

By the Committees on Governmental Oversight and Productivity;
Transportation; and Senator Sebesta

302-2516-03

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

1 out-of-service order; amending s. 316.3026,
2 F.S.; providing for the Office of Motor Carrier
3 Compliance to enforce laws governing the
4 operating authority of motor carriers;
5 repealing s. 316.3027, F.S., relating to
6 identification requirements of commercial
7 vehicles; amending s. 316.515, F.S.; revising
8 length limitations for certain commercial
9 vehicles; amending s. 316.545, F.S.; providing
10 for placement of a lien on a vehicle for
11 failure to pay an out-of-service fine; deleting
12 obsolete provisions; authorizing weight
13 inspectors to detain a commercial vehicle under
14 certain circumstances; repealing s. 316.610(3),
15 F.S., relating to a commercial vehicle
16 inspection program within the department which
17 no longer exists; amending s. 316.640, F.S.;
18 providing for authorization of traffic accident
19 investigation officers; amending s. 316.650,
20 F.S.; authorizing the transfer of toll
21 violation citations via electronic means;
22 amending s. 316.70, F.S.; authorizing the
23 department to conduct compliance reviews of
24 nonpublic sector buses; amending s. 318.14,
25 F.S.; revising the time period for paying
26 certain civil penalties; amending s. 330.27,
27 F.S.; revising definitions; amending s. 330.29,
28 F.S.; revising duties of the Department of
29 Transportation with respect to the regulation
30 of airport sites and airports; requiring the
31 department to establish requirements for

1 airport site approval, licensure, and
2 registration; requiring the department to
3 establish and maintain a state aviation
4 facility data system; amending s. 330.30, F.S.;
5 revising provisions for airport site approval;
6 revising provisions for airport licensing;
7 providing for a private airport registration
8 process; specifying requirements for such
9 licensing and registration; deleting airport
10 license fees; providing for expiration and
11 revocation of such license or registration;
12 revising provisions for exemption from such
13 registration and licensing requirements;
14 exempting described areas and facilities from
15 such requirements; providing described private
16 airports the option to be inspected and
17 licensed by the department; amending s. 330.35,
18 F.S.; revising provisions for airport zoning
19 protection for public-use airports; amending s.
20 330.36, F.S.; providing for zoning requirements
21 governing the landing of seaplanes; amending s.
22 288.075, F.S.; conforming provisions to changes
23 made by the act; amending s. 331.303, F.S.;
24 revising a definition; amending s. 331.308,
25 F.S.; revising provisions relating to the board
26 of supervisors for the Florida Space Authority;
27 amending s. 331.367, F.S.; conforming
28 provisions to changes made by the act; amending
29 s. 331.368, F.S.; revising the membership of
30 the board of directors for the Florida Space
31 Research Institute; clarifying the authority of

1 the Florida Space Research Institute; providing
2 for the submission of an annual report to the
3 Commissioner of Education; amending s. 331.401,
4 F.S.; conforming provisions to changes made by
5 the act; amending s. 331.403, F.S.; revising
6 legislative findings and intent; amending s.
7 331.405, F.S.; defining the term "aerospace";
8 amending s. 331.407, F.S.; redesignating the
9 Florida Commercial Space Finance Corporation as
10 the Florida Aerospace Finance Corporation;
11 conforming provisions to changes made by the
12 act; providing that the Florida Aerospace
13 Finance Corporation is not an agency for
14 certain purposes; amending ss. 331.409 and
15 331.411, F.S.; conforming provisions to changes
16 made by the act; amending s. 334.03, F.S.;
17 defining "511 services" and "interactive voice
18 response"; amending s. 334.044, F.S.; expanding
19 the powers and duties of the department to
20 include oversight of traveler information
21 systems; amending s. 334.14, F.S.; revising the
22 qualifications required for engineers employed
23 by the department; creating s. 334.60, F.S.;
24 requiring the department to be the lead agency
25 in establishing and coordinating a 511 traveler
26 information phone system; amending s. 336.467,
27 F.S.; authorizing the department to acquire
28 rights-of-way for other governmental entities;
29 amending s. 337.14, F.S.; clarifying the
30 contractor prequalification process;
31 prohibiting a construction contractor from

1 providing testing services; amending s. 337.18,
2 F.S.; clarifying that surety bonds issued in
3 favor of the department for construction and
4 maintenance projects over a specified amount
5 are governed by chapter 337, F.S.; removing
6 certain limitations on contractor incentive
7 payments; amending s. 338.165, F.S.;
8 authorizing the Division of Bond Finance to
9 issue bonds at the department's request for
10 certain facilities; amending s. 338.235, F.S.;
11 authorizing the turnpike authority to secure
12 products, business opportunities, and services
13 by competitive solicitation; creating s.
14 339.61, F.S.; providing legislative findings;
15 creating s. 339.62, F.S.; providing the
16 components of the Strategic Intermodal System;
17 creating s. 339.63, F.S.; designating system
18 facilities; creating s. 339.64, F.S.; providing
19 for the Strategic Intermodal System Plan;
20 creating s. 339.65, F.S.; creating the
21 Strategic Intermodal Transportation Advisory
22 Council; amending s. 95.361, F.S.; providing
23 for government acquisition of certain roads;
24 providing procedures to contest such
25 acquisition; repealing s. 83 of ch. 2002-20,
26 Laws of Florida, as amended by s. 58 of ch.
27 2002-402, Laws of Florida, relating to grants
28 for local governments; designating an official
29 state aviation museum; providing an effective
30 date.
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1 Be It Enacted by the Legislature of the State of Florida:

2

3 Section 1. Section 20.23, Florida Statutes, is amended
4 to read:

5 20.23 Department of Transportation.--There is created
6 a Department of Transportation which shall be a decentralized
7 agency.

8 (1)(a)~~1~~. The head of the Department of Transportation
9 is the Secretary of Transportation. The secretary shall be
10 appointed by the Governor from among three persons nominated
11 by the Florida Transportation Commission and shall be subject
12 to confirmation by the Senate. The secretary shall serve at
13 the pleasure of the Governor.

14 (b)2. The secretary shall be a proven, effective
15 administrator who by a combination of education and experience
16 shall clearly possess a broad knowledge of the administrative,
17 financial, and technical aspects of the development,
18 operation, and regulation of transportation systems and
19 facilities or comparable systems and facilities.

20 ~~(b)1. The secretary shall employ all personnel of the~~
21 ~~department. He or she shall implement all laws, rules,~~
22 ~~policies, and procedures applicable to the operation of the~~
23 ~~department and may not by his or her actions disregard or act~~
24 ~~in a manner contrary to any such policy. The secretary shall~~
25 ~~represent the department in its dealings with other state~~
26 ~~agencies, local governments, special districts, and the~~
27 ~~Federal Government. He or she shall have authority to sign~~
28 ~~and execute all documents and papers necessary to carry out~~
29 ~~his or her duties and the operations of the department. At~~
30 ~~each meeting of the Florida Transportation Commission, the~~

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1 ~~secretary shall submit a report of major actions taken by him~~
2 ~~or her as official representative of the department.~~

3 ~~2. The secretary shall cause the annual department~~
4 ~~budget request, the Florida Transportation Plan, and the~~
5 ~~tentative work program to be prepared in accordance with all~~
6 ~~applicable laws and departmental policies and shall submit the~~
7 ~~budget, plan, and program to the Florida Transportation~~
8 ~~Commission. The commission shall perform an in-depth~~
9 ~~evaluation of the budget, plan, and program for compliance~~
10 ~~with all applicable laws and departmental policies. If the~~
11 ~~commission determines that the budget, plan, or program is not~~
12 ~~in compliance with all applicable laws and departmental~~
13 ~~policies, it shall report its findings and recommendations~~
14 ~~regarding such noncompliance to the Legislature and the~~
15 ~~Governor.~~

16 ~~(c)3.~~ (c) The secretary shall provide to the Florida
17 Transportation Commission or its staff, such assistance,
18 information, and documents as are requested by the commission
19 or its staff to enable the commission to fulfill its duties
20 and responsibilities.

21 ~~(d)(c)~~ (d) The secretary shall appoint two ~~three~~ assistant
22 secretaries who shall be directly responsible to the secretary
23 and who shall perform such duties ~~as are specified in this~~
24 ~~section and such other duties~~ as are assigned by the
25 secretary. The secretary may delegate to any assistant
26 secretary the authority to act in the absence of the
27 secretary. ~~The department has the authority to adopt rules~~
28 ~~necessary for the delegation of authority beyond the assistant~~
29 ~~secretaries. The assistant secretaries shall serve at the~~
30 ~~pleasure of the secretary.~~

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1 (e)~~(d)~~ Any secretary appointed after July 5, 1989, and
2 the assistant secretaries shall be exempt from the provisions
3 of part III of chapter 110 and shall receive compensation
4 commensurate with their qualifications and competitive with
5 compensation for comparable responsibility in the private
6 sector. ~~When the salary of any assistant secretary exceeds~~
7 ~~the limits established in part III of chapter 110, the~~
8 ~~Governor shall approve said salary.~~

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

13 2. Members shall be appointed in such a manner as to
14 equitably represent all geographic areas of the state. Each
15 member must be a registered voter and a citizen of the state.
16 Each member of the commission must also possess business
17 managerial experience in the private sector.

18 3. A member of the commission shall represent the
19 transportation needs of the state as a whole and may not
20 subordinate the needs of the state to those of any particular
21 area of the state.

22 4. The commission is assigned to the Office of the
23 Secretary of the Department of Transportation for
24 administrative and fiscal accountability purposes, but it
25 shall otherwise function independently of the control and
26 direction of the department.

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

29 1. Recommend major transportation policies for the
30 Governor's approval, and assure that approved policies and any
31 revisions thereto are properly executed.

1 2. Periodically review the status of the state
2 transportation system including highway, transit, rail,
3 seaport, intermodal development, and aviation components of
4 the system and recommend improvements therein to the Governor
5 and the Legislature.

6 3. Perform an in-depth evaluation of the annual
7 department budget request, the Florida Transportation Plan,
8 and the tentative work program for compliance with all
9 applicable laws and established departmental policies. Except
10 as specifically provided in s. 339.135(4)(c)2., (d), and (f),
11 the commission may not consider individual construction
12 projects, but shall consider methods of accomplishing the
13 goals of the department in the most effective, efficient, and
14 businesslike manner.

15 4. Monitor the financial status of the department on a
16 regular basis to assure that the department is managing
17 revenue and bond proceeds responsibly and in accordance with
18 law and established policy.

19 5. Monitor on at least a quarterly basis, the
20 efficiency, productivity, and management of the department,
21 using performance and production standards developed by the
22 commission pursuant to s. 334.045.

23 6. Perform an in-depth evaluation of the factors
24 causing disruption of project schedules in the adopted work
25 program and recommend to the Legislature and the Governor
26 methods to eliminate or reduce the disruptive effects of these
27 factors.

28 7. Recommend to the Governor and the Legislature
29 improvements to the department's organization in order to
30 streamline and optimize the efficiency of the department. In
31 reviewing the department's organization, the commission shall

1 determine if the current district organizational structure is
2 responsive to Florida's changing economic and demographic
3 development patterns. The initial report by the commission
4 must be delivered to the Governor and Legislature by December
5 15, 2000, and each year thereafter, as appropriate. The
6 commission may retain such experts as are reasonably necessary
7 to effectuate this subparagraph, and the department shall pay
8 the expenses of such experts.

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

- 12 1. The awarding of contracts.
- 13 2. The selection of a consultant or contractor or the
14 prequalification of any individual consultant or contractor.
15 However, the commission may recommend to the secretary
16 standards and policies governing the procedure for selection
17 and prequalification of consultants and contractors.
- 18 3. The selection of a route for a specific project.
- 19 4. The specific location of a transportation facility.
- 20 5. The acquisition of rights-of-way.
- 21 6. The employment, promotion, demotion, suspension,
22 transfer, or discharge of any department personnel.
- 23 7. The granting, denial, suspension, or revocation of
24 any license or permit issued by the department.

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

27 2. The commission shall hold a minimum of 4 regular
28 meetings annually, and other meetings may be called by the
29 chair upon giving at least 1 week's notice to all members and
30 the public pursuant to chapter 120. Other meetings may also be
31 held upon the written request of at least four other members

1 of the commission, with at least 1 week's notice of such
2 meeting being given to all members and the public by the chair
3 pursuant to chapter 120. Emergency meetings may be held
4 without notice upon the request of all members of the
5 commission. At each meeting of the commission, the secretary
6 or his or her designee shall submit a report of major actions
7 taken by him or her as the official representative of the
8 department.

9 3. A majority of the membership of the commission
10 constitutes a quorum at any meeting of the commission. An
11 action of the commission is not binding unless the action is
12 taken pursuant to an affirmative vote of a majority of the
13 members present, but not fewer than four members of the
14 commission at a meeting held pursuant to subparagraph 2., and
15 the vote is recorded in the minutes of that meeting.

16 4. The chair shall cause to be made a complete record
17 of the proceedings of the commission, which record shall be
18 open for public inspection.

19 (e) The meetings of the commission shall be held in
20 the central office of the department in Tallahassee unless the
21 chair determines that special circumstances warrant meeting at
22 another location.

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

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

30 (h) The commission shall appoint an executive director
31 and assistant executive director, who shall serve under the

1 direction, supervision, and control of the commission. The
2 executive director, with the consent of the commission, shall
3 employ such staff as are necessary to perform adequately the
4 functions of the commission, within budgetary limitations.
5 All employees of the commission are exempt from part II of
6 chapter 110 and shall serve at the pleasure of the commission.
7 The salaries and benefits of all employees of the commission
8 shall be set in accordance with the Selected Exempt Service;
9 provided, however, that the commission shall have complete
10 authority for fixing the salary of the executive director and
11 assistant executive director.

12 (i) The commission shall develop a budget pursuant to
13 chapter 216. The budget is not subject to change by the
14 department, but such budget shall be submitted to the Governor
15 along with the budget of the department.

16 (3)(a) The central office shall establish departmental
17 policies, rules, procedures, and standards and shall monitor
18 the implementation of such policies, rules, procedures, and
19 standards in order to ensure uniform compliance and quality
20 performance by the districts and central office units that
21 implement transportation programs. Major transportation
22 policy initiatives or revisions shall be submitted to the
23 commission for review. ~~The central office monitoring function~~
24 ~~shall be based on a plan that clearly specifies what areas~~
25 ~~will be monitored, activities and criteria used to measure~~
26 ~~compliance, and a feedback process that assures monitoring~~
27 ~~findings are reported and deficiencies corrected. The~~
28 ~~secretary is responsible for ensuring that a central office~~
29 ~~monitoring function is implemented, and that it functions~~
30 ~~properly. In conjunction with its monitoring function, the~~
31 ~~central office shall provide such training and administrative~~

1 ~~support to the districts as the department determines to be~~
2 ~~necessary to ensure that the department's programs are carried~~
3 ~~out in the most efficient and effective manner.~~

4 ~~(b) The resources necessary to ensure the efficiency,~~
5 ~~effectiveness, and quality of performance by the department of~~
6 ~~its statutory responsibilities shall be allocated to the~~
7 ~~central office.~~

8 ~~(b)(c) The secretary shall appoint an Assistant~~
9 ~~Secretary for Transportation Development and Operations and~~
10 ~~Policy, an Assistant Secretary for Transportation Support.~~
11 ~~Finance and Administration, and an Assistant Secretary for~~
12 ~~District Operations, each of whom shall serve at the pleasure~~
13 ~~of the secretary. The positions are responsible for~~
14 ~~developing, monitoring, and enforcing policy and managing~~
15 ~~major technical programs. The responsibilities and duties of~~
16 ~~these positions include, but are not limited to, the following~~
17 ~~functional areas:~~

18 ~~1. Assistant Secretary for Transportation Policy.--~~

19 ~~a. Development of the Florida Transportation Plan and~~
20 ~~other policy planning;~~

21 ~~b. Development of statewide modal systems plans,~~
22 ~~including public transportation systems;~~

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

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

25 ~~e. Acquisition and management of transportation~~
26 ~~rights-of-way; and~~

27 ~~f. Administration of motor carrier compliance and~~
28 ~~safety.~~

29 ~~2. Assistant Secretary for District Operations.--~~

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

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1 ~~b. Implementation of the decentralization of the~~
2 ~~department.~~

3 ~~3. Assistant Secretary for Finance and~~
4 ~~Administration.--~~

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

6 ~~b. Information systems;~~

7 ~~c. Accounting systems;~~

8 ~~d. Administrative functions; and~~

9 ~~e. Administration of toll operations.~~

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

12 ~~a. Developing policy and procedures and monitoring~~
13 ~~performance to ensure compliance with these policies and~~
14 ~~procedures;~~

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

17 ~~c. Assessing and ensuring the accuracy of information~~
18 ~~within the department's financial management information~~
19 ~~systems; and~~

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

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

25 1.a. The Office of Administration;

26 2.b. The Office of ~~Policy~~ Planning and Environmental
27 Management;

28 3.c. The Office of Design;

29 4.d. The Office of Highway Operations;

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

31 6.f. The Office of Toll Operations;

- 1 7.g. The Office of Information Systems; ~~and~~
2 8.h. The Office of Motor Carrier Compliance;~~-~~
3 9. The Office of Management and Budget;
4 10. The Office of Comptroller;
5 11. The Office of Construction;
6 12. The Office of Maintenance; and
7 13. The Office of Materials.

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

13 ~~4.~~ During the construction of a major transportation
14 improvement project or as determined by the district
15 secretary, the department may provide assistance to a business
16 entity significantly impacted by the project if the entity is
17 a for-profit entity that has been in business for 3 years
18 prior to the beginning of construction and has direct or
19 shared access to the transportation project being constructed.
20 The assistance program shall be in the form of additional
21 guarantees to assist the impacted business entity in receiving
22 loans pursuant to Title 13 C.F.R. part 120. However, in no
23 instance shall the combined guarantees be greater than 90
24 percent of the loan. The department shall adopt rules to
25 implement this subparagraph.

26 ~~(e)~~ The Assistant Secretary for Finance and
27 Administration must possess a broad knowledge of the
28 administrative, financial, and technical aspects of a complete
29 cost-accounting system, budget preparation and management, and
30 management information systems. The Assistant Secretary for
31 Finance and Administration must be a proven, effective manager

1 ~~with specialized skills in financial planning and management.~~
2 ~~The Assistant Secretary for Finance and Administration shall~~
3 ~~ensure that financial information is processed in a timely,~~
4 ~~accurate, and complete manner.~~

5 ~~(f)1. Within the central office there is created an~~
6 ~~Office of Management and Budget. The head of the Office of~~
7 ~~Management and Budget is responsible to the Assistant~~
8 ~~Secretary for Finance and Administration and is exempt from~~
9 ~~part II of chapter 110.~~

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

12 ~~a. Preparation of the work program;~~

13 ~~b. Preparation of the departmental budget; and~~

14 ~~c. Coordination of related policies and procedures.~~

15 ~~3. The Office of Management and Budget shall also be~~
16 ~~responsible for developing uniform implementation and~~
17 ~~monitoring procedures for all activities performed at the~~
18 ~~district level involving the budget and the work program.~~

19 ~~(e)(g)~~ The secretary shall ~~may~~ appoint an inspector
20 general pursuant to s. 20.055 who shall be directly
21 responsible to the secretary and shall serve at the pleasure
22 of the secretary.

23 ~~(h)1. The secretary shall appoint an inspector general~~
24 ~~pursuant to s. 20.055. The inspector general may be~~
25 ~~organizationally located within another unit of the department~~
26 ~~for administrative purposes, but shall function independently~~
27 ~~and be directly responsible to the secretary pursuant to s.~~
28 ~~20.055. The duties of the inspector general shall include, but~~
29 ~~are not restricted to, reviewing, evaluating, and reporting on~~
30 ~~the policies, plans, procedures, and accounting, financial,~~
31 ~~and other operations of the department and recommending~~

1 ~~changes for the improvement thereof, as well as performing~~
2 ~~audits of contracts and agreements between the department and~~
3 ~~private entities or other governmental entities. The inspector~~
4 ~~general shall give priority to reviewing major parts of the~~
5 ~~department's accounting system and central office monitoring~~
6 ~~function to determine whether such systems effectively ensure~~
7 ~~accountability and compliance with all laws, rules, policies,~~
8 ~~and procedures applicable to the operation of the department.~~
9 ~~The inspector general shall also give priority to assessing~~
10 ~~the department's management information systems as required by~~
11 ~~s. 282.318. The internal audit function shall use the~~
12 ~~necessary expertise, in particular, engineering, financial,~~
13 ~~and property appraising expertise, to independently evaluate~~
14 ~~the technical aspects of the department's operations. The~~
15 ~~inspector general shall have access at all times to any~~
16 ~~personnel, records, data, or other information of the~~
17 ~~department and shall determine the methods and procedures~~
18 ~~necessary to carry out his or her duties. The inspector~~
19 ~~general is responsible for audits of departmental operations~~
20 ~~and for audits of consultant contracts and agreements, and~~
21 ~~such audits shall be conducted in accordance with generally~~
22 ~~accepted governmental auditing standards. The inspector~~
23 ~~general shall annually perform a sufficient number of audits~~
24 ~~to determine the efficiency and effectiveness, as well as~~
25 ~~verify the accuracy of estimates and charges, of contracts~~
26 ~~executed by the department with private entities and other~~
27 ~~governmental entities. The inspector general has the sole~~
28 ~~responsibility for the contents of his or her reports, and a~~
29 ~~copy of each report containing his or her findings and~~
30 ~~recommendations shall be furnished directly to the secretary~~
31 ~~and the commission.~~

1 ~~2. In addition to the authority and responsibilities~~
2 ~~herein provided, the inspector general is required to report~~
3 ~~to the:~~

4 ~~a. Secretary whenever the inspector general makes a~~
5 ~~preliminary determination that particularly serious or~~
6 ~~flagrant problems, abuses, or deficiencies relating to the~~
7 ~~administration of programs and operations of the department~~
8 ~~have occurred. The secretary shall review and assess the~~
9 ~~correctness of the preliminary determination by the inspector~~
10 ~~general. If the preliminary determination is substantiated,~~
11 ~~the secretary shall submit such report to the appropriate~~
12 ~~committees of the Legislature within 7 calendar days, together~~
13 ~~with a report by the secretary containing any comments deemed~~
14 ~~appropriate. Nothing in this section shall be construed to~~
15 ~~authorize the public disclosure of information which is~~
16 ~~specifically prohibited from disclosure by any other provision~~
17 ~~of law.~~

18 ~~b. Transportation Commission and the Legislature any~~
19 ~~actions by the secretary that prohibit the inspector general~~
20 ~~from initiating, carrying out, or completing any audit after~~
21 ~~the inspector general has decided to initiate, carry out, or~~
22 ~~complete such audit. The secretary shall, within 30 days~~
23 ~~after transmission of the report, set forth in a statement to~~
24 ~~the Transportation Commission and the Legislature the reasons~~
25 ~~for his or her actions.~~

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

30 ~~2. The comptroller is the chief financial officer of~~
31 ~~the department and must be a proven, effective administrator~~

1 ~~who by a combination of education and experience clearly~~
2 ~~possesses a broad knowledge of the administrative, financial,~~
3 ~~and technical aspects of a complex cost-accounting system.~~
4 ~~The comptroller must also have a working knowledge of~~
5 ~~generally accepted accounting principles. At a minimum, the~~
6 ~~comptroller must hold an active license to practice public~~
7 ~~accounting in Florida pursuant to chapter 473 or an active~~
8 ~~license to practice public accounting in any other state. In~~
9 ~~addition to the requirements of the Florida Fiscal Accounting~~
10 ~~Management Information System Act, the comptroller is~~
11 ~~responsible for the development, maintenance, and modification~~
12 ~~of an accounting system that will in a timely manner~~
13 ~~accurately reflect the revenues and expenditures of the~~
14 ~~department and that includes a cost-accounting system to~~
15 ~~properly identify, segregate, allocate, and report department~~
16 ~~costs. The comptroller shall supervise and direct preparation~~
17 ~~of a detailed 36-month forecast of cash and expenditures and~~
18 ~~is responsible for managing cash and determining cash~~
19 ~~requirements. The comptroller shall review all comparative~~
20 ~~cost studies that examine the cost-effectiveness and~~
21 ~~feasibility of contracting for services and operations~~
22 ~~performed by the department. The review must state that the~~
23 ~~study was prepared in accordance with generally accepted~~
24 ~~cost-accounting standards applied in a consistent manner using~~
25 ~~valid and accurate cost data.~~

26 ~~3. The department shall by rule or internal management~~
27 ~~memoranda as required by chapter 120 provide for the~~
28 ~~maintenance by the comptroller of financial records and~~
29 ~~accounts of the department as will afford a full and complete~~
30 ~~check against the improper payment of bills and provide a~~

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1 ~~system for the prompt payment of the just obligations of the~~
2 ~~department, which records must at all times disclose:~~
3 a. ~~The several appropriations available for the use of~~
4 ~~the department;~~
5 b. ~~The specific amounts of each such appropriation~~
6 ~~budgeted by the department for each improvement or purpose;~~
7 c. ~~The apportionment or division of all such~~
8 ~~appropriations among the several counties and districts, when~~
9 ~~such apportionment or division is made;~~
10 d. ~~The amount or portion of each such apportionment~~
11 ~~against general contractual and other liabilities then~~
12 ~~created;~~
13 e. ~~The amount expended and still to be expended in~~
14 ~~connection with each contractual and other obligation of the~~
15 ~~department;~~
16 f. ~~The expense and operating costs of the various~~
17 ~~activities of the department;~~
18 g. ~~The receipts accruing to the department and the~~
19 ~~distribution thereof;~~
20 h. ~~The assets, investments, and liabilities of the~~
21 ~~department; and~~
22 i. ~~The cash requirements of the department for a~~
23 ~~36-month period.~~
24 4. ~~The comptroller shall maintain a separate account~~
25 ~~for each fund administered by the department.~~
26 5. ~~The comptroller shall perform such other related~~
27 ~~duties as designated by the department.~~
28 (f)(j) The secretary shall appoint a general counsel
29 who shall be employed full time and shall be directly
30 responsible to the secretary. The general counsel is
31 responsible for all legal matters of the department. The

1 department may employ as many attorneys as it deems necessary
2 to advise and represent the department in all transportation
3 matters.

4 (g)~~(k)~~ The secretary shall appoint a state
5 transportation development administrator ~~planner who shall~~
6 ~~report to the Assistant Secretary for Transportation Policy.~~
7 ~~The state transportation planner's responsibilities shall~~
8 ~~include, but are not limited to, policy planning, systems~~
9 ~~planning, and transportation statistics.~~ This position shall
10 be classified at a level equal to a deputy assistant
11 secretary.

12 (h)~~(l)~~ The secretary shall appoint a state
13 transportation operations administrator ~~highway engineer who~~
14 ~~shall report to the Assistant Secretary for Transportation~~
15 ~~Policy. The state highway engineer's responsibilities shall~~
16 ~~include, but are not limited to, design, construction, and~~
17 ~~maintenance of highway facilities; acquisition and management~~
18 ~~of transportation rights-of-way; traffic engineering; and~~
19 ~~materials testing.~~ This position shall be classified at a
20 level equal to a deputy assistant secretary.

21 (i)~~(m)~~ The secretary shall appoint a state public
22 transportation and modal administrator ~~who shall report to the~~
23 ~~Assistant Secretary for Transportation Policy. The state~~
24 ~~public transportation administrator's responsibilities shall~~
25 ~~include, but are not limited to, the administration of~~
26 ~~statewide transit, rail, intermodal development, and aviation~~
27 ~~programs.~~ This position shall be classified at a level equal
28 to a deputy assistant secretary. ~~The department shall also~~
29 ~~assign to the public transportation administrator an~~
30 ~~organizational unit the primary function of which is to~~
31 ~~administer the high-speed rail program.~~

1 (4)(a) The operations of the department shall be
2 organized into seven districts, each headed by a district
3 secretary and a turnpike enterprise, headed by an executive
4 director. The district secretaries and the turnpike executive
5 director shall be registered professional engineers in
6 accordance with the provisions of chapter 471 or, in lieu of
7 professional engineer registration, a district secretary or
8 turnpike executive director may hold an advanced degree in an
9 appropriate related discipline, such as a Master of Business
10 Administration.~~The district secretaries shall report to the~~
11 ~~Assistant Secretary for District Operations.~~The headquarters
12 of the districts shall be located in Polk, Columbia,
13 Washington, Broward, Volusia, Dade, and Hillsborough Counties.
14 The headquarters of the turnpike enterprise shall be located
15 in Orange County. In order to provide for efficient operations
16 and to expedite the decisionmaking process, the department
17 shall provide for maximum decentralization to the districts.
18 ~~However, before making a decision to centralize or~~
19 ~~decentralize department operations, the department must first~~
20 ~~determine if the decision would be cost-effective and in the~~
21 ~~public's best interest. The department shall periodically~~
22 ~~evaluate such decisions to ensure that they are appropriate.~~
23 (b) ~~The primary responsibility for the implementation~~
24 ~~of the department's transportation programs shall be delegated~~
25 ~~by the secretary to the district secretaries, and sufficient~~
26 ~~authority shall be vested in each district to ensure adequate~~
27 ~~control of the resources commensurate with the delegated~~
28 ~~responsibility. Each district secretary shall also be~~
29 ~~accountable for ensuring their district's quality of~~
30 ~~performance and compliance with all laws, rules, policies, and~~
31 ~~procedures related to the operation of the department.~~

1 **(b)**~~(c)~~ Each district secretary may appoint a district
2 director for transportation development, a district director
3 for transportation operations, and a district director for
4 transportation support or, until July 1, 2005, each district
5 secretary may appoint a district director for planning and
6 programming, a district director for production, ~~and~~ a
7 district director for operations, and a district director for
8 administration. These positions are exempt from part II of
9 chapter 110.

10 **(c)**~~(d)~~ Within each district, offices shall be
11 established for managing major functional responsibilities of
12 the department. ~~The offices may include planning, design,~~
13 ~~construction, right-of-way, maintenance, and public~~
14 ~~transportation~~. The heads of these offices shall be exempt
15 from part II of chapter 110.

16 **(d)**~~(e)~~ The district director for the Fort Myers Urban
17 Office of the Department of Transportation is responsible for
18 developing the 5-year Transportation Plan for Charlotte,
19 Collier, DeSoto, Glades, Hendry, and Lee Counties. The Fort
20 Myers Urban Office also is responsible for providing policy,
21 direction, local government coordination, and planning for
22 those counties.

23 **(e)**~~(f)~~1. The responsibility for the turnpike system
24 shall be delegated by the secretary to the executive director
25 of the turnpike enterprise, who shall serve at the pleasure of
26 the secretary. The executive director shall report directly to
27 the secretary, and the turnpike enterprise shall operate
28 pursuant to ss. 338.22-338.241.

29 2. To facilitate the most efficient and effective
30 management of the turnpike enterprise, including the use of
31 best business practices employed by the private sector, the

1 | turnpike enterprise, except as provided in s. 287.055, shall
2 | be exempt from departmental policies, procedures, and
3 | standards, subject to the secretary having the authority to
4 | apply any such policies, procedures, and standards to the
5 | turnpike enterprise from time to time as deemed appropriate.

6 | (5) Notwithstanding the provisions of s. 110.205, the
7 | Department of Management Services is authorized to exempt
8 | positions within the Department of Transportation which are
9 | comparable to positions within the Senior Management Service
10 | pursuant to s. 110.205(2)(j) or positions which are comparable
11 | to positions in the Selected Exempt Service under s.
12 | 110.205(2)(m).

13 | ~~(6) To facilitate the efficient and effective~~
14 | ~~management of the department in a businesslike manner, the~~
15 | ~~department shall develop a system for the submission of~~
16 | ~~monthly management reports to the Florida Transportation~~
17 | ~~Commission and secretary from the district secretaries. The~~
18 | ~~commission and the secretary shall determine which reports are~~
19 | ~~required to fulfill their respective responsibilities under~~
20 | ~~this section. A copy of each such report shall be submitted~~
21 | ~~monthly to the appropriations and transportation committees of~~
22 | ~~the Senate and the House of Representatives. Recommendations~~
23 | ~~made by the Auditor General in his or her audits of the~~
24 | ~~department that relate to management practices, systems, or~~
25 | ~~reports shall be implemented in a timely manner. However, if~~
26 | ~~the department determines that one or more of the~~
27 | ~~recommendations should be altered or should not be~~
28 | ~~implemented, it shall provide a written explanation of such~~
29 | ~~determination to the Legislative Auditing Committee within 6~~
30 | ~~months after the date the recommendations were published.~~

31 |

1 (6)~~(7)~~ The department is authorized to contract with
2 local governmental entities and with the private sector if the
3 department first determines that:

4 (a) Consultants can do the work at less cost than
5 state employees;

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

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

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

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

18
19 Such contracts shall require compliance with applicable
20 federal and state laws, and clearly specify the product or
21 service to be provided.

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

24 110.205 Career service; exemptions.--

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

27 (j) The appointed secretaries, assistant secretaries,
28 deputy secretaries, and deputy assistant secretaries of all
29 departments; the executive directors, assistant executive
30 directors, deputy executive directors, and deputy assistant
31 executive directors of all departments; the directors of all

1 divisions and those positions determined by the department to
2 have managerial responsibilities comparable to such positions,
3 which positions include, but are not limited to, program
4 directors, assistant program directors, district
5 administrators, deputy district administrators, the Director
6 of Central Operations Services of the Department of Children
7 and Family Services, ~~and~~ the State Transportation Development
8 Administrator Planner, the State Transportation Operations
9 Administrator Highway Engineer, ~~State Public Transportation~~
10 ~~Administrator~~, district secretaries, district directors of
11 transportation development, transportation operations,
12 transportation support, captains and majors of the Office of
13 Motor Carrier Compliance ~~planning and programming, production,~~
14 ~~and operations~~, and the managers of the offices specified in
15 s. 20.23(3)(c)~~(d)2.~~, of the Department of Transportation.
16 Unless otherwise fixed by law, the department shall set the
17 salary and benefits of these positions in accordance with the
18 rules of the Senior Management Service; and the county health
19 department directors and county health department
20 administrators of the Department of Health.

21 (m) All assistant division director, deputy division
22 director, and bureau chief positions in any department, and
23 those positions determined by the department to have
24 managerial responsibilities comparable to such positions,
25 which positions include, but are not limited to, positions in
26 the Department of Health, the Department of Children and
27 Family Services, and the Department of Corrections that are
28 assigned primary duties of serving as the superintendent or
29 assistant superintendent, or warden or assistant warden, of an
30 institution; positions in the Department of Corrections that
31 are assigned primary duties of serving as the circuit

1 administrator or deputy circuit administrator; positions in
2 the Department of Transportation that are assigned primary
3 duties of serving as regional toll managers and managers of
4 offices as defined in s. 20.23(3)(c)~~(d)~~ and (4)(d);
5 positions in the Department of Environmental Protection that
6 are assigned the duty of an Environmental Administrator or
7 program administrator; and positions in the Department of
8 Health that are assigned the duties of Environmental
9 Administrator, Assistant County Health Department Director,
10 and County Health Department Financial Administrator. Unless
11 otherwise fixed by law, the department shall set the salary
12 and benefits of these positions in accordance with the rules
13 established for the Selected Exempt Service.

14 Section 3. Paragraphs (a), (b), (c), (d), (e), (f),
15 and (g) of subsection (1) of section 255.20, Florida Statutes,
16 are redesignated as paragraphs (c), (d), (e), (f), (g), (h),
17 and (i), respectively, and new paragraphs (a) and (b) are
18 added to that subsection, to read:

19 255.20 Local bids and contracts for public
20 construction works; specification of state-produced lumber.--

21 (1) A county, municipality, special district as
22 defined in chapter 189, or other political subdivision of the
23 state seeking to construct or improve a public building,
24 structure, or other public construction works must
25 competitively award to an appropriately licensed contractor
26 each project that is estimated in accordance with generally
27 accepted cost-accounting principles to have total construction
28 project costs of more than \$200,000. For electrical work,
29 local government must competitively award to an appropriately
30 licensed contractor each project that is estimated in
31 accordance with generally accepted cost-accounting principles

1 to have a cost of more than \$50,000. As used in this section,
2 the term "competitively award" means to award contracts based
3 on the submission of sealed bids, proposals submitted in
4 response to a request for proposal, proposals submitted in
5 response to a request for qualifications, or proposals
6 submitted for competitive negotiation. This subsection
7 expressly allows contracts for construction management
8 services, design/build contracts, continuation contracts based
9 on unit prices, and any other contract arrangement with a
10 private sector contractor permitted by any applicable
11 municipal or county ordinance, by district resolution, or by
12 state law. For purposes of this section, construction costs
13 include the cost of all labor, except inmate labor, and
14 include the cost of equipment and materials to be used in the
15 construction of the project. Subject to the provisions of
16 subsection (3), the county, municipality, special district, or
17 other political subdivision may establish, by municipal or
18 county ordinance or special district resolution, procedures
19 for conducting the bidding process.

20 (a) Notwithstanding any other law to the contrary, a
21 county, municipality, special district as defined in chapter
22 189, or other political subdivision of the state seeking to
23 construct or improve bridges, roads, streets, highways, or
24 railroads, and services incidental thereto, at costs in excess
25 of \$250,000 may require that persons interested in performing
26 work under contract first be certified or qualified to perform
27 such work. Any contractor may be considered ineligible to bid
28 by the governmental entity if the contractor is behind on
29 completing an approved progress schedule for the governmental
30 entity by 10 percent or more at the time of advertisement of
31 the work. Any contractor prequalified and considered eligible

1 by the Department of Transportation to bid to perform the type
2 of work described under the contract shall be presumed to be
3 qualified to perform the work described. The governmental
4 entity may provide an appeal process to overcome that
5 presumption with de novo review based on the record below to
6 the circuit court.

7 (b) With respect to contractors not prequalified with
8 the Department of Transportation, the governmental entity
9 shall publish prequalification criteria and procedures prior
10 to advertisement or notice of solicitation. Such publications
11 shall include notice of a public hearing for comment on such
12 criteria and procedures prior to adoption. The procedures
13 shall provide for an appeal process within the authority for
14 objections to the prequalification process with de novo review
15 based on the record below to the circuit court within 30 days.

16 Section 4. Subsections (2) and (4) of section
17 316.1001, Florida Statutes, are amended to read:

18 316.1001 Payment of toll on toll facilities required;
19 penalties.--

20 (2)(a) For the purpose of enforcing this section, any
21 governmental entity, as defined in s. 334.03, that owns or
22 operates a toll facility may, by rule or ordinance, authorize
23 a toll enforcement officer to issue a uniform traffic citation
24 for a violation of this section. Toll enforcement officer
25 means the designee of a governmental entity whose ~~sole~~
26 authority is to enforce the payment of tolls. The
27 governmental entity may designate toll enforcement officers
28 pursuant to s. 316.640(1).

29 (b) A citation issued under this subsection may be
30 issued by mailing the citation by first class mail, or by
31 certified mail, return receipt requested, to the address of

1 the registered owner of the motor vehicle involved in the
2 violation. Mailing the citation to this address constitutes
3 notification.In the case of joint ownership of a motor
4 vehicle, the traffic citation must be mailed to the first name
5 appearing on the registration, unless the first name appearing
6 on the registration is a business organization, in which case
7 the second name appearing on the registration may be used. A
8 citation issued under this paragraph must be mailed to the
9 registered owner of the motor vehicle involved in the
10 violation within 14 days after the date of issuance of the
11 violation. In addition to the citation, notification must be
12 sent to the registered owner of the motor vehicle involved in
13 the violation specifying remedies ~~the remedy~~ available under
14 ss. 318.14(12) and s-318.18(7).

15 (c) The owner of the motor vehicle involved in the
16 violation is responsible and liable for payment of a citation
17 issued for failure to pay a toll, unless the owner can
18 establish the motor vehicle was, at the time of the violation,
19 in the care, custody, or control of another person. In order
20 to establish such facts, the owner of the motor vehicle is
21 required, within 14 days after the date of issuance of the
22 citation ~~notification of the alleged violation~~, to furnish to
23 the appropriate governmental entity an affidavit setting
24 forth:

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

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

31

1 Upon receipt of an affidavit the person designated as having
2 care, custody, and control of the motor vehicle at the time of
3 the violation may be issued a citation for failure to pay a
4 required toll. The affidavit shall be admissible in a
5 proceeding pursuant to this section for the purpose of
6 providing that the person identified in the affidavit was in
7 actual care, custody, or control of the motor vehicle.

8 (d) A written report of a toll enforcement officer or
9 photographic evidence that indicates that a required toll was
10 not paid is admissible in any proceeding to enforce this
11 section and raises a rebuttable presumption that the motor
12 vehicle named in the report or shown in the photographic
13 evidence was used in violation of this section.

14 (4) Any governmental entity may supply the department
15 with data that is machine readable by the department's
16 computer system, listing persons who have one ~~three~~ or more
17 outstanding violations of this section. Pursuant to s.
18 320.03(8), those persons may not be issued a license plate or
19 revalidation sticker for any motor vehicle.

20 Section 5. Paragraph (b) of subsection (1), paragraphs
21 (a), (b), (c), (d), (e), (f), and (j) of subsection (2), and
22 subsection (5) of section 316.302, Florida Statutes, are
23 amended to read:

24 316.302 Commercial motor vehicles; safety regulations;
25 transporters and shippers of hazardous materials;
26 enforcement.--

27 (1)

28 (b) Except as otherwise provided in this section, all
29 owners or drivers of commercial motor vehicles that are
30 engaged in intrastate commerce are subject to the rules and
31 regulations contained in 49 C.F.R. parts 382, 385, and

1 390-397, with the exception of 49 C.F.R. s. 390.5 as it
2 relates to the definition of bus, as such rules and
3 regulations existed on October 1, 2002 ~~2001~~.

4 (2)(a) A person who operates a commercial motor
5 vehicle solely in intrastate commerce not transporting any
6 hazardous material in amounts that require placarding pursuant
7 to 49 C.F.R. part 172 need not comply with 49 C.F.R. ss.
8 391.11(b)(1) and 395.3(a) and (b).

9 (b) A person who operates a commercial motor vehicle
10 solely in intrastate commerce not transporting any hazardous
11 material in amounts that require placarding pursuant to 49
12 C.F.R. part 172 is exempt from 49 C.F.R. s. 395.3(a) and (b)
13 and may, after 8 hours' rest, and following the required
14 initial motor vehicle inspection, be permitted to drive any
15 part of the first 15 on-duty hours in any 24-hour period, but
16 may not be permitted to operate a commercial motor vehicle
17 after that until the requirement of another 8 hours' rest has
18 been fulfilled. The provisions of this paragraph do not apply
19 to drivers of public utility vehicles or authorized emergency
20 vehicles during periods of severe weather or other
21 emergencies.

22 (c) A person who operates a commercial motor vehicle
23 solely in intrastate commerce not transporting any hazardous
24 material in amounts that require placarding pursuant to 49
25 C.F.R. part 172 may not be on duty more than 72 hours in any
26 period of 7 consecutive days, but carriers operating every day
27 in a week may permit drivers to remain on duty for a total of
28 not more than 84 hours in any period of 8 consecutive days;
29 however, 24 consecutive hours off duty shall constitute the
30 end of any such period of 7 or 8 consecutive days. This weekly
31 limit does not apply to a person who operates a commercial

1 motor vehicle solely within this state while transporting,
2 during harvest periods, any unprocessed agricultural products
3 that are subject to seasonal harvesting from place of harvest
4 to the first place of processing or storage or from place of
5 harvest directly to market. Upon request of the Department of
6 Transportation, motor carriers shall furnish time records or
7 other written verification to that department so that the
8 Department of Transportation can determine compliance with
9 this subsection. These time records must be furnished to the
10 Department of Transportation within 10 days after receipt of
11 that department's request. Falsification of such information
12 is subject to a civil penalty not to exceed \$100. The
13 provisions of this paragraph do not apply to drivers of public
14 utility vehicles or authorized emergency vehicles during
15 periods of severe weather or other emergencies.

16 (d) A person who operates a commercial motor vehicle
17 solely in intrastate commerce not transporting any hazardous
18 material in amounts that require placarding pursuant to 49
19 C.F.R. part 172 within a 200 air-mile radius of the location
20 where the vehicle is based need not comply with 49 C.F.R. s.
21 395.8, except that time records shall be maintained as
22 prescribed in 49 C.F.R. s. 395.1(e)(5).

23 (e) A person who operates a commercial motor vehicle
24 solely in intrastate commerce is exempt from subsection (1)
25 while transporting agricultural products, including
26 horticultural or forestry products, from farm or harvest place
27 to the first place of processing or storage, or from farm or
28 harvest place directly to market. However, such person must
29 comply with 49 C.F.R. parts 382, 392, and 393, and with 49
30 C.F.R. ss. 396.3(a)(1) and 396.9. A vehicle or combination of
31 vehicles operated pursuant to this paragraph having a gross

1 vehicle weight of 26,001 pounds or more or having three or
2 more axles on the power unit, regardless of weight, must
3 display the name of the vehicle owner or motor carrier and the
4 municipality or town where the vehicle is based on each side
5 of the power unit in letters that contrast with the background
6 and that are readable from a distance of 50 feet. A person who
7 violates this vehicle identification requirement may be
8 assessed a penalty as provided in s. 316.3025(3)(a).

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

18 (j) A person who is otherwise qualified as a driver
19 under 49 C.F.R. part 391, ~~and~~ who operates a commercial motor
20 vehicle in intrastate commerce only, and who does not
21 transport hazardous materials in amounts that require
22 placarding pursuant to 49 C.F.R. part 172, ~~is shall be~~ exempt
23 from the requirements of 49 C.F.R. part 391, subpart E, ss.
24 391.41(b)(3) and 391.43(e), relating to diabetes.

25 (5) The Department of Transportation may adopt and
26 revise rules to assure the safe operation of commercial motor
27 vehicles. The Department of Transportation may enter into
28 cooperative agreements as provided in 49 C.F.R. part 388.
29 Department of Transportation personnel may conduct motor
30 carrier and shipper compliance reviews ~~terminal audits only~~
31 for the purpose of determining compliance with this section ~~49~~

1 ~~C.F.R. parts 171, 172, 173, 177, 178, 180, 382, 391, 393,~~
2 ~~396, and 397; 49 C.F.R. s. 395.1(e)(5) and s. 627.7415.~~

3 Section 6. Section 316.3025, Florida Statutes, is
4 amended to read:

5 316.3025 Penalties.--

6 (1) A commercial motor vehicle that is found to be
7 operating in such an unsafe condition as to be declared
8 out-of-service or a driver declared out-of-service or removed
9 from driving status pursuant to the North American Standard
10 ~~Uniform~~ Out-of-Service Criteria must be repaired or returned
11 to driving status before being returned to service.

12 (2) Any person who owns, operates, or causes or
13 permits a commercial motor vehicle that has been declared
14 out-of-service pursuant to the North American Standard ~~Uniform~~
15 Out-of-Service Criteria to be driven before the completion of
16 required repairs is subject to the imposition of a penalty as
17 provided in 49 C.F.R. s. 383.53, in addition to any other
18 penalties imposed against him or her. Any person who operates
19 a commercial motor vehicle while he or she is declared
20 out-of-service or removed from driving status pursuant to the
21 North American Standard ~~Uniform~~ Out-of-Service Criteria, or
22 who causes or permits such out-of-service driver to operate a
23 commercial motor vehicle, is subject to the imposition of a
24 penalty as provided in 49 C.F.R. s. 383.53, in addition to any
25 other penalties imposed against the person.

26 (3)(a) A civil penalty of \$50 may be assessed for a
27 violation of the identification requirements of 49 C.F.R. s.
28 390.21 or s. 316.302(2)(e).

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

30 1. Each violation of the North American Uniform Driver
31 Out-of-Service Criteria;

1 2. A violation of s. 316.302(2)(b) or (c); ~~or~~
2 3. A violation of 49 C.F.R. s. 392.60; ~~or~~
3 4. A violation of the North American Standard Vehicle
4 Out-of-Service Criteria resulting from an inspection of a
5 commercial motor vehicle involved in a crash.
6 (c) A civil penalty of \$250 may be assessed for:
7 1. A violation of the placarding requirements of 49
8 C.F.R. parts 171-179;
9 2. A violation of the shipping paper requirements of
10 49 C.F.R. parts 171-179;
11 3. A violation of 49 C.F.R. s. 392.10;
12 4. A violation of 49 C.F.R. s. 397.5;
13 5. A violation of 49 C.F.R. s. 397.7;
14 6. A violation of 49 C.F.R. s. 397.13; or
15 7. A violation of 49 C.F.R. s. 397.15.
16 (d) A civil penalty of \$500 may be assessed for:
17 1. Each violation of the North American Standard
18 Hazardous Materials Out-of-Service Criteria;
19 2. Each violation of 49 C.F.R. s. 390.19, for failure
20 of an interstate or intrastate motor carrier to register;
21 3. Each violation of 49 C.F.R. s. 392.9a, for failure
22 of an interstate motor carrier to obtain operating authority;
23 or
24 4. Each violation of 49 C.F.R. s. 392.9a, for
25 operating beyond the scope of an interstate motor carrier's
26 operating authority.~~each violation of the North American~~
27 ~~Uniform Hazardous Materials Out-of-Service Criteria.~~
28 (e) A civil penalty not to exceed \$5,000 in the
29 aggregate may be assessed for violations found in the conduct
30 of compliance reviews ~~terminal audits~~ pursuant to s.
31 316.302(5). A civil penalty not to exceed \$25,000 in the

1 aggregate may be assessed for violations found in a follow-up
2 compliance review conducted within a 24-month period. A civil
3 penalty not to exceed \$25,000 in the aggregate may be assessed
4 and the motor carrier may be enjoined pursuant to s. 316.3026
5 if violations are found after a second follow-up compliance
6 review within 12 months after the first follow-up compliance
7 review. Motor carriers found to be operating without insurance
8 required by s. 627.7415 may be enjoined as provided in s.
9 316.3026.

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

15 (5)(4) Whenever any person or motor carrier as defined
16 in chapter 320 violates the provisions of this section and
17 becomes indebted to the state because of such violation and
18 refuses to pay the appropriate penalty, in addition to the
19 provisions of s. 316.3026, such ~~the~~ penalty becomes a lien
20 upon the property including the motor vehicles of such person
21 or motor carrier and may be foreclosed by the state in a civil
22 action in any court of this state. It shall be presumed that
23 the owner of the motor vehicle is liable for the sum, and the
24 vehicle may be detained or impounded until the penalty is
25 paid.

26 (6)(5)(a) ~~Any officer or agent collecting the~~
27 ~~penalties imposed pursuant to this section shall give to the~~
28 ~~owner, motor carrier, or driver of the vehicle an official~~
29 ~~receipt for all penalties collected from him or her. Only an~~
30 officer or agent of the Department of Transportation is
31 authorized to collect the penalty provided by this section.

1 Such officer or agent shall cooperate with the owner or driver
2 of the motor vehicle so as not to unduly delay the vehicle.

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

8 ~~(7)(6)~~ Any person aggrieved by the imposition of a
9 civil penalty pursuant to this section may apply to the
10 Commercial Motor Vehicle Review Board for a modification,
11 cancellation, or revocation of the penalty. The Commercial
12 Motor Vehicle Review Board may modify, cancel, revoke, or
13 sustain such penalty.

14 Section 7. Section 316.3026, Florida Statutes, is
15 amended to read:

16 316.3026 Unlawful operation of motor carriers ~~may be~~
17 ~~enjoined.--~~

18 (1) The Office of Motor Carrier Compliance of the
19 Department of Transportation may issue out-of-service orders
20 to motor carriers, as defined in s. 320.01(33), who have after
21 proper notice failed to pay any penalty or fine assessed by
22 the department, or its agent, against any owner or motor
23 carrier for violations of state law, refused to submit to a
24 compliance review and provide records pursuant to s.
25 316.302(5) or s. 316.70, or violated safety regulations
26 pursuant to s. 316.302 or insurance requirements found in s.
27 627.7415. Such out-of-service orders shall have the effect of
28 prohibiting the operations of any motor vehicles owned,
29 leased, or otherwise operated by the motor carrier upon the
30 roadways of this state, until such time as the violations have
31 been corrected or penalties have been paid. Out-of-service

1 orders issued under this section must be approved by the
2 Secretary of Transportation or his or her designee. An
3 administrative hearing pursuant to s. 120.569 shall be
4 afforded to motor carriers subject to such orders.

5 (2) Any motor carrier enjoined or prohibited from
6 operating by an out-of-service order by this state, any other
7 state, or the Federal Motor Carrier Safety Administration may
8 not operate on the roadways of this state until the motor
9 carrier has been authorized to resume operations by the
10 originating enforcement jurisdiction. Commercial motor
11 vehicles owned or operated by any motor carrier prohibited
12 from operation found on the roadways of this state shall be
13 placed out of service by law enforcement officers of the
14 Department of Transportation, and the motor carrier assessed a
15 \$10,000 civil penalty pursuant to 49 C.F.R. s. 383.53, in
16 addition to any other penalties imposed on the driver or other
17 responsible person. Any person who knowingly drives, operates,
18 or causes to be operated any commercial motor vehicle in
19 violation of an out-of-service order issued by the department
20 in accordance with this section commits a felony of the third
21 degree, punishable as provided in s. 775.082(3)(d). Any costs
22 associated with the impoundment or storage of such vehicles
23 are the responsibility of the motor carrier. Vehicle
24 out-of-service orders may be rescinded when the department
25 receives proof of authorization for the motor carrier to
26 resume operation.

27 (3) In addition to the sanctions found in subsections
28 (1) and (2), the Department of Transportation may petition the
29 circuit courts of this state to enjoin any motor carrier from
30 operating when it fails to comply with out-of-service orders
31 issued by a competent authority within or outside this state.

1 ~~Any motor carrier which operates a commercial motor vehicle~~
2 ~~upon the highways of this state in violation of the provisions~~
3 ~~of this chapter may be enjoined by the courts of this state~~
4 ~~from any such violation. Such injunctive proceeding may be~~
5 ~~instituted by the Department of Transportation.~~

6 Section 8. Section 316.3027, Florida Statutes, is
7 repealed.

8 Section 9. Paragraph (b) of subsection (3) of section
9 316.515, Florida Statutes, is amended to read:

10 316.515 Maximum width, height, length.--

11 (3) LENGTH LIMITATION.--Except as otherwise provided
12 in this section, length limitations apply solely to a
13 semitrailer or trailer, and not to a truck tractor or to the
14 overall length of a combination of vehicles. No combination
15 of commercial motor vehicles coupled together and operating on
16 the public roads may consist of more than one truck tractor
17 and two trailing units. Unless otherwise specifically provided
18 for in this section, a combination of vehicles not qualifying
19 as commercial motor vehicles may consist of no more than two
20 units coupled together; such nonqualifying combination of
21 vehicles may not exceed a total length of 65 feet, inclusive
22 of the load carried thereon, but exclusive of safety and
23 energy conservation devices approved by the department for use
24 on vehicles using public roads. Notwithstanding any other
25 provision of this section, a truck tractor-semitrailer
26 combination engaged in the transportation of automobiles or
27 boats may transport motor vehicles or boats on part of the
28 power unit; and, except as may otherwise be mandated under
29 federal law, an automobile or boat transporter semitrailer may
30 not exceed 50 feet in length, exclusive of the load; however,
31 the load may extend up to an additional 6 feet beyond the rear

1 of the trailer. The 50-foot length limitation does not apply
2 to non-stinger-steered automobile or boat transporters that
3 are 65 feet or less in overall length, exclusive of the load
4 carried thereon, or to stinger-steered automobile or boat
5 transporters that are 75 feet or less in overall length,
6 exclusive of the load carried thereon. For purposes of this
7 subsection, a "stinger-steered automobile or boat transporter"
8 is an automobile or boat transporter configured as a
9 semitrailer combination wherein the fifth wheel is located on
10 a drop frame located behind and below the rearmost axle of the
11 power unit. Notwithstanding paragraphs (a) and (b), any
12 straight truck or truck tractor-semitrailer combination
13 engaged in the transportation of horticultural trees may allow
14 the load to extend up to an additional 10 feet beyond the rear
15 of the vehicle, provided said trees are resting against a
16 retaining bar mounted above the truck bed so that the root
17 balls of the trees rest on the floor and to the front of the
18 truck bed and the tops of the trees extend up over and to the
19 rear of the truck bed, and provided the overhanging portion of
20 the load is covered with protective fabric.

21 (b) Semitrailers.--

22 1. A semitrailer operating in a truck
23 tractor-semitrailer combination may not exceed 48 feet in
24 extreme overall outside dimension, measured from the front of
25 the unit to the rear of the unit and the load carried thereon,
26 exclusive of safety and energy conservation devices approved
27 by the department for use on vehicles using public roads,
28 unless it complies with subparagraph 2. A semitrailer which
29 exceeds 48 feet in length and is used to transport divisible
30 loads may operate in this state only if issued a permit under
31 s. 316.550 and if such trailer meets the requirements of this

1 chapter relating to vehicle equipment and safety. Except for
2 highways on the tandem trailer truck highway network, public
3 roads deemed unsafe for longer semitrailer vehicles or those
4 roads on which such longer vehicles are determined not to be
5 in the interest of public convenience shall, in conformance
6 with s. 316.006, be restricted by the Department of
7 Transportation or by the local authority to use by
8 semitrailers not exceeding a length of 48 feet, inclusive of
9 the load carried thereon but exclusive of safety and energy
10 conservation devices approved by the department for use on
11 vehicles using public roads. Truck tractor-semitrailer
12 combinations shall be afforded reasonable access to terminals;
13 facilities for food, fuel, repairs, and rest; and points of
14 loading and unloading.

15 2. A semitrailer which is more than 48 feet but not
16 more than 53 feet in extreme overall outside dimension, as
17 measured pursuant to subparagraph 1., may operate on public
18 roads, except roads on the State Highway System which are
19 restricted by the Department of Transportation or other roads
20 restricted by local authorities, if:

21 a. The distance between the kingpin or other peg that
22 ~~which~~ locks into the fifth wheel of a truck tractor and the
23 center of the rear axle or rear group of axles does not exceed
24 41 feet, or, in the case of a semitrailer used exclusively or
25 primarily to transport vehicles in connection with motorsports
26 competition events, the distance does not exceed 46 feet from
27 the kingpin to the center of the rear axles; and

28 b. It is equipped with a substantial rear-end
29 underride protection device meeting the requirements of 49
30 C.F.R. s. 393.86, "Rear End Protection."
31

1 Section 10. Subsections (5), (6), and (10) of section
2 316.545, Florida Statutes, are amended to read:

3 316.545 Weight and load unlawful; special fuel and
4 motor fuel tax enforcement; inspection; penalty; review.--

5 (5) Whenever any person violates the provisions of
6 this chapter and becomes indebted to the state because of such
7 violation in the amounts aforesaid and refuses to pay said
8 penalty, in addition to the provisions of s. 316.3026, such
9 penalty shall become a lien upon the motor vehicle, and the
10 same may be foreclosed by the state in a court of equity. It
11 shall be presumed that the owner of the motor vehicle is
12 liable for the sum. Any person, firm, or corporation claiming
13 an interest in the seized motor vehicle may, at any time after
14 the lien of the state attaches to the motor vehicle, obtain
15 possession of the seized vehicle by filing a good and
16 sufficient forthcoming bond with the officer having possession
17 of the vehicle, payable to the Governor of the state in twice
18 the amount of the state's lien, with a corporate surety duly
19 authorized to transact business in this state as surety,
20 conditioned to have the motor vehicle or combination of
21 vehicles forthcoming to abide the result of any suit for the
22 foreclosure of such lien. It shall be presumed that the owner
23 of the motor vehicle is liable for the penalty imposed under
24 this section. Upon the posting of such bond with the officer
25 making the seizure, the vehicle shall be released and the bond
26 shall be forwarded to the Department of Transportation for
27 safekeeping. The lien of the state against the motor vehicle
28 aforesaid shall be foreclosed in equity, and the ordinary
29 rules of court relative to proceedings in equity shall
30 control. If it appears that the seized vehicle has been
31 released to the defendant upon his or her forthcoming bond,

1 the state shall take judgment of foreclosure against the
2 property itself, and judgment against the defendant and the
3 sureties on the bond for the amount of the lien, including
4 cost of proceedings. After the rendition of the decree, the
5 state may, at its option, proceed to sue out execution against
6 the defendant and his or her sureties for the amount recovered
7 as aforesaid or direct the sale of the vehicle under
8 foreclosure.

9 (6) Any officer or agent collecting the penalties
10 herein imposed shall ~~give to the owner or driver of the~~
11 ~~vehicle an official receipt for all penalties collected.~~ Such
12 ~~officers or agents of the state departments shall~~ cooperate
13 with the owners or drivers of motor vehicles so as not to
14 delay unduly the vehicles. All penalties imposed and collected
15 under this section by any state agency having jurisdiction
16 shall be paid to the Treasurer, who shall credit the total
17 amount thereof to the State Transportation Trust Fund, which
18 shall be used to repair and maintain the roads of this state
19 and to enforce this section.

20 (10) The Department of Transportation may employ
21 weight inspectors to operate its fixed-scale facilities.
22 Weight inspectors on duty at a fixed-scale facility are
23 authorized to enforce the laws governing commercial motor
24 vehicle weight, registration, size, and load and to assess and
25 collect civil penalties for violations of said laws. A weight
26 inspector may detain a commercial motor vehicle that has an
27 obvious safety defect critical to the continued safe operation
28 of the vehicle or that is operating in violation of an
29 out-of-service order as reported on the federal Safety and
30 Fitness Electronic Records database. The weight inspector may
31 immediately summon a law enforcement officer of the Department

1 of Transportation, or other law enforcement officer authorized
2 by s. 316.640 to enforce the traffic laws of this state, to
3 take appropriate enforcement action. The vehicle shall be
4 released if the defect is repaired prior to the arrival of a
5 law enforcement officer.Weight inspectors shall not be
6 classified as law enforcement officers subject to
7 certification requirements of chapter 943, and are not
8 authorized to carry weapons or make arrests. Any person who
9 obstructs, opposes, or resists a weight inspector in the
10 performance of the duties herein prescribed shall be guilty of
11 an offense as described in subsection (1) for obstructing,
12 opposing, or resisting a law enforcement officer.

13 Section 11. Subsection (3) of section 316.610, Florida
14 Statutes, is repealed.

15 Section 12. Paragraph (a) of subsection (1) of section
16 316.640, Florida Statutes, is amended to read:

17 316.640 Enforcement.--The enforcement of the traffic
18 laws of this state is vested as follows:

19 (1) STATE.--

20 (a)1.

21 a. The Division of Florida Highway Patrol of the
22 Department of Highway Safety and Motor Vehicles, the Division
23 of Law Enforcement of the Fish and Wildlife Conservation
24 Commission, the Division of Law Enforcement of the Department
25 of Environmental Protection, and law enforcement officers of
26 the Department of Transportation each have authority to
27 enforce all of the traffic laws of this state on all the
28 streets and highways thereof and elsewhere throughout the
29 state wherever the public has a right to travel by motor
30 vehicle. ~~The Division of the Florida Highway Patrol may employ~~
31 ~~as a traffic accident investigation officer any individual who~~

1 ~~successfully completes instruction in traffic accident~~
2 ~~investigation and court presentation through the Selective~~
3 ~~Traffic Enforcement Program as approved by the Criminal~~
4 ~~Justice Standards and Training Commission and funded through~~
5 ~~the National Highway Traffic Safety Administration or a~~
6 ~~similar program approved by the commission, but who does not~~
7 ~~necessarily meet the uniform minimum standards established by~~
8 ~~the commission for law enforcement officers or auxiliary law~~
9 ~~enforcement officers under chapter 943. Any such traffic~~
10 ~~accident investigation officer who makes an investigation at~~
11 ~~the scene of a traffic accident may issue traffic citations,~~
12 ~~based upon personal investigation, when he or she has~~
13 ~~reasonable and probable grounds to believe that a person who~~
14 ~~was involved in the accident committed an offense under this~~
15 ~~chapter, chapter 319, chapter 320, or chapter 322 in~~
16 ~~connection with the accident. This paragraph does not permit~~
17 ~~the carrying of firearms or other weapons, nor do such~~
18 ~~officers have arrest authority.~~

19 b. University police officers shall have authority to
20 enforce all of the traffic laws of this state when such
21 violations occur on or about any property or facilities that
22 are under the guidance, supervision, regulation, or control of
23 a state university, a direct-support organization of such
24 state university, or any other organization controlled by the
25 state university or a direct-support organization of the state
26 university, except that traffic laws may be enforced
27 off-campus when hot pursuit originates on or adjacent to any
28 such property or facilities.

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

1 are under the guidance, supervision, regulation, or control of
2 the community college system.

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

7 (I) An airport authority may employ as a parking
8 enforcement specialist any individual who successfully
9 completes a training program established and approved by the
10 Criminal Justice Standards and Training Commission for parking
11 enforcement specialists but who does not otherwise meet the
12 uniform minimum standards established by the commission for
13 law enforcement officers or auxiliary or part-time officers
14 under s. 943.12. Nothing in this sub-sub-subparagraph shall be
15 construed to permit the carrying of firearms or other weapons,
16 nor shall such parking enforcement specialist have arrest
17 authority.

18 (II) A parking enforcement specialist employed by an
19 airport authority is authorized to enforce all state, county,
20 and municipal laws and ordinances governing parking only when
21 such violations are on property or facilities owned or
22 operated by the airport authority employing the specialist, by
23 appropriate state, county, or municipal traffic citation.

24 e. The Office of Agricultural Law Enforcement of the
25 Department of Agriculture and Consumer Services shall have the
26 authority to enforce traffic laws of this state.

27 f. School safety officers shall have the authority to
28 enforce all of the traffic laws of this state when such
29 violations occur on or about any property or facilities which
30 are under the guidance, supervision, regulation, or control of
31 the district school board.

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

5 3. Any disciplinary action taken or performance
6 evaluation conducted by an agency of the state as described in
7 subparagraph 1. of a law enforcement officer's traffic
8 enforcement activity must be in accordance with written
9 work-performance standards. Such standards must be approved by
10 the agency and any collective bargaining unit representing
11 such law enforcement officer. A violation of this subparagraph
12 is not subject to the penalties provided in chapter 318.

13 4. The Division of the Florida Highway Patrol may
14 employ as a traffic accident investigation officer any
15 individual who successfully completes instruction in traffic
16 accident investigation and court presentation through the
17 Selective Traffic Enforcement Program as approved by the
18 Criminal Justice Standards and Training Commission and funded
19 through the National Highway Traffic Safety Administration or
20 a similar program approved by the commission, but who does not
21 necessarily meet the uniform minimum standards established by
22 the commission for law enforcement officers or auxiliary law
23 enforcement officers under chapter 943. Any such traffic
24 accident investigation officer who makes an investigation at
25 the scene of a traffic accident may issue traffic citations,
26 based upon personal investigation, when he or she has
27 reasonable and probable grounds to believe that a person who
28 was involved in the accident committed an offense under this
29 chapter, chapter 319, chapter 320, or chapter 322 in
30 connection with the accident. This subparagraph does not
31

1 permit the officer to carry firearms or other weapons and such
2 an officer does not have authority to make arrests.

3 Section 13. Subsection (3) of section 316.650, Florida
4 Statutes, is amended to read:

5 316.650 Traffic citations.--

6 (3)(a) Except for a traffic citation issued pursuant
7 to s. 316.1001, each ~~Every~~ traffic enforcement officer, upon
8 issuing a traffic citation to an alleged violator of any
9 provision of the motor vehicle laws of this state or of any
10 traffic ordinance of any city or town, shall deposit the
11 original and one copy of such traffic citation or, in the case
12 of a traffic enforcement agency which has an automated
13 citation issuance system, shall provide an electronic
14 facsimile with a court having jurisdiction over the alleged
15 offense or with its traffic violations bureau within 5 days
16 after issuance to the violator.

17 (b) If a traffic citation is issued pursuant to s.
18 316.1001, a traffic enforcement officer may deposit the
19 original and one copy of such traffic citation or, in the case
20 of a traffic enforcement agency that has an automated citation
21 system, may provide an electronic facsimile with a court
22 having jurisdiction over the alleged offense or with its
23 traffic violations bureau within 45 days after the date of
24 issuance of the citation to the violator.

25 Section 14. Subsection (2) of section 316.70, Florida
26 Statutes, is amended to read:

27 316.70 Nonpublic sector buses; safety rules.--

28 (2) Department of Transportation personnel may conduct
29 compliance reviews for the purpose of determining compliance
30 with this section. A civil penalty not to exceed \$5,000 in the
31 aggregate may be assessed against any person who violates any

1 provision of this section or who violates any rule or order of
2 the Department of Transportation. A civil penalty not to
3 exceed \$25,000 in the aggregate may be assessed for violations
4 found in a follow-up compliance review conducted within a
5 24-month period. A civil penalty not to exceed \$25,000 in the
6 aggregate may be assessed and the motor carrier may be
7 enjoined pursuant to s. 316.3026 if violations are found after
8 a second follow-up compliance review within 12 months after
9 the first follow-up compliance review. Motor carriers found to
10 be operating without insurance coverage required by s. 627.742
11 or 49 C.F.R. part 387 may be enjoined as provided in s.
12 316.3026.~~The Department of Transportation may assess a civil~~
13 ~~penalty of up to \$5,000 per infraction against any person who~~
14 ~~violates any provision of this section or who violates any~~
15 ~~rule or order of the department.~~

16 Section 15. Subsection (4) of section 318.14, Florida
17 Statutes, is amended, and subsection (12) is added to that
18 section, to read:

19 318.14 Noncriminal traffic infractions; exception;
20 procedures.--

21 (4) Except as provided in subsection (12),any person
22 charged with a noncriminal infraction under this section who
23 does not elect to appear shall pay the civil penalty and
24 delinquent fee, if applicable, either by mail or in person,
25 within 30 days after the date of issuance of ~~receiving~~ the
26 citation. If the person cited follows the above procedure, he
27 or she shall be deemed to have admitted the infraction and to
28 have waived his or her right to a hearing on the issue of
29 commission of the infraction. Such admission shall not be
30 used as evidence in any other proceedings. Any person who is
31 cited for a violation of s. 320.0605 or s. 322.15(1), or

1 subject to a penalty under s. 320.07(3)(a) or (b) or s.
2 322.065, and who makes an election under this subsection shall
3 submit proof of compliance with the applicable section to the
4 clerk of the court. For the purposes of this subsection, proof
5 of compliance consists of a valid driver's license or a valid
6 registration certificate.

7 (12) Any person cited for a violation of s. 316.1001
8 may, in lieu of making an election as set forth in subsection
9 (4) or s. 318.18(7), elect to pay his or her fine directly to
10 the governmental entity that issued the citation, within 30
11 days after the date of issuance of the citation. Any person
12 cited for a violation of s. 316.1001 who does not elect to pay
13 the fine directly to the governmental entity that issued the
14 citation as described in this section shall have an additional
15 45 days after the date of the issuance of the citation in
16 which to pay the civil penalty and delinquent fee, if
17 applicable, as provided in s. 318.18(7), either by mail or in
18 person, in accordance with subsection (4).

19 Section 16. Effective October 1, 2003, section 330.27,
20 Florida Statutes, is amended to read:

21 330.27 Definitions, when used in ss. 330.29-330.36,
22 330.38, 330.39.--

23 (1) "Aircraft" means a powered or unpowered machine or
24 device capable of atmospheric flight ~~any motor vehicle or~~
25 ~~contrivance now known, or hereafter invented, which is used or~~
26 ~~designed for navigation of or flight in the air, except a~~
27 parachute or other such device ~~contrivance designed for such~~
28 ~~navigation but~~ used primarily as safety equipment.

29 (2) "Airport" means an ~~any~~ area of land or water, ~~or~~
30 ~~any manmade object or facility located thereon, which is used~~
31 for, or intended to be used for, use, for the landing and

1 takeoff of aircraft, including and any appurtenant areas,
2 ~~which are used, or intended for use, for airport buildings, or~~
3 ~~other airport facilities, or rights-of-way necessary to~~
4 facilitate such use or intended use, ~~together with all airport~~
5 ~~buildings and facilities located thereon.~~

6 (3) ~~"Airport hazard" means any structure, object of~~
7 ~~natural growth, or use of land which obstructs the airspace~~
8 ~~required for the flight of aircraft in landing or taking off~~
9 ~~at an airport or which is otherwise hazardous to such landing~~
10 ~~or taking off.~~

11 (4) ~~"Aviation" means the science and art of flight and~~
12 ~~includes, but is not limited to, transportation by aircraft;~~
13 ~~the operation, construction, repair, or maintenance of~~
14 ~~aircraft, aircraft power plants, and accessories, including~~
15 ~~the repair, packing, and maintenance of parachutes; the~~
16 ~~design, establishment, construction, extension, operation,~~
17 ~~improvement, repair, or maintenance of airports or other air~~
18 ~~navigation facilities; and instruction in flying or ground~~
19 ~~subjects pertaining thereto.~~

20 (3)(5) ~~"Department" means the Department of~~
21 ~~Transportation.~~

22 (4)(6) ~~"Limited airport" means any an airport,~~
23 ~~publicly or privately owned, limited exclusively to the~~
24 ~~specific conditions stated on the site approval order or~~
25 ~~license.~~

26 (7) ~~"Operation of aircraft" or "operate aircraft"~~
27 ~~means the use, navigation, or piloting of aircraft in the~~
28 ~~airspace over this state or upon any airport within this~~
29 ~~state.~~

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

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

3 (5)(9) "Private airport" means an airport, publicly or
4 privately owned, which is not open or available for use by the
5 public, used primarily by the licensee but may be made which
6 is available to others for use by invitation of the owner or
7 manager licensee. ~~Services may be provided if authorized by~~
8 ~~the department.~~

9 (6)(10) "Public airport" means an airport, publicly or
10 privately owned, which ~~meets minimum safety and service~~
11 ~~standards and~~ is open for use by the public.

12 (7)(11) "Temporary airport" means any ~~an~~ airport,
13 ~~publicly or privately owned,~~ that will be used for a period of
14 less than 30 ~~90~~ days with no more than 10 operations per day.

15 (8)(12) "Ultralight aircraft" means any
16 ~~heavier-than-air, motorized~~ aircraft meeting ~~which meets~~ the
17 ~~criteria for maximum weight, fuel capacity, and airspeed~~
18 ~~established for such aircraft by the Federal Aviation~~
19 ~~Administration under Part 103 of the Federal Aviation~~
20 ~~Regulations.~~

21 Section 17. Effective October 1, 2003, section 330.29,
22 Florida Statutes, is amended to read:

23 330.29 Administration and enforcement; rules;
24 requirements ~~standards~~ for airport sites and airports.--It is
25 the duty of the department to:

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

28 (2) Establish requirements for airport site approval,
29 licensure, and registration ~~minimum standards for airport~~
30 ~~sites and airports under its licensing jurisdiction.~~

31

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

4 ~~(4)(3)~~ Adopt rules pursuant to ss. 120.536(1) and
5 120.54 to implement the provisions of this chapter.

6 Section 18. Effective October 1, 2003, section 330.30,
7 Florida Statutes, is amended to read:

8 330.30 Approval of airport sites; registration and
9 licensure ~~licensing~~ of airports; ~~fees~~.--

10 (1) SITE APPROVALS; REQUIREMENTS, ~~FEES~~, EFFECTIVE
11 PERIOD, REVOCATION.--

12 (a) Except as provided in subsection (3), the owner or
13 lessee of any proposed airport shall, prior to site ~~the~~
14 ~~acquisition of the site~~ or ~~prior to the~~ construction or
15 establishment of the proposed airport, obtain approval of the
16 airport site from the department. Applications for approval of
17 a site ~~and for an original license~~ shall be jointly made in ~~on~~
18 a form and manner prescribed by the department ~~and shall be~~
19 ~~accompanied by a site approval fee of \$100~~. The department,
20 ~~after inspection of the airport site,~~ shall grant the site
21 approval if it is satisfied:

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

24 2. That the proposed airport, ~~if constructed or~~
25 ~~established,~~ will conform to licensing or registration
26 requirements ~~minimum standards of safety~~ and will comply with
27 the applicable local government land development regulations
28 or county or municipal zoning requirements. ~~;~~

29 3. That all affected ~~nearby~~ airports, local
30 governments ~~municipalities~~, and property owners have been

31

1 notified and any comments submitted by them have been given
2 adequate consideration. ~~and~~

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

6 (b) Site approval shall be granted for public airports
7 only after a favorable department inspection of the proposed
8 site.

9 (c) Site approval shall be granted for private
10 airports only after receipt of documentation in a form and
11 manner the department deems necessary to satisfy the
12 conditions in paragraph (a).

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

16 (e) Such Approval shall remain valid in effect for a
17 ~~period of 2 years~~ after the date of issue ~~issuance of the site~~
18 ~~approval order~~, unless ~~sooner~~ revoked by the department or
19 ~~unless, prior to the expiration of the 2-year period,~~ a public
20 airport license is issued or private airport registration
21 completed for an airport located on the approved site has been
22 issued pursuant to subsection (2) prior to the expiration
23 date.

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

28 (g)~~(c)~~ The department may revoke a site ~~such~~ approval
29 if it determines:

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

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

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

8 4. That, ~~because of changed physical or legal~~
9 ~~conditions or circumstances,~~ the site is no longer usable for
10 ~~the~~ aviation purposes due to physical or legal changes in
11 conditions that were the subject of the ~~for which the~~ approval
12 ~~was~~ granted.

13 (2) LICENSES AND REGISTRATIONS; REQUIREMENTS, FEES,
14 RENEWAL, REVOCATION.--

15 (a) Except as provided in subsection (3), the owner or
16 lessee of any an airport in this state shall have either a
17 public airport ~~must obtain a~~ license or private airport
18 registration prior to the operation of aircraft to or from the
19 facility on the airport. ~~An~~ Application for a such license or
20 registration shall be made in on a form and manner prescribed
21 by the department ~~and shall be accomplished jointly with an~~
22 ~~application for site approval.~~ Upon granting site approval;~~;~~
23 ~~making a favorable final airport inspection report indicating~~
24 ~~compliance with all license requirements, and receiving the~~
25 ~~appropriate license fee, the department shall issue a license~~
26 ~~to the applicant, subject to any reasonable conditions that~~
27 ~~the department may deem necessary to protect the public~~
28 ~~health, safety, or welfare.~~

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

1 license may be subject to any reasonable conditions that the
2 department may deem necessary to protect the public health,
3 safety, or welfare.

4 2. For a private airport, the department shall provide
5 controlled electronic access to the state aviation facility
6 data system to permit the applicant to complete the
7 registration process. Registration shall be completed upon
8 self-certification by the registrant of operational and
9 configuration data deemed necessary by the department.

10 (b) The department may ~~is authorized to~~ license a
11 public ~~an~~ airport that does not meet ~~all of the minimum~~
12 standards only if it determines that such exception is
13 justified by unusual circumstances or is in the interest of
14 public convenience and does not endanger the public health,
15 safety, or welfare. Such a license shall bear the designation
16 "special" and shall state the conditions subject to which the
17 license is granted.

18 (c) The department may license a public airport or a
19 private airport may register ~~authorize a site~~ as a temporary
20 airport provided if it finds, after inspection of the site,
21 that the airport will not endanger the public health, safety,
22 or welfare and the airport meets the temporary airport
23 requirements established by the department. A temporary
24 airport license or registration shall be valid for less ~~Such~~
25 ~~authorization shall expire not later than~~ 30 ~~90~~ days after
26 ~~issuance~~ and is not renewable.

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

- 29 1. ~~Public airport: \$100.~~
- 30 2. ~~Private airport: \$70.~~
- 31 3. ~~Limited airport: \$50.~~

1 ~~4. Temporary airport: \$25.~~

2
3 ~~Airports owned or operated by the state, a county, or a~~
4 ~~municipality and emergency helistops operated by licensed~~
5 ~~hospitals are required to be licensed but are exempt from the~~
6 ~~payment of site approval fees and annual license fees.~~

7 ~~(d)(e)1. Each public airport license shall will expire~~
8 ~~no later than 1 year after the effective date of the license,~~
9 ~~except that the expiration date of a license may be adjusted~~
10 ~~to provide a maximum license period of 18 months to facilitate~~
11 ~~airport inspections, recognize seasonal airport operations, or~~
12 ~~improve administrative efficiency. If the expiration date for~~
13 ~~a public airport is adjusted, the appropriate license fee~~
14 ~~shall be determined by prorating the annual fee based on the~~
15 ~~length of the adjusted license period.~~

16 ~~2. Registration~~ The license period for private all
17 ~~airports shall remain valid provided specific elements of~~
18 ~~airport data, established by the department, are periodically~~
19 ~~recertified by the airport registrant. The ability to~~
20 ~~recertify private airport registration data shall be available~~
21 ~~at all times by electronic submittal. A private airport~~
22 ~~registration that has not been recertified in the 24-month~~
23 ~~period following the last certification shall expire, unless~~
24 ~~the registration period has been adjusted by the department~~
25 ~~for purposes of informing private airport owners of their~~
26 ~~registration responsibilities or promoting administrative~~
27 ~~efficiency. The expiration date of the current registration~~
28 ~~period will be clearly identifiable from the state aviation~~
29 ~~facility data system other than public airports will be set by~~
30 ~~the department, but shall not exceed a period of 5 years. In~~
31 ~~determining the license period for such airports, the~~

1 ~~department shall consider the number of based aircraft, the~~
2 ~~airport location relative to adjacent land uses and other~~
3 ~~airports, and any other factors deemed by the department to be~~
4 ~~critical to airport operation and safety.~~

5 3. The effective date and expiration date shall be
6 shown on public airport licenses stated on the face of the
7 license. Upon receiving an application for renewal of an
8 airport ~~a~~ license in ~~on~~ a form and manner prescribed by the
9 department and receiving, ~~making~~ a favorable inspection report
10 indicating compliance with all applicable requirements and
11 conditions, ~~and receiving the appropriate annual license fee,~~
12 the department shall renew the license, subject to any
13 conditions deemed necessary to protect the public health,
14 safety, or welfare.

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

18 5. If the renewal application for a public airport
19 license has ~~and fees have~~ not been received by the department
20 or no private airport registration recertification has been
21 accomplished within 15 days after the date of expiration ~~of~~
22 the license, the department may revoke ~~close~~ the airport
23 license or registration.

24 ~~(e)(f)~~ The department may revoke, or refuse to allow
25 or issue, any airport registration or recertification, or any
26 license or license renewal ~~thereof, or refuse to issue a~~
27 renewal, if it determines:

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

30
31

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

4 3. That, ~~because of changed physical or legal~~
5 ~~conditions or circumstances,~~ the airport has become either
6 unsafe or unusable for flight operation due to physical or
7 legal changes in conditions that were the subject of approval
8 ~~the aeronautical purposes for which the license or renewal was~~
9 ~~issued.~~

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

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

13 (b) An ultralight aircraft landing area; ~~except that~~
14 ~~any public ultralight airport~~ located more than within 5
15 nautical miles from a ~~of another~~ public airport or military
16 airport, except or any ultralight landing area with more than
17 10 ultralight aircraft operating at ~~from~~ the site ~~is subject~~
18 ~~to the provisions of this section.~~

19 (c) A helistop used solely in conjunction with a
20 construction project undertaken pursuant to the performance of
21 a state contract if the purpose of the helicopter operations
22 at the site is to expedite construction.

23 ~~(d) An airport under the jurisdiction or control of a~~
24 ~~county or municipal aviation authority or a county or~~
25 ~~municipal port authority or the Florida Space Authority;~~
26 ~~however, the department shall license any such airport if such~~
27 ~~authority does not elect to exercise its exemption under this~~
28 ~~subsection.~~

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

1 ~~(e)~~(f) An airport which meets the criteria of s.
2 330.27~~(7)~~~~(11)~~ used exclusively for aerial application or
3 spraying of crops on a seasonal basis, not to include any
4 licensed airport where permanent crop aerial application or
5 spraying facilities are installed, if the period of operation
6 does not exceed 30 days per calendar year. Such proposed
7 airports, which will be located within 3 miles of existing
8 airports or approved airport sites, shall establish ~~work out~~
9 safe air-traffic patterns with such existing airports or
10 approved airport sites, by memorandums of understanding, or by
11 letters of agreement between the parties representing the
12 airports or sites.

13 (f) Any body of water used for the takeoff and landing
14 of aircraft, including any land, building, structure, or any
15 other contrivance that facilitates private use or intended
16 private use.

17 (4) EXCEPTIONS.--Private airports with 10 or more
18 based aircraft may request to be inspected and licensed by the
19 department. Private airports licensed according to this
20 subsection shall be considered private airports as defined in
21 s. 330.27(5) in all other respects.

22 Section 19. Effective October 1, 2003, section 330.35,
23 Florida Statutes, is amended to read:

24 330.35 Airport zoning, ~~approach zone~~ protection.--

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

29 (2) Airports licensed for ~~general~~ public use under the
30 provisions of s. 330.30 are eligible for airport zoning

31

1 ~~approach zone protection, and the procedure shall be the same~~
2 as is prescribed in chapter 333.

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

9 Section 20. Effective October 1, 2003, subsection (2)
10 of section 330.36, Florida Statutes, is amended to read:

11 330.36 Prohibition against county or municipal
12 licensing of airports; regulation of seaplane landings.--

13 (2) Upon adoption of zoning requirements in compliance
14 with subsection (1),a municipality may prohibit or otherwise
15 regulate, for specified public health and safety purposes, the
16 landing of seaplanes in and upon any public waters of the
17 state which are located within the limits or jurisdiction of,
18 or bordering on, the municipality.

19 Section 21. Subsection (1) of section 288.075, Florida
20 Statutes, is amended to read:

21 288.075 Confidentiality of records.--

22 (1) As used in this section, the term "economic
23 development agency" means the Office of Tourism, Trade, and
24 Economic Development, any industrial development authority
25 created in accordance with part III of chapter 159 or by
26 special law, the Florida Space Authority created in part II of
27 chapter 331, the Florida Aerospace Finance ~~Commercial Space~~
28 ~~Financing~~ Corporation created in part III of chapter 331, the
29 public economic development agency of a county or
30 municipality, or any research and development authority
31 created in accordance with part V of chapter 159. The term

1 also includes any private agency, person, partnership,
2 corporation, or business entity when authorized by the state,
3 a municipality, or a county to promote the general business
4 interests or industrial interests of the state or that
5 municipality or county.

6 Section 22. Subsection (16) of section 331.303,
7 Florida Statutes, is amended to read:

8 331.303 Definitions.--

9 (16) "Project" means any development, improvement,
10 property, launch, utility, facility, system, works, road,
11 sidewalk, enterprise, service, or convenience, which may
12 include coordination with Enterprise Florida, Inc., the Board
13 of Education Regents, ~~and the Space Research Foundation the~~
14 Florida Aerospace Finance Corporation, and the Florida Space
15 Research Institute; any rocket, capsule, module, launch
16 facility, assembly facility, operations or control facility,
17 tracking facility, administrative facility, or any other type
18 of space-related transportation vehicle, station, or facility;
19 any type of equipment or instrument to be used or useful in
20 connection with any of the foregoing; any type of intellectual
21 property and intellectual property protection in connection
22 with any of the foregoing including, without limitation, any
23 patent, copyright, trademark, and service mark for, among
24 other things, computer software; any water, wastewater, gas,
25 or electric utility system, plant, or distribution or
26 collection system; any small business incubator initiative,
27 including any startup aerospace company, research and
28 development company, research and development facility,
29 education and workforce training facility, storage facility,
30 and consulting service; or any tourism initiative, including
31 any space experience attraction, space-launch-related

1 activity, and space museum sponsored or promoted by the
2 authority.

3 Section 23. Section 331.308, Florida Statutes, is
4 amended to read:

5 331.308 Board of supervisors.--

6 (1) There is created within the Florida Space
7 Authority a board of supervisors consisting of eight regular
8 members, who shall be appointed by the Governor, and two ex
9 officio nonvoting members, one of whom shall be a state
10 senator selected by the President of the Senate and one of
11 whom shall be a state representative selected by the Speaker
12 of the House of Representatives. The Lieutenant Governor, who
13 is the state's space policy leader, shall serve as chair of
14 the board of supervisors, and shall cast the deciding vote if
15 the votes of the eight regular members result in a tie. The
16 board shall elect a vice-chair to preside in the absence of
17 the Lieutenant Governor and to perform such other duties as
18 may be designated.All regular members shall be subject to
19 confirmation by the Senate at the next regular session of the
20 Legislature. Existing board members are not prohibited from
21 reappointment. Each of the regular board members must be a
22 resident of the state and must have experience in the
23 aerospace or commercial space industry or in finance or have
24 other significant relevant experience. A private sector legal
25 entity may not have more than one person serving on the board
26 at any one time. One regular member shall represent organized
27 labor interests, one regular member shall represent minority
28 interests, and four regular members must represent space
29 industry, at least one of whom must also be from a small
30 business, as defined in s. 288.703. For the purpose of this
31 section, "space industry" includes private sector entities

1 engaged in space flight business, as defined in s. 212.031,
2 research and technology development of space-based products
3 and services, space station commercialization, development of
4 spaceport and range technology, remote sensing products and
5 services, space biotechnology, measurement and calibration of
6 space assets, space-related software and information
7 technology development, design and architecture of space-based
8 assets and facilities for manufacturing and other purposes,
9 space-related nanotechnology, space tourism, and other
10 commercial enterprises utilizing uniquely space-based
11 capabilities.

12 (2) Each regular member shall serve a term of 4 years
13 or until a successor is appointed and qualified. The term of
14 each such member shall be construed to commence on the date of
15 appointment and to terminate on June 30 of the year of the end
16 of the term. Appointment to the board shall not preclude any
17 such member from holding any other private or public position.

18 (3) The ex officio nonvoting legislative members shall
19 serve on the board for 2-year terms.

20 (4) Any vacancy on the board shall be filled for the
21 balance of the unexpired term.

22 ~~(5) This act does not affect the terms or conditions~~
23 ~~of current members of the board, but applies to any vacancy~~
24 ~~that occurs on or after the effective date of this act.~~
25 ~~Appointments to the board shall give effect to this act as~~
26 ~~soon as practicable. Vacancies created by or occurring~~
27 ~~subsequent to the passage of this act shall be filled by~~
28 ~~representatives of the space industry, as provided herein,~~
29 ~~until the composition of the board is in compliance with the~~
30 ~~provisions of subsection (1).~~

31

1 ~~(5)(6) The board shall hold its initial meeting no~~
2 ~~later than 20 days after the members have been appointed. At~~
3 ~~its initial meeting, or as soon thereafter as is practicable,~~
4 ~~the~~ The board shall appoint an executive director. Meetings
5 shall be held quarterly or more frequently at the call of the
6 chair. A majority of the regular members of the board shall
7 constitute a quorum, and a majority vote of such members
8 present is necessary for any action taken by the board.

9 ~~(6)(7)~~ The Governor has the authority to remove from
10 the board any regular member in the manner and for cause as
11 defined by the laws of this state and applicable to situations
12 ~~which~~ that may arise before the board. Unless excused by the
13 chair of the board, a regular member's absence from two or
14 more consecutive board meetings creates a vacancy in the
15 office to which the member was appointed.

16 Section 24. Paragraph (b) of subsection (2) of section
17 331.367, Florida Statutes, is amended to read:

18 331.367 Spaceport Management Council.--

19 (2) The council shall make recommendations regarding:

20 (b) The projects and levels of commercial financing
21 required from the Florida Aerospace Finance ~~Commercial Space~~
22 ~~Financing~~ Corporation created by s. 331.407.

23 Section 25. Section 331.368, Florida Statutes, is
24 amended to read:

25 331.368 Florida Space Research Institute.--

26 (1) There is created the Florida Space Research
27 Institute, the purpose of which is to serve as an
28 industry-driven center for research, leveraging the state's
29 resources in a collaborative effort to support Florida's space
30 industry and its expansion, diversification, and transition to
31 commercialization.

1 (2) The institute shall operate as a public/private
2 partnership under the direction of a board composed of:

3 (a) A representative of the Florida Space Authority.

4 (b) A representative of Enterprise Florida, Inc.

5 (c) A representative of the Florida Aviation Aerospace
6 Alliance.

7 (d) A representative of the Florida Space Business
8 Roundtable.

9 (e) Additional private-sector representatives from the
10 space industry selected collaboratively by the core members
11 specified in paragraphs (a)-(d). The additional space industry
12 representatives under this paragraph must comprise the
13 majority of members of the board and must be from geographic
14 regions throughout the state. Each private-sector
15 representative shall be appointed to a term of 3 years.

16 (f) Two representatives from the educational community
17 who are selected collaboratively by the core members specified
18 in paragraphs (a)-(d) and who are engaged in research or
19 instruction related to the space industry. One representative
20 must be from a community college, and one representative must
21 be from a public or private university. Each educational
22 representative shall be appointed to a term of 2 years.

23 (g) Additional ex officio, nonvoting representatives
24 selected collaboratively by the core members.

25 (3) Annually, the members of the board shall select
26 one of the members to serve as chair, who shall be responsible
27 for convening and leading meetings of the board.

28 (4) Board members are considered to be volunteers as
29 defined in s. 110.501 and shall serve with all protections
30 provided to volunteers of state agencies under s. 768.1355.

31

1 (5) For the purposes of contracts and grants, s.
2 216.346 shall apply to the institute's programs with state
3 universities and community colleges.

4 (6) The Florida Space Research Institute may:

5 (a) Acquire property under such conditions as the
6 board may deem necessary or desirable, and sell or otherwise
7 dispose of the same.

8 (b) Serve as a coordinating organization among public
9 and private academic institutions, industry, and government
10 agencies to support the expansion and diversification of
11 Florida's space industry, and to support research and
12 education programs.

13 (c) Execute contracts and other documents, adopt
14 proceedings, and perform any acts determined by the board to
15 be necessary to carry out the purposes of this section.

16 (d) Establish a personnel-management system and
17 procedures, rules, and rates governing administrative and
18 financial operations of the institute.

19 (e) Acquire, accept, or administer grants, contracts,
20 and fees from other organizations to perform activities that
21 are consistent with the purposes of this section.

22 (f) Work in partnership with the Florida Space
23 Authority, Enterprise Florida, Inc., the Department of
24 Education, and other organizations to support their programs
25 to promote the state as a center for space enterprise,
26 research, and technology development.

27 (7)(3) The board of the Florida Space Research
28 Institute shall:

29 (a) Set the strategic direction for the space-related
30 research priorities of the state and its space-related
31

1 businesses, the scope of research projects for the institute,
2 and the timeframes for completion.

3 (b) Invite the participation of public and private
4 academic institutions ~~universities~~, including, but not limited
5 to, the University of Central Florida, the University of
6 Florida, the University of South Florida, Florida State
7 University, Florida Institute of Technology, and the
8 University of Miami.

9 (c) Select a lead university to:

10 1. Serve as coordinator of research for ~~and as the~~
11 ~~administrative entity~~ of the institute;

12 2. Support the institute's development of a statewide
13 space research agenda and programs; and

14 3. Develop, and update as necessary, a report
15 recommending ways that the state's public and private
16 universities can work in partnership to support the state's
17 space-industry requirements, ~~which report must be completed by~~
18 ~~December 15, 2000~~.

19 (d) Establish a partnership with the state Workforce
20 Development Board, or its successor entity, under which the
21 institute coordinates the workforce-training requirements
22 identified by the space industry and supports development of
23 workforce-training initiatives to meet such requirements,
24 using training providers approved by the board or its
25 successor entity.

26 (e) Comanage, with the National Aeronautics and Space
27 Administration and subject to the terms of an agreement with
28 NASA, operation of a Space Experiment Research and Processing
29 Laboratory, if such a facility is constructed on land of the
30 John F. Kennedy Space Center. The institute shall carry out
31

1 such responsibility through a consortium of public and private
2 universities in the state led by the University of Florida.

3 (f) Develop initiatives to foster the participation of
4 the state's space industry in the International Space Station
5 and to help the state maintain and enhance its competitive
6 position in the commercial space-transportation industry.

7 (g) Pursue partnerships with the National Aeronautics
8 and Space Administration to coordinate and conduct research in
9 fields including, but not limited to, environmental
10 monitoring; agriculture; aquatics; resource reutilization
11 technologies for long-duration space missions; and spaceport
12 technologies which support current or next-generation launch
13 vehicles and range systems.

14 (h) Pursue partnerships with the National Aeronautics
15 and Space Administration for the conduct of space-related
16 research using computer technology to connect experts in a
17 given field of science who are in disparate locations and to
18 perform research experiments in a real-time, virtual
19 environment.

20 (i) Appoint or dismiss, as deemed necessary by the
21 board, a person to act as executive director of the institute,
22 who shall have such other functions, duties, powers, and
23 salary as the board prescribes.

24 (8)~~(4)~~ By December 15 of each year, the institute
25 shall submit a report of its activities and accomplishments
26 for the year to the Governor, the President of the Senate, ~~and~~
27 the Speaker of the House of Representatives, and the
28 Commissioner of Education. The report shall also include
29 recommendations regarding actions the state should take to
30 enhance the development of space-related businesses,
31 including:

- 1 (a) Future research activities.
2 (b) The development of capital and technology
3 assistance to new and expanding industries.
4 (c) The removal of regulatory impediments.
5 (d) The establishment of business development
6 incentives.
7 (e) The initiation of education and training programs
8 to ensure a skilled workforce.

9 Section 26. Section 331.401, Florida Statutes, is
10 amended to read:

11 331.401 Short title.--Sections 331.401-331.419 may be
12 cited as the "Florida Aerospace Finance ~~Commercial Space~~
13 ~~Financing~~ Corporation Act."

14 Section 27. Section 331.403, Florida Statutes, is
15 amended to read:

16 331.403 Legislative findings and intent.--The
17 Legislature finds that the expansion of state and federal
18 support for the aerospace industry in Florida is critical to
19 the continued development of a viable commercial aerospace
20 ~~space~~ industry and the technical and scientific job base for
21 its citizens. This development of commercial opportunities in
22 Florida is slowed by the lack of traditional business
23 financing tools such as securitization for industrial
24 development. Florida's launch industry is also being
25 challenged by the provision of such industry assistance by
26 other countries. Florida's aerospace industry could be
27 assisted by a corporation established to work with the United
28 States Export-Import Bank, the Small Business Administration,
29 the National Aeronautics and Space Administration, and other
30 federal, state, and private sources to provide information,
31 technical assistance, and financial support. It is the

1 intention of the Legislature to retain and expand job
2 opportunities for Florida citizens through this mechanism.

3 Section 28. Section 331.405, Florida Statutes, is
4 amended to read:

5 331.405 Definitions.--As used in this part:

6 (1) "Account" means the account established pursuant
7 to s. 331.415.

8 (2) "Aerospace" means the industry concerned with the
9 design and manufacture of aircraft, rockets, missiles,
10 spacecraft, satellites, space vehicles, space stations, space
11 facilities, or components thereof, and equipment, systems,
12 facilities, simulators, programs, and activities related
13 thereto.

14 (3)~~(2)~~ "Authority" means the Florida Space Authority
15 created by s. 331.302.

16 (4)~~(3)~~ "Board" means the governing body of the
17 corporation.

18 (5)~~(4)~~ "Corporation" means the Florida Aerospace
19 Finance Commercial Space Financing Corporation.

20 (6)~~(5)~~ "Domiciled in this state" means registered to
21 do business in Florida.

22 (7)~~(6)~~ "Financial institution" has the same meaning as
23 in s. 655.005(1)(h).

24 (8)~~(7)~~ "Financing agreement" has the same meaning as
25 in s. 331.303(10).

26 (9)~~(8)~~ "Member" means an individual appointed to be a
27 member of the board.

28 (10)~~(9)~~ "President" means the chief executive officer
29 of the corporation.

30 Section 29. Section 331.407, Florida Statutes, is
31 amended to read:

1 331.407 Florida Aerospace Finance ~~Commercial Space~~
2 ~~Financing~~ Corporation.--

3 (1) The Florida Aerospace Finance ~~Commercial Space~~
4 ~~Financing~~ Corporation is created as a corporation not for
5 profit. The corporation shall have all the powers, rights,
6 privileges, and authority as provided under chapter 617 and
7 this part. The corporation shall be organized on a nonstock
8 basis. The purpose of the corporation is to expand employment
9 and income opportunities for residents of this state by
10 providing businesses domiciled in this state with information,
11 technical assistance, and financial assistance to support
12 space-related transactions, in order to increase the
13 development within the state of commercial aerospace products,
14 activities, services, and facilities.

15 (2) The corporation shall have the power and authority
16 to carry out the following functions:

17 (a) To coordinate its efforts with programs and goals
18 of the United States Air Force, the National Aeronautics and
19 Space Administration, the Export-Import Bank, the
20 International Trade Administration of the United States
21 Department of Commerce, the Foreign Credit Insurance
22 Association, Enterprise Florida, Inc., and its boards, and
23 other private and public programs and organizations, domestic
24 and foreign.

25 (b) To establish a network of contacts among those
26 domestic and foreign public and private organizations which
27 provide information, technical assistance, and financial
28 support to the aerospace industry.

29 (c) To assemble, publish, and disseminate information
30 on financing opportunities and techniques of financing
31 aerospace projects, programs, and activities; sources of

1 public and private aerospace financing assistance; and sources
2 of aerospace-related ~~space-related~~ financing.

3 (d) To organize, host, and participate in seminars and
4 other forums designed to disseminate information and technical
5 assistance regarding aerospace-related ~~space-related~~
6 financing.

7 (e) To insure, coinsure, lend, and guarantee loans,
8 and to originate for sale direct aerospace-related
9 ~~space-related~~ loans, pursuant to criteria, bylaws, policies,
10 and procedures adopted by the board.

11 (f) To capitalize, underwrite, and secure funding for
12 aerospace infrastructure, satellites, launch vehicles, and any
13 service which supports aerospace launches.

14 (g) To construct, lease, or sell aerospace
15 infrastructure, satellites, launch vehicles, and any other
16 related activities and services.

17 (h) To acquire property, including real, personal,
18 tangible, intangible, or mixed, under such conditions as the
19 board may deem necessary or desirable, and sell or otherwise
20 dispose of the same.

21 (i) To make and exercise any and all contracts or
22 other instruments necessary or convenient to the exercise of
23 its powers, including financing agreements.

24 (3) It is the intent of the Legislature that the
25 corporation shall not be considered an "agency" as defined in
26 s. 216.011 or s. 287.012.

27 Section 30. Subsection (4) of section 331.409, Florida
28 Statutes, is amended to read:

29 331.409 Powers and limitations.--

30 (4) In providing assistance, the board shall create a
31 fiscal strategy for Florida which will guide and facilitate

1 the successful expansion of aerospace-related ~~space-related~~
2 jobs.

3 Section 31. Paragraphs (a) and (c) of subsection (5)
4 of section 331.411, Florida Statutes, are amended to read:

5 331.411 Board of directors; powers and duties.--

6 (5) The board shall:

7 (a) Prior to the expenditure of funds from the
8 account, adopt bylaws, rules, and policies necessary to carry
9 out its responsibilities under this part, particularly with
10 respect to the implementation of the corporation's programs to
11 insure, coinsure, lend, provide loan guarantees, and make
12 direct, guaranteed, or collateralized loans to support
13 aerospace-related ~~space-related~~ transactions.

14 (c) Adopt policies, including criteria, establishing
15 which aerospace-related ~~space-related~~ transactions shall be
16 eligible for insurance, coinsurance, loan guarantees, and
17 direct, guaranteed, or collateralized loans which may be
18 extended by the corporation. To implement this paragraph, the
19 board shall adopt rules which include the following criteria:

20 1. Any individual signing any corporation loan
21 application and loan or guarantee agreement must have an
22 equity interest in the business applying for financial
23 assistance.

24 2. Applicants must be domiciled in this state and will
25 be contractually obligated to use Florida launch facilities to
26 the maximum extent possible.

27 Section 32. Subsections (37) and (38) are added to
28 section 334.03, Florida Statutes, to read:

29 334.03 Definitions.--When used in the Florida
30 Transportation Code, the term:

31

1 (37) "511" or "511 services" means three-digit
2 telecommunications dialing to access interactive voice
3 response telephone traveler information services provided in
4 the state as defined by the Federal Communications Commission
5 in FCC Order No. 00-256, July 31, 2000.

6 (38) "Interactive voice response" means a software
7 application that accepts a combination of voice telephone
8 input and touch-tone keypad selection and provides appropriate
9 responses in the form of voice, fax, callback, e-mail, and
10 other media.

11 Section 33. Present subsection (31) of section
12 334.044, Florida Statutes, is redesignated as subsection (32),
13 and a new subsection (31) is added to that section, to read:

14 334.044 Department; powers and duties.--The department
15 shall have the following general powers and duties:

16 (31) To provide oversight of traveler information
17 systems that may include the provision of interactive voice
18 response telephone systems accessible via the 511 number as
19 assigned by the Federal Communications Commission for traveler
20 information services. The department shall ensure that uniform
21 standards and criteria for the collection and dissemination of
22 traveler information are applied using interactive voice
23 response systems.

24 Section 34. Section 334.14, Florida Statutes, is
25 amended to read:

26 334.14 Employees of department who are required to be
27 engineers.--Each employee performing engineering as defined in
28 chapter 471 shall be registered in accordance with the
29 provisions of chapter 471.

30
31

1 ~~(1) At a minimum, each of the following employees of~~
2 ~~the department must be a professional engineer registered~~
3 ~~under chapter 471.~~

4 ~~(a) The State Highway Engineer and the district~~
5 ~~secretary for each district, except that in lieu of~~
6 ~~engineering registration the district secretary for each~~
7 ~~district may hold an advanced degree in an appropriate related~~
8 ~~discipline such as a master of business administration.~~

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

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

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

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

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

24 ~~2. The senior maintenance engineer assigned to a field~~
25 ~~office.~~

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

28 ~~(2) As used in this section, the term "responsible~~
29 ~~charge" means the rendering of engineering judgment and~~
30 ~~decisions in the development of technical policy and programs~~
31 ~~or the direct control and personal supervision of work~~

1 ~~performed by himself or herself or by others over whom the~~
2 ~~person holds supervisory authority.~~

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

10 ~~(4) The department shall employ a district secretary~~
11 ~~for each transportation district whose duties shall be fixed~~
12 ~~by the department and who shall be responsible for the~~
13 ~~efficient operation and administration of that district.~~

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

18 Section 35. Section 334.60, Florida Statutes, is
19 created to read:

20 334.60 511 traveler information system.--

21 (1) The department is the state's lead agency for
22 implementing 511 services and is the state's point of contact
23 for coordinating 511 services with telecommunications service
24 providers. The department shall:

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

27 (b) Coordinate with other transportation authorities
28 in the state to provide multimodal traveler information
29 through 511 services and other means;
30
31

1 (c) Develop uniform standards and criteria for the
2 collection and dissemination of traveler information using the
3 511 number or other interactive voice response systems; and

4 (d) Enter into joint participation agreements or
5 contracts with highway authorities and public transit
6 districts to share the costs of implementing and administering
7 511 services in the state. The department may also enter into
8 other agreements or contracts with private firms relating to
9 the 511 services to offset the costs of implementing and
10 administering 511 services in the state.

11
12 The department shall adopt rules to administer the
13 coordination of 511 traveler information phone services in the
14 state.

15 Section 36. Section 336.467, Florida Statutes, is
16 amended to read:

17 336.467 County-state right-of-way acquisition
18 agreements.--A county or other governmental entity may enter
19 into an agreement with the department to provide for the
20 department to acquire rights-of-way for the county or other
21 governmental entity, ~~provided the highway project is to be~~
22 ~~funded by the 80-percent portion of the constitutional gas tax~~
23 ~~allocated to that county and requires the acquisition of at~~
24 ~~least 10 parcels of land, the total cost of which will equal~~
25 ~~or exceed \$100,000.~~

26 Section 37. Subsections (1), (4), and (7) of section
27 337.14, Florida Statutes, are amended to read:

28 337.14 Application for qualification; certificate of
29 qualification; restrictions; request for hearing.--

30 (1) Any person desiring to bid for the performance of
31 any construction contract in excess of \$250,000 which the

1 department proposes to let must first be certified by the
2 department as qualified pursuant to this section and rules of
3 the department. The rules of the department shall address the
4 qualification of persons to bid on construction contracts in
5 excess of \$250,000 and shall include requirements with respect
6 to the equipment, past record, experience, financial
7 resources, and organizational personnel of the applicant
8 necessary to perform the specific class of work for which the
9 person seeks certification. The department is authorized to
10 limit the dollar amount of any contract upon which a person is
11 qualified to bid or the aggregate total dollar volume of
12 contracts such person is allowed to have under contract at any
13 one time. Each applicant seeking qualification to bid on
14 construction contracts in excess of \$250,000 shall furnish the
15 department a statement under oath, on such forms as the
16 department may prescribe, setting forth detailed information
17 as required on the application. Each application for
18 certification shall be accompanied by the latest annual
19 financial statement of the applicant completed within the last
20 12 months. If the annual financial statement shows the
21 financial condition of the applicant more than 4 months prior
22 to the date on which the application is received by the
23 department, then an interim financial statement must also be
24 submitted. The interim financial statement must cover the
25 period from the end date of the annual statement and must show
26 the financial condition of the applicant no more than 4 months
27 prior to the date on which the application is received by the
28 department. Each required annual or interim financial
29 statement must be audited and accompanied by the opinion of a
30 certified public accountant or a public accountant approved by
31 the department. The information required by this subsection

1 is confidential and exempt from the provisions of s.
2 119.07(1). The department shall act upon the application for
3 qualification within 30 days after the department determines
4 that the application is complete ~~it is presented~~.

5 (4) If the applicant is found to possess the
6 prescribed qualifications, the department shall issue to him
7 or her a certificate of qualification that, unless thereafter
8 revoked by the department for good cause, will be valid for a
9 period of 18 months after the date of the applicant's
10 financial statement or such shorter period as the department
11 prescribes. Submission of an application shall not affect
12 expiration of the certificate of qualification. If the
13 department finds that an application is incomplete or contains
14 inadequate information or information that cannot be verified,
15 the department may request in writing that the applicant
16 provide the necessary information to complete the application
17 or provide the source from which any information in the
18 application may be verified. If the applicant fails to comply
19 with the initial written request within a reasonable period of
20 time as specified therein, the department shall request the
21 information a second time. If the applicant fails to comply
22 with the second request within a reasonable period of time as
23 specified therein, the application shall be denied.

24 (7) No "contractor" as defined in s. 337.165(1)(d) or
25 his or her "affiliate" as defined in s. 337.165(1)(a)
26 qualified with the department under this section may also
27 qualify under s. 287.055 or s. 337.105 to provide testing
28 services, construction, engineering, and inspection services
29 to the department. This limitation shall not apply to any
30 design-build prequalification under s. 337.11(7).

31

1 Section 38. Section 337.18, Florida Statutes, is
2 amended to read:

3 337.18 Surety bonds for construction or maintenance
4 contracts; requirement with respect to contract award; bond
5 requirements; defaults; damage assessments.--

6 (1)(a) A surety bond shall be required of the
7 successful bidder in an amount equal to the awarded contract
8 price. For a project for which the contract price is \$150,000
9 or less, the department may waive the requirement for all or a
10 portion of a surety bond if it determines the project is of a
11 noncritical nature and nonperformance will not endanger public
12 health, safety, or property. The department may require
13 alternate means of security if a surety bond is waived. The
14 surety on such bond shall be a surety company authorized to do
15 business in the state. All bonds shall be payable to the
16 department and conditioned for the prompt, faithful, and
17 efficient performance of the contract according to plans and
18 specifications and within the time period specified, and for
19 the prompt payment of all persons defined in s. 713.01
20 furnishing labor, material, equipment, and supplies for work
21 provided in the contract therefor; however, whenever an
22 improvement, demolition, or removal contract price is \$25,000
23 or less, the security may, in the discretion of the bidder, be
24 in the form of a cashier's check, bank money order of any
25 state or national bank, certified check, or postal money
26 order. The department shall adopt rules to implement this
27 subsection. Such rules shall include provisions under which
28 the department shall refuse to accept bonds on contracts when
29 a surety wrongfully fails or refuses to settle or provide a
30 defense for claims or actions arising under a contract for
31 which the surety previously furnished a bond.

1 (b) Upon execution of the contract, and prior to
2 beginning any work under the contract, the contractor shall
3 record in the public records of the county where the
4 improvement is located the payment and performance bond
5 required under this section. A claimant shall have a right of
6 action against the contractor and surety for the amount due
7 him or her, including unpaid finance charges due under the
8 claimant's contract. Such action shall not involve the
9 department in any expense.

10 (c) A claimant, except a laborer, who is not in
11 privity with the contractor shall, before commencing or not
12 later than 90 days after commencing to furnish labor,
13 materials, or supplies for the prosecution of the work,
14 furnish the contractor with a notice that he or she intends to
15 look to the bond for protection. A claimant who is not in
16 privity with the contractor and who has not received payment
17 for his or her labor, materials, or supplies shall deliver to
18 the contractor and to the surety written notice of the
19 performance of the labor or delivery of the materials or
20 supplies and of the nonpayment. The notice of nonpayment may
21 be served at any time during the progress of the work or
22 thereafter but not before 45 days after the first furnishing
23 of labor, services, or materials, and not later than 90 days
24 after the final furnishing of the labor, services, or
25 materials by the claimant or, with respect to rental
26 equipment, not later than 90 days after the date that the
27 rental equipment was last on the job site available for use.
28 An action by a claimant, except a laborer, who is not in
29 privity with the contractor for the labor, materials, or
30 supplies may not be instituted against the contractor or the
31 surety unless both notices have been given. Notices required

1 or permitted under this section may be served in any manner
2 provided in s. 713.18.

3 (d) An action must be instituted by a claimant,
4 whether in privity with the contractor or not, against the
5 contractor or the surety on the payment bond or the payment
6 provisions of a combined payment and performance bond within
7 365 days after the final acceptance of the contract work by
8 the department. A claimant may not waive in advance his or her
9 right to bring an action under the bond against the surety. In
10 any action brought to enforce a claim against a payment bond
11 under this section, the prevailing party is entitled to
12 recover a reasonable fee for the services of his or her
13 attorney for trial and appeal or for arbitration, in an amount
14 to be determined by the court, which fee must be taxed as part
15 of the prevailing party's costs, as allowed in equitable
16 actions.

17 (e) When a contractor has furnished a payment bond
18 pursuant to this section, he or she may, when the department
19 makes any payment to the contractor, serve a written demand on
20 any claimant who is not in privity with the contractor for a
21 written statement under oath of his or her account showing the
22 nature of the labor or services performed to date, if any; the
23 materials furnished; the materials to be furnished, if known;
24 the amount paid on account to date; the amount due; and the
25 amount to become due, if known, as of the date of the
26 statement by the claimant. Any such demand to a claimant who
27 is not in privity with the contractor must be served on the
28 claimant at the address and to the attention of any person who
29 is designated to receive the demand in the notice to the
30 contractor served by the claimant. The failure or refusal to
31 furnish the statement does not deprive the claimant of his or

1 her rights under the bond if the demand is not served at the
2 address of the claimant or directed to the attention of the
3 person designated to receive the demand in the notice to
4 contractor. The failure to furnish the statement within 60
5 days after the demand, or the furnishing of a false or
6 fraudulent statement, deprives the claimant who fails to
7 furnish the statement, or who furnishes the false or
8 fraudulent statement, of his or her rights under the bond. If
9 the contractor serves more than one demand for statement of
10 account on a claimant and none of the information regarding
11 the account has changed since the claimant's last response to
12 a demand, the failure or refusal to furnish such statement
13 does not deprive the claimant of his or her rights under the
14 bond. The negligent inclusion or omission of any information
15 deprives the claimant of his or her rights under the bond to
16 the extent that the contractor can demonstrate prejudice from
17 such act or omission by the claimant. The failure to furnish a
18 response to a demand for statement of account does not affect
19 the validity of any claim on the bond being enforced in a
20 lawsuit filed before the date the demand for statement of
21 account is received by the claimant.

22 (f) The bonds provided for in this section are
23 statutory bonds. The provisions of s. 255.05 are not
24 applicable to bonds issued pursuant to this section.

25 (2) The department shall provide in its contracts for
26 the determination of default on the part of any contractor for
27 cause attributable to such contractor. The department shall
28 have no liability for anticipated profits for unfinished work
29 on a contract which has been determined to be in default.
30 Every contract let by the department for the performance of
31 work shall contain a provision for payment to the department

1 by the contractor of liquidated damages due to failure of the
2 contractor to complete the contract work within the time
3 stipulated in the contract or within such additional time as
4 may have been granted by the department. The contractual
5 provision shall include a reasonable estimate of the damages
6 that would be incurred by the department as a result of such
7 failure. The department shall establish a schedule of daily
8 liquidated damage charges, based on original contract amounts,
9 for construction contracts entered into by the department,
10 which schedule shall be incorporated by reference into the
11 contract. The department shall update the schedule of
12 liquidated damages at least once every 2 years, but no more
13 often than once a year. The schedule shall, at a minimum, be
14 based on the average construction, engineering, and inspection
15 costs experienced by the department on contracts over the 2
16 preceding fiscal years. The schedule shall also include
17 anticipated costs of project-related delays and inconveniences
18 to the department and traveling public. Anticipated costs may
19 include, but are not limited to, road user costs, a portion of
20 the projected revenues that will be lost due to failure to
21 timely open a project to revenue-producing traffic, costs
22 resulting from retaining detours for an extended time, and
23 other similar costs. Any such liquidated damages paid to the
24 department shall be deposited to the credit of the fund from
25 which payment for the work contracted was authorized.

26 (3) In addition to the provision for payment to the
27 department by the contractor of liquidated damages due to the
28 failure of the contractor to complete the project within the
29 time stipulated in the contract or within such additional time
30 as may have been granted by the department, the department may
31 also recover from the contractor amounts paid by the

1 department for damages suffered by third parties as a result
2 of the contractor's failure to complete the project within the
3 time stipulated in the contract or within such additional time
4 as may have been granted by the department, unless the failure
5 to timely complete the project was caused by the department's
6 act or omission. However, nothing herein shall create a cause
7 of action against the department, or against a contractor by
8 an abutting property owner or business entity, where none has
9 previously existed.

10 (4)(a) If the department determines and adequately
11 documents that the timely completion of any project will
12 provide a substantial benefit to the public health, safety, or
13 welfare; will limit the disruptive effect of construction on
14 the community; or is cost beneficial on a revenue-producing
15 project, the contract for such project may provide for an
16 incentive payment payable to the contractor for early
17 completion of the project or critical phases of the work and
18 for additional damages to be assessed against the contractor
19 for the completion of the project or critical phases of the
20 work in excess of the time specified. All contracts containing
21 such provisions shall be approved by the head of the
22 department or his or her designee. The amount of such
23 incentive payment or such additional damages shall be
24 established in the contract based on an analysis of the cost
25 savings to the traveling public or revenue projections for a
26 revenue-producing project ~~but shall not exceed \$10,000 per~~
27 ~~calendar day, except that for revenue-producing projects the~~
28 ~~amounts and periods of the incentive may be greater if an~~
29 ~~analysis indicates that additional revenues projected to be~~
30 ~~received upon completion of the project will exceed the cost~~
31 ~~of the incentive payments.~~ Any liquidated damages provided for

1 under subsection (2) and any additional damages provided for
2 under this subsection shall be payable to the department
3 because of the contractor's failure to complete the contract
4 work within the time stipulated in the contract or within such
5 additional time as may have been granted by the department.

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

10 (5) Such bonds shall be subject to the additional
11 obligation that the principal and surety executing the same
12 shall be liable to the state in a civil action instituted by
13 the department or any officer of the state authorized in such
14 cases, for double any amount in money or property the state
15 may lose or be overcharged or otherwise defrauded of, by
16 reason of any wrongful or criminal act, if any, of the
17 contractor, the contractor's agent, or employees.

18 Section 39. Subsection (3) of section 338.165, Florida
19 Statutes, is amended to read:

20 338.165 Continuation of tolls.--

21 (3) Notwithstanding any other law to the contrary,
22 pursuant to s. 11, Art. VII of the State Constitution, and
23 subject to the requirements of subsection (2), the Department
24 of Transportation may request the Division of Bond Finance to
25 issue bonds secured by toll revenues collected on the
26 Alligator Alley, Sunshine Skyway Bridge, Beeline-East
27 Expressway, and Pinellas Bayway to fund transportation
28 projects located within the county or counties in which the
29 facility is located and contained in the 1993-1994 Adopted
30 ~~Work Program or in any subsequent~~ adopted work program of the
31 department.

1 Section 40. Subsection (2) of section 338.235, Florida
2 Statutes, is amended to read:

3 338.235 Contracts with department for provision of
4 services on the turnpike system.--

5 (2) In order to secure high-quality products, business
6 opportunities, and services on the turnpike system, products,
7 business opportunities, and services authorized by s. 338.234
8 may be secured by competitive solicitation for turnpike
9 patrons, products and services authorized by s. 338.234(1) may
10 be secured through the request-for-proposal process. If the
11 department receives an unsolicited proposal for products,
12 business opportunities, or services that it wishes to
13 consider, it shall publish a notice in a newspaper of general
14 circulation at least once a week for 2 weeks, or may broadcast
15 such notice by electronic media for 2 weeks, stating that it
16 has received a proposal and will accept other proposals on the
17 same subject for 30 days after the date of publication.The
18 department may select offers that ~~the proposal and fee which~~
19 best satisfy the conditions of a quality service, business
20 opportunity, or and product operation for the turnpike system.
21 The factors to be used in evaluating proposals include, but
22 are not limited to:

- 23 (a) The financial capacity of the provider;
24 (b) The willingness to contribute toward the cost of
25 facility construction;
26 (c) The type and quality of the service or product
27 offered;
28 (d) The price structure of the service or product
29 offered;
30 (e) Management experience and capabilities;
31 (f) The national brand names offered;

1 (g) The originality of the concept and its
2 relationship to the turnpike system;

3 (h) The lease rate; and

4 (i) Other factors that the department may deem
5 pertinent.

6 Section 41. Section 339.61, Florida Statutes, is
7 created to read:

8 339.61 Florida Strategic Intermodal System;
9 legislative findings, declaration, and intent.--

10 (1) There is created the Florida Strategic Intermodal
11 System.

12 (2) The Legislature finds that increasing demands are
13 continuing to be placed on the state's transportation system
14 by a fast-growing economy, continued population growth, and
15 projected increases in freight movement, international trade,
16 and tourism. The Legislature also finds that the state's
17 growing regional and intercity economic centers will increase
18 the demand for interregional and intercity travel and that the
19 evolving service-based and information-based industries will
20 change the type of transportation system that both business
21 and industry demand, increasing the importance of speed and
22 reliability. The Legislature further finds Florida's
23 transportation system must be designed and operated in such a
24 way that preserves the abundance of natural and manmade
25 amenities that have been so critical to attracting new
26 residents, businesses, and tourists to Florida. Therefore, the
27 Legislature declares the development of a strategic intermodal
28 system, composed of facilities and services of statewide and
29 interregional significance, will efficiently serve the
30 mobility needs of Florida's citizens, businesses, and visitors
31 and will ensure Florida becomes a worldwide economic leader,

1 enhance economic prosperity and competitiveness, enrich
2 quality of life, and reflect responsible environmental
3 stewardship. To that end, it is the intent of the Legislature
4 that the Strategic Intermodal System consist of transportation
5 facilities of compelling state interest and that the limited
6 resources available for the implementation of statewide and
7 interregional transportation priorities be focused on that
8 system.

9 Section 42. Section 339.62, Florida Statutes, is
10 created to read:

11 339.62 System components.--The Strategic Intermodal
12 System shall consist of appropriate components of:

13 (1) The Florida Intrastate Highway System established
14 under to s. 338.001.

15 (2) The National Highway System.

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

17 (4) Rail lines and rail facilities.

18 (5) Selected intermodal facilities; passenger and
19 freight terminals; and appropriate components of the State
20 Highway System, county road system, city street system, and
21 local public transit systems that serve as connections between
22 the components listed in subsections (1)-(4).

23 (6) Existing or planned corridors that serve a
24 statewide or interregional purpose.

25 Section 43. Section 339.63, Florida Statutes, is
26 created to read:

27 339.63 System facilities designated; additions and
28 deletions.--

29 (1) The initial Strategic Intermodal System shall
30 include all facilities that meet the criteria recommended by
31 the Strategic Intermodal Steering Committee in a report titled

1 "Steering Committee Final Report: Recommendation for
2 Designating Florida's Strategic Intermodal System" dated
3 December 2002.

4 (2) Subsequent to the initial designation of the
5 Strategic Intermodal System pursuant to subsection (1), the
6 Strategic Intermodal Advisory Council, as defined in s.
7 339.65, may make recommendations to the Secretary of
8 Transportation to periodically add facilities to or delete
9 facilities from the Strategic Intermodal System based upon
10 adopted criteria.

11 Section 44. Section 339.64, Florida Statutes, is
12 created to read:

13 339.64 Strategic Intermodal System Plan.--

14 (1) The department shall develop, in cooperation with
15 metropolitan planning organizations, regional planning
16 councils, local governments, and other transportation
17 providers, a Strategic Intermodal System Plan. The plan shall
18 be consistent with the Florida Transportation Plan developed
19 pursuant to s. 339.155 and shall be updated at least once
20 every 5 years, subsequent to updates of the Florida
21 Transportation Plan.

22 (2) During the development of the Strategic Intermodal
23 System Plan and the development of all subsequent updates, the
24 department shall provide metropolitan planning organizations,
25 regional planning councils, local governments, transportation
26 providers, affected public agencies, and citizens with an
27 opportunity to participate in and comment on the development
28 of the proposed plan or update.

29 (3) The Strategic Intermodal System Plan shall include
30 the following:

31 (a) A needs assessment.

1 (b) A project prioritization process.

2 (c) A map of facilities designated as Strategic
3 Intermodal System facilities and facilities that are emerging
4 in importance that are likely to be designated as part of the
5 system in the future.

6 (d) A finance plan based on projections of revenues
7 that can reasonably be expected. The finance plan shall
8 include both 10-year and 20-year cost-feasible components.

9 (4) The department shall submit the plan to the
10 Strategic Intermodal Advisory Council for review and to make
11 recommendations to the department.

12 Section 45. Section 339.65, Florida Statutes, is
13 created to read:

14 339.65 Strategic Intermodal Transportation Advisory
15 Council created; membership; responsibilities.--

16 (1) LEGISLATIVE FINDINGS AND PURPOSE.--The Legislature
17 finds that the geographic makeup and economic diversity of the
18 state present unique transportation challenges to citizens and
19 tourists traveling throughout the state; that all modes of
20 transportation play an important role in ensuring the
21 efficient and safe movement of people and goods throughout the
22 state; and that, if Florida is to remain a competitive and
23 safe location for international and domestic trade, the state
24 must ensure the continued viability of efficient and
25 cost-effective modes of transportation. It is the purpose of
26 this section to ensure transportation policy and specific
27 transportation projects are coordinated to stimulate Florida's
28 economy and allow for the safe, secure, and efficient movement
29 of people and goods throughout the state. The Legislature
30 recognizes that in order to accomplish this purpose it is
31 necessary to ensure individuals with expertise and

1 institutional knowledge as regards intermodal transportation
2 are involved in the development of this policy.

3 (2) DEFINITIONS.--As used in this section:

4 (a) "Intermodal modes of transportation" means
5 airports, spaceports, and seaports and rail, trucking, and
6 public transit transportation modes and transportation
7 connections between and among these modes, if applicable.

8 (b) "Intermodal transportation project" means any
9 project relating to an intermodal mode or modes of
10 transportation as defined in this section and as enumerated in
11 s. 341.053(6).

12 (c) "SITAC" means the Strategic Intermodal
13 Transportation Advisory Council.

14 (d) "Department" means the Department of
15 Transportation.

16 (3) STRATEGIC INTERMODAL TRANSPORTATION ADVISORY
17 COUNCIL.--The Strategic Intermodal Transportation Advisory
18 Council is created to advise and make recommendations to the
19 Legislature, the department, and federal transportation
20 agencies on strategic intermodal transportation policies if
21 authorized by the Legislature, and planning of intermodal
22 transportation projects in this state. The council's
23 responsibilities shall include, but are not limited to:

24 (a) Advising the department on the policies, planning
25 and implementation of the Strategic Intermodal System.

26 (b) Providing advice and recommendations to the
27 Legislature;

28 (c) Reviewing and providing recommendations to the
29 department on the Strategic Intermodal System Plan.

30 (d) Making, in consultation with the department,
31 recommendations to the President of the Senate and Speaker of

- 1 the House of Representatives by December 1, 2003, on the
2 following:
- 3 1. The creation, membership, and jurisdiction of
4 Regional Strategic Intermodal Transportation Advisory
5 Councils;
- 6 2. The Strategic Intermodal System project review
7 process, which process shall, at a minimum, be performed by
8 Regional Strategic Intermodal Transportation Advisory
9 Councils;
- 10 3. The Strategic Intermodal System project funding
11 criteria; and
- 12 4. The source of funding for Strategic Intermodal
13 System projects.
- 14 (4) MEMBERSHIP.--
- 15 (a) The members of the Strategic Intermodal
16 Transportation Advisory Council shall consist of the following
17 members:
- 18 1. Four intermodal industry representatives selected
19 by the Governor as follows:
- 20 a. Two representatives from airports involved in the
21 movement of freight and people from their airport facility to
22 another transportation mode. In no event may both of the
23 representatives be employed by the same entity.
- 24 b. One representative from a fixed-route,
25 local-government transit system.
- 26 c. One representative from an intercity bus company
27 providing regularly scheduled bus travel as determined by
28 federal regulations.
- 29 2. Three intermodal industry representatives selected
30 by the President of the Senate as follows:
- 31 a. One representative from short line railroads.

1 b. One representative from seaports listed in s.
2 311.09(1) from the Atlantic Coast.

3 c. One representative from intermodal trucking
4 companies.

5 3. Three intermodal industry representatives selected
6 by the Speaker of the House of Representatives as follows:

7 a. One representative from major line railroads.

8 b. One representative from seaports listed in s.
9 311.09(1) from the Gulf Coast.

10 c. One representative from intermodal trucking
11 companies. In no event may this representative be employed by
12 the same entity that employs the intermodal trucking company
13 representative selected by the President of the Senate.

14 (b)1. Initial appointments to the council must be made
15 no later than 30 days after the effective date of this
16 section.

17 2. The initial appointments made by the President of
18 the Senate and the Speaker of the House of Representatives
19 shall serve terms concurrent with those of the respective
20 appointing officer. Beginning January 15, 2005, and for all
21 subsequent appointments, council members appointed by the
22 President of the Senate and the Speaker of the House of
23 Representatives shall serve 2-year terms, concurrent with the
24 term of the respective appointing officer.

25 3. The initial appointees, and all subsequent
26 appointees, appointed by the Governor shall serve 2-year
27 terms.

28 4. Vacancies on the council shall be filled in the
29 same manner as the initial appointments.

30 (c) Each member of the council shall be allowed one
31 vote. The council shall select a chair from among its

1 membership. Meetings shall be held at the call of the chair,
2 but not less frequently than quarterly. The members of the
3 council are entitled to reimbursement for per diem and travel
4 expenses as provided in s. 112.061.

5 (d) The department shall provide administrative staff
6 support and shall ensure that council meetings are
7 electronically recorded. Such recordings and all documents
8 received, prepared for, or used by the council in conducting
9 its business shall be preserved pursuant to chapters 119 and
10 257.

11 Section 46. Section 95.361, Florida Statutes, is
12 amended to read:

13 95.361 Roads presumed to be dedicated.--

14 (1) When a road, constructed by a county, a
15 municipality, or the Department of Transportation, has been
16 maintained or repaired continuously and uninterruptedly for 4
17 years by the county, municipality, or the Department of
18 Transportation, jointly or severally, the road shall be deemed
19 to be dedicated to the public to the extent in width that has
20 been actually maintained for the prescribed period, whether or
21 not the road has been formally established as a public
22 highway. The dedication shall vest all right, title, easement,
23 and appurtenances in and to the road in:

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

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

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

29

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

1 (2) In those instances where a road has been
2 constructed by a nongovernmental entity, or where the road was
3 not constructed by the entity currently maintaining or
4 repairing it, or where it cannot be determined who constructed
5 the road, and when such road has been regularly maintained or
6 repaired for the immediate past 7 years by a county, a
7 municipality, or the Department of Transportation, whether
8 jointly or severally, such road shall be deemed to be
9 dedicated to the public to the extent of the width that
10 actually has been maintained or repaired for the prescribed
11 period, whether or not the road has been formally established
12 as a public highway. The dedication shall vest all rights,
13 title, easement, and appurtenances in and to the road in:

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

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

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

21 (3) The filing of a map in the office of the clerk of
22 the circuit court of the county where the road is located
23 showing the lands and reciting on it that the road has vested
24 in the state, a county, or a municipality in accordance with
25 subsection (1) or subsection (2) or by any other means of
26 acquisition, duly certified by:

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

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

1 (c) The mayor and clerk of the municipality, if the
2 road is a municipal road or street,
3
4 shall be prima facie evidence of ownership of the land by the
5 state, county, or municipality, as the case may be.

6 (4) Any person, firm, corporation, or entity having or
7 claiming any interest in and to any of the property affected
8 by subsection (2) shall have and is hereby allowed a period of
9 1 year after the effective date of this subsection, or a
10 period of 7 years after the initial date of regular
11 maintenance or repair of the road, whichever period is
12 greater, to file a claim in equity or with a court of law
13 against the particular governing authority assuming
14 jurisdiction over such property to cause a cessation of the
15 maintenance and occupation of the property. Such timely filed
16 and adjudicated claim shall prevent the dedication of the road
17 to the public pursuant to subsection (2).

18 Section 47. Section 83 of chapter 2002-20, Laws of
19 Florida, as amended by section 58 of chapter 2002-402, Laws of
20 Florida, is repealed.

21 Section 48. The Florida Air Museum, housed at Sun n'
22 Fun in Lakeland, is designated as the official state aviation
23 museum and education center.

24 Section 49. Except as otherwise expressly provided in
25 this act, this act shall take effect upon becoming a law.
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
CS for SB 2658

The CS for CS/SB 2658 changes the name of the Florida Commercial Space Financing Corporation to the Florida Aerospace Financing Corporation; augments the powers, duties, and appointee terms of the Florida Space Research Institute; provides for the presumptive dedication of any road maintained by a unit of government after seven years of maintenance unless a claim is filed by an affected property owner; and designates the Florida Air Museum in Lakeland as the official state aviation museum and education center.