (3)(a) The central office shall establish departmental
324 policies, rules, procedures, and standards and shall monitor the
325 implementation of such policies, rules, procedures, and
326 standards in order to ensure uniform compliance and quality
327 performance by the districts and central office units that
328 implement transportation programs. Major transportation policy
329 initiatives or revisions shall be submitted to the commission
330 for review. ~~The central office monitoring function shall be
331 based on a plan that clearly specifies what areas will be
332 monitored, activities and criteria used to measure compliance,
333 and a feedback process that assures monitoring findings are~~



334 ~~reported and deficiencies corrected. The secretary is~~
335 ~~responsible for ensuring that a central office monitoring~~
336 ~~function is implemented, and that it functions properly. In~~
337 ~~conjunction with its monitoring function, the central office~~
338 ~~shall provide such training and administrative support to the~~
339 ~~districts as the department determines to be necessary to ensure~~
340 ~~that the department's programs are carried out in the most~~
341 ~~efficient and effective manner.~~

342 ~~(b) The resources necessary to ensure the efficiency,~~
343 ~~effectiveness, and quality of performance by the department of~~
344 ~~its statutory responsibilities shall be allocated to the central~~
345 ~~office.~~

346 ~~(b)(e) The secretary shall appoint an Assistant Secretary~~
347 ~~for Transportation Development and Operations and Policy, an~~
348 ~~Assistant Secretary for Transportation Support. ~~Finance and~~~~
349 ~~Administration, and an Assistant Secretary for District~~
350 ~~Operations, each of whom shall serve at the pleasure of the~~
351 ~~secretary. The positions are responsible for developing,~~
352 ~~monitoring, and enforcing policy and managing major technical~~
353 ~~programs. The responsibilities and duties of these positions~~
354 ~~include, but are not limited to, the following functional areas:~~

355 ~~1. Assistant Secretary for Transportation Policy.~~

356 ~~a. Development of the Florida Transportation Plan and~~
357 ~~other policy planning;~~

358 ~~b. Development of statewide modal systems plans, including~~
359 ~~public transportation systems;~~

360 ~~c. Design of transportation facilities;~~

361 ~~d. Construction of transportation facilities;~~



362 ~~e. Acquisition and management of transportation rights of~~
 363 ~~way; and~~

364 ~~f. Administration of motor carrier compliance and safety.~~

365 ~~2. Assistant Secretary for District Operations.~~

366 ~~a. Administration of the eight districts; and~~

367 ~~b. Implementation of the decentralization of the~~
 368 ~~department.~~

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

370 ~~a. Financial planning and management;~~

371 ~~b. Information systems;~~

372 ~~e. Accounting systems;~~

373 ~~d. Administrative functions; and~~

374 ~~e. Administration of toll operations.~~

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

377 ~~a. Developing policy and procedures and monitoring~~
 378 ~~performance to ensure compliance with these policies and~~
 379 ~~procedures;~~

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

382 ~~e. Assessing and ensuring the accuracy of information~~
 383 ~~within the department's financial management information~~
 384 ~~systems; and~~

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

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



- 390 1.a. The Office of Administration;
- 391 2.b. The Office of Policy Planning and Environmental
- 392 Management;
- 393 3.e. The Office of Design;
- 394 4.d. The Office of Highway Operations;
- 395 5.e. The Office of Right-of-Way;
- 396 6.f. The Office of Toll Operations;
- 397 7.g. The Office of Information Systems; ~~and~~
- 398 8.h. The Office of Motor Carrier Compliance;~~;~~
- 399 9. The Office of Management and Budget;
- 400 10. The Office of Comptroller;
- 401 11. The Office of Construction;
- 402 12. The Office of Maintenance; and
- 403 13. The Office of Materials.

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

409 ~~4. During the construction of a major transportation~~
 410 ~~improvement project or as determined by the district secretary,~~
 411 ~~the department may provide assistance to a business entity~~
 412 ~~significantly impacted by the project if the entity is a for-~~
 413 ~~profit entity that has been in business for 3 years prior to the~~
 414 ~~beginning of construction and has direct or shared access to the~~
 415 ~~transportation project being constructed. The assistance program~~
 416 ~~shall be in the form of additional guarantees to assist the~~
 417 ~~impacted business entity in receiving loans pursuant to Title 13~~



418 ~~C.F.R. part 120. However, in no instance shall the combined~~
419 ~~guarantees be greater than 90 percent of the loan. The~~
420 ~~department shall adopt rules to implement this subparagraph.~~

421 ~~(e) The Assistant Secretary for Finance and Administration~~
422 ~~must possess a broad knowledge of the administrative, financial,~~
423 ~~and technical aspects of a complete cost accounting system,~~
424 ~~budget preparation and management, and management information~~
425 ~~systems. The Assistant Secretary for Finance and Administration~~
426 ~~must be a proven, effective manager with specialized skills in~~
427 ~~financial planning and management. The Assistant Secretary for~~
428 ~~Finance and Administration shall ensure that financial~~
429 ~~information is processed in a timely, accurate, and complete~~
430 ~~manner.~~

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

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

- 437 ~~a. Preparation of the work program;~~
438 ~~b. Preparation of the departmental budget; and~~
439 ~~c. Coordination of related policies and procedures.~~

440 ~~3. The Office of Management and Budget shall also be~~
441 ~~responsible for developing uniform implementation and monitoring~~
442 ~~procedures for all activities performed at the district level~~
443 ~~involving the budget and the work program.~~

444 ~~(e)(g)~~ The secretary shall ~~may~~ appoint an inspector
445 general pursuant to s. 20.055 who shall be directly responsible



446 to the secretary and shall serve at the pleasure of the
447 secretary.

448 ~~(h)1. The secretary shall appoint an inspector general~~
449 ~~pursuant to s. 20.055. The inspector general may be~~
450 ~~organizationally located within another unit of the department~~
451 ~~for administrative purposes, but shall function independently~~
452 ~~and be directly responsible to the secretary pursuant to s.~~
453 ~~20.055. The duties of the inspector general shall include, but~~
454 ~~are not restricted to, reviewing, evaluating, and reporting on~~
455 ~~the policies, plans, procedures, and accounting, financial, and~~
456 ~~other operations of the department and recommending changes for~~
457 ~~the improvement thereof, as well as performing audits of~~
458 ~~contracts and agreements between the department and private~~
459 ~~entities or other governmental entities. The inspector general~~
460 ~~shall give priority to reviewing major parts of the department's~~
461 ~~accounting system and central office monitoring function to~~
462 ~~determine whether such systems effectively ensure accountability~~
463 ~~and compliance with all laws, rules, policies, and procedures~~
464 ~~applicable to the operation of the department. The inspector~~
465 ~~general shall also give priority to assessing the department's~~
466 ~~management information systems as required by s. 282.318. The~~
467 ~~internal audit function shall use the necessary expertise, in~~
468 ~~particular, engineering, financial, and property appraising~~
469 ~~expertise, to independently evaluate the technical aspects of~~
470 ~~the department's operations. The inspector general shall have~~
471 ~~access at all times to any personnel, records, data, or other~~
472 ~~information of the department and shall determine the methods~~
473 ~~and procedures necessary to carry out his or her duties. The~~



474 ~~inspector general is responsible for audits of departmental~~
475 ~~operations and for audits of consultant contracts and~~
476 ~~agreements, and such audits shall be conducted in accordance~~
477 ~~with generally accepted governmental auditing standards. The~~
478 ~~inspector general shall annually perform a sufficient number of~~
479 ~~audits to determine the efficiency and effectiveness, as well as~~
480 ~~verify the accuracy of estimates and charges, of contracts~~
481 ~~executed by the department with private entities and other~~
482 ~~governmental entities. The inspector general has the sole~~
483 ~~responsibility for the contents of his or her reports, and a~~
484 ~~copy of each report containing his or her findings and~~
485 ~~recommendations shall be furnished directly to the secretary and~~
486 ~~the commission.~~

487 ~~2. In addition to the authority and responsibilities~~
488 ~~herein provided, the inspector general is required to report to~~
489 ~~the:~~

490 ~~a. Secretary whenever the inspector general makes a~~
491 ~~preliminary determination that particularly serious or flagrant~~
492 ~~problems, abuses, or deficiencies relating to the administration~~
493 ~~of programs and operations of the department have occurred. The~~
494 ~~secretary shall review and assess the correctness of the~~
495 ~~preliminary determination by the inspector general. If the~~
496 ~~preliminary determination is substantiated, the secretary shall~~
497 ~~submit such report to the appropriate committees of the~~
498 ~~Legislature within 7 calendar days, together with a report by~~
499 ~~the secretary containing any comments deemed appropriate.~~
500 ~~Nothing in this section shall be construed to authorize the~~



501 ~~public disclosure of information which is specifically~~
502 ~~prohibited from disclosure by any other provision of law.~~

503 ~~b. Transportation Commission and the Legislature any~~
504 ~~actions by the secretary that prohibit the inspector general~~
505 ~~from initiating, carrying out, or completing any audit after the~~
506 ~~inspector general has decided to initiate, carry out, or~~
507 ~~complete such audit. The secretary shall, within 30 days after~~
508 ~~transmission of the report, set forth in a statement to the~~
509 ~~Transportation Commission and the Legislature the reasons for~~
510 ~~his or her actions.~~

511 ~~(i)1. The secretary shall appoint a comptroller who is~~
512 ~~responsible to the Assistant Secretary for Finance and~~
513 ~~Administration. This position is exempt from part II of chapter~~
514 ~~110.~~

515 ~~2. The comptroller is the chief financial officer of the~~
516 ~~department and must be a proven, effective administrator who by~~
517 ~~a combination of education and experience clearly possesses a~~
518 ~~broad knowledge of the administrative, financial, and technical~~
519 ~~aspects of a complex cost accounting system. The comptroller~~
520 ~~must also have a working knowledge of generally accepted~~
521 ~~accounting principles. At a minimum, the comptroller must hold~~
522 ~~an active license to practice public accounting in Florida~~
523 ~~pursuant to chapter 473 or an active license to practice public~~
524 ~~accounting in any other state. In addition to the requirements~~
525 ~~of the Florida Fiscal Accounting Management Information System~~
526 ~~Act, the comptroller is responsible for the development,~~
527 ~~maintenance, and modification of an accounting system that will~~
528 ~~in a timely manner accurately reflect the revenues and~~



529 ~~expenditures of the department and that includes a cost-~~
530 ~~accounting system to properly identify, segregate, allocate, and~~
531 ~~report department costs. The comptroller shall supervise and~~
532 ~~direct preparation of a detailed 36-month forecast of cash and~~
533 ~~expenditures and is responsible for managing cash and~~
534 ~~determining cash requirements. The comptroller shall review all~~
535 ~~comparative cost studies that examine the cost-effectiveness and~~
536 ~~feasibility of contracting for services and operations performed~~
537 ~~by the department. The review must state that the study was~~
538 ~~prepared in accordance with generally accepted cost-accounting~~
539 ~~standards applied in a consistent manner using valid and~~
540 ~~accurate cost data.~~

541 ~~3. The department shall by rule or internal management~~
542 ~~memoranda as required by chapter 120 provide for the maintenance~~
543 ~~by the comptroller of financial records and accounts of the~~
544 ~~department as will afford a full and complete check against the~~
545 ~~improper payment of bills and provide a system for the prompt~~
546 ~~payment of the just obligations of the department, which records~~
547 ~~must at all times disclose:~~

548 ~~a. The several appropriations available for the use of the~~
549 ~~department;~~

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

552 ~~c. The apportionment or division of all such~~
553 ~~appropriations among the several counties and districts, when~~
554 ~~such apportionment or division is made;~~

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



557 ~~e. The amount expended and still to be expended in~~
558 ~~connection with each contractual and other obligation of the~~
559 ~~department;~~

560 ~~f. The expense and operating costs of the various~~
561 ~~activities of the department;~~

562 ~~g. The receipts accruing to the department and the~~
563 ~~distribution thereof;~~

564 ~~h. The assets, investments, and liabilities of the~~
565 ~~department; and~~

566 ~~i. The cash requirements of the department for a 36-month~~
567 ~~period.~~

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

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

572 (f)(j) The secretary shall appoint a general counsel who
573 shall be employed full time and shall be directly responsible to
574 the secretary. The general counsel is responsible for all legal
575 matters of the department. The department may employ as many
576 attorneys as it deems necessary to advise and represent the
577 department in all transportation matters.

578 (g)(k) The secretary shall appoint a state transportation
579 development administrator planner ~~who shall report to the~~
580 ~~Assistant Secretary for Transportation Policy. The state~~
581 ~~transportation planner's responsibilities shall include, but are~~
582 ~~not limited to, policy planning, systems planning, and~~
583 ~~transportation statistics. This position shall be classified at~~
584 a level equal to a deputy assistant secretary.



585 ~~(h)(1)~~ The secretary shall appoint a state transportation
586 operations administrator ~~highway engineer who shall report to~~
587 ~~the Assistant Secretary for Transportation Policy. The state~~
588 ~~highway engineer's responsibilities shall include, but are not~~
589 ~~limited to, design, construction, and maintenance of highway~~
590 ~~facilities; acquisition and management of transportation rights-~~
591 ~~of-way; traffic engineering; and materials testing. This~~
592 position shall be classified at a level equal to a deputy
593 assistant secretary.

594 ~~(i)(m)~~ The secretary shall appoint a state public
595 transportation and modal administrator ~~who shall report to the~~
596 ~~Assistant Secretary for Transportation Policy. The state public~~
597 ~~transportation administrator's responsibilities shall include,~~
598 ~~but are not limited to, the administration of statewide transit,~~
599 ~~rail, intermodal development, and aviation programs. This~~
600 position shall be classified at a level equal to a deputy
601 assistant secretary. ~~The department shall also assign to the~~
602 ~~public transportation administrator an organizational unit the~~
603 ~~primary function of which is to administer the high-speed rail~~
604 ~~program.~~

605 (4)(a) The operations of the department shall be organized
606 into seven districts, each headed by a district secretary and a
607 turnpike enterprise, headed by an executive director. The
608 district secretaries and the turnpike executive director shall
609 be registered professional engineers in accordance with the
610 provisions of chapter 471 or, in lieu of professional engineer
611 registration, a district secretary or turnpike executive
612 director may hold an advanced degree in an appropriate related



613 discipline, such as a Master of Business Administration. ~~The~~
614 ~~district secretaries shall report to the Assistant Secretary for~~
615 ~~District Operations.~~ The headquarters of the districts shall be
616 located in Polk, Columbia, Washington, Broward, Volusia, Dade,
617 and Hillsborough Counties. The headquarters of the turnpike
618 enterprise shall be located in Orange County. In order to
619 provide for efficient operations and to expedite the
620 decisionmaking process, the department shall provide for maximum
621 decentralization to the districts. ~~However, before making a~~
622 ~~decision to centralize or decentralize department operations,~~
623 ~~the department must first determine if the decision would be~~
624 ~~cost-effective and in the public's best interest. The department~~
625 ~~shall periodically evaluate such decisions to ensure that they~~
626 ~~are appropriate.~~

627 ~~(b) The primary responsibility for the implementation of~~
628 ~~the department's transportation programs shall be delegated by~~
629 ~~the secretary to the district secretaries, and sufficient~~
630 ~~authority shall be vested in each district to ensure adequate~~
631 ~~control of the resources commensurate with the delegated~~
632 ~~responsibility. Each district secretary shall also be~~
633 ~~accountable for ensuring their district's quality of performance~~
634 ~~and compliance with all laws, rules, policies, and procedures~~
635 ~~related to the operation of the department.~~

636 (b)(e) Each district secretary may appoint a district
637 director for transportation development, a district director for
638 transportation operations, and a district director for
639 transportation support or, until July 1, 2005, each district
640 secretary may appoint a district director for planning and



641 programming, a district director for production, ~~and~~ a district
642 director for operations, and a district director for
643 administration. These positions are exempt from part II of
644 chapter 110.

645 ~~(c)(d)~~ Within each district, offices shall be established
646 for managing major functional responsibilities of the
647 department. ~~The offices may include planning, design,~~
648 ~~construction, right-of-way, maintenance, and public~~
649 ~~transportation~~. The heads of these offices shall be exempt from
650 part II of chapter 110.

651 ~~(d)(e)~~ The district director for the Fort Myers Urban
652 Office of the Department of Transportation is responsible for
653 developing the 5-year Transportation Plan for Charlotte,
654 Collier, DeSoto, Glades, Hendry, and Lee Counties. The Fort
655 Myers Urban Office also is responsible for providing policy,
656 direction, local government coordination, and planning for those
657 counties.

658 ~~(e)(f)~~1. The responsibility for the turnpike system shall
659 be delegated by the secretary to the executive director of the
660 turnpike enterprise, who shall serve at the pleasure of the
661 secretary. The executive director shall report directly to the
662 secretary, and the turnpike enterprise shall operate pursuant to
663 ss. 338.22-338.241.

664 2. To facilitate the most efficient and effective
665 management of the turnpike enterprise, including the use of best
666 business practices employed by the private sector, the turnpike
667 enterprise, except as provided in s. 287.055, shall be exempt
668 from departmental policies, procedures, and standards, subject



669 to the secretary having the authority to apply any such
670 policies, procedures, and standards to the turnpike enterprise
671 from time to time as deemed appropriate.

672 (5) Notwithstanding the provisions of s. 110.205, the
673 Department of Management Services is authorized to exempt
674 positions within the Department of Transportation which are
675 comparable to positions within the Senior Management Service
676 pursuant to s. 110.205(2)(j) or positions which are comparable
677 to positions in the Selected Exempt Service under s.
678 110.205(2)(m).

679 ~~(6) To facilitate the efficient and effective management~~
680 ~~of the department in a businesslike manner, the department shall~~
681 ~~develop a system for the submission of monthly management~~
682 ~~reports to the Florida Transportation Commission and secretary~~
683 ~~from the district secretaries. The commission and the secretary~~
684 ~~shall determine which reports are required to fulfill their~~
685 ~~respective responsibilities under this section. A copy of each~~
686 ~~such report shall be submitted monthly to the appropriations and~~
687 ~~transportation committees of the Senate and the House of~~
688 ~~Representatives. Recommendations made by the Auditor General in~~
689 ~~his or her audits of the department that relate to management~~
690 ~~practices, systems, or reports shall be implemented in a timely~~
691 ~~manner. However, if the department determines that one or more~~
692 ~~of the recommendations should be altered or should not be~~
693 ~~implemented, it shall provide a written explanation of such~~
694 ~~determination to the Legislative Auditing Committee within 6~~
695 ~~months after the date the recommendations were published.~~



696 ~~(6)~~(7) The department is authorized to contract with local
697 governmental entities and with the private sector if the
698 department first determines that:

699 (a) Consultants can do the work at less cost than state
700 employees;

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

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

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

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

713

714 Such contracts shall require compliance with applicable federal
715 and state laws, and clearly specify the product or service to be
716 provided.

717 Section 2. Section 95.361, Florida Statutes, is amended to
718 read:

719 95.361 Roads presumed to be dedicated.--

720 (1) When a road, constructed by a county, a municipality,
721 or the Department of Transportation, has been maintained or
722 repaired continuously and uninterruptedly for 4 years by the
723 county, municipality, or the Department of Transportation,



724 jointly or severally, the road shall be deemed to be dedicated
725 to the public to the extent in width that has been actually
726 maintained for the prescribed period, whether or not the road
727 has been formally established as a public highway. The
728 dedication shall vest all right, title, easement, and
729 appurtenances in and to the road in:

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

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

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

735

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

738 (2) In those instances where a road has been constructed
739 by a nongovernmental entity, or where the road was not
740 constructed by the entity currently maintaining or repairing it,
741 or where it cannot be determined who constructed the road, and
742 when such road has been regularly maintained or repaired for the
743 immediate past 7 years by a county, a municipality, or the
744 Department of Transportation, whether jointly or severally, such
745 road shall be deemed to be dedicated to the public to the extent
746 of the width that actually has been maintained or repaired for
747 the prescribed period, whether or not the road has been formally
748 established as a public highway. The dedication shall vest all
749 rights, title, easement, and appurtenances in and to the road
750 in:

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



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

753 or

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

757 (3) The filing of a map in the office of the clerk of the
 758 circuit court of the county where the road is located showing
 759 the lands and reciting on it that the road has vested in the
 760 state, a county, or a municipality in accordance with subsection
 761 (1) or subsection (2) or by any other means of acquisition, duly
 762 certified by:

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

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

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

770
 771 shall be prima facie evidence of ownership of the land by the
 772 state, county, or municipality, as the case may be.

773 (4) Any person, firm, corporation, or entity having or
 774 claiming any interest in and to any of the property affected by
 775 subsection (2) shall have and is hereby allowed a period of 1
 776 year after the effective date of this subsection, or a period of
 777 7 years after the initial date of regular maintenance or repair
 778 of the road, whichever period is greater, to file a claim in
 779 equity or with a court of law against the particular governing



780 authority assuming jurisdiction over such property to cause a
 781 cessation of the maintenance and occupation of the property.
 782 Such timely filed and adjudicated claim shall prevent the
 783 dedication of the road to the public pursuant to subsection (2).

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

786 110.205 Career service; exemptions.--

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

789 (j) The appointed secretaries, assistant secretaries,
 790 deputy secretaries, and deputy assistant secretaries of all
 791 departments; the executive directors, assistant executive
 792 directors, deputy executive directors, and deputy assistant
 793 executive directors of all departments; the directors of all
 794 divisions and those positions determined by the department to
 795 have managerial responsibilities comparable to such positions,
 796 which positions include, but are not limited to, program
 797 directors, assistant program directors, district administrators,
 798 deputy district administrators, the Director of Central
 799 Operations Services of the Department of Children and Family
 800 Services, ~~and the State Transportation Development Administrator~~
 801 ~~Planner, the State Transportation Operations Administrator,~~
 802 ~~Highway Engineer, State Public Transportation and Modal~~
 803 ~~Administrator, district secretaries, district directors of~~
 804 transportation development, transportation operations,
 805 transportation support, captains and majors of the Office of
 806 Motor Carrier Compliance ~~planning and programming, production,~~
 807 ~~and operations, and the managers of the offices specified in s.~~



808 20.23(3)(c)~~(d)2-~~, of the Department of Transportation. Unless
809 otherwise fixed by law, the department shall set the salary and
810 benefits of these positions in accordance with the rules of the
811 Senior Management Service; and the county health department
812 directors and county health department administrators of the
813 Department of Health.

814 (m) All assistant division director, deputy division
815 director, and bureau chief positions in any department, and
816 those positions determined by the department to have managerial
817 responsibilities comparable to such positions, which positions
818 include, but are not limited to, positions in the Department of
819 Health, the Department of Children and Family Services, and the
820 Department of Corrections that are assigned primary duties of
821 serving as the superintendent or assistant superintendent, or
822 warden or assistant warden, of an institution; positions in the
823 Department of Corrections that are assigned primary duties of
824 serving as the circuit administrator or deputy circuit
825 administrator; positions in the Department of Transportation
826 that are assigned primary duties of serving as regional toll
827 managers and managers of offices as defined in s.

828 20.23(3)(c)~~(d)3-~~ and (4)(d); positions in the Department of
829 Environmental Protection that are assigned the duty of an
830 Environmental Administrator or program administrator; and
831 positions in the Department of Health that are assigned the
832 duties of Environmental Administrator, Assistant County Health
833 Department Director, and County Health Department Financial
834 Administrator. Unless otherwise fixed by law, the department
835 shall set the salary and benefits of these positions in



836 accordance with the rules established for the Selected Exempt
837 Service.

838 Section 4. Paragraphs (a), (b), (c), (d), (e), (f), and
839 (g) of subsection (1) of section 255.20, Florida Statutes, are
840 redesignated as paragraphs (c), (d), (e), (f), (g), (h), and
841 (i), respectively, and new paragraphs (a) and (b) are added to
842 that subsection, to read:

843 255.20 Local bids and contracts for public construction
844 works; specification of state-produced lumber.--

845 (1) A county, municipality, special district as defined in
846 chapter 189, or other political subdivision of the state seeking
847 to construct or improve a public building, structure, or other
848 public construction works must competitively award to an
849 appropriately licensed contractor each project that is estimated
850 in accordance with generally accepted cost-accounting principles
851 to have total construction project costs of more than \$200,000.
852 For electrical work, local government must competitively award
853 to an appropriately licensed contractor each project that is
854 estimated in accordance with generally accepted cost-accounting
855 principles to have a cost of more than \$50,000. As used in this
856 section, the term "competitively award" means to award contracts
857 based on the submission of sealed bids, proposals submitted in
858 response to a request for proposal, proposals submitted in
859 response to a request for qualifications, or proposals submitted
860 for competitive negotiation. This subsection expressly allows
861 contracts for construction management services, design/build
862 contracts, continuation contracts based on unit prices, and any
863 other contract arrangement with a private sector contractor



864 permitted by any applicable municipal or county ordinance, by
865 district resolution, or by state law. For purposes of this
866 section, construction costs include the cost of all labor,
867 except inmate labor, and include the cost of equipment and
868 materials to be used in the construction of the project. Subject
869 to the provisions of subsection (3), the county, municipality,
870 special district, or other political subdivision may establish,
871 by municipal or county ordinance or special district resolution,
872 procedures for conducting the bidding process.

873 (a) Notwithstanding any other law to the contrary, a
874 county, municipality, special district as defined in chapter
875 189, or other political subdivision of the state seeking to
876 construct or improve bridges, roads, streets, highways, or
877 railroads, and services incidental thereto, at costs in excess
878 of \$250,000 may require that persons interested in performing
879 work under contract first be certified or qualified to perform
880 such work. Any contractor may be considered ineligible to bid by
881 the governmental entity if the contractor is behind on
882 completing an approved progress schedule for the governmental
883 entity by 10 percent or more at the time of advertisement of the
884 work. Any contractor prequalified and considered eligible by the
885 Department of Transportation to bid to perform the type of work
886 described under the contract shall be presumed to be qualified
887 to perform the work described. The governmental entity may
888 provide an appeal process to overcome that presumption with de
889 novo review based on the record below to the circuit court.

890 (b) With respect to contractors not prequalified with the
891 Department of Transportation, the governmental entity shall



892 publish prequalification criteria and procedures prior to
893 advertisement or notice of solicitation. Such publications shall
894 include notice of a public hearing for comment on such criteria
895 and procedures prior to adoption. The procedures shall provide
896 for an appeal process within the authority for objections to the
897 prequalification process with de novo review based on the record
898 below to the circuit court within 30 days.

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

901 316.1001 Payment of toll on toll facilities required;
902 penalties.--

903 (2)(a) For the purpose of enforcing this section, any
904 governmental entity, as defined in s. 334.03, that owns or
905 operates a toll facility may, by rule or ordinance, authorize a
906 toll enforcement officer to issue a uniform traffic citation for
907 a violation of this section. Toll enforcement officer means the
908 designee of a governmental entity whose ~~sole~~ authority is to
909 enforce the payment of tolls. The governmental entity may
910 designate toll enforcement officers pursuant to s. 316.640(1).

911 (b) A citation issued under this subsection may be issued
912 by mailing the citation by first class mail, or by certified
913 mail, return receipt requested, to the address of the registered
914 owner of the motor vehicle involved in the violation. Mailing
915 the citation to this address constitutes notification. In the
916 case of joint ownership of a motor vehicle, the traffic citation
917 must be mailed to the first name appearing on the registration,
918 unless the first name appearing on the registration is a
919 business organization, in which case the second name appearing



920 on the registration may be used. A citation issued under this
 921 paragraph must be mailed to the registered owner of the motor
 922 vehicle involved in the violation within 14 days after the date
 923 of issuance of the violation. In addition to the citation,
 924 notification must be sent to the registered owner of the motor
 925 vehicle involved in the violation specifying remedies ~~the remedy~~
 926 available under ss. 318.14(12) and s. 318.18(7).

927 (c) The owner of the motor vehicle involved in the
 928 violation is responsible and liable for payment of a citation
 929 issued for failure to pay a toll, unless the owner can establish
 930 the motor vehicle was, at the time of the violation, in the
 931 care, custody, or control of another person. In order to
 932 establish such facts, the owner of the motor vehicle is
 933 required, within 14 days after the date of issuance of the
 934 citation ~~notification of the alleged violation~~, to furnish to
 935 the appropriate governmental entity an affidavit setting forth:

936 1. The name, address, date of birth, and, if known, the
 937 driver license number of the person who leased, rented, or
 938 otherwise had the care, custody, or control of the motor vehicle
 939 at the time of the alleged violation; or

940 2. If stolen, the police report indicating that the
 941 vehicle was stolen at the time of the alleged violation.

942
 943 Upon receipt of an affidavit the person designated as having
 944 care, custody, and control of the motor vehicle at the time of
 945 the violation may be issued a citation for failure to pay a
 946 required toll. The affidavit shall be admissible in a
 947 proceeding pursuant to this section for the purpose of providing



948 that the person identified in the affidavit was in actual care,
949 custody, or control of the motor vehicle.

950 (d) A written report of a toll enforcement officer or
951 photographic evidence that indicates that a required toll was
952 not paid is admissible in any proceeding to enforce this section
953 and raises a rebuttable presumption that the motor vehicle named
954 in the report or shown in the photographic evidence was used in
955 violation of this section.

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

962 Section 6. Paragraph (b) of subsection (1), paragraphs
963 (a), (b), (c), (d), (e), (f), and (j) of subsection (2), and
964 subsection (5) of section 316.302, Florida Statutes, are amended
965 to read:

966 316.302 Commercial motor vehicles; safety regulations;
967 transporters and shippers of hazardous materials; enforcement.--

968 (1)

969 (b) Except as otherwise provided in this section, all
970 owners or drivers of commercial motor vehicles that are engaged
971 in intrastate commerce are subject to the rules and regulations
972 contained in 49 C.F.R. parts 382, 385, and 390-397, with the
973 exception of 49 C.F.R. s. 390.5 as it relates to the definition
974 of bus, as such rules and regulations existed on October 1, 2002
975 ~~2001~~.



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

981 (b) A person who operates a commercial motor vehicle
982 solely in intrastate commerce not transporting any hazardous
983 material in amounts that require placarding pursuant to 49
984 C.F.R. part 172 is exempt from 49 C.F.R. s. 395.3(a) and (b) and
985 may, after 8 hours' rest, and following the required initial
986 motor vehicle inspection, be permitted to drive any part of the
987 first 15 on-duty hours in any 24-hour period, but may not be
988 permitted to operate a commercial motor vehicle after that until
989 the requirement of another 8 hours' rest has been fulfilled. The
990 provisions of this paragraph do not apply to drivers of public
991 utility vehicles or authorized emergency vehicles during periods
992 of severe weather or other emergencies.

993 (c) A person who operates a commercial motor vehicle
994 solely in intrastate commerce not transporting any hazardous
995 material in amounts that require placarding pursuant to 49
996 C.F.R. part 172 may not be on duty more than 72 hours in any
997 period of 7 consecutive days, but carriers operating every day
998 in a week may permit drivers to remain on duty for a total of
999 not more than 84 hours in any period of 8 consecutive days;
1000 however, 24 consecutive hours off duty shall constitute the end
1001 of any such period of 7 or 8 consecutive days. This weekly limit
1002 does not apply to a person who operates a commercial motor
1003 vehicle solely within this state while transporting, during



1004 harvest periods, any unprocessed agricultural products that are
1005 subject to seasonal harvesting from place of harvest to the
1006 first place of processing or storage or from place of harvest
1007 directly to market. Upon request of the Department of
1008 Transportation, motor carriers shall furnish time records or
1009 other written verification to that department so that the
1010 Department of Transportation can determine compliance with this
1011 subsection. These time records must be furnished to the
1012 Department of Transportation within 10 days after receipt of
1013 that department's request. Falsification of such information is
1014 subject to a civil penalty not to exceed \$100. The provisions of
1015 this paragraph do not apply to drivers of public utility
1016 vehicles or authorized emergency vehicles during periods of
1017 severe weather or other emergencies.

1018 (d) A person who operates a commercial motor vehicle
1019 solely in intrastate commerce not transporting any hazardous
1020 material in amounts that require placarding pursuant to 49
1021 C.F.R. part 172 within a 200 air-mile radius of the location
1022 where the vehicle is based need not comply with 49 C.F.R. s.
1023 395.8, except that time records shall be maintained as
1024 prescribed in 49 C.F.R. s. 395.1(e)(5).

1025 (e) A person who operates a commercial motor vehicle
1026 solely in intrastate commerce is exempt from subsection (1)
1027 while transporting agricultural products, including
1028 horticultural or forestry products, from farm or harvest place
1029 to the first place of processing or storage, or from farm or
1030 harvest place directly to market. However, such person must
1031 comply with 49 C.F.R. parts 382, 392, and 393, and with 49



1032 C.F.R. ss. 396.3(a)(1) and 396.9. A vehicle or combination of
 1033 vehicles operated pursuant to this paragraph having a gross
 1034 vehicle weight of 26,001 pounds or more or having three or more
 1035 axles on the power unit, regardless of weight, must display the
 1036 name of the vehicle owner or motor carrier and the municipality
 1037 or town where the vehicle is based on each side of the power
 1038 unit in letters that contrast with the background and that are
 1039 readable from a distance of 50 feet. A person who violates this
 1040 vehicle identification requirement may be assessed a penalty as
 1041 provided in s. 316.3025(3)(a).

1042 (f) A person who operates a commercial motor vehicle
 1043 having a declared gross vehicle weight of less than 26,000
 1044 pounds solely in intrastate commerce and who is not transporting
 1045 hazardous materials in amounts that require placarding pursuant
 1046 to 49 C.F.R. part 172, or who is transporting petroleum products
 1047 as defined in s. 376.301(31), is exempt from subsection(1).
 1048 However, such person must comply with 49 C.F.R. parts 382, 392,
 1049 and 393, and with 49 C.F.R. ss. 396.3(a)(1) and 396.9.

1050 (j) A person who is otherwise qualified as a driver under
 1051 49 C.F.R. part 391, ~~and~~ who operates a commercial motor vehicle
 1052 in intrastate commerce only, and who does not transport
 1053 hazardous materials in amounts that require placarding pursuant
 1054 to 49 C.F.R. part 172, ~~is shall be~~ exempt from the requirements
 1055 of 49 C.F.R. part 391, subpart E, ss. 391.41(b)(3) and
 1056 391.43(e), relating to diabetes.

1057 (5) The Department of Transportation may adopt and revise
 1058 rules to assure the safe operation of commercial motor vehicles.
 1059 The Department of Transportation may enter into cooperative



1060 agreements as provided in 49 C.F.R. part 388. Department of
1061 Transportation personnel may conduct motor carrier and shipper
1062 compliance reviews ~~terminal audits only~~ for the purpose of
1063 determining compliance with this section ~~49 C.F.R. parts 171,~~
1064 ~~172, 173, 177, 178, 180, 382, 391, 393, 396, and 397; 49 C.F.R.~~
1065 ~~s. 395.1(e)(5);~~ and s. 627.7415.

1066 Section 7. Section 316.3025, Florida Statutes, is amended
1067 to read:

1068 316.3025 Penalties.--

1069 (1) A commercial motor vehicle that is found to be
1070 operating in such an unsafe condition as to be declared out-of-
1071 service or a driver declared out-of-service or removed from
1072 driving status pursuant to the North American Standard ~~Uniform~~
1073 Out-of-Service Criteria must be repaired or returned to driving
1074 status before being returned to service.

1075 (2) Any person who owns, operates, or causes or permits a
1076 commercial motor vehicle that has been declared out-of-service
1077 pursuant to the North American Standard ~~Uniform~~ Out-of-Service
1078 Criteria to be driven before the completion of required repairs
1079 is subject to the imposition of a penalty as provided in 49
1080 C.F.R. s. 383.53, in addition to any other penalties imposed
1081 against him or her. Any person who operates a commercial motor
1082 vehicle while he or she is declared out-of-service or removed
1083 from driving status pursuant to the North American Standard
1084 ~~Uniform~~ Out-of-Service Criteria, or who causes or permits such
1085 out-of-service driver to operate a commercial motor vehicle, is
1086 subject to the imposition of a penalty as provided in 49 C.F.R.



1087 s. 383.53, in addition to any other penalties imposed against
 1088 the person.

1089 (3)(a) A civil penalty of \$50 may be assessed for a
 1090 violation of the identification requirements of 49 C.F.R. s.
 1091 390.21 or s. 316.302(2)(e).

1092 (b) A civil penalty of \$100 may be assessed for:

1093 1. Each violation of the North American Uniform Driver
 1094 Out-of-Service Criteria;

1095 2. A violation of s. 316.302(2)(b) or (c); ~~or~~

1096 3. A violation of 49 C.F.R. s. 392.60; ~~or~~

1097 4. A violation of the North American Standard Vehicle Out-
 1098 of-Service Criteria resulting from an inspection of a commercial
 1099 motor vehicle involved in a crash.

1100 (c) A civil penalty of \$250 may be assessed for:

1101 1. A violation of the placarding requirements of 49 C.F.R.
 1102 parts 171-179;

1103 2. A violation of the shipping paper requirements of 49
 1104 C.F.R. parts 171-179;

1105 3. A violation of 49 C.F.R. s. 392.10;

1106 4. A violation of 49 C.F.R. s. 397.5;

1107 5. A violation of 49 C.F.R. s. 397.7;

1108 6. A violation of 49 C.F.R. s. 397.13; or

1109 7. A violation of 49 C.F.R. s. 397.15.

1110 (d) A civil penalty of \$500 may be assessed for:

1111 1. Each violation of the North American Standard Hazardous
 1112 Materials Out-of-Service Criteria;

1113 2. Each violation of 49 C.F.R. s. 390.19, for failure of
 1114 an interstate or intrastate motor carrier to register;



1115 3. Each violation of 49 C.F.R. s. 392.9a, for failure of
 1116 an interstate motor carrier to obtain operating authority; or

1117 4. Each violation of 49 C.F.R. s. 392.9a, for operating
 1118 beyond the scope of an interstate motor carrier's operating
 1119 authority. ~~each violation of the North American Uniform~~
 1120 ~~Hazardous Materials Out-of-Service Criteria.~~

1121 (e) A civil penalty not to exceed \$5,000 in the aggregate
 1122 may be assessed for violations found in the conduct of
 1123 compliance reviews ~~terminal audits~~ pursuant to s. 316.302(5). A
 1124 civil penalty not to exceed \$25,000 in the aggregate may be
 1125 assessed for violations found in a follow-up compliance review
 1126 conducted within a 24-month period. A civil penalty not to
 1127 exceed \$25,000 in the aggregate may be assessed and the motor
 1128 carrier may be enjoined pursuant to s. 316.3026 if violations
 1129 are found after a second follow-up compliance review within 12
 1130 months after the first follow-up compliance review. Motor
 1131 carriers found to be operating without insurance required by s.
 1132 627.7415 may be enjoined as provided in s. 316.3026.

1133 (4) A vehicle operated by an interstate motor carrier
 1134 found to be in violation of 49 C.F.R. s. 392.9a may be placed
 1135 out of service for the carrier's failure to obtain operating
 1136 authority or operating beyond the scope of its operating
 1137 authority.

1138 (5)~~(4)~~ Whenever any person or motor carrier as defined in
 1139 chapter 320 violates the provisions of this section and becomes
 1140 indebted to the state because of such violation and refuses to
 1141 pay the appropriate penalty, in addition to the provisions of s.
 1142 316.3026, such ~~the~~ penalty becomes a lien upon the property



1143 including the motor vehicles of such person or motor carrier and
1144 may be foreclosed by the state in a civil action in any court of
1145 this state. It shall be presumed that the owner of the motor
1146 vehicle is liable for the sum, and the vehicle may be detained
1147 or impounded until the penalty is paid.

1148 ~~(6)(5)(a) Any officer or agent collecting the penalties~~
1149 ~~imposed pursuant to this section shall give to the owner, motor~~
1150 ~~carrier, or driver of the vehicle an official receipt for all~~
1151 ~~penalties collected from him or her.~~ Only an officer or agent of
1152 the Department of Transportation is authorized to collect the
1153 penalty provided by this section. Such officer or agent shall
1154 cooperate with the owner or driver of the motor vehicle so as
1155 not to unduly delay the vehicle.

1156 (b) All penalties imposed and collected under this section
1157 ~~by any state agency having jurisdiction~~ shall be paid to the
1158 Treasurer, who shall credit the total amount collected to the
1159 State Transportation Trust Fund for use in repairing and
1160 maintaining the roads of this state.

1161 ~~(7)(6)~~ Any person aggrieved by the imposition of a civil
1162 penalty pursuant to this section may apply to the Commercial
1163 Motor Vehicle Review Board for a modification, cancellation, or
1164 revocation of the penalty. The Commercial Motor Vehicle Review
1165 Board may modify, cancel, revoke, or sustain such penalty.

1166 Section 8. Section 316.3026, Florida Statutes, is amended
1167 to read:

1168 316.3026 Unlawful operation of motor carriers ~~may be~~
1169 ~~enjoined.~~ --



1170 (1) The Office of Motor Carrier Compliance of the
1171 Department of Transportation may issue out-of-service orders to
1172 motor carriers, as defined in s. 320.01(33), who have after
1173 proper notice failed to pay any penalty or fine assessed by the
1174 department, or its agent, against any owner or motor carrier for
1175 violations of state law, refused to submit to a compliance
1176 review and provide records pursuant to s. 316.302(5) or s.
1177 316.70, or violated safety regulations pursuant to s. 316.302 or
1178 insurance requirements found in s. 627.7415. Such out-of-service
1179 orders shall have the effect of prohibiting the operations of
1180 any motor vehicles owned, leased, or otherwise operated by the
1181 motor carrier upon the roadways of this state, until such time
1182 as the violations have been corrected or penalties have been
1183 paid. Out-of-service orders issued under this section must be
1184 approved by the Secretary of Transportation or his or her
1185 designee. An administrative hearing pursuant to s. 120.569 shall
1186 be afforded to motor carriers subject to such orders.

1187 (2) Any motor carrier enjoined or prohibited from
1188 operating by an out-of-service order by this state, any other
1189 state, or the Federal Motor Carrier Safety Administration may
1190 not operate on the roadways of this state until the motor
1191 carrier has been authorized to resume operations by the
1192 originating enforcement jurisdiction. Commercial motor vehicles
1193 owned or operated by any motor carrier prohibited from operation
1194 found on the roadways of this state shall be placed out of
1195 service by law enforcement officers of the Department of
1196 Transportation, and the motor carrier assessed a \$10,000 civil
1197 penalty pursuant to 49 C.F.R. s. 383.53, in addition to any



1198 other penalties imposed on the driver or other responsible
1199 person. Any person who knowingly drives, operates, or causes to
1200 be operated any commercial motor vehicle in violation of an out-
1201 of-service order issued by the department in accordance with
1202 this section commits a felony of the third degree, punishable as
1203 provided in s. 775.082(3)(d). Any costs associated with the
1204 impoundment or storage of such vehicles are the responsibility
1205 of the motor carrier. Vehicle out-of-service orders may be
1206 rescinded when the department receives proof of authorization
1207 for the motor carrier to resume operation.

1208 (3) In addition to the sanctions found in subsections (1)
1209 and (2), the Department of Transportation may petition the
1210 circuit courts of this state to enjoin any motor carrier from
1211 operating when it fails to comply with out-of-service orders
1212 issued by a competent authority within or outside this state.
1213 ~~Any motor carrier which operates a commercial motor vehicle upon~~
1214 ~~the highways of this state in violation of the provisions of~~
1215 ~~this chapter may be enjoined by the courts of this state from~~
1216 ~~any such violation. Such injunctive proceeding may be~~
1217 ~~instituted by the Department of Transportation.~~

1218 Section 9. Section 316.3027, Florida Statutes, is
1219 repealed.

1220 Section 10. Paragraph (b) of subsection (3) of section
1221 316.515, Florida Statutes, is amended to read:

1222 316.515 Maximum width, height, length.--

1223 (3) LENGTH LIMITATION.--Except as otherwise provided in
1224 this section, length limitations apply solely to a semitrailer
1225 or trailer, and not to a truck tractor or to the overall length



1226 of a combination of vehicles. No combination of commercial
1227 motor vehicles coupled together and operating on the public
1228 roads may consist of more than one truck tractor and two
1229 trailing units. Unless otherwise specifically provided for in
1230 this section, a combination of vehicles not qualifying as
1231 commercial motor vehicles may consist of no more than two units
1232 coupled together; such nonqualifying combination of vehicles may
1233 not exceed a total length of 65 feet, inclusive of the load
1234 carried thereon, but exclusive of safety and energy conservation
1235 devices approved by the department for use on vehicles using
1236 public roads. Notwithstanding any other provision of this
1237 section, a truck tractor-semitrailer combination engaged in the
1238 transportation of automobiles or boats may transport motor
1239 vehicles or boats on part of the power unit; and, except as may
1240 otherwise be mandated under federal law, an automobile or boat
1241 transporter semitrailer may not exceed 50 feet in length,
1242 exclusive of the load; however, the load may extend up to an
1243 additional 6 feet beyond the rear of the trailer. The 50-foot
1244 length limitation does not apply to non-stinger-steered
1245 automobile or boat transporters that are 65 feet or less in
1246 overall length, exclusive of the load carried thereon, or to
1247 stinger-steered automobile or boat transporters that are 75 feet
1248 or less in overall length, exclusive of the load carried
1249 thereon. For purposes of this subsection, a "stinger-steered
1250 automobile or boat transporter" is an automobile or boat
1251 transporter configured as a semitrailer combination wherein the
1252 fifth wheel is located on a drop frame located behind and below
1253 the rearmost axle of the power unit. Notwithstanding paragraphs



1254 (a) and (b), any straight truck or truck tractor-semitrailer
 1255 combination engaged in the transportation of horticultural trees
 1256 may allow the load to extend up to an additional 10 feet beyond
 1257 the rear of the vehicle, provided said trees are resting against
 1258 a retaining bar mounted above the truck bed so that the root
 1259 balls of the trees rest on the floor and to the front of the
 1260 truck bed and the tops of the trees extend up over and to the
 1261 rear of the truck bed, and provided the overhanging portion of
 1262 the load is covered with protective fabric.

1263 (b) Semitrailers.--

1264 1. A semitrailer operating in a truck tractor-semitrailer
 1265 combination may not exceed 48 feet in extreme overall outside
 1266 dimension, measured from the front of the unit to the rear of
 1267 the unit and the load carried thereon, exclusive of safety and
 1268 energy conservation devices approved by the department for use
 1269 on vehicles using public roads, unless it complies with
 1270 subparagraph 2. A semitrailer which exceeds 48 feet in length
 1271 and is used to transport divisible loads may operate in this
 1272 state only if issued a permit under s. 316.550 and if such
 1273 trailer meets the requirements of this chapter relating to
 1274 vehicle equipment and safety. Except for highways on the tandem
 1275 trailer truck highway network, public roads deemed unsafe for
 1276 longer semitrailer vehicles or those roads on which such longer
 1277 vehicles are determined not to be in the interest of public
 1278 convenience shall, in conformance with s. 316.006, be restricted
 1279 by the Department of Transportation or by the local authority to
 1280 use by semitrailers not exceeding a length of 48 feet, inclusive
 1281 of the load carried thereon but exclusive of safety and energy



1282 conservation devices approved by the department for use on
1283 vehicles using public roads. Truck tractor-semitrailer
1284 combinations shall be afforded reasonable access to terminals;
1285 facilities for food, fuel, repairs, and rest; and points of
1286 loading and unloading.

1287 2. A semitrailer which is more than 48 feet but not more
1288 than 53 feet in extreme overall outside dimension, as measured
1289 pursuant to subparagraph 1., may operate on public roads, except
1290 roads on the State Highway System which are restricted by the
1291 Department of Transportation or other roads restricted by local
1292 authorities, if:

1293 a. The distance between the kingpin or other peg that
1294 ~~which~~ locks into the fifth wheel of a truck tractor and the
1295 center of the rear axle or rear group of axles does not exceed
1296 41 feet, or, in the case of a semitrailer used exclusively or
1297 primarily to transport vehicles in connection with motorsports
1298 competition events, the distance does not exceed 46 feet from
1299 the kingpin to the center of the rear axles; and

1300 b. It is equipped with a substantial rear-end underride
1301 protection device meeting the requirements of 49 C.F.R. s.
1302 393.86, "Rear End Protection."

1303 Section 11. Subsections (5), (6), and (10) of section
1304 316.545, Florida Statutes, are amended to read:

1305 316.545 Weight and load unlawful; special fuel and motor
1306 fuel tax enforcement; inspection; penalty; review.--

1307 (5) Whenever any person violates the provisions of this
1308 chapter and becomes indebted to the state because of such
1309 violation in the amounts aforesaid and refuses to pay said



1310 penalty, in addition to the provisions of s. 316.3026, such
1311 penalty shall become a lien upon the motor vehicle, and the same
1312 may be foreclosed by the state in a court of equity. It shall be
1313 presumed that the owner of the motor vehicle is liable for the
1314 sum. Any person, firm, or corporation claiming an interest in
1315 the seized motor vehicle may, at any time after the lien of the
1316 state attaches to the motor vehicle, obtain possession of the
1317 seized vehicle by filing a good and sufficient forthcoming bond
1318 with the officer having possession of the vehicle, payable to
1319 the Governor of the state in twice the amount of the state's
1320 lien, with a corporate surety duly authorized to transact
1321 business in this state as surety, conditioned to have the motor
1322 vehicle or combination of vehicles forthcoming to abide the
1323 result of any suit for the foreclosure of such lien. It shall
1324 be presumed that the owner of the motor vehicle is liable for
1325 the penalty imposed under this section. Upon the posting of such
1326 bond with the officer making the seizure, the vehicle shall be
1327 released and the bond shall be forwarded to the Department of
1328 Transportation for safekeeping. The lien of the state against
1329 the motor vehicle aforesaid shall be foreclosed in equity, and
1330 the ordinary rules of court relative to proceedings in equity
1331 shall control. If it appears that the seized vehicle has been
1332 released to the defendant upon his or her forthcoming bond, the
1333 state shall take judgment of foreclosure against the property
1334 itself, and judgment against the defendant and the sureties on
1335 the bond for the amount of the lien, including cost of
1336 proceedings. After the rendition of the decree, the state may,
1337 at its option, proceed to sue out execution against the



1338 defendant and his or her sureties for the amount recovered as
1339 aforesaid or direct the sale of the vehicle under foreclosure.

1340 (6) Any officer or agent collecting the penalties herein
1341 imposed shall ~~give to the owner or driver of the vehicle an~~
1342 ~~official receipt for all penalties collected. Such officers or~~
1343 ~~agents of the state departments shall~~ cooperate with the owners
1344 or drivers of motor vehicles so as not to delay unduly the
1345 vehicles. All penalties imposed and collected under this section
1346 by any state agency having jurisdiction shall be paid to the
1347 Treasurer, who shall credit the total amount thereof to the
1348 State Transportation Trust Fund, which shall be used to repair
1349 and maintain the roads of this state and to enforce this
1350 section.

1351 (10) The Department of Transportation may employ weight
1352 inspectors to operate its fixed-scale facilities. Weight
1353 inspectors on duty at a fixed-scale facility are authorized to
1354 enforce the laws governing commercial motor vehicle weight,
1355 registration, size, and load and to assess and collect civil
1356 penalties for violations of said laws. A weight inspector may
1357 detain a commercial motor vehicle that has an obvious safety
1358 defect critical to the continued safe operation of the vehicle
1359 or that is operating in violation of an out-of-service order as
1360 reported on the federal Safety and Fitness Electronic Records
1361 database. The weight inspector may immediately summon a law
1362 enforcement officer of the Department of Transportation, or
1363 other law enforcement officer authorized by s. 316.640 to
1364 enforce the traffic laws of this state, to take appropriate
1365 enforcement action. The vehicle shall be released if the defect



1366 is repaired prior to the arrival of a law enforcement officer.
1367 Weight inspectors shall not be classified as law enforcement
1368 officers subject to certification requirements of chapter 943,
1369 and are not authorized to carry weapons or make arrests. Any
1370 person who obstructs, opposes, or resists a weight inspector in
1371 the performance of the duties herein prescribed shall be guilty
1372 of an offense as described in subsection (1) for obstructing,
1373 opposing, or resisting a law enforcement officer.

1374 Section 12. Subsection (3) of section 316.610, Florida
1375 Statutes, is repealed.

1376 Section 13. Paragraph (a) of subsection (1) of section
1377 316.640, Florida Statutes, is amended to read:

1378 316.640 Enforcement.--The enforcement of the traffic laws
1379 of this state is vested as follows:

1380 (1) STATE.--

1381 (a)1.a. The Division of Florida Highway Patrol of the
1382 Department of Highway Safety and Motor Vehicles, the Division of
1383 Law Enforcement of the Fish and Wildlife Conservation
1384 Commission, the Division of Law Enforcement of the Department of
1385 Environmental Protection, and law enforcement officers of the
1386 Department of Transportation each have authority to enforce all
1387 of the traffic laws of this state on all the streets and
1388 highways thereof and elsewhere throughout the state wherever the
1389 public has a right to travel by motor vehicle. ~~The Division of~~
1390 ~~the Florida Highway Patrol may employ as a traffic accident~~
1391 ~~investigation officer any individual who successfully completes~~
1392 ~~instruction in traffic accident investigation and court~~
1393 ~~presentation through the Selective Traffic Enforcement Program~~



1394 ~~as approved by the Criminal Justice Standards and Training~~
1395 ~~Commission and funded through the National Highway Traffic~~
1396 ~~Safety Administration or a similar program approved by the~~
1397 ~~commission, but who does not necessarily meet the uniform~~
1398 ~~minimum standards established by the commission for law~~
1399 ~~enforcement officers or auxiliary law enforcement officers under~~
1400 ~~chapter 943. Any such traffic accident investigation officer who~~
1401 ~~makes an investigation at the scene of a traffic accident may~~
1402 ~~issue traffic citations, based upon personal investigation, when~~
1403 ~~he or she has reasonable and probable grounds to believe that a~~
1404 ~~person who was involved in the accident committed an offense~~
1405 ~~under this chapter, chapter 319, chapter 320, or chapter 322 in~~
1406 ~~connection with the accident. This paragraph does not permit the~~
1407 ~~carrying of firearms or other weapons, nor do such officers have~~
1408 ~~arrest authority.~~

1409 b. University police officers shall have authority to
1410 enforce all of the traffic laws of this state when such
1411 violations occur on or about any property or facilities that are
1412 under the guidance, supervision, regulation, or control of a
1413 state university, a direct-support organization of such state
1414 university, or any other organization controlled by the state
1415 university or a direct-support organization of the state
1416 university, except that traffic laws may be enforced off-campus
1417 when hot pursuit originates on or adjacent to any such property
1418 or facilities.

1419 c. Community college police officers shall have the
1420 authority to enforce all the traffic laws of this state only
1421 when such violations occur on any property or facilities that



1422 are under the guidance, supervision, regulation, or control of
 1423 the community college system.

1424 d. Police officers employed by an airport authority shall
 1425 have the authority to enforce all of the traffic laws of this
 1426 state only when such violations occur on any property or
 1427 facilities that are owned or operated by an airport authority.

1428 (I) An airport authority may employ as a parking
 1429 enforcement specialist any individual who successfully completes
 1430 a training program established and approved by the Criminal
 1431 Justice Standards and Training Commission for parking
 1432 enforcement specialists but who does not otherwise meet the
 1433 uniform minimum standards established by the commission for law
 1434 enforcement officers or auxiliary or part-time officers under s.
 1435 943.12. Nothing in this sub-sub-subparagraph shall be construed
 1436 to permit the carrying of firearms or other weapons, nor shall
 1437 such parking enforcement specialist have arrest authority.

1438 (II) A parking enforcement specialist employed by an
 1439 airport authority is authorized to enforce all state, county,
 1440 and municipal laws and ordinances governing parking only when
 1441 such violations are on property or facilities owned or operated
 1442 by the airport authority employing the specialist, by
 1443 appropriate state, county, or municipal traffic citation.

1444 e. The Office of Agricultural Law Enforcement of the
 1445 Department of Agriculture and Consumer Services shall have the
 1446 authority to enforce traffic laws of this state.

1447 f. School safety officers shall have the authority to
 1448 enforce all of the traffic laws of this state when such
 1449 violations occur on or about any property or facilities which



1450 are under the guidance, supervision, regulation, or control of
1451 the district school board.

1452 2. An agency of the state as described in subparagraph 1.
1453 is prohibited from establishing a traffic citation quota. A
1454 violation of this subparagraph is not subject to the penalties
1455 provided in chapter 318.

1456 3. Any disciplinary action taken or performance evaluation
1457 conducted by an agency of the state as described in subparagraph
1458 1. of a law enforcement officer's traffic enforcement activity
1459 must be in accordance with written work-performance standards.
1460 Such standards must be approved by the agency and any collective
1461 bargaining unit representing such law enforcement officer. A
1462 violation of this subparagraph is not subject to the penalties
1463 provided in chapter 318.

1464 4. The Division of the Florida Highway Patrol may employ
1465 as a traffic accident investigation officer any individual who
1466 successfully completes instruction in traffic accident
1467 investigation and court presentation through the Selective
1468 Traffic Enforcement Program as approved by the Criminal Justice
1469 Standards and Training Commission and funded through the
1470 National Highway Traffic Safety Administration or a similar
1471 program approved by the commission, but who does not necessarily
1472 meet the uniform minimum standards established by the commission
1473 for law enforcement officers or auxiliary law enforcement
1474 officers under chapter 943. Any such traffic accident
1475 investigation officer who makes an investigation at the scene of
1476 a traffic accident may issue traffic citations, based upon
1477 personal investigation, when he or she has reasonable and



1478 probable grounds to believe that a person who was involved in
1479 the accident committed an offense under this chapter, chapter
1480 319, chapter 320, or chapter 322 in connection with the
1481 accident. This subparagraph does not permit the officer to carry
1482 firearms or other weapons and such an officer does not have
1483 authority to make arrests.

1484 Section 14. Subsection (3) of section 316.650, Florida
1485 Statutes, is amended to read:

1486 316.650 Traffic citations.--

1487 (3)(a) Except for a traffic citation issued pursuant to s.
1488 316.1001, each ~~Every~~ traffic enforcement officer, upon issuing a
1489 traffic citation to an alleged violator of any provision of the
1490 motor vehicle laws of this state or of any traffic ordinance of
1491 any city or town, shall deposit the original and one copy of
1492 such traffic citation or, in the case of a traffic enforcement
1493 agency which has an automated citation issuance system, shall
1494 provide an electronic facsimile with a court having jurisdiction
1495 over the alleged offense or with its traffic violations bureau
1496 within 5 days after issuance to the violator.

1497 (b) If a traffic citation is issued pursuant to s.
1498 316.1001, a traffic enforcement officer may deposit the original
1499 and one copy of such traffic citation or, in the case of a
1500 traffic enforcement agency that has an automated citation
1501 system, may provide an electronic facsimile with a court having
1502 jurisdiction over the alleged offense or with its traffic
1503 violations bureau within 45 days after the date of issuance of
1504 the citation to the violator.



1505 Section 15. Subsection (2) of section 316.70, Florida
1506 Statutes, is amended to read:

1507 316.70 Nonpublic sector buses; safety rules.--

1508 (2) Department of Transportation personnel may conduct
1509 compliance reviews for the purpose of determining compliance
1510 with this section. A civil penalty not to exceed \$5,000 in the
1511 aggregate may be assessed against any person who violates any
1512 provision of this section or who violates any rule or order of
1513 the Department of Transportation. A civil penalty not to exceed
1514 \$25,000 in the aggregate may be assessed for violations found in
1515 a follow-up compliance review conducted within a 24-month
1516 period. A civil penalty not to exceed \$25,000 in the aggregate
1517 may be assessed and the motor carrier may be enjoined pursuant
1518 to s. 316.3026 if violations are found after a second follow-up
1519 compliance review within 12 months after the first follow-up
1520 compliance review. Motor carriers found to be operating without
1521 insurance coverage required by s. 627.742 or 49 C.F.R. part 387
1522 may be enjoined as provided in s. 316.3026. The Department of
1523 Transportation may assess a civil penalty of up to \$5,000 per
1524 infraction against any person who violates any provision of this
1525 section or who violates any rule or order of the department.

1526 Section 16. Subsection (4) of section 318.14, Florida
1527 Statutes, is amended, and subsection(12) is added to that
1528 section, to read:

1529 318.14 Noncriminal traffic infractions; exception;
1530 procedures.--

1531 (4) Except as provided in subsection (12), any person
1532 charged with a noncriminal infraction under this section who



1533 does not elect to appear shall pay the civil penalty and
1534 delinquent fee, if applicable, either by mail or in person,
1535 within 30 days after the date of issuance of ~~receiving~~ the
1536 citation. If the person cited follows the above procedure, he
1537 or she shall be deemed to have admitted the infraction and to
1538 have waived his or her right to a hearing on the issue of
1539 commission of the infraction. Such admission shall not be used
1540 as evidence in any other proceedings. Any person who is cited
1541 for a violation of s. 320.0605 or s. 322.15(1), or subject to a
1542 penalty under s. 320.07(3)(a) or (b) or s. 322.065, and who
1543 makes an election under this subsection shall submit proof of
1544 compliance with the applicable section to the clerk of the
1545 court. For the purposes of this subsection, proof of compliance
1546 consists of a valid driver's license or a valid registration
1547 certificate.

1548 (12) Any person cited for a violation of s. 316.1001 may,
1549 in lieu of making an election as set forth in subsection (4) or
1550 s. 318.18(7), elect to pay his or her fine directly to the
1551 governmental entity that issued the citation, within 30 days
1552 after the date of issuance of the citation. Any person cited for
1553 a violation of s. 316.1001 who does not elect to pay the fine
1554 directly to the governmental entity that issued the citation as
1555 described in this section shall have an additional 45 days after
1556 the date of the issuance of the citation in which to pay the
1557 civil penalty and delinquent fee, if applicable, as provided in
1558 s. 318.18(7), either by mail or in person, in accordance with
1559 subsection (4).



1560 Section 17. Effective October 1, 2003, section 330.27,
 1561 Florida Statutes, is amended to read:

1562 330.27 Definitions, when used in ss. 330.29-330.36,
 1563 330.38, 330.39.--

1564 (1) "Aircraft" means a powered or unpowered machine or
 1565 device capable of atmospheric flight ~~any motor vehicle or~~
 1566 ~~contrivance now known, or hereafter invented, which is used or~~
 1567 ~~designed for navigation of or flight in the air, except a~~
 1568 parachute or other such device ~~contrivance designed for such~~
 1569 ~~navigation but~~ used primarily as safety equipment.

1570 (2) "Airport" means an ~~any~~ area of land or water, ~~or any~~
 1571 ~~manmade object or facility located thereon, which is used for,~~
 1572 or intended to be used ~~for,~~ use, ~~for the~~ landing and takeoff of
 1573 aircraft, including ~~and any~~ appurtenant areas, which are used,
 1574 ~~or intended for use, for airport buildings, or other airport~~
 1575 facilities, or rights-of-way necessary to facilitate such use or
 1576 intended use, ~~together with all airport buildings and facilities~~
 1577 ~~located thereon.~~

1578 ~~(3) "Airport hazard" means any structure, object of~~
 1579 ~~natural growth, or use of land which obstructs the airspace~~
 1580 ~~required for the flight of aircraft in landing or taking off at~~
 1581 ~~an airport or which is otherwise hazardous to such landing or~~
 1582 ~~taking off.~~

1583 ~~(4) "Aviation" means the science and art of flight and~~
 1584 ~~includes, but is not limited to, transportation by aircraft; the~~
 1585 ~~operation, construction, repair, or maintenance of aircraft,~~
 1586 ~~aircraft power plants, and accessories, including the repair,~~
 1587 ~~packing, and maintenance of parachutes; the design,~~



1588 ~~establishment, construction, extension, operation, improvement,~~
 1589 ~~repair, or maintenance of airports or other air navigation~~
 1590 ~~facilities; and instruction in flying or ground subjects~~
 1591 ~~pertaining thereto.~~

1592 (3)~~(5)~~ "Department" means the Department of
 1593 Transportation.

1594 (4)~~(6)~~ "Limited airport" means any ~~an~~ airport, ~~publicly or~~
 1595 ~~privately owned,~~ limited exclusively to the specific conditions
 1596 stated on the site approval order or license.

1597 ~~(7)~~ ~~"Operation of aircraft" or "operate aircraft" means~~
 1598 ~~the use, navigation, or piloting of aircraft in the airspace~~
 1599 ~~over this state or upon any airport within this state.~~

1600 ~~(8)~~ ~~"Political subdivision" means any county,~~
 1601 ~~municipality, district, port or aviation commission or~~
 1602 ~~authority, or similar entity authorized to establish or operate~~
 1603 ~~an airport in this state.~~

1604 (5)~~(9)~~ "Private airport" means an airport, publicly or
 1605 privately owned, which is not open or available for use by the
 1606 public, used primarily by the licensee but may be made ~~which is~~
 1607 available to others ~~for use~~ by invitation of the owner or
 1608 manager licensee. ~~Services may be provided if authorized by the~~
 1609 ~~department.~~

1610 (6)~~(10)~~ "Public airport" means an airport, publicly or
 1611 privately owned, which ~~meets minimum safety and service~~
 1612 ~~standards and~~ is open for use by the public.

1613 (7)~~(11)~~ "Temporary airport" means any ~~an~~ airport, ~~publicly~~
 1614 ~~or privately owned,~~ that will be used for a period of less than
 1615 30 ~~90~~ days with no more than 10 operations per day.



1616 ~~(8)(12)~~ "Ultralight aircraft" means any ~~heavier than air,~~
 1617 ~~motorized~~ aircraft meeting ~~which meets~~ the criteria for ~~maximum~~
 1618 ~~weight, fuel capacity, and airspeed~~ established for such
 1619 aircraft by ~~the Federal Aviation Administration under~~ Part 103
 1620 of the Federal Aviation Regulations.

1621 Section 18. Effective October 1, 2003, section 330.29,
 1622 Florida Statutes, is amended to read:

1623 330.29 Administration and enforcement; rules; requirements
 1624 ~~standards~~ for airport sites and airports.--It is the duty of the
 1625 department to:

1626 (1) Administer and enforce the provisions of this chapter.

1627 (2) Establish requirements for airport site approval,
 1628 licensure, and registration ~~minimum standards for airport sites~~
 1629 ~~and airports under its licensing jurisdiction.~~

1630 (3) Establish and maintain a state aviation facility data
 1631 system to facilitate licensing and registration of all airports.

1632 ~~(4)(3)~~ Adopt rules pursuant to ss. 120.536(1) and 120.54
 1633 to implement the provisions of this chapter.

1634 Section 19. Effective October 1, 2003, section 330.30,
 1635 Florida Statutes, is amended to read:

1636 330.30 Approval of airport sites; registration and
 1637 licensure ~~licensing~~ of airports; ~~fees~~.--

1638 (1) SITE APPROVALS; REQUIREMENTS, ~~FEES~~, EFFECTIVE PERIOD,
 1639 REVOCATION.--

1640 (a) Except as provided in subsection (3), the owner or
 1641 lessee of any proposed airport shall, prior to site ~~the~~
 1642 ~~acquisition of the site or prior to the~~ construction or
 1643 establishment of the proposed airport, obtain approval of the



1644 airport site from the department. Applications for approval of a
1645 site ~~and for an original license~~ shall be jointly made in ~~on~~ a
1646 form and manner prescribed by the department ~~and shall be~~
1647 ~~accompanied by a site approval fee of \$100.~~ The department,
1648 ~~after inspection of the airport site,~~ shall grant the site
1649 approval if it is satisfied:

1650 1. That the site has ~~is~~ adequate area allocated for the
1651 airport as proposed. ~~airport;~~

1652 2. That the proposed airport, ~~if constructed or~~
1653 ~~established,~~ will conform to licensing or registration
1654 requirements ~~minimum standards of safety~~ and will comply with
1655 the applicable local government land development regulations or
1656 ~~county or municipal~~ zoning requirements. ~~;~~

1657 3. That all affected ~~nearby~~ airports, local governments
1658 ~~municipalities,~~ and property owners have been notified and any
1659 comments submitted by them have been given adequate
1660 consideration. ~~;~~ ~~and~~

1661 4. That safe air-traffic patterns can be established
1662 ~~worked out~~ for the proposed airport with ~~and for~~ all existing
1663 airports and approved airport sites in its vicinity.

1664 (b) Site approval shall be granted for public airports
1665 only after a favorable department inspection of the proposed
1666 site.

1667 (c) Site approval shall be granted for private airports
1668 only after receipt of documentation in a form and manner the
1669 department deems necessary to satisfy the conditions in
1670 paragraph (a).



1671 ~~(d)(b)~~ Site approval may be granted subject to any
 1672 reasonable conditions ~~which~~ the department deems ~~may deem~~
 1673 necessary to protect the public health, safety, or welfare.

1674 ~~(e)~~ ~~Such~~ Approval shall remain valid ~~in effect~~ for a
 1675 ~~period of~~ 2 years after the date of issue ~~issuance of the site~~
 1676 ~~approval order~~, unless ~~sooner~~ revoked by the department or
 1677 unless, ~~prior to the expiration of the 2-year period~~, a public
 1678 airport license is issued or private airport registration
 1679 completed ~~for an airport located on the approved site has been~~
 1680 ~~issued~~ pursuant to subsection (2) prior to the expiration date.

1681 ~~(f)~~ The department may extend a site approval ~~may be~~
 1682 ~~extended~~ for subsequent periods of 2 years per extension for a
 1683 ~~maximum of 2 years upon good cause shown by the owner or lessee~~
 1684 ~~of the airport site~~.

1685 ~~(g)(e)~~ The department may revoke a site ~~such~~ approval if
 1686 it determines:

1687 1. That ~~there has been an abandonment of the site~~ has been
 1688 abandoned as an airport site;

1689 2. That ~~there has been a failure within a reasonable time~~
 1690 ~~to develop the site~~ has not been developed as an airport within
 1691 a reasonable time period or development does not ~~to~~ comply with
 1692 the conditions of the site approval;

1693 3. That, except as required for in-flight emergencies, ~~the~~
 1694 ~~operation of aircraft~~ have operated ~~of a nonemergency nature has~~
 1695 ~~occurred~~ on the site; or

1696 4. That, ~~because of changed physical or legal conditions~~
 1697 ~~or circumstances~~, the site is no longer usable for ~~the~~ aviation



1698 purposes due to physical or legal changes in conditions that
 1699 were the subject of the ~~for which the approval was~~ granted.

1700 (2) LICENSES AND REGISTRATIONS; REQUIREMENTS, ~~FEES,~~
 1701 RENEWAL, REVOCATION.--

1702 (a) Except as provided in subsection (3), the owner or
 1703 lessee of any an airport in this state shall have either a
 1704 public airport ~~must obtain a license or private airport~~
 1705 registration prior to the operation of aircraft to or from the
 1706 facility on the airport. ~~An~~ Application for a such license or
 1707 registration shall be made in on a form and manner prescribed by
 1708 the department ~~and shall be accomplished jointly with an~~
 1709 ~~application for site approval.~~ Upon granting site approval:
 1710 ~~making a favorable final airport inspection report indicating~~
 1711 ~~compliance with all license requirements, and receiving the~~
 1712 ~~appropriate license fee, the department shall issue a license to~~
 1713 ~~the applicant, subject to any reasonable conditions that the~~
 1714 ~~department may deem necessary to protect the public health,~~
 1715 ~~safety, or welfare.~~

1716 1. For a public airport, the department shall issue a
 1717 license after a final airport inspection finds the facility to
 1718 be in compliance with all requirements for the license. The
 1719 license may be subject to any reasonable conditions that the
 1720 department may deem necessary to protect the public health,
 1721 safety, or welfare.

1722 2. For a private airport, the department shall provide
 1723 controlled electronic access to the state aviation facility data
 1724 system to permit the applicant to complete the registration
 1725 process. Registration shall be completed upon self-certification



1726 by the registrant of operational and configuration data deemed
 1727 necessary by the department.

1728 (b) The department may ~~is authorized to~~ license a public
 1729 ~~an~~ airport that does not meet ~~all of the minimum~~ standards only
 1730 if it determines that such exception is justified by unusual
 1731 circumstances or is in the interest of public convenience and
 1732 does not endanger the public health, safety, or welfare. Such a
 1733 license shall bear the designation "special" and shall state the
 1734 conditions subject to which the license is granted.

1735 (c) The department may license a public airport or a
 1736 private airport may register ~~authorize a site~~ as a temporary
 1737 airport provided ~~if it finds, after inspection of the site, that~~
 1738 the airport will not endanger the public health, safety, or
 1739 welfare and the airport meets the temporary airport requirements
 1740 established by the department. A temporary airport license or
 1741 registration shall be valid for less ~~Such authorization shall~~
 1742 ~~expire not later than~~ 30 ~~90~~ days after issuance and is not
 1743 renewable.

1744 ~~(d) The license fees for the four categories of airport~~
 1745 ~~licenses are:~~

- 1746 ~~1. Public airport: \$100.~~
- 1747 ~~2. Private airport: \$70.~~
- 1748 ~~3. Limited airport: \$50.~~
- 1749 ~~4. Temporary airport: \$25.~~

1750
 1751 ~~Airports owned or operated by the state, a county, or a~~
 1752 ~~municipality and emergency helistops operated by licensed~~



1753 ~~hospitals are required to be licensed but are exempt from the~~
1754 ~~payment of site approval fees and annual license fees.~~

1755 (d)~~(e)~~1. Each public airport license shall ~~will~~ expire no
1756 later than 1 year after the effective date of the license,
1757 except that the expiration date of a license may be adjusted to
1758 provide a maximum license period of 18 months to facilitate
1759 airport inspections, recognize seasonal airport operations, or
1760 improve administrative efficiency. ~~If the expiration date for a~~
1761 ~~public airport is adjusted, the appropriate license fee shall be~~
1762 ~~determined by prorating the annual fee based on the length of~~
1763 ~~the adjusted license period.~~

1764 2. Registration ~~The license period for private all~~
1765 ~~airports shall remain valid provided specific elements of~~
1766 ~~airport data, established by the department, are periodically~~
1767 ~~recertified by the airport registrant. The ability to recertify~~
1768 ~~private airport registration data shall be available at all~~
1769 ~~times by electronic submittal. A private airport registration~~
1770 ~~that has not been recertified in the 24-month period following~~
1771 ~~the last certification shall expire, unless the registration~~
1772 ~~period has been adjusted by the department for purposes of~~
1773 ~~informing private airport owners of their registration~~
1774 ~~responsibilities or promoting administrative efficiency. The~~
1775 ~~expiration date of the current registration period will be~~
1776 ~~clearly identifiable from the state aviation facility data~~
1777 ~~system other than public airports will be set by the department,~~
1778 ~~but shall not exceed a period of 5 years. In determining the~~
1779 ~~license period for such airports, the department shall consider~~
1780 ~~the number of based aircraft, the airport location relative to~~



1781 ~~adjacent land uses and other airports, and any other factors~~
 1782 ~~deemed by the department to be critical to airport operation and~~
 1783 ~~safety.~~

1784 3. The effective date and expiration date shall be shown
 1785 on public airport licenses stated on the face of the license.
 1786 Upon receiving an application for renewal of an airport a
 1787 license in ~~on~~ a form and manner prescribed by the department and
 1788 receiving, ~~making~~ a favorable inspection report indicating
 1789 compliance with all applicable requirements and conditions, ~~and~~
 1790 ~~receiving the appropriate annual license fee,~~ the department
 1791 shall renew the license, subject to any conditions deemed
 1792 necessary to protect the public health, safety, or welfare.

1793 4. The department may require a new site approval for any
 1794 ~~an~~ airport if the license or registration of the airport has
 1795 expired not been renewed by the expiration date.

1796 5. If the renewal application for a public airport license
 1797 has and fees have not been received by the department or no
 1798 private airport registration recertification has been
 1799 accomplished within 15 days after the date of expiration ~~of the~~
 1800 ~~license,~~ the department may revoke ~~elose~~ the airport license or
 1801 registration.

1802 (e)(f) The department may revoke, or refuse to allow or
 1803 issue, any airport registration or recertification, or any
 1804 license or license renewal thereof, ~~or refuse to issue a~~
 1805 ~~renewal,~~ if it determines:

1806 1. That the site there has been abandoned as an
 1807 ~~abandonment of the airport as such;~~



1808 2. That the airport does not ~~there has been a failure to~~
1809 comply with the conditions of the license, license ~~or renewal,~~
1810 or site approval thereof; or

1811 3. That, ~~because of changed physical or legal conditions~~
1812 ~~or circumstances,~~ the airport has become either unsafe or
1813 unusable for flight operation due to physical or legal changes
1814 in conditions that were the subject of approval ~~the aeronautical~~
1815 ~~purposes for which the license or renewal was issued.~~

1816 (3) EXEMPTIONS.--The provisions of this section do not
1817 apply to:

1818 (a) An airport owned or operated by the United States.

1819 (b) An ultralight aircraft landing area; ~~except that any~~
1820 ~~public ultralight airport~~ located more than ~~within~~ 5 nautical
1821 miles from a ~~of another~~ public airport or military airport,
1822 except ~~or~~ any ultralight landing area with more than 10
1823 ultralight aircraft operating at ~~from~~ the site ~~is subject to the~~
1824 ~~provisions of this section.~~

1825 (c) A helistop used solely in conjunction with a
1826 construction project undertaken pursuant to the performance of a
1827 state contract if the purpose of the helicopter operations at
1828 the site is to expedite construction.

1829 ~~(d) An airport under the jurisdiction or control of a~~
1830 ~~county or municipal aviation authority or a county or municipal~~
1831 ~~port authority or the Florida Space Authority; however, the~~
1832 ~~department shall license any such airport if such authority does~~
1833 ~~not elect to exercise its exemption under this subsection.~~



1834 ~~(d)(e)~~ A helistop used by mosquito control or emergency
 1835 services, not to include areas where permanent facilities are
 1836 installed, such as hospital landing sites.

1837 ~~(e)(f)~~ An airport which meets the criteria of s.
 1838 330.27(7)~~(11)~~ used exclusively for aerial application or
 1839 spraying of crops on a seasonal basis, not to include any
 1840 licensed airport where permanent crop aerial application or
 1841 spraying facilities are installed, if the period of operation
 1842 does not exceed 30 days per calendar year. Such proposed
 1843 airports, which will be located within 3 miles of existing
 1844 airports or approved airport sites, shall establish ~~work out~~
 1845 safe air-traffic patterns with such existing airports or
 1846 approved airport sites, by memorandums of understanding, or by
 1847 letters of agreement between the parties representing the
 1848 airports or sites.

1849 (f) Any body of water used for the takeoff and landing of
 1850 aircraft, including any land, building, structure, or any other
 1851 contrivance that facilitates private use or intended private
 1852 use.

1853 (4) EXCEPTIONS.--Private airports with 10 or more based
 1854 aircraft may request to be inspected and licensed by the
 1855 department. Private airports licensed according to this
 1856 subsection shall be considered private airports as defined in s.
 1857 330.27(5) in all other respects.

1858 Section 20. Effective October 1, 2003, section 330.35,
 1859 Florida Statutes, is amended to read:

1860 330.35 Airport zoning, ~~approach zone~~ protection.--



1861 (1) Nothing in ss. 330.29-330.36, 330.38, and 330.39 shall
 1862 be construed to limit any right, power, or authority of the
 1863 state or a political subdivision to regulate airport hazards by
 1864 zoning.

1865 (2) Airports licensed for ~~general~~ public use under the
 1866 provisions of s. 330.30 are eligible for airport zoning approach
 1867 ~~zone protection, and the procedure shall be the same as is~~
 1868 ~~prescribed in chapter 333.~~

1869 (3) The department is granted all powers conferred upon
 1870 political subdivisions of this state by chapter 333 to regulate
 1871 airport hazards at state-owned public airports. The procedure
 1872 shall be to form a joint zoning board with the political
 1873 subdivision of the state in which the state-owned public airport
 1874 is located as prescribed in chapter 333.

1875 Section 21. Effective October 1, 2003, subsection (2) of
 1876 section 330.36, Florida Statutes, is amended to read:

1877 330.36 Prohibition against county or municipal licensing
 1878 of airports; regulation of seaplane landings.--

1879 (2) Upon adoption of zoning requirements in compliance
 1880 with subsection (1), a municipality may prohibit or otherwise
 1881 regulate, for specified public health and safety purposes, the
 1882 landing of seaplanes in and upon any public waters of the state
 1883 which are located within the limits or jurisdiction of, or
 1884 bordering on, the municipality.

1885 Section 22. Subsection (8) of section 332.007, Florida
 1886 Statutes, is amended to read:

1887 332.007 Administration and financing of aviation and
 1888 airport programs and projects; state plan.--



1889 (8) Notwithstanding any other provision of law to the
 1890 contrary, the department is authorized to provide operational
 1891 and maintenance assistance to publicly owned public-use
 1892 airports. Such assistance shall be to comply with enhanced
 1893 federal security requirements or to address related economic
 1894 impacts from the events of September 11, 2001. For projects in
 1895 the current adopted work program, or projects added using the
 1896 available budget of the department, airports may request the
 1897 department change the project purpose in accordance with this
 1898 provision notwithstanding the provisions of s. 339.135(7). For
 1899 purposes of this subsection, the department may fund up to 100
 1900 percent of eligible project costs that are not funded by the
 1901 Federal Government. Prior to releasing any funds under this
 1902 section, the department shall review and approve the expenditure
 1903 plans submitted by the airport. The department shall inform the
 1904 Legislature of any change that it approves under this
 1905 subsection. This subsection shall expire on June 30, 2007 ~~2004~~.

1906 Section 23. Subsections (37) and (38) are added to section
 1907 334.03, Florida Statutes, to read:

1908 334.03 Definitions.--When used in the Florida
 1909 Transportation Code, the term:

1910 (37) "511" or "511 services" means three-digit
 1911 telecommunications dialing to access interactive voice response
 1912 telephone traveler information services provided in the state as
 1913 defined by the Federal Communications Commission in FCC Order
 1914 No. 00-256, July 31, 2000.

1915 (38) "Interactive voice response" means a software
 1916 application that accepts a combination of voice telephone input



1917 and touch-tone keypad selection and provides appropriate
1918 responses in the form of voice, fax, callback, e-mail, and other
1919 media.

1920 Section 24. Present subsection (31) of section 334.044,
1921 Florida Statutes, is renumbered as subsection (32), and a new
1922 subsection (31) is added to that section to read:

1923 334.044 Department; powers and duties.--The department
1924 shall have the following general powers and duties:

1925 (31) To provide oversight of traveler information systems
1926 that may include the provision of interactive voice response
1927 telephone systems accessible via the 511 number as assigned by
1928 the Federal Communications Commission for traveler information
1929 services. The department shall ensure that uniform standards and
1930 criteria for the collection and dissemination of traveler
1931 information are applied using interactive voice response
1932 systems.

1933 Section 25. Subsection (3) is added to section 334.071,
1934 Florida Statutes, to read:

1935 334.071 Legislative designation of transportation
1936 facilities.--

1937 (3) Erection of markers shall be contingent on the
1938 appropriate city or county commission passing a resolution in
1939 support of the particular honorary designation. If the bridge or
1940 road segment being designated is located in more than one city
1941 or county, resolutions supporting the designation must be passed
1942 by each affected local government prior to the erection of the
1943 markers.



1944 Section 26. Section 334.14, Florida Statutes, is amended
1945 to read:

1946 334.14 Employees of department who are required to be
1947 engineers.--Each employee performing engineering as defined in
1948 chapter 471 shall be registered in accordance with the
1949 provisions of chapter 471.

1950 ~~(1) At a minimum, each of the following employees of the~~
1951 ~~department must be a professional engineer registered under~~
1952 ~~chapter 471:~~

1953 ~~(a) The State Highway Engineer and the district secretary~~
1954 ~~for each district, except that in lieu of engineering~~
1955 ~~registration the district secretary for each district may hold~~
1956 ~~an advanced degree in an appropriate related discipline such as~~
1957 ~~a master of business administration.~~

1958 ~~(b)1. The head of each office, or equivalent unit, of the~~
1959 ~~department that is responsible for the design of transportation~~
1960 ~~facilities.~~

1961 ~~2. Any person who is employed or assigned by any such unit~~
1962 ~~to be in responsible charge of an engineering project designed~~
1963 ~~by the unit, regardless of whether such person is employed in~~
1964 ~~the central office or in a field office.~~

1965 ~~(c)1. The head of each office, or equivalent unit, of the~~
1966 ~~department that is responsible for the construction of~~
1967 ~~transportation facilities or materials testing.~~

1968 ~~2. Any area or resident engineer who is in responsible~~
1969 ~~charge of an engineering construction project.~~



1970 ~~(d)1. The head of each office, or equivalent unit, of the~~
1971 ~~department that is directly responsible for traffic operations~~
1972 ~~or the maintenance of transportation facilities.~~

1973 ~~2. The senior maintenance engineer assigned to a field~~
1974 ~~office.~~

1975 ~~3. The senior maintenance engineers in charge of the~~
1976 ~~various area maintenance yards assigned to the field units.~~

1977 ~~(2) As used in this section, the term "responsible charge"~~
1978 ~~means the rendering of engineering judgment and decisions in the~~
1979 ~~development of technical policy and programs or the direct~~
1980 ~~control and personal supervision of work performed by himself or~~
1981 ~~herself or by others over whom the person holds supervisory~~
1982 ~~authority.~~

1983 ~~(3) Any person holding the position of resident engineer~~
1984 ~~of construction or senior maintenance engineer of a field unit~~
1985 ~~on July 1, 1984, or the position of designer as identified in~~
1986 ~~subparagraph (1)(b)2. on July 1, 1985, is not subject to the~~
1987 ~~engineering registration requirement. However, when such person~~
1988 ~~vacates his or her position, his or her replacement must comply~~
1989 ~~with that requirement.~~

1990 ~~(4) The department shall employ a district secretary for~~
1991 ~~each transportation district whose duties shall be fixed by the~~
1992 ~~department and who shall be responsible for the efficient~~
1993 ~~operation and administration of that district.~~

1994 ~~(5) In addition to the requirement for engineering~~
1995 ~~registration in subsection (1), the department, in filling the~~
1996 ~~positions described in this section, shall place emphasis on~~
1997 ~~proven management ability and experience.~~



1998 Section 27. Section 334.60, Florida Statutes, is created
 1999 to read:

2000 334.60 511 traveler information system.--

2001 (1) The department is the state's lead agency for
 2002 implementing 511 services and is the state's point of contact
 2003 for coordinating 511 services with telecommunications service
 2004 providers. The department shall:

2005 (a) Implement and administer 511 services in the state;

2006 (b) Coordinate with other transportation authorities in
 2007 the state to provide multimodal traveler information through 511
 2008 services and other means;

2009 (c) Develop uniform standards and criteria for the
 2010 collection and dissemination of traveler information using the
 2011 511 number or other interactive voice response systems; and

2012 (d) Enter into joint participation agreements or contracts
 2013 with highway authorities and public transit districts to share
 2014 the costs of implementing and administering 511 services in the
 2015 state. The department may also enter into other agreements or
 2016 contracts with private firms relating to the 511 services to
 2017 offset the costs of implementing and administering 511 services
 2018 in the state.

2019
 2020 The department shall adopt rules to administer the coordination
 2021 of 511 traveler information phone services in the state.

2022 Section 28. Subsection (4) is added to section 335.02,
 2023 Florida Statutes, to read:



2024 335.02 Authority to designate transportation facilities
 2025 and rights-of-way and establish lanes; procedure for
 2026 redesignation and relocation.--

2027 (4) Notwithstanding any general law or special act,
 2028 regulations of any county, municipality, or special district,
 2029 including any instrumentality thereof, shall not apply to
 2030 existing or future transportation facilities, or appurtenances
 2031 thereto, on the State Highway System.

2032 Section 29. Section 336.467, Florida Statutes, is amended
 2033 to read:

2034 336.467 County-state right-of-way acquisition
 2035 agreements.--A county or other governmental entity may enter
 2036 into an agreement with the department to provide for the
 2037 department to acquire rights-of-way for the county or other
 2038 governmental entity, ~~provided the highway project is to be~~
 2039 ~~funded by the 80-percent portion of the constitutional gas tax~~
 2040 ~~allocated to that county and requires the acquisition of at~~
 2041 ~~least 10 parcels of land, the total cost of which will equal or~~
 2042 ~~exceed \$100,000.~~

2043 Section 30. Subsection (16) is added to section 337.11,
 2044 Florida Statutes, to read:

2045 337.11 Contracting authority of department; bids;
 2046 emergency repairs, supplemental agreements, and change orders;
 2047 combined design and construction contracts; progress payments;
 2048 records; requirements of vehicle registration.--

2049 (16) Department procurements under this section are exempt
 2050 from the transaction fees imposed by contract, rule, or statute



2051 for MyFloridaMarketPlace.com or any successor Internet
2052 procurement system.

2053 Section 31. Subsections (1), (4), and (7) of section
2054 337.14, Florida Statutes, are amended to read:

2055 337.14 Application for qualification; certificate of
2056 qualification; restrictions; request for hearing.--

2057 (1) Any person desiring to bid for the performance of any
2058 construction contract in excess of \$250,000 which the department
2059 proposes to let must first be certified by the department as
2060 qualified pursuant to this section and rules of the department.
2061 The rules of the department shall address the qualification of
2062 persons to bid on construction contracts in excess of \$250,000
2063 and shall include requirements with respect to the equipment,
2064 past record, experience, financial resources, and organizational
2065 personnel of the applicant necessary to perform the specific
2066 class of work for which the person seeks certification. The
2067 department is authorized to limit the dollar amount of any
2068 contract upon which a person is qualified to bid or the
2069 aggregate total dollar volume of contracts such person is
2070 allowed to have under contract at any one time. Each applicant
2071 seeking qualification to bid on construction contracts in excess
2072 of \$250,000 shall furnish the department a statement under oath,
2073 on such forms as the department may prescribe, setting forth
2074 detailed information as required on the application. Each
2075 application for certification shall be accompanied by the latest
2076 annual financial statement of the applicant completed within the
2077 last 12 months. If the annual financial statement shows the
2078 financial condition of the applicant more than 4 months prior to



2079 the date on which the application is received by the department,
2080 then an interim financial statement must also be submitted. The
2081 interim financial statement must cover the period from the end
2082 date of the annual statement and must show the financial
2083 condition of the applicant no more than 4 months prior to the
2084 date on which the application is received by the department.
2085 Each required annual or interim financial statement must be
2086 audited and accompanied by the opinion of a certified public
2087 accountant or a public accountant approved by the department.
2088 The information required by this subsection is confidential and
2089 exempt from the provisions of s. 119.07(1). The department
2090 shall act upon the application for qualification within 30 days
2091 after the department determines that the application is complete
2092 ~~it is presented.~~

2093 (4) If the applicant is found to possess the prescribed
2094 qualifications, the department shall issue to him or her a
2095 certificate of qualification that, unless thereafter revoked by
2096 the department for good cause, will be valid for a period of 18
2097 months after the date of the applicant's financial statement or
2098 such shorter period as the department prescribes. Submission of
2099 an application shall not affect expiration of the certificate of
2100 qualification. If the department finds that an application is
2101 incomplete or contains inadequate information or information
2102 that cannot be verified, the department may request in writing
2103 that the applicant provide the necessary information to complete
2104 the application or provide the source from which any information
2105 in the application may be verified. If the applicant fails to
2106 comply with the initial written request within a reasonable



2107 period of time as specified therein, the department shall
2108 request the information a second time. If the applicant fails to
2109 comply with the second request within a reasonable period of
2110 time as specified therein, the application shall be denied.

2111 (7) No "contractor" as defined in s. 337.165(1)(d) or his
2112 or her "affiliate" as defined in s. 337.165(1)(a) qualified with
2113 the department under this section may also qualify under s.
2114 287.055 or s. 337.105 to provide testing services, construction,
2115 engineering, and inspection services to the department. This
2116 limitation shall not apply to any design-build prequalification
2117 under s. 337.11(7).

2118 Section 32. Section 337.18, Florida Statutes, is amended
2119 to read:

2120 337.18 Surety bonds for construction or maintenance
2121 contracts; requirement with respect to contract award; bond
2122 requirements; defaults; damage assessments.--

2123 (1)(a) A surety bond shall be required of the successful
2124 bidder in an amount equal to the awarded contract price. For a
2125 project for which the contract price is \$150,000 or less, the
2126 department may waive the requirement for all or a portion of a
2127 surety bond if it determines the project is of a noncritical
2128 nature and nonperformance will not endanger public health,
2129 safety, or property. The department may require alternate means
2130 of security if a surety bond is waived. The surety on such bond
2131 shall be a surety company authorized to do business in the
2132 state. All bonds shall be payable to the department and
2133 conditioned for the prompt, faithful, and efficient performance
2134 of the contract according to plans and specifications and within



2135 the time period specified, and for the prompt payment of all
2136 persons defined in s. 713.01 furnishing labor, material,
2137 equipment, and supplies for work provided in the contract
2138 ~~therefor~~; however, whenever an improvement, demolition, or
2139 removal contract price is \$25,000 or less, the security may, in
2140 the discretion of the bidder, be in the form of a cashier's
2141 check, bank money order of any state or national bank, certified
2142 check, or postal money order. The department shall adopt rules
2143 to implement this subsection. Such rules shall include
2144 provisions under which the department shall refuse to accept
2145 bonds on contracts when a surety wrongfully fails or refuses to
2146 settle or provide a defense for claims or actions arising under
2147 a contract for which the surety previously furnished a bond.

2148 (b) Upon execution of the contract, and prior to beginning
2149 any work under the contract, the contractor shall record in the
2150 public records of the county where the improvement is located
2151 the payment and performance bond required under this section. A
2152 claimant shall have a right of action against the contractor and
2153 surety for the amount due him or her, including unpaid finance
2154 charges due under the claimant's contract. Such action shall not
2155 involve the department in any expense.

2156 (c) A claimant, except a laborer, who is not in privity
2157 with the contractor shall, before commencing or not later than
2158 90 days after commencing to furnish labor, materials, or
2159 supplies for the prosecution of the work, furnish the contractor
2160 with a notice that he or she intends to look to the bond for
2161 protection. A claimant who is not in privity with the contractor
2162 and who has not received payment for his or her labor,



2163 materials, or supplies shall deliver to the contractor and to
2164 the surety written notice of the performance of the labor or
2165 delivery of the materials or supplies and of the nonpayment. The
2166 notice of nonpayment may be served at any time during the
2167 progress of the work or thereafter but not before 45 days after
2168 the first furnishing of labor, services, or materials, and not
2169 later than 90 days after the final furnishing of the labor,
2170 services, or materials by the claimant or, with respect to
2171 rental equipment, not later than 90 days after the date that the
2172 rental equipment was last on the job site available for use. An
2173 action by a claimant, except a laborer, who is not in privity
2174 with the contractor for the labor, materials, or supplies may
2175 not be instituted against the contractor or the surety unless
2176 both notices have been given. Notices required or permitted
2177 under this section may be served in any manner provided in s.
2178 713.18.

2179 (d) An action must be instituted by a claimant, whether in
2180 privity with the contractor or not, against the contractor or
2181 the surety on the payment bond or the payment provisions of a
2182 combined payment and performance bond within 365 days after the
2183 final acceptance of the contract work by the department. A
2184 claimant may not waive in advance his or her right to bring an
2185 action under the bond against the surety. In any action brought
2186 to enforce a claim against a payment bond under this section,
2187 the prevailing party is entitled to recover a reasonable fee for
2188 the services of his or her attorney for trial and appeal or for
2189 arbitration, in an amount to be determined by the court, which



2190 fee must be taxed as part of the prevailing party's costs, as
2191 allowed in equitable actions.

2192 (e) When a contractor has furnished a payment bond
2193 pursuant to this section, he or she may, when the department
2194 makes any payment to the contractor, serve a written demand on
2195 any claimant who is not in privity with the contractor for a
2196 written statement under oath of his or her account showing the
2197 nature of the labor or services performed to date, if any; the
2198 materials furnished; the materials to be furnished, if known;
2199 the amount paid on account to date; the amount due; and the
2200 amount to become due, if known, as of the date of the statement
2201 by the claimant. Any such demand to a claimant who is not in
2202 privity with the contractor must be served on the claimant at
2203 the address and to the attention of any person who is designated
2204 to receive the demand in the notice to the contractor served by
2205 the claimant. The failure or refusal to furnish the statement
2206 does not deprive the claimant of his or her rights under the
2207 bond if the demand is not served at the address of the claimant
2208 or directed to the attention of the person designated to receive
2209 the demand in the notice to contractor. The failure to furnish
2210 the statement within 60 days after the demand, or the furnishing
2211 of a false or fraudulent statement, deprives the claimant who
2212 fails to furnish the statement, or who furnishes the false or
2213 fraudulent statement, of his or her rights under the bond. If
2214 the contractor serves more than one demand for statement of
2215 account on a claimant and none of the information regarding the
2216 account has changed since the claimant's last response to a
2217 demand, the failure or refusal to furnish such statement does



2218 not deprive the claimant of his or her rights under the bond.
2219 The negligent inclusion or omission of any information deprives
2220 the claimant of his or her rights under the bond to the extent
2221 that the contractor can demonstrate prejudice from such act or
2222 omission by the claimant. The failure to furnish a response to a
2223 demand for statement of account does not affect the validity of
2224 any claim on the bond being enforced in a lawsuit filed before
2225 the date the demand for statement of account is received by the
2226 claimant.

2227 (f) The bonds provided for in this section are statutory
2228 bonds. The provisions of s. 255.05 are not applicable to bonds
2229 issued pursuant to this section.

2230 (2) The department shall provide in its contracts for the
2231 determination of default on the part of any contractor for cause
2232 attributable to such contractor. The department shall have no
2233 liability for anticipated profits for unfinished work on a
2234 contract which has been determined to be in default. Every
2235 contract let by the department for the performance of work shall
2236 contain a provision for payment to the department by the
2237 contractor of liquidated damages due to failure of the
2238 contractor to complete the contract work within the time
2239 stipulated in the contract or within such additional time as may
2240 have been granted by the department. The contractual provision
2241 shall include a reasonable estimate of the damages that would be
2242 incurred by the department as a result of such failure. The
2243 department shall establish a schedule of daily liquidated damage
2244 charges, based on original contract amounts, for construction
2245 contracts entered into by the department, which schedule shall



2246 be incorporated by reference into the contract. The department
2247 shall update the schedule of liquidated damages at least once
2248 every 2 years, but no more often than once a year. The schedule
2249 shall, at a minimum, be based on the average construction,
2250 engineering, and inspection costs experienced by the department
2251 on contracts over the 2 preceding fiscal years. The schedule
2252 shall also include anticipated costs of project-related delays
2253 and inconveniences to the department and traveling public.
2254 Anticipated costs may include, but are not limited to, road user
2255 costs, a portion of the projected revenues that will be lost due
2256 to failure to timely open a project to revenue-producing
2257 traffic, costs resulting from retaining detours for an extended
2258 time, and other similar costs. Any such liquidated damages paid
2259 to the department shall be deposited to the credit of the fund
2260 from which payment for the work contracted was authorized.

2261 (3) In addition to the provision for payment to the
2262 department by the contractor of liquidated damages due to the
2263 failure of the contractor to complete the project within the
2264 time stipulated in the contract or within such additional time
2265 as may have been granted by the department, the department may
2266 also recover from the contractor amounts paid by the department
2267 for damages suffered by third parties as a result of the
2268 contractor's failure to complete the project within the time
2269 stipulated in the contract or within such additional time as may
2270 have been granted by the department, unless the failure to
2271 timely complete the project was caused by the department's act
2272 or omission. However, nothing herein shall create a cause of
2273 action against the department, or against a contractor by an



2274 abutting property owner or business entity, where none has
2275 previously existed.

2276 (4)(a) If the department determines and adequately
2277 documents that the timely completion of any project will provide
2278 a substantial benefit to the public health, safety, or welfare;
2279 will limit the disruptive effect of construction on the
2280 community; or is cost beneficial on a revenue-producing project,
2281 the contract for such project may provide for an incentive
2282 payment payable to the contractor for early completion of the
2283 project or critical phases of the work and for additional
2284 damages to be assessed against the contractor for the completion
2285 of the project or critical phases of the work in excess of the
2286 time specified. All contracts containing such provisions shall
2287 be approved by the head of the department or his or her
2288 designee. The amount of such incentive payment or such
2289 additional damages shall be established in the contract based on
2290 an analysis of the cost savings to the traveling public or
2291 revenue projections for a revenue-producing project ~~but shall~~
2292 ~~not exceed \$10,000 per calendar day, except that for revenue-~~
2293 ~~producing projects the amounts and periods of the incentive may~~
2294 ~~be greater if an analysis indicates that additional revenues~~
2295 ~~projected to be received upon completion of the project will~~
2296 ~~exceed the cost of the incentive payments.~~ Any liquidated
2297 damages provided for under subsection (2) and any additional
2298 damages provided for under this subsection shall be payable to
2299 the department because of the contractor's failure to complete
2300 the contract work within the time stipulated in the contract or



2301 | within such additional time as may have been granted by the
 2302 | department.

2303 | (b) The department shall adopt rules to implement this
 2304 | subsection. Such rules shall include procedures and criteria for
 2305 | the selection of projects on which incentive payments and
 2306 | additional damages may be provided for by contract.

2307 | (5) Such bonds shall be subject to the additional
 2308 | obligation that the principal and surety executing the same
 2309 | shall be liable to the state in a civil action instituted by the
 2310 | department or any officer of the state authorized in such cases,
 2311 | for double any amount in money or property the state may lose or
 2312 | be overcharged or otherwise defrauded of, by reason of any
 2313 | wrongful or criminal act, if any, of the contractor, the
 2314 | contractor's agent, or employees.

2315 | Section 33. Subsection (1) of section 337.401, Florida
 2316 | Statutes, is amended to read:

2317 | 337.401 Use of right-of-way for utilities subject to
 2318 | regulation; permit; fees.--

2319 | (1) The department and local governmental entities,
 2320 | referred to in ss. 337.401-337.404 as the "authority," that have
 2321 | jurisdiction and control of public roads or publicly owned rail
 2322 | corridors are authorized to prescribe and enforce reasonable
 2323 | rules or regulations with reference to the placing and
 2324 | maintaining along, across, or on any road or publicly owned rail
 2325 | corridors under their respective jurisdictions any electric
 2326 | transmission, telephone, telegraph, or other communications
 2327 | services lines; pole lines; poles; railways; ditches; sewers;
 2328 | water, heat, or gas mains; pipelines; fences; gasoline tanks and



2329 pumps; or other structures hereinafter referred to as the
 2330 "utility." The department may enter into a permit-delegation
 2331 agreement with a governmental entity if issuance of a permit is
 2332 based on requirements that the department finds will ensure the
 2333 safety and integrity of facilities of the Department of
 2334 Transportation.

2335 Section 34. Subsection (3) of section 338.165, Florida
 2336 Statutes, is amended to read:

2337 338.165 Continuation of tolls.--

2338 (3) Notwithstanding any other law to the contrary,
 2339 pursuant to s. 11, Art. VII of the State Constitution, and
 2340 subject to the requirements of subsection(2), the Department of
 2341 Transportation may request the Division of Bond Finance to issue
 2342 bonds secured by toll revenues collected on the Alligator Alley,
 2343 Sunshine Skyway Bridge, Beeline-East Expressway, and Pinellas
 2344 Bayway to fund transportation projects located within the county
 2345 or counties in which the facility is located and contained in
 2346 the 1993-1994 Adopted Work Program or in any subsequent adopted
 2347 work program of the department.

2348 Section 35. Paragraph (b) of subsection (1) of section
 2349 338.2216, Florida Statutes, is amended to read:

2350 338.2216 Florida Turnpike Enterprise; powers and
 2351 authority.--

2352 (1)

2353 (b) ~~It is the express intention of this part that~~ The
 2354 Florida Turnpike Enterprise is ~~be~~ authorized to plan, develop,
 2355 own, purchase, lease, or otherwise acquire, demolish, construct,
 2356 improve, relocate, equip, repair, maintain, operate, and manage



2357 the Florida Turnpike System; to expend funds to publicize,
2358 advertise, and promote the advantages of using the turnpike
2359 system and its facilities; and to cooperate, coordinate,
2360 partner, and contract with other entities, public and private,
2361 to accomplish these purposes.

2362 Section 36. Subsection (2) of section 338.235, Florida
2363 Statutes, is amended to read:

2364 338.235 Contracts with department for provision of
2365 services on the turnpike system.--

2366 (2) In order to secure high-quality products, business
2367 opportunities, and services on the turnpike system, products,
2368 business opportunities, and services authorized by s. 338.234
2369 may be secured by competitive solicitation for turnpike patrons,
2370 products and services authorized by s. 338.234(1) may be secured
2371 through the request for proposal process. If the department
2372 receives an unsolicited proposal for products, business
2373 opportunities, or services that it wishes to consider, it shall
2374 publish a notice in a newspaper of general circulation at least
2375 once a week for 2 weeks, or may broadcast such notice by
2376 electronic media for 2 weeks, stating that it has received a
2377 proposal and will accept other proposals on the same subject for
2378 30 days after the date of publication. The department may select
2379 offers that ~~the proposal and fee which~~ best satisfy the
2380 conditions of a quality service, business opportunity, or ~~and~~
2381 product ~~operation~~ for the turnpike system. The factors to be
2382 used in evaluating proposals include, but are not limited to:

2383 (a) The financial capacity of the provider;



- 2384 (b) The willingness to contribute toward the cost of
- 2385 facility construction;
- 2386 (c) The type and quality of the service or product
- 2387 offered;
- 2388 (d) The price structure of the service or product offered;
- 2389 (e) Management experience and capabilities;
- 2390 (f) The national brand names offered;
- 2391 (g) The originality of the concept and its relationship to
- 2392 the turnpike system;
- 2393 (h) The lease rate; and
- 2394 (i) Other factors that the department may deem pertinent.

2395 Section 37. Chapter 339, Florida Statutes, is designated
 2396 as part I of said chapter, and part II, consisting of sections
 2397 339.61, 339.62, 339.63, and 339.64, is created to read:

2398 PART II

2399 FLORIDA STRATEGIC INTERMODAL SYSTEM

2400 339.61 Florida Strategic Intermodal System; legislative
 2401 findings, declaration, and intent.--

2402 (1) There is hereby created the Florida Strategic
 2403 Intermodal System.

2404 (2) The Legislature finds that increasing demands are
 2405 continuing to be placed on the state's transportation system by
 2406 a fast-growing economy, continued population growth, and
 2407 projected increases in freight movement, international trade,
 2408 and tourism. The Legislature also finds that the state's growing
 2409 regional and intercity economic centers will increase the demand
 2410 for interregional and intercity travel and that the evolving
 2411 service-based and information-based industries will change the



2412 type of transportation system that business and industry demand,
2413 increasing the importance of speed and reliability. The
2414 Legislature further finds that the state's transportation system
2415 must be designed and operated in such a way that it preserves
2416 the abundance of natural and manmade amenities that have been so
2417 successful in attracting new residents, businesses, and tourists
2418 to this state. Therefore, the Legislature declares that the
2419 designation of a strategic intermodal system, composed of
2420 facilities and services of statewide and interregional
2421 significance, will efficiently serve the mobility needs of
2422 Florida's citizens, businesses, and visitors and will help
2423 Florida become a worldwide economic leader, enhance economic
2424 prosperity and competitiveness, enrich quality of life, and
2425 reflect responsible environmental stewardship. To that end, it
2426 is the intent of the Legislature that the Florida Strategic
2427 Intermodal System consist of transportation facilities that meet
2428 a strategic and essential state interest and that limited
2429 resources available for the implementation of statewide and
2430 interregional transportation priorities be focused on that
2431 system.

2432 339.62 System components.--The Florida Strategic
2433 Intermodal System shall consist of appropriate components of:

2434 (1) The Florida Intrastate Highway System established
2435 pursuant to s. 338.001.

2436 (2) The National Highway System.

2437 (3) Airport, seaport, and spaceport facilities.

2438 (4) Rail lines and rail facilities.



2439 (5) Selected intermodal facilities; passenger and freight
2440 terminals; and appropriate components of the State Highway
2441 System, county road system, city street system, and local public
2442 transit systems that serve as existing or planned connectors
2443 between the components listed in subsections (1)-(4).

2444 (6) Existing or planned corridors that serve a statewide
2445 or interregional purpose.

2446 339.63 System facilities designated; additions and
2447 deletions.--

2448 (1) The initial Florida Strategic Intermodal System shall
2449 include all facilities that meet the criteria recommended by the
2450 Strategic Intermodal Steering Committee in a report entitled
2451 "Steering Committee Final Report: Recommendations for
2452 Designating the Florida Strategic Intermodal System" dated
2453 December 2002.

2454 (2) Subsequent to the initial designation of the Florida
2455 Strategic Intermodal System pursuant to subsection (1), the
2456 Secretary of Transportation shall periodically add facilities to
2457 or delete facilities from the Florida Strategic Intermodal
2458 System based upon adopted criteria.

2459 339.64 Strategic Intermodal System Plan.--

2460 (1) The department, in cooperation with metropolitan
2461 planning organizations, regional planning councils, local
2462 governments, the Statewide Intermodal Transportation Advisory
2463 Council, and other transportation providers, shall develop a
2464 Strategic Intermodal System Plan. The plan shall be consistent
2465 with the Florida Transportation Plan developed pursuant to s.



2466 339.155 and shall be updated at least once every 5 years,
2467 subsequent to updates of the Florida Transportation Plan.

2468 (2) In association with the development of the initial
2469 Strategic Intermodal System Plan, the Florida Transportation
2470 Commission shall conduct an assessment of the need for an
2471 improved philosophical approach to regional and intermodal input
2472 in the planning for and governing of the Florida Strategic
2473 Intermodal System. The Florida Transportation Commission shall
2474 coordinate with the department, the Statewide Intermodal
2475 Transportation Advisory Council, and other appropriate entities
2476 when developing this assessment. The Florida Transportation
2477 Commission shall deliver a report to the Governor and
2478 Legislature by December 15, 2003, with recommendations as
2479 necessary to fully implement the Florida Strategic Intermodal
2480 System.

2481 (3) During the development of the Strategic Intermodal
2482 System Plan and the development of all subsequent updates, the
2483 department shall provide metropolitan planning organizations,
2484 regional planning councils, local governments, transportation
2485 providers, affected public agencies, and citizens with an
2486 opportunity to participate in and comment on the development of
2487 the proposed plan or update.

2488 (4) The Strategic Intermodal System Plan shall include the
2489 following:

2490 (a) A needs assessment.

2491 (b) A project prioritization process.

2492 (c) A map of facilities designated as Florida Strategic
2493 Intermodal System facilities and facilities that are emerging in



2494 importance that are likely to become part of the system in the
 2495 future.

2496 (d) A finance plan based on reasonable projections of
 2497 anticipated revenues, including both 10-year and 20-year cost-
 2498 feasible components.

2499 Section 38. Section 339.1372, Florida Statutes, is created
 2500 to read:

2501 339.1372 Transportation funding for intermodal funding.--

2502 (1) The Legislature finds that in order to meet the
 2503 prevailing principles of enhancing Florida's economic
 2504 competitiveness and improving travel choices to ensure mobility,
 2505 major capital investments are required in transportation
 2506 projects and economic development infrastructure that ensure the
 2507 safe and efficient movement of goods, people, and services;
 2508 assist local governments in developing intermodal linkages;
 2509 promote logical linkages between different modes of
 2510 transportation; attract federal, state, local, and private
 2511 sector funds; and enhance the state's economy.

2512 (2) The department shall allocate \$100 million annually
 2513 from the former Transportation Outreach Program established
 2514 under ss. 339.137 and 339.1371 to be used for projects in
 2515 accordance with this section. In any year in which the State
 2516 Transportation Trust Fund is required to transfer funds to the
 2517 General Revenue Fund or other state trust funds, or in which
 2518 existing revenue sources available to the department are
 2519 temporarily or permanently reduced, this shall reduce the amount
 2520 allocated to projects under this section in the impacted fiscal
 2521 year up to the total available under this section. The projects



2522 shall be qualified and selected by the department and the
2523 Statewide Intermodal Transportation Advisory Council in
2524 accordance with the following requirements:

2525 (a) Seventy-five percent of the available funds under this
2526 section shall be for projects that are part of the Florida
2527 Strategic Intermodal System established in accordance with part
2528 II of this chapter with priority given to statewide
2529 transportation corridors established in s. 341.0532.

2530 (b) Twenty-five percent of the available funds under this
2531 section shall be for intermodal projects that are not part of
2532 the Florida Strategic Intermodal System but are part of the
2533 statewide transportation corridors established in s. 341.0532,
2534 including facilities that are emerging in importance that are
2535 likely to become part of the Florida Strategic Intermodal System
2536 in the future.

2537 (c) In any given year, the actual percentage of funds
2538 under paragraphs (a) and (b) may vary by up to 10 percent,
2539 provided that the total percentage over a 5-year period equals
2540 the percentage outlined in paragraphs (a) and (b).

2541 (d) Projects selected shall meet the following
2542 requirements prior to being included on the proposed list of
2543 projects:

2544 1. Projects that are not part of the State Highway System
2545 shall include a 25-percent match of the state funds from any
2546 combination of local or private funds or federal funds not
2547 designated for the department.

2548 2. Projects must be consistent with the Florida
2549 Transportation Plan and current transportation system plans,



2550 including, but not limited to, the Strategic Intermodal System
2551 Plan, the Florida Intrastate Highway System Plan, and aviation,
2552 rail, intermodal, seaport, spaceport, or transit system plans.

2553 3. The project phase will be production-ready in the year
2554 included in the proposed project list.

2555 4. The project must be consistent, to the maximum extent
2556 feasible, with applicable local metropolitan planning
2557 organization plans and local government comprehensive plans.

2558 (e) The department and the Statewide Intermodal
2559 Transportation Advisory Council shall consider, but are not
2560 limited to considering, the following criteria in the selection
2561 of projects to be included in the proposed list of projects:

2562 1. The demonstration that the project will encourage,
2563 enhance, or create economic benefits.

2564 2. The extent to which the project will provide for
2565 increased mobility and connectivity between the State Highway
2566 System and airports, seaports, rail facilities, and other
2567 transportation terminals and intermodal centers for the
2568 increased accessibility and movement of people and goods.

2569 3. Projects not on the State Highway System that include a
2570 matching percentage greater than 25 percent may be given
2571 priority over other projects.

2572 4. The extent to which the assistance would foster
2573 innovative public-private partnerships and attract private debt
2574 or equity investment.

2575 (3) The department shall develop and implement a process
2576 to solicit proposals for projects that are eligible to receive
2577 funding under this section. The process for 2003 shall include a



2578 solicitation for projects that can utilize funding in fiscal
2579 years 2004-2005 through 2008-2009. The department, after review
2580 and approval by the Governor, shall provide a list of proposed
2581 projects that totals 150 percent of the amount available under
2582 this section for fiscal years 2004-2005 through 2008-2009 to the
2583 Statewide Intermodal Transportation Advisory Council by November
2584 14, 2003. The Statewide Intermodal Transportation Advisory
2585 Council shall provide a report of comments and prioritized
2586 recommendations on the proposed list of projects for fiscal
2587 years 2004-2005 through 2008-2009 to the President of the Senate
2588 and the Speaker of the House of Representatives by January 16,
2589 2004. The Legislature shall approve the final list of projects
2590 up to the funding available under this section from the projects
2591 proposed by the department for fiscal year 2004-2005 in the
2592 General Appropriations Act. The President of the Senate and the
2593 Speaker of the House of Representatives shall jointly approve,
2594 in writing, a final list of projects for this section up to \$100
2595 million per year by May 14, 2004, from the projects proposed by
2596 the department for fiscal years 2005-2006 through 2008-2009,
2597 subject to appropriation in subsequent General Appropriations
2598 Acts. Notwithstanding any other law to the contrary, the
2599 requirements of ss. 339.135, 339.155, and 339.175 shall not
2600 apply to projects funded in this section, and the department is
2601 directed to include the final list of approved projects in the
2602 Adopted Work Program, July 1, 2004.

2603 (4) In 2004 and each year thereafter, the department shall
2604 solicit projects for a new fifth year that totals 150 percent of
2605 the amount available under this section and, after review and



2606 approval by the Governor, present a list of proposed projects to
2607 the Statewide Intermodal Transportation Advisory Council at
2608 least 120 days prior to the start of the regular legislative
2609 session. The Statewide Intermodal Transportation Advisory
2610 Council shall provide a report of comments and prioritized
2611 recommendations on the proposed list of projects to the
2612 President of the Senate and the Speaker of the House of
2613 Representatives at least 60 days prior to the start of the
2614 regular legislative session. The President of the Senate and the
2615 Speaker of the House of Representatives shall jointly approve,
2616 in writing, a final list of projects up to \$100 million by May
2617 15, 2005, and each May 15 thereafter from the projects proposed
2618 by the department in the new fifth year, subject to
2619 appropriation in subsequent General Appropriations Acts.
2620 Notwithstanding any other law to the contrary, the requirements
2621 of ss. 339.135, 339.155, and 339.175 shall not apply to projects
2622 funded in this section, and the department is directed to
2623 include the final list of approved projects in the fifth year of
2624 the Adopted Work Program, July 1 of that year.

2625 (5) There is created the Statewide Intermodal
2626 Transportation Advisory Council.

2627 (a) The Statewide Intermodal Transportation Advisory
2628 Council is created to advise and make recommendations to the
2629 Legislature and the department on policies, planning, and
2630 funding of intermodal transportation projects considered for
2631 funding under this section. The council's responsibilities shall
2632 include:



2633 1. Advising the department on the policies, planning, and
2634 implementation of strategies related to intermodal
2635 transportation and specific projects as outlined in this section
2636 to move people and goods in the most efficient and effective
2637 manner for the state.

2638 2. Providing advice and recommendations to the Legislature
2639 on funding for projects as outlined in this section that provide
2640 strategic investments to move goods and people in the most
2641 efficient and effective manner for the state.

2642 (b) Members of the Statewide Intermodal Transportation
2643 Advisory Council shall consist of the following:

2644 1. Five intermodal industry representatives selected by
2645 the Governor as follows:

2646 a. Two representatives from airports involved in the
2647 movement of freight and people from the airport facility to
2648 another transportation mode. In no event may both of the
2649 representatives be employed by the same company or airport.

2650 b. One representative from a fixed-route, local government
2651 transit system.

2652 c. One representative from an intercity bus company
2653 providing regularly scheduled bus travel as determined by
2654 federal regulations.

2655 d. One representative from a spaceport.

2656 2. Three intermodal industry representatives selected by
2657 the President of the Senate as follows:

2658 a. One representative from a major-line railroad.

2659 b. One representative from a seaport listed in s.
2660 311.09(1) from the Atlantic Coast.



2661 c. One representative from an intermodal trucking company.
 2662 3. Three intermodal industry representatives selected by
 2663 the Speaker of the House of Representatives as follows:
 2664 a. One representative from a short-line railroad.
 2665 b. One representative from a seaport listed in s.
 2666 311.09(1) from the Gulf Coast.
 2667 c. One representative from an intermodal trucking company.
 2668 In no event may this representative be employed by the same
 2669 company that employs the intermodal trucking company
 2670 representative selected by the President of the Senate.
 2671 (c) Initial appointments to the council must be made no
 2672 later than 30 days after the effective date of this section.
 2673 1. The council members initially appointed by the
 2674 President of the Senate and the Speaker of the House of
 2675 Representatives shall serve terms concurrent with those of the
 2676 respective appointing officer. Beginning January 15, 2005, and
 2677 for all subsequent appointments, council members appointed by
 2678 the President of the Senate and the Speaker of the House of
 2679 Representatives shall serve 2-year terms, concurrent with the
 2680 term of the respective appointing officer.
 2681 2. All council members appointed by the Governor shall
 2682 serve 2-year terms.
 2683 3. Vacancies on the council shall be filled in the same
 2684 manner as the initial appointments.
 2685 (d) Each member of the council shall be allowed one vote.
 2686 The council shall select a chair from among its membership.
 2687 Meetings shall be held at the call of the chair but not less
 2688 frequently than quarterly. The members of the council shall be



2689 reimbursed for per diem and travel expenses as provided in s.
2690 112.061.

2691 (e) The department shall provide administrative staff
2692 support and shall ensure that council meetings are
2693 electronically recorded. Such recordings and all documents
2694 received, prepared for, or used by the council in conducting its
2695 business shall be preserved pursuant to chapters 119 and 257.

2696 Section 39. Section 341.0532, Florida Statutes, is created
2697 to read:

2698 341.0532 Statewide transportation corridors.--

2699 (1) "Statewide transportation corridor" means a system of
2700 transportation infrastructure that collectively provides for the
2701 efficient movement of significant volumes of intrastate,
2702 interstate, and international commerce by seamlessly linking
2703 multiple modes of transport.

2704 (2) Florida's statewide transportation corridors are:

2705 (a) The Atlantic Coast Corridor, from Jacksonville to
2706 Miami, including Interstate 95.

2707 (b) The Gulf Coast Corridor, from Pensacola to St.
2708 Petersburg and to Tampa including U.S. Route 98 and U.S. Route
2709 19, State Road 27.

2710 (c) The Central Florida North-South Corridor, from the
2711 Florida-Georgia border to Naples and Fort Lauderdale and Miami,
2712 including Interstate 75.

2713 (d) The Central Florida East-West Corridor from St.
2714 Petersburg to Tampa and to Titusville, including Interstate 4
2715 and the Beeline Expressway.

2716 (e) The North Florida Corridor, from Pensacola to



2717 Jacksonville, including Interstate 10, and U.S. Route 231, State
 2718 Road 77, and State Road 79 from the Florida-Alabama border to
 2719 Panama City.

2720 (f) The Jacksonville to Tampa Corridor, including U.S.
 2721 Route 301.

2722 (g) The Jacksonville to Orlando Corridor, including U.S.
 2723 17.

2724 (h) The Southeastern Everglades Corridor, linking
 2725 Wildwood, Winter Garden, Orlando, and West Palm Beach via the
 2726 Florida Turnpike.

2727
 2728 For the purposes of this subsection, the term "corridor"
 2729 includes railways adjacent to such corridor and the roadways
 2730 linking to transportation terminals, and intermodal service
 2731 centers to the major highways listed in this subsection.

2732 Section 40. Subsections (1) and (2) of section 339.08,
 2733 Florida Statutes, are amended to read:

2734 339.08 Use of moneys in State Transportation Trust Fund.--

2735 (1) The department shall expend ~~by rule provide for the~~
 2736 ~~expenditure of the~~ moneys in the State Transportation Trust Fund
 2737 accruing to the department, in accordance with its annual
 2738 budget.

2739 (2) ~~These rules must restrict~~ The use of such moneys shall
 2740 be restricted to the following purposes:

2741 (a) To pay administrative expenses of the department,
 2742 including administrative expenses incurred by the several state
 2743 transportation districts, but excluding administrative expenses
 2744 of commuter rail authorities that do not operate rail service.



2745 (b) To pay the cost of construction of the State Highway
 2746 System.

2747 (c) To pay the cost of maintaining the State Highway
 2748 System.

2749 (d) To pay the cost of public transportation projects in
 2750 accordance with chapter 341 and ss. 332.003-332.007.

2751 (e) To reimburse counties or municipalities for
 2752 expenditures made on projects in the State Highway System as
 2753 authorized by s. 339.12(4) upon legislative approval.

2754 (f) To pay the cost of economic development transportation
 2755 projects in accordance with s. 288.063.

2756 (g) To lend or pay a portion of the operating,
 2757 maintenance, and capital costs of a revenue-producing
 2758 transportation project that is located on the State Highway
 2759 System or that is demonstrated to relieve traffic congestion on
 2760 the State Highway System.

2761 (h) To match any federal-aid funds allocated for any other
 2762 transportation purpose, including funds allocated to projects
 2763 not located in the State Highway System.

2764 (i) To pay the cost of county road projects selected in
 2765 accordance with the Small County Road Assistance Program created
 2766 in s. 339.2816.

2767 (j) To pay the cost of county or municipal road projects
 2768 selected in accordance with the County Incentive Grant Program
 2769 created in s. 339.2817 and the Small County Outreach Program
 2770 created in s. 339.2818.

2771 (k) To provide loans and credit enhancements for use in
 2772 constructing and improving highway transportation facilities



2773 selected in accordance with the state-funded infrastructure bank
 2774 created in s. 339.55.

2775 (l) To fund transportation projects pursuant to s.
 2776 339.1372 ~~the Transportation Outreach Program created in s.~~
 2777 ~~339.137.~~

2778 (m) To pay the cost of projects on the Florida Strategic
 2779 Intermodal System developed pursuant to s. 339.61.

2780 (n)~~(m)~~ To pay other lawful expenditures of the department.

2781 Section 41. Section 339.1371, Florida Statutes, is amended
 2782 to read:

2783 339.1371 Mobility 2000; ~~Transportation Outreach Program;~~
 2784 funding.--

2785 (1) Beginning in fiscal year 2000-2001 the Department of
 2786 Transportation shall allocate sufficient funds to implement the
 2787 Mobility 2000 (Building Roads for the 21st Century) initiative.
 2788 The department shall develop a plan to expend these revenues and
 2789 amend the current tentative work program for the time period
 2790 2000-2001 through 2004-2005 prior to adoption to include
 2791 Mobility 2000 projects. In addition, prior to work program
 2792 adoption, the department shall submit a budget amendment
 2793 pursuant to s. 339.135(7), requesting budget authority needed to
 2794 implement the Mobility 2000 initiative. Funds will be used for
 2795 corridors that link Florida's economic regions to seaports,
 2796 international airports, and markets to provide connections
 2797 through major gateways, improved mobility in major urbanized
 2798 areas, and access routes for emergency evacuation to coastal
 2799 communities based on analysis of current and projected traffic
 2800 conditions.



2801 (2) Notwithstanding any other provision of law, in fiscal
2802 year 2001-2002 and each year thereafter, the increase in revenue
2803 to the State Transportation Trust Fund derived from ss. 1, 2, 3,
2804 7, 9, and 10, ch. 2000-257, Laws of Florida, shall be first used
2805 by the Department of Transportation to fund the Mobility 2000
2806 initiative ~~and any remaining funds shall be used to fund the~~
2807 ~~Transportation Outreach Program created pursuant to s. 339.137.~~
2808 Notwithstanding any other law to the contrary, the requirements
2809 of ss. 206.46(3) and 206.606(2) shall not apply to the Mobility
2810 2000 initiative.

2811 Section 42. Section 339.137, Florida Statutes, is
2812 repealed.

2813 Section 43. Subsection (10) of section 339.12, Florida
2814 Statutes, as created by section 83 of chapter 2002-20, Laws of
2815 Florida, and amended by section 58 of chapter 2002-402, Laws of
2816 Florida, is repealed.

2817 Section 44. Section 348.7546, Florida Statutes, is created
2818 to read:

2819 348.7546 Payment of toll on toll facilities required;
2820 exemptions.--No person shall use any toll facility owned or
2821 operated by the Orlando-Orange County Expressway Authority
2822 without payment of tolls, except that the following shall be
2823 exempt from toll payment:

2824 (1) Any person exempt from paying tolls pursuant to s.
2825 338.155.

2826 (2) Any person traveling as part of a law enforcement
2827 officer's or a firefighter's funeral procession.



2828 | Section 45. Except as otherwise provided herein, this act
2829 | shall take effect upon becoming a law.