

By Senator Wise

5-1715-03

1 A bill to be entitled
2 An act relating to state transportation
3 facilities; amending s. 335.02, F.S.; defining
4 the term "jurisdiction and control"; providing
5 that a local governmental ordinance or rule is
6 not applicable to a transportation facility
7 designated as part of the State Highway System
8 to the extent that such ordinance or rule
9 conflicts with the rules of the Department of
10 Transportation or imposes a burden on the
11 department regarding the designated facility;
12 providing an effective date.

14 Be It Enacted by the Legislature of the State of Florida:

16 Section 1. Subsection (1) of section 335.02, Florida
17 Statutes, is amended to read:

18 335.02 Authority to designate transportation
19 facilities and rights-of-way and establish lanes; procedure
20 for redesignation and relocation.--

21 (1) The department shall have the authority to locate
22 and designate certain transportation facilities as part of the
23 State Highway System and to construct and maintain them with
24 funds available to the department. Any transportation
25 facility when so located and designated shall become the
26 property of the state and shall be under the jurisdiction and
27 control of the department. The term "jurisdiction and control"
28 means that a local governmental ordinance or rule is
29 inapplicable to state projects for the building of a
30 designated transportation facility to the extent that such
31 ordinance or rule conflicts with any rule adopted by the

1 department or imposes an additional burden, financial or
2 otherwise, on the department when designing, constructing, or
3 maintaining the designated transportation facility.Such a
4 transportation facility may not be redesignated or relocated
5 until after a public hearing is conducted by the department in
6 each county affected. Reasonable notice of the hearing shall
7 be published in a newspaper of general circulation in such
8 county 14 days prior to the hearing in addition to any other
9 notice required by law. Any interested party shall have the
10 opportunity to be heard either in person or by counsel and to
11 introduce testimony in such person's behalf at the hearing.

12 Section 2. This act shall take effect upon becoming a
13 law.

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16 SENATE SUMMARY

17 Provides that a local governmental ordinance or rule does
18 not apply to state projects designated as part of the
19 State Highway System to the extent that the ordinance or
20 rule conflicts with rules of the Department of
21 Transportation or imposes a burden on the department
22 regarding the designated transportation facility.
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