

Bill No. CS for SB 676

Amendment No. ____ Barcode 323906

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senators Sebesta and Webster moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	On page 4, lines 14 and 15, delete those lines		
15			
16	insert:		
17	Section 5. Section 20.23, Florida Statutes, is amended		
18	to read:		
19	20.23 Department of Transportation.--There is created		
20	a Department of Transportation which shall be a decentralized		
21	agency.		
22	(1)(a) 1 . The head of the Department of Transportation		
23	is the Secretary of Transportation. The secretary shall be		
24	appointed by the Governor from among three persons nominated		
25	by the Florida Transportation Commission and shall be subject		
26	to confirmation by the Senate. The secretary shall serve at		
27	the pleasure of the Governor.		
28	(b)2 . The secretary shall be a proven, effective		
29	administrator who by a combination of education and experience		
30	shall clearly possess a broad knowledge of the administrative,		
31	financial, and technical aspects of the development,		

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1 operation, and regulation of transportation systems and
2 facilities or comparable systems and facilities.

3 ~~(b)1. The secretary shall employ all personnel of the~~
4 ~~department. He or she shall implement all laws, rules,~~
5 ~~policies, and procedures applicable to the operation of the~~
6 ~~department and may not by his or her actions disregard or act~~
7 ~~in a manner contrary to any such policy. The secretary shall~~
8 ~~represent the department in its dealings with other state~~
9 ~~agencies, local governments, special districts, and the~~
10 ~~Federal Government. He or she shall have authority to sign~~
11 ~~and execute all documents and papers necessary to carry out~~
12 ~~his or her duties and the operations of the department. At~~
13 ~~each meeting of the Florida Transportation Commission, the~~
14 ~~secretary shall submit a report of major actions taken by him~~
15 ~~or her as official representative of the department.~~

16 ~~2. The secretary shall cause the annual department~~
17 ~~budget request, the Florida Transportation Plan, and the~~
18 ~~tentative work program to be prepared in accordance with all~~
19 ~~applicable laws and departmental policies and shall submit the~~
20 ~~budget, plan, and program to the Florida Transportation~~
21 ~~Commission. The commission shall perform an in-depth~~
22 ~~evaluation of the budget, plan, and program for compliance~~
23 ~~with all applicable laws and departmental policies. If the~~
24 ~~commission determines that the budget, plan, or program is not~~
25 ~~in compliance with all applicable laws and departmental~~
26 ~~policies, it shall report its findings and recommendations~~
27 ~~regarding such noncompliance to the Legislature and the~~
28 ~~Governor.~~

29 ~~(c)3. The secretary shall provide to the Florida~~
30 ~~Transportation Commission or its staff, such assistance,~~
31 ~~information, and documents as are requested by the commission~~

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1 or its staff to enable the commission to fulfill its duties
2 and responsibilities.

3 ~~(d)(c)~~ The secretary shall appoint two ~~three~~ assistant
4 secretaries who shall be directly responsible to the secretary
5 and who shall perform such duties ~~as are specified in this~~
6 ~~section and such other duties~~ as are assigned by the
7 secretary. The secretary may delegate to any assistant
8 secretary the authority to act in the absence of the
9 secretary. ~~The department has the authority to adopt rules~~
10 ~~necessary for the delegation of authority beyond the assistant~~
11 ~~secretaries. The assistant secretaries shall serve at the~~
12 ~~pleasure of the secretary.~~

13 ~~(e)(d)~~ Any secretary appointed after July 5, 1989, and
14 the assistant secretaries shall be exempt from the provisions
15 of part III of chapter 110 and shall receive compensation
16 commensurate with their qualifications and competitive with
17 compensation for comparable responsibility in the private
18 sector. ~~When the salary of any assistant secretary exceeds~~
19 ~~the limits established in part III of chapter 110, the~~
20 ~~Governor shall approve said salary.~~

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

25 2. Members shall be appointed in such a manner as to
26 equitably represent all geographic areas of the state. Each
27 member must be a registered voter and a citizen of the state.
28 Each member of the commission must also possess business
29 managerial experience in the private sector.

30 3. A member of the commission shall represent the
31 transportation needs of the state as a whole and may not

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1 subordinate the needs of the state to those of any particular
2 area of the state.

3 4. The commission is assigned to the Office of the
4 Secretary of the Department of Transportation for
5 administrative and fiscal accountability purposes, but it
6 shall otherwise function independently of the control and
7 direction of the department.

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

10 1. Recommend major transportation policies for the
11 Governor's approval, and assure that approved policies and any
12 revisions thereto are properly executed.

13 2. Periodically review the status of the state
14 transportation system including highway, transit, rail,
15 seaport, intermodal development, and aviation components of
16 the system and recommend improvements therein to the Governor
17 and the Legislature.

18 3. Perform an in-depth evaluation of the annual
19 department budget request, the Florida Transportation Plan,
20 and the tentative work program for compliance with all
21 applicable laws and established departmental policies. Except
22 as specifically provided in s. 339.135(4)(c)2., (d), and (f),
23 the commission may not consider individual construction
24 projects, but shall consider methods of accomplishing the
25 goals of the department in the most effective, efficient, and
26 businesslike manner.

27 4. Monitor the financial status of the department on a
28 regular basis to assure that the department is managing
29 revenue and bond proceeds responsibly and in accordance with
30 law and established policy.

31 5. Monitor on at least a quarterly basis, the

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1 efficiency, productivity, and management of the department,
2 using performance and production standards developed by the
3 commission pursuant to s. 334.045.

4 6. Perform an in-depth evaluation of the factors
5 causing disruption of project schedules in the adopted work
6 program and recommend to the Legislature and the Governor
7 methods to eliminate or reduce the disruptive effects of these
8 factors.

9 7. Recommend to the Governor and the Legislature
10 improvements to the department's organization in order to
11 streamline and optimize the efficiency of the department. In
12 reviewing the department's organization, the commission shall
13 determine if the current district organizational structure is
14 responsive to Florida's changing economic and demographic
15 development patterns. The initial report by the commission
16 must be delivered to the Governor and Legislature by December
17 15, 2000, and each year thereafter, as appropriate. The
18 commission may retain such experts as are reasonably necessary
19 to effectuate this subparagraph, and the department shall pay
20 the expenses of such experts.

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

24 1. The awarding of contracts.

25 2. The selection of a consultant or contractor or the
26 prequalification of any individual consultant or contractor.

27 However, the commission may recommend to the secretary
28 standards and policies governing the procedure for selection
29 and prequalification of consultants and contractors.

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

31 4. The specific location of a transportation facility.

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

2 6. The employment, promotion, demotion, suspension,
3 transfer, or discharge of any department personnel.

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

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

8 2. The commission shall hold a minimum of 4 regular
9 meetings annually, and other meetings may be called by the
10 chair upon giving at least 1 week's notice to all members and
11 the public pursuant to chapter 120. Other meetings may also be
12 held upon the written request of at least four other members
13 of the commission, with at least 1 week's notice of such
14 meeting being given to all members and the public by the chair
15 pursuant to chapter 120. Emergency meetings may be held
16 without notice upon the request of all members of the
17 commission. At each meeting of the commission, the secretary
18 or his or her designee shall submit a report of major actions
19 taken by him or her as the official representative of the
20 department.

21 3. A majority of the membership of the commission
22 constitutes a quorum at any meeting of the commission. An
23 action of the commission is not binding unless the action is
24 taken pursuant to an affirmative vote of a majority of the
25 members present, but not fewer than four members of the
26 commission at a meeting held pursuant to subparagraph 2., and
27 the vote is recorded in the minutes of that meeting.

28 4. The chair shall cause to be made a complete record
29 of the proceedings of the commission, which record shall be
30 open for public inspection.

31 (e) The meetings of the commission shall be held in

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1 the central office of the department in Tallahassee unless the
2 chair determines that special circumstances warrant meeting at
3 another location.

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

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

11 (h) The commission shall appoint an executive director
12 and assistant executive director, who shall serve under the
13 direction, supervision, and control of the commission. The
14 executive director, with the consent of the commission, shall
15 employ such staff as are necessary to perform adequately the
16 functions of the commission, within budgetary limitations.
17 All employees of the commission are exempt from part II of
18 chapter 110 and shall serve at the pleasure of the commission.
19 The salaries and benefits of all employees of the commission
20 shall be set in accordance with the Selected Exempt Service;
21 provided, however, that the commission shall have complete
22 authority for fixing the salary of the executive director and
23 assistant executive director.

24 (i) The commission shall develop a budget pursuant to
25 chapter 216. The budget is not subject to change by the
26 department, but such budget shall be submitted to the Governor
27 along with the budget of the department.

28 (3)(a) The central office shall establish departmental
29 policies, rules, procedures, and standards and shall monitor
30 the implementation of such policies, rules, procedures, and
31 standards in order to ensure uniform compliance and quality

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1 performance by the districts and central office units that
 2 implement transportation programs. Major transportation
 3 policy initiatives or revisions shall be submitted to the
 4 commission for review. ~~The central office monitoring function~~
 5 ~~shall be based on a plan that clearly specifies what areas~~
 6 ~~will be monitored, activities and criteria used to measure~~
 7 ~~compliance, and a feedback process that assures monitoring~~
 8 ~~findings are reported and deficiencies corrected. The~~
 9 ~~secretary is responsible for ensuring that a central office~~
 10 ~~monitoring function is implemented, and that it functions~~
 11 ~~properly. In conjunction with its monitoring function, the~~
 12 ~~central office shall provide such training and administrative~~
 13 ~~support to the districts as the department determines to be~~
 14 ~~necessary to ensure that the department's programs are carried~~
 15 ~~out in the most efficient and effective manner.~~

16 ~~(b) The resources necessary to ensure the efficiency,~~
 17 ~~effectiveness, and quality of performance by the department of~~
 18 ~~its statutory responsibilities shall be allocated to the~~
 19 ~~central office.~~

20 ~~(b)(c) The secretary shall appoint an Assistant~~
 21 ~~Secretary for Transportation Development and Operations and~~
 22 ~~Policy, an Assistant Secretary for Transportation Support.~~
 23 ~~Finance and Administration, and an Assistant Secretary for~~
 24 ~~District Operations, each of whom shall serve at the pleasure~~
 25 ~~of the secretary. The positions are responsible for~~
 26 ~~developing, monitoring, and enforcing policy and managing~~
 27 ~~major technical programs. The responsibilities and duties of~~
 28 ~~these positions include, but are not limited to, the following~~
 29 ~~functional areas:~~

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

31 ~~a. Development of the Florida Transportation Plan and~~

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- 1 ~~other policy planning;~~
- 2 ~~b. Development of statewide modal systems plans,~~
- 3 ~~including public transportation systems;~~
- 4 ~~c. Design of transportation facilities;~~
- 5 ~~d. Construction of transportation facilities;~~
- 6 ~~e. Acquisition and management of transportation~~
- 7 ~~rights-of-way; and~~
- 8 ~~f. Administration of motor carrier compliance and~~
- 9 ~~safety.~~
- 10 ~~2. Assistant Secretary for District Operations.--~~
- 11 ~~a. Administration of the eight districts; and~~
- 12 ~~b. Implementation of the decentralization of the~~
- 13 ~~department.~~
- 14 ~~3. Assistant Secretary for Finance and~~
- 15 ~~Administration.--~~
- 16 ~~a. Financial planning and management;~~
- 17 ~~b. Information systems;~~
- 18 ~~c. Accounting systems;~~
- 19 ~~d. Administrative functions; and~~
- 20 ~~e. Administration of toll operations.~~
- 21 ~~(d)1. Policy, program, or operations offices shall be~~
- 22 ~~established within the central office for the purposes of:~~
- 23 ~~a. Developing policy and procedures and monitoring~~
- 24 ~~performance to ensure compliance with these policies and~~
- 25 ~~procedures;~~
- 26 ~~b. Performing statewide activities which it is more~~
- 27 ~~cost-effective to perform in a central location;~~
- 28 ~~c. Assessing and ensuring the accuracy of information~~
- 29 ~~within the department's financial management information~~
- 30 ~~systems; and~~
- 31 ~~d. Performing other activities of a statewide nature.~~

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

5 ~~1.a.~~ The Office of Administration;

6 ~~2.b.~~ The Office of ~~Policy Planning and Environmental~~
7 Management;

8 ~~3.c.~~ The Office of Design;

9 ~~4.d.~~ The Office of Highway Operations;

10 ~~5.e.~~ The Office of Right-of-Way;

11 ~~6.f.~~ The Office of Toll Operations;

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

13 ~~8.h.~~ The Office of Motor Carrier Compliance;~~i-~~

14 ~~9.~~ The Office of Management and Budget;

15 ~~10.~~ The Office of Comptroller;

16 ~~11.~~ The Office of Construction;

17 ~~12.~~ The Office of Maintenance; ~~and~~

18 ~~13.~~ The Office of Materials.

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

24 ~~4.~~ ~~During the construction of a major transportation~~
25 ~~improvement project or as determined by the district~~
26 ~~secretary, the department may provide assistance to a business~~
27 ~~entity significantly impacted by the project if the entity is~~
28 ~~a for-profit entity that has been in business for 3 years~~
29 ~~prior to the beginning of construction and has direct or~~
30 ~~shared access to the transportation project being constructed.~~
31 ~~The assistance program shall be in the form of additional~~

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1 ~~guarantees to assist the impacted business entity in receiving~~
 2 ~~loans pursuant to Title 13 C.F.R. part 120. However, in no~~
 3 ~~instance shall the combined guarantees be greater than 90~~
 4 ~~percent of the loan. The department shall adopt rules to~~
 5 ~~implement this subparagraph.~~

6 ~~(e) The Assistant Secretary for Finance and~~
 7 ~~Administration must possess a broad knowledge of the~~
 8 ~~administrative, financial, and technical aspects of a complete~~
 9 ~~cost-accounting system, budget preparation and management, and~~
 10 ~~management information systems. The Assistant Secretary for~~
 11 ~~Finance and Administration must be a proven, effective manager~~
 12 ~~with specialized skills in financial planning and management.~~
 13 ~~The Assistant Secretary for Finance and Administration shall~~
 14 ~~ensure that financial information is processed in a timely,~~
 15 ~~accurate, and complete manner.~~

16 ~~(f)1. Within the central office there is created an~~
 17 ~~Office of Management and Budget. The head of the Office of~~
 18 ~~Management and Budget is responsible to the Assistant~~
 19 ~~Secretary for Finance and Administration and is exempt from~~
 20 ~~part II of chapter 110.~~

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

- 23 ~~a. Preparation of the work program;~~
- 24 ~~b. Preparation of the departmental budget; and~~
- 25 ~~c. Coordination of related policies and procedures.~~

26 ~~3. The Office of Management and Budget shall also be~~
 27 ~~responsible for developing uniform implementation and~~
 28 ~~monitoring procedures for all activities performed at the~~
 29 ~~district level involving the budget and the work program.~~

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

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1 responsible to the secretary and shall serve at the pleasure
2 of the secretary.

3 ~~(h)1. The secretary shall appoint an inspector general~~
4 ~~pursuant to s. 20.055. The inspector general may be~~
5 ~~organizationally located within another unit of the department~~
6 ~~for administrative purposes, but shall function independently~~
7 ~~and be directly responsible to the secretary pursuant to s.~~
8 ~~20.055. The duties of the inspector general shall include, but~~
9 ~~are not restricted to, reviewing, evaluating, and reporting on~~
10 ~~the policies, plans, procedures, and accounting, financial,~~
11 ~~and other operations of the department and recommending~~
12 ~~changes for the improvement thereof, as well as performing~~
13 ~~audits of contracts and agreements between the department and~~
14 ~~private entities or other governmental entities. The inspector~~
15 ~~general shall give priority to reviewing major parts of the~~
16 ~~department's accounting system and central office monitoring~~
17 ~~function to determine whether such systems effectively ensure~~
18 ~~accountability and compliance with all laws, rules, policies,~~
19 ~~and procedures applicable to the operation of the department.~~
20 ~~The inspector general shall also give priority to assessing~~
21 ~~the department's management information systems as required by~~
22 ~~s. 282.318. The internal audit function shall use the~~
23 ~~necessary expertise, in particular, engineering, financial,~~
24 ~~and property appraising expertise, to independently evaluate~~
25 ~~the technical aspects of the department's operations. The~~
26 ~~inspector general shall have access at all times to any~~
27 ~~personnel, records, data, or other information of the~~
28 ~~department and shall determine the methods and procedures~~
29 ~~necessary to carry out his or her duties. The inspector~~
30 ~~general is responsible for audits of departmental operations~~
31 ~~and for audits of consultant contracts and agreements, and~~

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1 ~~such audits shall be conducted in accordance with generally~~
2 ~~accepted governmental auditing standards. The inspector~~
3 ~~general shall annually perform a sufficient number of audits~~
4 ~~to determine the efficiency and effectiveness, as well as~~
5 ~~verify the accuracy of estimates and charges, of contracts~~
6 ~~executed by the department with private entities and other~~
7 ~~governmental entities. The inspector general has the sole~~
8 ~~responsibility for the contents of his or her reports, and a~~
9 ~~copy of each report containing his or her findings and~~
10 ~~recommendations shall be furnished directly to the secretary~~
11 ~~and the commission.~~

12 ~~2. In addition to the authority and responsibilities~~
13 ~~herein provided, the inspector general is required to report~~
14 ~~to the:~~

15 ~~a. Secretary whenever the inspector general makes a~~
16 ~~preliminary determination that particularly serious or~~
17 ~~flagrant problems, abuses, or deficiencies relating to the~~
18 ~~administration of programs and operations of the department~~
19 ~~have occurred. The secretary shall review and assess the~~
20 ~~correctness of the preliminary determination by the inspector~~
21 ~~general. If the preliminary determination is substantiated,~~
22 ~~the secretary shall submit such report to the appropriate~~
23 ~~committees of the Legislature within 7 calendar days, together~~
24 ~~with a report by the secretary containing any comments deemed~~
25 ~~appropriate. Nothing in this section shall be construed to~~
26 ~~authorize the public disclosure of information which is~~
27 ~~specifically prohibited from disclosure by any other provision~~
28 ~~of law.~~

29 ~~b. Transportation Commission and the Legislature any~~
30 ~~actions by the secretary that prohibit the inspector general~~
31 ~~from initiating, carrying out, or completing any audit after~~

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1 ~~the inspector general has decided to initiate, carry out, or~~
2 ~~complete such audit. The secretary shall, within 30 days~~
3 ~~after transmission of the report, set forth in a statement to~~
4 ~~the Transportation Commission and the Legislature the reasons~~
5 ~~for his or her actions.~~

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

10 2. ~~The comptroller is the chief financial officer of~~
11 ~~the department and must be a proven, effective administrator~~
12 ~~who by a combination of education and experience clearly~~
13 ~~possesses a broad knowledge of the administrative, financial,~~
14 ~~and technical aspects of a complex cost-accounting system.~~
15 ~~The comptroller must also have a working knowledge of~~
16 ~~generally accepted accounting principles. At a minimum, the~~
17 ~~comptroller must hold an active license to practice public~~
18 ~~accounting in Florida pursuant to chapter 473 or an active~~
19 ~~license to practice public accounting in any other state. In~~
20 ~~addition to the requirements of the Florida Fiscal Accounting~~
21 ~~Management Information System Act, the comptroller is~~
22 ~~responsible for the development, maintenance, and modification~~
23 ~~of an accounting system that will in a timely manner~~
24 ~~accurately reflect the revenues and expenditures of the~~
25 ~~department and that includes a cost-accounting system to~~
26 ~~properly identify, segregate, allocate, and report department~~
27 ~~costs. The comptroller shall supervise and direct preparation~~
28 ~~of a detailed 36-month forecast of cash and expenditures and~~
29 ~~is responsible for managing cash and determining cash~~
30 ~~requirements. The comptroller shall review all comparative~~
31 ~~cost studies that examine the cost-effectiveness and~~

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1 ~~feasibility of contracting for services and operations~~
 2 ~~performed by the department. The review must state that the~~
 3 ~~study was prepared in accordance with generally accepted~~
 4 ~~cost-accounting standards applied in a consistent manner using~~
 5 ~~valid and accurate cost data.~~

6 ~~3. The department shall by rule or internal management~~
 7 ~~memoranda as required by chapter 120 provide for the~~
 8 ~~maintenance by the comptroller of financial records and~~
 9 ~~accounts of the department as will afford a full and complete~~
 10 ~~check against the improper payment of bills and provide a~~
 11 ~~system for the prompt payment of the just obligations of the~~
 12 ~~department, which records must at all times disclose:~~

13 ~~a. The several appropriations available for the use of~~
 14 ~~the department;~~

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

17 ~~c. The apportionment or division of all such~~
 18 ~~appropriations among the several counties and districts, when~~
 19 ~~such apportionment or division is made;~~

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

23 ~~e. The amount expended and still to be expended in~~
 24 ~~connection with each contractual and other obligation of the~~
 25 ~~department;~~

26 ~~f. The expense and operating costs of the various~~
 27 ~~activities of the department;~~

28 ~~g. The receipts accruing to the department and the~~
 29 ~~distribution thereof;~~

30 ~~h. The assets, investments, and liabilities of the~~
 31 ~~department; and~~

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1 ~~i. The cash requirements of the department for a~~
2 ~~36-month period.~~

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

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

7 ~~(f)(j)~~ The secretary shall appoint a general counsel
8 who shall be ~~employed full time and shall be~~ directly
9 responsible to the secretary. The general counsel is
10 responsible for all legal matters of the department. The
11 department may employ as many attorneys as it deems necessary
12 to advise and represent the department in all transportation
13 matters.

14 ~~(g)(k)~~ The secretary shall appoint a state
15 transportation development administrator ~~planner who shall~~
16 ~~report to the Assistant Secretary for Transportation Policy.~~
17 ~~The state transportation planner's responsibilities shall~~
18 ~~include, but are not limited to, policy planning, systems~~
19 ~~planning, and transportation statistics.~~ This position shall
20 be classified at a level equal to a deputy assistant
21 secretary.

22 ~~(h)(l)~~ The secretary shall appoint a state
23 transportation operations administrator ~~highway engineer who~~
24 ~~shall report to the Assistant Secretary for Transportation~~
25 ~~Policy. The state highway engineer's responsibilities shall~~
26 ~~include, but are not limited to, design, construction, and~~
27 ~~maintenance of highway facilities; acquisition and management~~
28 ~~of transportation rights-of-way; traffic engineering; and~~
29 ~~materials testing.~~ This position shall be classified at a
30 level equal to a deputy assistant secretary.

31 ~~(i)(m)~~ The secretary shall appoint a state public

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1 ~~transportation and modal administrator who shall report to the~~
2 ~~Assistant Secretary for Transportation Policy. The state~~
3 ~~public transportation administrator's responsibilities shall~~
4 ~~include, but are not limited to, the administration of~~
5 ~~statewide transit, rail, intermodal development, and aviation~~
6 ~~programs. This position shall be classified at a level equal~~
7 ~~to a deputy assistant secretary. The department shall also~~
8 ~~assign to the public transportation administrator an~~
9 ~~organizational unit the primary function of which is to~~
10 ~~administer the high-speed rail program.~~

11 (4)(a) The operations of the department shall be
12 organized into seven districts, each headed by a district
13 secretary and a turnpike enterprise, headed by an executive
14 director. The district secretaries and the turnpike executive
15 director shall be registered professional engineers in
16 accordance with the provisions of chapter 471 or, in lieu of
17 professional engineer registration, a district secretary or
18 turnpike executive director may hold an advanced degree in an
19 appropriate related discipline, such as a Master of Business
20 Administration. The district secretaries shall report to the
21 ~~Assistant Secretary for District Operations. The headquarters~~
22 ~~of the districts shall be located in Polk, Columbia,~~
23 ~~Washington, Broward, Volusia, Dade, and Hillsborough Counties.~~
24 ~~The headquarters of the turnpike enterprise shall be located~~
25 ~~in Orange County. In order to provide for efficient operations~~
26 ~~and to expedite the decisionmaking process, the department~~
27 ~~shall provide for maximum decentralization to the districts.~~
28 ~~However, before making a decision to centralize or~~
29 ~~decentralize department operations, the department must first~~
30 ~~determine if the decision would be cost-effective and in the~~
31 ~~public's best interest. The department shall periodically~~

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1 ~~evaluate such decisions to ensure that they are appropriate.~~

2 ~~(b) The primary responsibility for the implementation~~
3 ~~of the department's transportation programs shall be delegated~~
4 ~~by the secretary to the district secretaries, and sufficient~~
5 ~~authority shall be vested in each district to ensure adequate~~
6 ~~control of the resources commensurate with the delegated~~
7 ~~responsibility. Each district secretary shall also be~~
8 ~~accountable for ensuring their district's quality of~~
9 ~~performance and compliance with all laws, rules, policies, and~~
10 ~~procedures related to the operation of the department.~~

11 ~~(b)(c)~~ Each district secretary may appoint a district
12 director for transportation development, a district director
13 for transportation operations, and a district director for
14 transportation support or, until July 1, 2005, each district
15 secretary may appoint a district director for planning and
16 programming, a district director for production, and a
17 district director for operations, and a district director for
18 administration. These positions are exempt from part II of
19 chapter 110.

20 ~~(c)(d)~~ Within each district, offices shall be
21 established for managing major functional responsibilities of
22 the department. ~~The offices may include planning, design,~~
23 ~~construction, right-of-way, maintenance, and public~~
24 ~~transportation~~. The heads of these offices shall be exempt
25 from part II of chapter 110.

26 ~~(d)(e)~~ The district director for the Fort Myers Urban
27 Office of the Department of Transportation is responsible for
28 developing the 5-year Transportation Plan for Charlotte,
29 Collier, DeSoto, Glades, Hendry, and Lee Counties. The Fort
30 Myers Urban Office also is responsible for providing policy,
31 direction, local government coordination, and planning for

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1 those counties.

2 ~~(e)(f)~~1. The responsibility for the turnpike system
 3 shall be delegated by the secretary to the executive director
 4 of the turnpike enterprise, who shall serve at the pleasure of
 5 the secretary. The executive director shall report directly to
 6 the secretary, and the turnpike enterprise shall operate
 7 pursuant to ss. 338.22-338.241.

8 2. To facilitate the most efficient and effective
 9 management of the turnpike enterprise, including the use of
 10 best business practices employed by the private sector, the
 11 turnpike enterprise, except as provided in s. 287.055, shall
 12 be exempt from departmental policies, procedures, and
 13 standards, subject to the secretary having the authority to
 14 apply any such policies, procedures, and standards to the
 15 turnpike enterprise from time to time as deemed appropriate.

16 (5) Notwithstanding the provisions of s. 110.205, the
 17 Department of Management Services is authorized to exempt
 18 positions within the Department of Transportation which are
 19 comparable to positions within the Senior Management Service
 20 pursuant to s. 110.205(2)(j) or positions which are comparable
 21 to positions in the Selected Exempt Service under s.
 22 110.205(2)(m).

23 ~~(6) To facilitate the efficient and effective~~
 24 ~~management of the department in a businesslike manner, the~~
 25 ~~department shall develop a system for the submission of~~
 26 ~~monthly management reports to the Florida Transportation~~
 27 ~~Commission and secretary from the district secretaries. The~~
 28 ~~commission and the secretary shall determine which reports are~~
 29 ~~required to fulfill their respective responsibilities under~~
 30 ~~this section. A copy of each such report shall be submitted~~
 31 ~~monthly to the appropriations and transportation committees of~~

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1 ~~the Senate and the House of Representatives. Recommendations~~
 2 ~~made by the Auditor General in his or her audits of the~~
 3 ~~department that relate to management practices, systems, or~~
 4 ~~reports shall be implemented in a timely manner. However, if~~
 5 ~~the department determines that one or more of the~~
 6 ~~recommendations should be altered or should not be~~
 7 ~~implemented, it shall provide a written explanation of such~~
 8 ~~determination to the Legislative Auditing Committee within 6~~
 9 ~~months after the date the recommendations were published.~~

10 (6)(7) The department is authorized to contract with
 11 local governmental entities and with the private sector if the
 12 department first determines that:

13 (a) Consultants can do the work at less cost than
 14 state employees;

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

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

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

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

27
 28 Such contracts shall require compliance with applicable
 29 federal and state laws, and clearly specify the product or
 30 service to be provided.

31 Section 6. Paragraphs (j) and (m) of subsection (2) of

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1 section 110.205, Florida Statutes, are amended to read:

2 110.205 Career service; exemptions.--

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

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

28 (m) All assistant division director, deputy division
29 director, and bureau chief positions in any department, and
30 those positions determined by the department to have
31 managerial responsibilities comparable to such positions,

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1 | which positions include, but are not limited to, positions in
 2 | the Department of Health, the Department of Children and
 3 | Family Services, and the Department of Corrections that are
 4 | assigned primary duties of serving as the superintendent or
 5 | assistant superintendent, or warden or assistant warden, of an
 6 | institution; positions in the Department of Corrections that
 7 | are assigned primary duties of serving as the circuit
 8 | administrator or deputy circuit administrator; positions in
 9 | the Department of Transportation that are assigned primary
 10 | duties of serving as regional toll managers and managers of
 11 | offices as defined in s. 20.23(3)(c)~~(d)3~~ and (4)(d), and
 12 | captains and majors of the Office of Motor Carrier Compliance;
 13 | positions in the Department of Environmental Protection that
 14 | are assigned the duty of an Environmental Administrator or
 15 | program administrator; and positions in the Department of
 16 | Health that are assigned the duties of Environmental
 17 | Administrator, Assistant County Health Department Director,
 18 | and County Health Department Financial Administrator. Unless
 19 | otherwise fixed by law, the department shall set the salary
 20 | and benefits of these positions in accordance with the rules
 21 | established for the Selected Exempt Service.

22 | Section 7. Subsection (1) of section 120.52, Florida
 23 | Statutes, is amended to read:

24 | 120.52 Definitions.--As used in this act:

25 | (1) "Agency" means:

26 | (a) The Governor in the exercise of all executive
 27 | powers other than those derived from the constitution.

28 | (b) Each:

29 | 1. State officer and state department, and each
 30 | departmental unit described in s. 20.04.

31 | 2. Authority, including a regional water supply

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1 authority.

2 3. Board.

3 4. Commission, including the Commission on Ethics and
4 the Fish and Wildlife Conservation Commission when acting
5 pursuant to statutory authority derived from the Legislature.

6 5. Regional planning agency.

7 6. Multicounty special district with a majority of its
8 governing board comprised of nonelected persons.

9 7. Educational units.

10 8. Entity described in chapters 163, 373, 380, and 582
11 and s. 186.504.

12 (c) Each other unit of government in the state,
13 including counties and municipalities, to the extent they are
14 expressly made subject to this act by general or special law
15 or existing judicial decisions.

16

17 This definition does not include any legal entity or agency
18 created in whole or in part pursuant to chapter 361, part II,
19 any metropolitan planning organization created pursuant to s.
20 339.175, any separate legal or administrative entity created
21 pursuant to s. 339.175 of which a metropolitan planning
22 organization is a member, an expressway authority pursuant to
23 chapter 348, any legal or administrative entity created by an
24 interlocal agreement pursuant to s. 163.01(7), unless any
25 party to such agreement is otherwise an agency as defined in
26 this subsection, or any multicounty special district with a
27 majority of its governing board comprised of elected persons;
28 however, this definition shall include a regional water supply
29 authority.

30 Section 8. Paragraph (a) of subsection (1), paragraph
31 (b) of subsection (2), and paragraph (h) of subsection (5) of

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1 section 339.175, Florida Statutes, are amended, and paragraph
2 (i) is added to subsection (5) of that section to read:
3 339.175 Metropolitan planning organization.--It is the
4 intent of the Legislature to encourage and promote the safe
5 and efficient management, operation, and development of
6 surface transportation systems that will serve the mobility
7 needs of people and freight within and through urbanized areas
8 of this state while minimizing transportation-related fuel
9 consumption and air pollution. To accomplish these objectives,
10 metropolitan planning organizations, referred to in this
11 section as M.P.O.'s, shall develop, in cooperation with the
12 state and public transit operators, transportation plans and
13 programs for metropolitan areas. The plans and programs for
14 each metropolitan area must provide for the development and
15 integrated management and operation of transportation systems
16 and facilities, including pedestrian walkways and bicycle
17 transportation facilities that will function as an intermodal
18 transportation system for the metropolitan area, based upon
19 the prevailing principles provided in s. 334.046(1). The
20 process for developing such plans and programs shall provide
21 for consideration of all modes of transportation and shall be
22 continuing, cooperative, and comprehensive, to the degree
23 appropriate, based on the complexity of the transportation
24 problems to be addressed.

25 (1) DESIGNATION.--

26 (a)1. An M.P.O. shall be designated for each urbanized
27 area of the state; however, this does not require that an
28 individual M.P.O. be designated for each such area. Such
29 designation shall be accomplished by agreement between the
30 Governor and units of general-purpose local government
31 representing at least 75 percent of the population of the

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1 urbanized area; however, the unit of general-purpose local
2 government that represents the central city or cities within
3 the M.P.O. jurisdiction, as defined by the United States
4 Bureau of the Census, must be a party to such agreement.

5 2. More than one M.P.O. may be designated within an
6 existing metropolitan planning area only if the Governor and
7 the existing M.P.O. determine that the size and complexity of
8 the existing metropolitan planning area makes the designation
9 of more than one M.P.O. for the area appropriate.

10 (2) VOTING MEMBERSHIP.--

11 (b) In metropolitan areas in which authorities or
12 other agencies have been or may be created by law to perform
13 transportation functions and are performing transportation
14 functions that are not under the jurisdiction of a general
15 purpose local government represented on the M.P.O., they shall
16 be provided voting membership on the M.P.O. In all other
17 M.P.O.'s where transportation authorities or agencies are to
18 be represented by elected officials from general purpose local
19 governments, the M.P.O. shall establish a process by which the
20 collective interests of such authorities or other agencies are
21 expressed and conveyed.

22 (5) POWERS, DUTIES, AND RESPONSIBILITIES.--The powers,
23 privileges, and authority of an M.P.O. are those specified in
24 this section or incorporated in an interlocal agreement
25 authorized under s. 163.01. Each M.P.O. shall perform all
26 acts required by federal or state laws or rules, now and
27 subsequently applicable, which are necessary to qualify for
28 federal aid. It is the intent of this section that each M.P.O.
29 shall be involved in the planning and programming of
30 transportation facilities, including, but not limited to,
31 airports, intercity and high-speed rail lines, seaports, and

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1 intermodal facilities, to the extent permitted by state or
2 federal law.

3 (h) A chair's coordinating committee is created,
4 composed of the M.P.O's serving Hernando, Hillsborough,
5 Manatee, Pasco, Pinellas, Polk, and Sarasota Counties. Any
6 group of M.P.O.'s which has created a chair's coordinating
7 committee as of the effective date of this act and is located
8 within the same Department of Transportation District which is
9 comprised of four adjacent M.P.O.'s must continue such
10 committee as provided for in this section. Such committee must
11 also include one representative from each M.P.O. contiguous to
12 the geographic boundaries of the original committee. The
13 committee must, at a minimum:

14 1. Coordinate transportation projects deemed to be
15 regionally significant by the committee.

16 2. Review the impact of regionally significant land
17 use decisions on the region.

18 3. Review all proposed regionally significant
19 transportation projects in the respective transportation
20 improvement programs which affect more than one of the
21 M.P.O.'s represented on the committee.

22 4. Institute a conflict resolution process to address
23 any conflict that may arise in the planning and programming of
24 such regionally significant projects.

25 (i)1. The Legislature finds that the state's rapid
26 growth in recent decades has caused many urbanized areas
27 subject to M.P.O. jurisdiction to become contiguous to each
28 other. As a result, various transportation projects may cross
29 from the jurisdiction of one M.P.O. into the jurisdiction of
30 another M.P.O. To more fully accomplish the purposes for which
31 M.P.O.'s have been mandated, M.P.O.'s shall develop

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1 coordination mechanisms with one another to expand and improve
2 transportation within the state. The appropriate method of
3 coordination between M.P.O.'s shall vary depending upon the
4 project involved and given local and regional needs.
5 Consequently, it is appropriate to set forth a flexible
6 methodology that can be used by M.P.O.'s to coordinate with
7 other M.P.O.'s and appropriate political subdivisions as
8 circumstances demand.

9 2. Any M.P.O. may join with any other M.P.O. or any
10 individual political subdivision to coordinate activities or
11 to achieve any federal or state transportation planning or
12 development goals or purposes consistent with federal or state
13 law. When an M.P.O. determines that it is appropriate to join
14 with another M.P.O. or any political subdivision to coordinate
15 activities, the M.P.O. or political subdivision shall enter
16 into an interlocal agreement pursuant to s. 163.01, which, at
17 a minimum, creates a separate legal or administrative entity
18 to coordinate the transportation planning or development
19 activities required to achieve the goal or purpose; provide
20 the purpose for which the entity is created; provide the
21 duration of the agreement and the entity, and specify how the
22 agreement may be terminated, modified, or rescinded; describe
23 the precise organization of the entity, including who has
24 voting rights on the governing board, whether alternative
25 voting members are provided for, how voting members are
26 appointed, and what the relative voting strength is for each
27 constituent M.P.O. or political subdivision; provide the
28 manner in which the parties to the agreement will provide for
29 the financial support of the entity and payment of costs and
30 expenses of the entity; provide the manner in which funds may
31 be paid to and disbursed from the entity; and provide how

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1 members of the entity will resolve disagreements regarding
 2 interpretation of the interlocal agreement or disputes
 3 relating to the operation of the entity. Such interlocal
 4 agreement shall become effective upon its recordation in the
 5 official public records of each county in which a member of
 6 the entity created by the interlocal agreement has a voting
 7 member. This paragraph does not require any M.P.O.'s to merge,
 8 combine, or otherwise join together as a single M.P.O.

9 Section 9. Paragraphs (a), (b), (c), (d), (e), (f),
 10 and (g) of subsection (1) of section 255.20, Florida Statutes,
 11 are redesignated as paragraphs (c), (d), (e), (f), (g), (h),
 12 and (i), respectively, and new paragraphs (a) and (b) are
 13 added to that subsection, to read:

14 255.20 Local bids and contracts for public
 15 construction works; specification of state-produced lumber.--

16 (1) A county, municipality, special district as
 17 defined in chapter 189, or other political subdivision of the
 18 state seeking to construct or improve a public building,
 19 structure, or other public construction works must
 20 competitively award to an appropriately licensed contractor
 21 each project that is estimated in accordance with generally
 22 accepted cost-accounting principles to have total construction
 23 project costs of more than \$200,000. For electrical work,
 24 local government must competitively award to an appropriately
 25 licensed contractor each project that is estimated in
 26 accordance with generally accepted cost-accounting principles
 27 to have a cost of more than \$50,000. As used in this section,
 28 the term "competitively award" means to award contracts based
 29 on the submission of sealed bids, proposals submitted in
 30 response to a request for proposal, proposals submitted in
 31 response to a request for qualifications, or proposals

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1 submitted for competitive negotiation. This subsection
2 expressly allows contracts for construction management
3 services, design/build contracts, continuation contracts based
4 on unit prices, and any other contract arrangement with a
5 private sector contractor permitted by any applicable
6 municipal or county ordinance, by district resolution, or by
7 state law. For purposes of this section, construction costs
8 include the cost of all labor, except inmate labor, and
9 include the cost of equipment and materials to be used in the
10 construction of the project. Subject to the provisions of
11 subsection (3), the county, municipality, special district, or
12 other political subdivision may establish, by municipal or
13 county ordinance or special district resolution, procedures
14 for conducting the bidding process.

15 (a) Notwithstanding any other law to the contrary, a
16 county, municipality, special district as defined in chapter
17 189, or other political subdivision of the state seeking to
18 construct or improve bridges, roads, streets, highways, or
19 railroads, and services incidental thereto, at costs in excess
20 of \$250,000 may require that persons interested in performing
21 work under contract first be certified or qualified to perform
22 such work. Any contractor may be considered ineligible to bid
23 by the governmental entity if the contractor is behind on
24 completing an approved progress schedule for the governmental
25 entity by 10 percent or more at the time of advertisement of
26 the work. Any contractor prequalified and considered eligible
27 by the Department of Transportation to bid to perform the type
28 of work described under the contract shall be presumed to be
29 qualified to perform the work described. The governmental
30 entity may provide an appeal process to overcome that
31 presumption with de novo review based on the record below to

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1 the circuit court.

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

11 Section 10. Subsections (2) and (4) of section
 12 316.1001, Florida Statutes, are amended to read:

13 316.1001 Payment of toll on toll facilities required;
 14 penalties.--

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

24 (b) A citation issued under this subsection may be
 25 issued by mailing the citation by first class mail, or by
 26 certified mail, return receipt requested, to the address of
 27 the registered owner of the motor vehicle involved in the
 28 violation. Mailing the citation to this address constitutes
 29 notification. In the case of joint ownership of a motor
 30 vehicle, the traffic citation must be mailed to the first name
 31 appearing on the registration, unless the first name appearing

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

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

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

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

26
27 Upon receipt of an affidavit the person designated as having
28 care, custody, and control of the motor vehicle at the time of
29 the violation may be issued a citation for failure to pay a
30 required toll. The affidavit shall be admissible in a
31 proceeding pursuant to this section for the purpose of

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1 providing that the person identified in the affidavit was in
2 actual care, custody, or control of the motor vehicle.

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

9 (4) Any governmental entity may supply the department
10 with data that is machine readable by the department's
11 computer system, listing persons who have one ~~three~~ or more
12 outstanding violations of this section. Pursuant to s.
13 320.03(8), those persons may not be issued a license plate or
14 revalidation sticker for any motor vehicle.

15 Section 11. Paragraph (b) of subsection (1),
16 paragraphs (a), (b), (c), (d), (e), (f), and (j) of subsection
17 (2), and subsection (5) of section 316.302, Florida Statutes,
18 are amended to read:

19 316.302 Commercial motor vehicles; safety regulations;
20 transporters and shippers of hazardous materials;
21 enforcement.--

22 (1)

23 (b) Except as otherwise provided in this section, all
24 owners or drivers of commercial motor vehicles that are
25 engaged in intrastate commerce are subject to the rules and
26 regulations contained in 49 C.F.R. parts 382, 385, and
27 390-397, with the exception of 49 C.F.R. s. 390.5 as it
28 relates to the definition of bus, as such rules and
29 regulations existed on October 1, 2002 ~~2001~~.

30 (2)(a) A person who operates a commercial motor
31 vehicle solely in intrastate commerce not transporting any

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1 hazardous material in amounts that require placarding pursuant
2 to 49 C.F.R. part 172 need not comply with 49 C.F.R. ss.
3 391.11(b)(1) and 395.3(a) and (b).

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

17 (c) A person who operates a commercial motor vehicle
18 solely in intrastate commerce not transporting any hazardous
19 material in amounts that require placarding pursuant to 49
20 C.F.R. part 172 may not be on duty more than 72 hours in any
21 period of 7 consecutive days, but carriers operating every day
22 in a week may permit drivers to remain on duty for a total of
23 not more than 84 hours in any period of 8 consecutive days;
24 however, 24 consecutive hours off duty shall constitute the
25 end of any such period of 7 or 8 consecutive days. This weekly
26 limit does not apply to a person who operates a commercial
27 motor vehicle solely within this state while transporting,
28 during harvest periods, any unprocessed agricultural products
29 that are subject to seasonal harvesting from place of harvest
30 to the first place of processing or storage or from place of
31 harvest directly to market. Upon request of the Department of

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1 Transportation, motor carriers shall furnish time records or
2 other written verification to that department so that the
3 Department of Transportation can determine compliance with
4 this subsection. These time records must be furnished to the
5 Department of Transportation within 10 days after receipt of
6 that department's request. Falsification of such information
7 is subject to a civil penalty not to exceed \$100. The
8 provisions of this paragraph do not apply to drivers of public
9 utility vehicles or authorized emergency vehicles during
10 periods of severe weather or other emergencies.

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

18 (e) A person who operates a commercial motor vehicle
19 solely in intrastate commerce is exempt from subsection (1)
20 while transporting agricultural products, including
21 horticultural or forestry products, from farm or harvest place
22 to the first place of processing or storage, or from farm or
23 harvest place directly to market. However, such person must
24 comply with 49 C.F.R. parts 382, 392, and 393, and with 49
25 C.F.R. ss. 396.3(a)(1) and 396.9. A vehicle or combination of
26 vehicles operated pursuant to this paragraph having a gross
27 vehicle weight of 26,001 pounds or more or having three or
28 more axles on the power unit, regardless of weight, must
29 display the name of the vehicle owner or motor carrier and the
30 municipality or town where the vehicle is based on each side
31 of the power unit in letters that contrast with the background

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1 and that are readable from a distance of 50 feet. A person who
2 violates this vehicle identification requirement may be
3 assessed a penalty as provided in s. 316.3025(3)(a).

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

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

20 (5) The Department of Transportation may adopt and
21 revise rules to assure the safe operation of commercial motor
22 vehicles. The Department of Transportation may enter into
23 cooperative agreements as provided in 49 C.F.R. part 388.
24 Department of Transportation personnel may conduct motor
25 carrier and shipper compliance reviews ~~terminal audits only~~
26 for the purpose of determining compliance with this section ~~49~~
27 ~~C.F.R. parts 171, 172, 173, 177, 178, 180, 382, 391, 393,~~
28 ~~396, and 397; 49 C.F.R. s. 395.1(e)(5); and s. 627.7415.~~

29 Section 12. Section 316.3025, Florida Statutes, is
30 amended to read:

31 316.3025 Penalties.--

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

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

21 (3)(a) A civil penalty of \$50 may be assessed for a
 22 violation of the identification requirements of 49 C.F.R. s.
 23 390.21 ~~or s. 316.302(2)(e)~~.

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

25 1. Each violation of the North American Uniform Driver
 26 Out-of-Service Criteria;

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

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

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

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- 1 (c) A civil penalty of \$250 may be assessed for:
- 2 1. A violation of the placarding requirements of 49
- 3 C.F.R. parts 171-179;
- 4 2. A violation of the shipping paper requirements of
- 5 49 C.F.R. parts 171-179;
- 6 3. A violation of 49 C.F.R. s. 392.10;
- 7 4. A violation of 49 C.F.R. s. 397.5;
- 8 5. A violation of 49 C.F.R. s. 397.7;
- 9 6. A violation of 49 C.F.R. s. 397.13; or
- 10 7. A violation of 49 C.F.R. s. 397.15.
- 11 (d) A civil penalty of \$500 may be assessed for:
- 12 1. Each violation of the North American Standard
- 13 Hazardous Materials Out-of-Service Criteria;
- 14 2. Each violation of 49 C.F.R. s. 390.19, for failure
- 15 of an interstate or intrastate motor carrier to register;
- 16 3. Each violation of 49 C.F.R. s. 392.9a, for failure
- 17 of an interstate motor carrier to obtain operating authority;
- 18 or
- 19 4. Each violation of 49 C.F.R. s. 392.9a, for
- 20 operating beyond the scope of an interstate motor carrier's
- 21 operating authority. ~~each violation of the North American~~
- 22 ~~Uniform Hazardous Materials Out-of-Service Criteria.~~
- 23 (e) A civil penalty not to exceed \$5,000 in the
- 24 aggregate may be assessed for violations found in the conduct
- 25 of compliance reviews ~~terminal audits~~ pursuant to s.
- 26 316.302(5). A civil penalty not to exceed \$25,000 in the
- 27 aggregate may be assessed for violations found in a follow-up
- 28 compliance review conducted within a 24-month period. A civil
- 29 penalty not to exceed \$25,000 in the aggregate may be assessed
- 30 and the motor carrier may be enjoined pursuant to s. 316.3026
- 31 if violations are found after a second follow-up compliance

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1 review within 12 months after the first follow-up compliance
2 review. Motor carriers found to be operating without insurance
3 required by s. 627.7415 may be enjoined as provided in s.
4 316.3026.

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

10 (5)(4) Whenever any person or motor carrier as defined
11 in chapter 320 violates the provisions of this section and
12 becomes indebted to the state because of such violation and
13 refuses to pay the appropriate penalty, in addition to the
14 provisions of s. 316.3026, such the penalty becomes a lien
15 upon the property including the motor vehicles of such person
16 or motor carrier and may be foreclosed by the state in a civil
17 action in any court of this state. It shall be presumed that
18 the owner of the motor vehicle is liable for the sum, and the
19 vehicle may be detained or impounded until the penalty is
20 paid.

21 (6)(5)(a) Any officer or agent collecting the
22 penalties imposed pursuant to this section shall give to the
23 owner, motor carrier, or driver of the vehicle an official
24 receipt for all penalties collected from him or her. Only an
25 officer or agent of the Department of Transportation is
26 authorized to collect the penalty provided by this section.
27 Such officer or agent shall cooperate with the owner or driver
28 of the motor vehicle so as not to unduly delay the vehicle.

29 (b) All penalties imposed and collected under this
30 section by any state agency having jurisdiction shall be paid
31 to the Treasurer, who shall credit the total amount collected

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1 to the State Transportation Trust Fund for use in repairing
2 and maintaining the roads of this state.

3 ~~(7)(6)~~ Any person aggrieved by the imposition of a
4 civil penalty pursuant to this section may apply to the
5 Commercial Motor Vehicle Review Board for a modification,
6 cancellation, or revocation of the penalty. The Commercial
7 Motor Vehicle Review Board may modify, cancel, revoke, or
8 sustain such penalty.

9 Section 13. Section 316.3026, Florida Statutes, is
10 amended to read:

11 316.3026 Unlawful operation of motor carriers ~~may be~~
12 ~~enjoined.--~~

13 (1) The Office of Motor Carrier Compliance of the
14 Department of Transportation may issue out-of-service orders
15 to motor carriers, as defined in s. 320.01(33), who have after
16 proper notice failed to pay any penalty or fine assessed by
17 the department, or its agent, against any owner or motor
18 carrier for violations of state law, refused to submit to a
19 compliance review and provide records pursuant to s.
20 316.302(5) or s. 316.70, or violated safety regulations
21 pursuant to s. 316.302 or insurance requirements found in s.
22 627.7415. Such out-of-service orders shall have the effect of
23 prohibiting the operations of any motor vehicles owned,
24 leased, or otherwise operated by the motor carrier upon the
25 roadways of this state, until such time as the violations have
26 been corrected or penalties have been paid. Out-of-service
27 orders issued under this section must be approved by the
28 Secretary of Transportation or his or her designee. An
29 administrative hearing pursuant to s. 120.569 shall be
30 afforded to motor carriers subject to such orders.

31 (2) Any motor carrier enjoined or prohibited from

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

22 (3) In addition to the sanctions found in subsections
23 (1) and (2), the Department of Transportation may petition the
24 circuit courts of this state to enjoin any motor carrier from
25 operating when it fails to comply with out-of-service orders
26 issued by a competent authority within or outside this state.
27 Any motor carrier which operates a commercial motor vehicle
28 upon the highways of this state in violation of the provisions
29 of this chapter may be enjoined by the courts of this state
30 from any such violation. Such injunctive proceeding may be
31 instituted by the Department of Transportation.

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1 Section 14. Section 316.3027, Florida Statutes, is
2 repealed.

3 Section 15. Paragraph (b) of subsection (3) of section
4 316.515, Florida Statutes, is amended to read:

5 316.515 Maximum width, height, length.--

6 (3) LENGTH LIMITATION.--Except as otherwise provided
7 in this section, length limitations apply solely to a
8 semitrailer or trailer, and not to a truck tractor or to the
9 overall length of a combination of vehicles. No combination
10 of commercial motor vehicles coupled together and operating on
11 the public roads may consist of more than one truck tractor
12 and two trailing units. Unless otherwise specifically provided
13 for in this section, a combination of vehicles not qualifying
14 as commercial motor vehicles may consist of no more than two
15 units coupled together; such nonqualifying combination of
16 vehicles may not exceed a total length of 65 feet, inclusive
17 of the load carried thereon, but exclusive of safety and
18 energy conservation devices approved by the department for use
19 on vehicles using public roads. Notwithstanding any other
20 provision of this section, a truck tractor-semitrailer
21 combination engaged in the transportation of automobiles or
22 boats may transport motor vehicles or boats on part of the
23 power unit; and, except as may otherwise be mandated under
24 federal law, an automobile or boat transporter semitrailer may
25 not exceed 50 feet in length, exclusive of the load; however,
26 the load may extend up to an additional 6 feet beyond the rear
27 of the trailer. The 50-foot length limitation does not apply
28 to non-stinger-steered automobile or boat transporters that
29 are 65 feet or less in overall length, exclusive of the load
30 carried thereon, or to stinger-steered automobile or boat
31 transporters that are 75 feet or less in overall length,

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1 exclusive of the load carried thereon. For purposes of this
2 subsection, a "stinger-steered automobile or boat transporter"
3 is an automobile or boat transporter configured as a
4 semitrailer combination wherein the fifth wheel is located on
5 a drop frame located behind and below the rearmost axle of the
6 power unit. Notwithstanding paragraphs (a) and (b), any
7 straight truck or truck tractor-semitrailer combination
8 engaged in the transportation of horticultural trees may allow
9 the load to extend up to an additional 10 feet beyond the rear
10 of the vehicle, provided said trees are resting against a
11 retaining bar mounted above the truck bed so that the root
12 balls of the trees rest on the floor and to the front of the
13 truck bed and the tops of the trees extend up over and to the
14 rear of the truck bed, and provided the overhanging portion of
15 the load is covered with protective fabric.

16 (b) Semitrailers.--

17 1. A semitrailer operating in a truck
18 tractor-semitrailer combination may not exceed 48 feet in
19 extreme overall outside dimension, measured from the front of
20 the unit to the rear of the unit and the load carried thereon,
21 exclusive of safety and energy conservation devices approved
22 by the department for use on vehicles using public roads,
23 unless it complies with subparagraph 2. A semitrailer which
24 exceeds 48 feet in length and is used to transport divisible
25 loads may operate in this state only if issued a permit under
26 s. 316.550 and if such trailer meets the requirements of this
27 chapter relating to vehicle equipment and safety. Except for
28 highways on the tandem trailer truck highway network, public
29 roads deemed unsafe for longer semitrailer vehicles or those
30 roads on which such longer vehicles are determined not to be
31 in the interest of public convenience shall, in conformance

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1 with s. 316.006, be restricted by the Department of
2 Transportation or by the local authority to use by
3 semitrailers not exceeding a length of 48 feet, inclusive of
4 the load carried thereon but exclusive of safety and energy
5 conservation devices approved by the department for use on
6 vehicles using public roads. Truck tractor-semitrailer
7 combinations shall be afforded reasonable access to terminals;
8 facilities for food, fuel, repairs, and rest; and points of
9 loading and unloading.

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

16 a. The distance between the kingpin or other peg that
17 ~~which~~ locks into the fifth wheel of a truck tractor and the
18 center of the rear axle or rear group of axles does not exceed
19 41 feet, or, in the case of a semitrailer used exclusively or
20 primarily to transport vehicles in connection with motorsports
21 competition events, the distance does not exceed 46 feet from
22 the kingpin to the center of the rear axles; and

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

26 Section 16. Subsections (5), (6), and (10) of section
27 316.545, Florida Statutes, are amended to read:

28 316.545 Weight and load unlawful; special fuel and
29 motor fuel tax enforcement; inspection; penalty; review.--

30 (5) Whenever any person violates the provisions of
31 this chapter and becomes indebted to the state because of such

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

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1 as aforesaid or direct the sale of the vehicle under
2 foreclosure.

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

14 (10) The Department of Transportation may employ
15 weight inspectors to operate its fixed-scale facilities.
16 Weight inspectors on duty at a fixed-scale facility are
17 authorized to enforce the laws governing commercial motor
18 vehicle weight, registration, size, and load and to assess and
19 collect civil penalties for violations of said laws. A weight
20 inspector may detain a commercial motor vehicle that has an
21 obvious safety defect critical to the continued safe operation
22 of the vehicle or that is operating in violation of an
23 out-of-service order as reported on the federal Safety and
24 Fitness Electronic Records database. The weight inspector may
25 immediately summon a law enforcement officer of the Department
26 of Transportation, or other law enforcement officer authorized
27 by s. 316.640 to enforce the traffic laws of this state, to
28 take appropriate enforcement action. The vehicle shall be
29 released if the defect is repaired prior to the arrival of a
30 law enforcement officer. Weight inspectors shall not be
31 classified as law enforcement officers subject to

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1 certification requirements of chapter 943, and are not
 2 authorized to carry weapons or make arrests. Any person who
 3 obstructs, opposes, or resists a weight inspector in the
 4 performance of the duties herein prescribed shall be guilty of
 5 an offense as described in subsection (1) for obstructing,
 6 opposing, or resisting a law enforcement officer.

7 Section 17. Subsection (3) of section 316.610, Florida
 8 Statutes, is repealed.

9 Section 18. Paragraph (a) of subsection (1) of section
 10 316.640, Florida Statutes, is amended to read:

11 316.640 Enforcement.--The enforcement of the traffic
 12 laws of this state is vested as follows:

13 (1) STATE.--

14 (a)1.

15 a. The Division of Florida Highway Patrol of the
 16 Department of Highway Safety and Motor Vehicles, the Division
 17 of Law Enforcement of the Fish and Wildlife Conservation
 18 Commission, the Division of Law Enforcement of the Department
 19 of Environmental Protection, and law enforcement officers of
 20 the Department of Transportation each have authority to
 21 enforce all of the traffic laws of this state on all the
 22 streets and highways thereof and elsewhere throughout the
 23 state wherever the public has a right to travel by motor
 24 vehicle. ~~The Division of the Florida Highway Patrol may employ~~
 25 ~~as a traffic accident investigation officer any individual who~~
 26 ~~successfully completes instruction in traffic accident~~
 27 ~~investigation and court presentation through the Selective~~
 28 ~~Traffic Enforcement Program as approved by the Criminal~~
 29 ~~Justice Standards and Training Commission and funded through~~
 30 ~~the National Highway Traffic Safety Administration or a~~
 31 ~~similar program approved by the commission, but who does not~~

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1 ~~necessarily meet the uniform minimum standards established by~~
2 ~~the commission for law enforcement officers or auxiliary law~~
3 ~~enforcement officers under chapter 943. Any such traffic~~
4 ~~accident investigation officer who makes an investigation at~~
5 ~~the scene of a traffic accident may issue traffic citations,~~
6 ~~based upon personal investigation, when he or she has~~
7 ~~reasonable and probable grounds to believe that a person who~~
8 ~~was involved in the accident committed an offense under this~~
9 ~~chapter, chapter 319, chapter 320, or chapter 322 in~~
10 ~~connection with the accident. This paragraph does not permit~~
11 ~~the carrying of firearms or other weapons, nor do such~~
12 ~~officers have arrest authority.~~

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

23 c. Community college police officers shall have the
24 authority to enforce all the traffic laws of this state only
25 when such violations occur on any property or facilities that
26 are under the guidance, supervision, regulation, or control of
27 the community college system.

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

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

12 (II) A parking enforcement specialist employed by an
13 airport authority is authorized to enforce all state, county,
14 and municipal laws and ordinances governing parking only when
15 such violations are on property or facilities owned or
16 operated by the airport authority employing the specialist, by
17 appropriate state, county, or municipal traffic citation.

18 e. The Office of Agricultural Law Enforcement of the
19 Department of Agriculture and Consumer Services shall have the
20 authority to enforce traffic laws of this state.

21 f. School safety officers shall have the authority to
22 enforce all of the traffic laws of this state when such
23 violations occur on or about any property or facilities which
24 are under the guidance, supervision, regulation, or control of
25 the district school board.

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

30 3. Any disciplinary action taken or performance
31 evaluation conducted by an agency of the state as described in

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1 subparagraph 1. of a law enforcement officer's traffic
2 enforcement activity must be in accordance with written
3 work-performance standards. Such standards must be approved by
4 the agency and any collective bargaining unit representing
5 such law enforcement officer. A violation of this subparagraph
6 is not subject to the penalties provided in chapter 318.

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

27 Section 19. Subsection (3) of section 316.650, Florida
28 Statutes, is amended to read:

29 316.650 Traffic citations.--

30 (3)(a) Except for a traffic citation issued pursuant
31 to s. 316.1001, each ~~Every~~ traffic enforcement officer, upon

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1 issuing a traffic citation to an alleged violator of any
 2 provision of the motor vehicle laws of this state or of any
 3 traffic ordinance of any city or town, shall deposit the
 4 original and one copy of such traffic citation or, in the case
 5 of a traffic enforcement agency which has an automated
 6 citation issuance system, shall provide an electronic
 7 facsimile with a court having jurisdiction over the alleged
 8 offense or with its traffic violations bureau within 5 days
 9 after issuance to the violator.

10 (b) If a traffic citation is issued pursuant to s.
 11 316.1001, a traffic enforcement officer may deposit the
 12 original and one copy of such traffic citation or, in the case
 13 of a traffic enforcement agency that has an automated citation
 14 system, may provide an electronic facsimile with a court
 15 having jurisdiction over the alleged offense or with its
 16 traffic violations bureau within 45 days after the date of
 17 issuance of the citation to the violator.

18 Section 20. Subsection (2) of section 316.70, Florida
 19 Statutes, is amended to read:

20 316.70 Nonpublic sector buses; safety rules.--

21 (2) Department of Transportation personnel may conduct
 22 compliance reviews for the purpose of determining compliance
 23 with this section. A civil penalty not to exceed \$5,000 in the
 24 aggregate may be assessed against any person who violates any
 25 provision of this section or who violates any rule or order of
 26 the Department of Transportation. A civil penalty not to
 27 exceed \$25,000 in the aggregate may be assessed for violations
 28 found in a follow-up compliance review conducted within a
 29 24-month period. A civil penalty not to exceed \$25,000 in the
 30 aggregate may be assessed and the motor carrier may be
 31 enjoined pursuant to s. 316.3026 if violations are found after

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1 a second follow-up compliance review within 12 months after
 2 the first follow-up compliance review. Motor carriers found to
 3 be operating without insurance coverage required by s. 627.742
 4 or 49 C.F.R. part 387 may be enjoined as provided in s.
 5 316.3026. The Department of Transportation may assess a civil
 6 penalty of up to \$5,000 per infraction against any person who
 7 violates any provision of this section or who violates any
 8 rule or order of the department.

9 Section 21. Subsection (4) of section 318.14, Florida
 10 Statutes, is amended, and subsection (12) is added to that
 11 section, to read:

12 318.14 Noncriminal traffic infractions; exception;
 13 procedures.--

14 (4) Except as provided in subsection (12), any person
 15 charged with a noncriminal infraction under this section who
 16 does not elect to appear shall pay the civil penalty and
 17 delinquent fee, if applicable, either by mail or in person,
 18 within 30 days after the date of issuance of receiving the
 19 citation. If the person cited follows the above procedure, he
 20 or she shall be deemed to have admitted the infraction and to
 21 have waived his or her right to a hearing on the issue of
 22 commission of the infraction. Such admission shall not be
 23 used as evidence in any other proceedings. Any person who is
 24 cited for a violation of s. 320.0605 or s. 322.15(1), or
 25 subject to a penalty under s. 320.07(3)(a) or (b) or s.
 26 322.065, and who makes an election under this subsection shall
 27 submit proof of compliance with the applicable section to the
 28 clerk of the court. For the purposes of this subsection, proof
 29 of compliance consists of a valid driver's license or a valid
 30 registration certificate.

31 (12) Any person cited for a violation of s. 316.1001

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

12 Section 22. Effective October 1, 2003, section 330.27,
 13 Florida Statutes, is amended to read:

14 330.27 Definitions, when used in ss. 330.29-330.36,
 15 330.38, 330.39.--

16 (1) "Aircraft" means a powered or unpowered machine or
 17 device capable of atmospheric flight ~~any motor vehicle or~~
 18 ~~contrivance now known, or hereafter invented, which is used or~~
 19 ~~designed for navigation of or flight in the air, except a~~
 20 ~~parachute or other such device~~ contrivance designed for such
 21 navigation but used primarily as safety equipment.

22 (2) "Airport" means an ~~any~~ area of land or water, ~~or~~
 23 ~~any manmade object or facility located thereon, which is used~~
 24 for, or intended to be used for, use, for the landing and
 25 takeoff of aircraft, including and any appurtenant areas,
 26 ~~which are used, or intended for use, for airport buildings, or~~
 27 ~~other airport facilities, or rights-of-way~~ necessary to
 28 facilitate such use or intended use, together with all airport
 29 ~~buildings and facilities located thereon.~~

30 (3) ~~"Airport hazard" means any structure, object of~~
 31 ~~natural growth, or use of land which obstructs the airspace~~

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1 ~~required for the flight of aircraft in landing or taking off~~
 2 ~~at an airport or which is otherwise hazardous to such landing~~
 3 ~~or taking off.~~

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

13 ~~(3)(5) "Department" means the Department of~~
 14 ~~Transportation.~~

15 ~~(4)(6) "Limited airport" means any an airport,~~
 16 ~~publicly or privately owned, limited exclusively to the~~
 17 ~~specific conditions stated on the site approval order or~~
 18 ~~license.~~

19 ~~(7) "Operation of aircraft" or "operate aircraft"~~
 20 ~~means the use, navigation, or piloting of aircraft in the~~
 21 ~~airspace over this state or upon any airport within this~~
 22 ~~state.~~

23 ~~(8) "Political subdivision" means any county,~~
 24 ~~municipality, district, port or aviation commission or~~
 25 ~~authority, or similar entity authorized to establish or~~
 26 ~~operate an airport in this state.~~

27 ~~(5)(9) "Private airport" means an airport, publicly or~~
 28 ~~privately owned, which is not open or available for use by the~~
 29 ~~public, used primarily by the licensee but may be made which~~
 30 ~~is available to others for use by invitation of the owner or~~
 31 ~~manager licensee. Services may be provided if authorized by~~

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1 ~~the department.~~

2 ~~(6)(10)~~ "Public airport" means an airport, publicly or
3 privately owned, which ~~meets minimum safety and service~~
4 ~~standards and~~ is open for use by the public.

5 ~~(7)(11)~~ "Temporary airport" means any ~~an~~ airport,
6 ~~publicly or privately owned~~, that will be used for a period of
7 less than 30 ~~90~~ days with no more than 10 operations per day.

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

14 Section 23. Effective October 1, 2003, section 330.29,
15 Florida Statutes, is amended to read:

16 330.29 Administration and enforcement; rules;
17 requirements ~~standards~~ for airport sites and airports.--It is
18 the duty of the department to:

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

21 (2) Establish requirements for airport site approval,
22 licensure, and registration ~~minimum standards for airport~~
23 ~~sites and airports under its licensing jurisdiction.~~

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

27 ~~(4)(3)~~ Adopt rules pursuant to ss. 120.536(1) and
28 120.54 to implement the provisions of this chapter.

29 Section 24. Effective October 1, 2003, section 330.30,
30 Florida Statutes, is amended to read:

31 330.30 Approval of airport sites; registration and

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1 ~~licensure licensing~~ of airports; ~~fees~~.--

2 (1) SITE APPROVALS; REQUIREMENTS, ~~FEES~~, EFFECTIVE
3 PERIOD, REVOCATION.--

4 (a) Except as provided in subsection (3), the owner or
5 lessee of any proposed airport shall, prior to site ~~the~~
6 ~~acquisition of the site~~ or ~~prior to the~~ construction or
7 establishment of the proposed airport, obtain approval of the
8 airport site from the department. Applications for approval of
9 a site ~~and for an original license~~ shall be jointly made ~~in on~~
10 a form and manner prescribed by the department ~~and shall be~~
11 ~~accompanied by a site approval fee of \$100~~. The department,
12 ~~after inspection of the airport site~~, shall grant the site
13 approval if it is satisfied:

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

16 2. That the proposed airport, ~~if constructed or~~
17 ~~established~~, will conform to licensing or registration
18 requirements ~~minimum standards of safety~~ and will comply with
19 the applicable local government land development regulations
20 or county or municipal zoning requirements.~~;~~

21 3. That all affected nearby airports, local
22 governments municipalities, and property owners have been
23 notified and any comments submitted by them have been given
24 adequate consideration.~~;~~ ~~and~~

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

28 (b) Site approval shall be granted for public airports
29 only after a favorable department inspection of the proposed
30 site.

31 (c) Site approval shall be granted for private

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1 airports only after receipt of documentation in a form and
 2 manner the department deems necessary to satisfy the
 3 conditions in paragraph (a).

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

7 (e) ~~Such~~ Approval shall remain valid in effect for a
 8 ~~period of 2 years after the date of issue issuance of the site~~
 9 ~~approval order, unless sooner~~ revoked by the department or
 10 ~~unless, prior to the expiration of the 2-year period,~~ a public
 11 airport license is issued or private airport registration
 12 completed for an airport located on the approved site has been
 13 ~~issued~~ pursuant to subsection (2) prior to the expiration
 14 date.

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

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

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

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

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

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

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1 ~~the~~ aviation purposes due to physical or legal changes in
2 conditions that were the subject of the ~~for which the~~ approval
3 ~~was~~ granted.

4 (2) LICENSES AND REGISTRATIONS; REQUIREMENTS, FEES,
5 RENEWAL, REVOCATION.--

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

20 1. For a public airport, the department shall issue a
21 license after a final airport inspection finds the facility to
22 be in compliance with all requirements for the license. The
23 license may be subject to any reasonable conditions that the
24 department may deem necessary to protect the public health,
25 safety, or welfare.

26 2. For a private airport, the department shall provide
27 controlled electronic access to the state aviation facility
28 data system to permit the applicant to complete the
29 registration process. Registration shall be completed upon
30 self-certification by the registrant of operational and
31 configuration data deemed necessary by the department.

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1 (b) The department ~~may is authorized to~~ license a
2 public ~~an~~ airport that does not meet ~~all of the minimum~~
3 standards only if it determines that such exception is
4 justified by unusual circumstances or is in the interest of
5 public convenience and does not endanger the public health,
6 safety, or welfare. Such a license shall bear the designation
7 "special" and shall state the conditions subject to which the
8 license is granted.

9 (c) The department may license a public airport or a
10 private airport may register ~~authorize a site~~ as a temporary
11 airport provided if it finds, after inspection of the site,
12 that the airport will not endanger the public health, safety,
13 or welfare and the airport meets the temporary airport
14 requirements established by the department. A temporary
15 airport license or registration shall be valid for less ~~Such~~
16 ~~authorization shall expire not later than 30~~ 90 days after
17 ~~issuance~~ and is not renewable.

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

- 20 ~~1. Public airport: \$100.~~
21 ~~2. Private airport: \$70.~~
22 ~~3. Limited airport: \$50.~~
23 ~~4. Temporary airport: \$25.~~

24
25 ~~Airports owned or operated by the state, a county, or a~~
26 ~~municipality and emergency helistops operated by licensed~~
27 ~~hospitals are required to be licensed but are exempt from the~~
28 ~~payment of site approval fees and annual license fees.~~

29 ~~(d)(e)~~1. Each public airport license shall ~~will~~ expire
30 no later than 1 year after the effective date of the license,
31 except that the expiration date of a license may be adjusted

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1 to provide a maximum license period of 18 months to facilitate
2 airport inspections, recognize seasonal airport operations, or
3 improve administrative efficiency. ~~If the expiration date for~~
4 ~~a public airport is adjusted, the appropriate license fee~~
5 ~~shall be determined by prorating the annual fee based on the~~
6 ~~length of the adjusted license period.~~

7 2. Registration ~~The license period for private all~~
8 ~~airports shall remain valid provided specific elements of~~
9 ~~airport data, established by the department, are periodically~~
10 ~~recertified by the airport registrant. The ability to~~
11 ~~recertify private airport registration data shall be available~~
12 ~~at all times by electronic submittal. A private airport~~
13 ~~registration that has not been recertified in the 24-month~~
14 ~~period following the last certification shall expire, unless~~
15 ~~the registration period has been adjusted by the department~~
16 ~~for purposes of informing private airport owners of their~~
17 ~~registration responsibilities or promoting administrative~~
18 ~~efficiency. The expiration date of the current registration~~
19 ~~period will be clearly identifiable from the state aviation~~
20 ~~facility data system other than public airports will be set by~~
21 ~~the department, but shall not exceed a period of 5 years. In~~
22 ~~determining the license period for such airports, the~~
23 ~~department shall consider the number of based aircraft, the~~
24 ~~airport location relative to adjacent land uses and other~~
25 ~~airports, and any other factors deemed by the department to be~~
26 ~~critical to airport operation and safety.~~

27 3. The effective date and expiration date shall be
28 shown on public airport licenses ~~stated on the face of the~~
29 ~~license~~. Upon receiving an application for renewal of an
30 airport a license in on a form and manner prescribed by the
31 department and receiving, ~~making~~ a favorable inspection report

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1 | indicating compliance with all applicable requirements and
 2 | ~~conditions, and receiving the appropriate annual license fee,~~
 3 | the department shall renew the license, subject to any
 4 | conditions deemed necessary to protect the public health,
 5 | safety, or welfare.

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

9 | 5. If the renewal application for a public airport
 10 | license has and fees have not been received by the department
 11 | or no private airport registration recertification has been
 12 | accomplished within 15 days after the date of expiration of
 13 | ~~the license,~~ the department may revoke ~~close~~ the airport
 14 | license or registration.

15 | ~~(e)(f)~~ The department may revoke, or refuse to allow
 16 | or issue, any airport registration or recertification, or any
 17 | license or license renewal thereof, or refuse to issue a
 18 | renewal, if it determines:

19 | 1. That the site there has been abandoned as an
 20 | ~~abandonment of the airport as such;~~

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

24 | 3. That, ~~because of changed physical or legal~~
 25 | ~~conditions or circumstances,~~ the airport has become either
 26 | unsafe or unusable for flight operation due to physical or
 27 | legal changes in conditions that were the subject of approval
 28 | ~~the aeronautical purposes for which the license or renewal was~~
 29 | ~~issued.~~

30 | (3) EXEMPTIONS.--The provisions of this section do not
 31 | apply to:

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

2 (b) An ultralight aircraft landing area; ~~except that~~
3 ~~any public ultralight airport located more than within 5~~
4 ~~nautical miles from a of another public airport or military~~
5 ~~airport, except or any ultralight landing area with more than~~
6 ~~10 ultralight aircraft operating at from the site is subject~~
7 ~~to the provisions of this section.~~

8 (c) A helistop used solely in conjunction with a
9 construction project undertaken pursuant to the performance of
10 a state contract if the purpose of the helicopter operations
11 at the site is to expedite construction.

12 ~~(d) An airport under the jurisdiction or control of a~~
13 ~~county or municipal aviation authority or a county or~~
14 ~~municipal port authority or the Florida Space Authority;~~
15 ~~however, the department shall license any such airport if such~~
16 ~~authority does not elect to exercise its exemption under this~~
17 ~~subsection.~~

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

21 ~~(e)(f)~~ (e) An airport which meets the criteria of s.
22 ~~330.27(7)(ii)~~ used exclusively for aerial application or
23 spraying of crops on a seasonal basis, not to include any
24 licensed airport where permanent crop aerial application or
25 spraying facilities are installed, if the period of operation
26 does not exceed 30 days per calendar year. Such proposed
27 airports, which will be located within 3 miles of existing
28 airports or approved airport sites, shall establish ~~work out~~
29 safe air-traffic patterns with such existing airports or
30 approved airport sites, by memorandums of understanding, or by
31 letters of agreement between the parties representing the

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1 airports or sites.

2 (f) Any body of water used for the takeoff and landing
 3 of aircraft, including any land, building, structure, or any
 4 other contrivance that facilitates private use or intended
 5 private use.

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

11 Section 25. Effective October 1, 2003, section 330.35,
 12 Florida Statutes, is amended to read:

13 330.35 Airport zoning, ~~approach zone~~ protection.--

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

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

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

28 Section 26. Effective October 1, 2003, subsection (2)
 29 of section 330.36, Florida Statutes, is amended to read:

30 330.36 Prohibition against county or municipal
 31 licensing of airports; regulation of seaplane landings.--

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

7 Section 27. Subsection (1) of section 288.075, Florida
8 Statutes, is amended to read:

9 288.075 Confidentiality of records.--

10 (1) As used in this section, the term "economic
11 development agency" means the Office of Tourism, Trade, and
12 Economic Development, any industrial development authority
13 created in accordance with part III of chapter 159 or by
14 special law, the Florida Space Authority created in part II of
15 chapter 331, the Florida Aerospace Finance ~~Commercial Space~~
16 ~~Financing~~ Corporation created in part III of chapter 331, the
17 public economic development agency of a county or
18 municipality, or any research and development authority
19 created in accordance with part V of chapter 159. The term
20 also includes any private agency, person, partnership,
21 corporation, or business entity when authorized by the state,
22 a municipality, or a county to promote the general business
23 interests or industrial interests of the state or that
24 municipality or county.

25 Section 28. Subsection (16) of section 331.303,
26 Florida Statutes, is amended to read:

27 331.303 Definitions.--

28 (16) "Project" means any development, improvement,
29 property, launch, utility, facility, system, works, road,
30 sidewalk, enterprise, service, or convenience, which may
31 include coordination with Enterprise Florida, Inc., the Board

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1 of Education Regents, and the Space Research Foundation the
 2 Florida Aerospace Finance Corporation, and the Florida Space
 3 Research Institute; any rocket, capsule, module, launch
 4 facility, assembly facility, operations or control facility,
 5 tracking facility, administrative facility, or any other type
 6 of space-related transportation vehicle, station, or facility;
 7 any type of equipment or instrument to be used or useful in
 8 connection with any of the foregoing; any type of intellectual
 9 property and intellectual property protection in connection
 10 with any of the foregoing including, without limitation, any
 11 patent, copyright, trademark, and service mark for, among
 12 other things, computer software; any water, wastewater, gas,
 13 or electric utility system, plant, or distribution or
 14 collection system; any small business incubator initiative,
 15 including any startup aerospace company, research and
 16 development company, research and development facility,
 17 education and workforce training facility, storage facility,
 18 and consulting service; or any tourism initiative, including
 19 any space experience attraction, space-launch-related
 20 activity, and space museum sponsored or promoted by the
 21 authority.

22 Section 29. Section 331.308, Florida Statutes, is
 23 amended to read:

24 331.308 Board of supervisors.--

25 (1) There is created within the Florida Space
 26 Authority a board of supervisors consisting of eight regular
 27 members, who shall be appointed by the Governor, and two ex
 28 officio nonvoting members, one of whom shall be a state
 29 senator selected by the President of the Senate and one of
 30 whom shall be a state representative selected by the Speaker
 31 of the House of Representatives. The Lieutenant Governor, who

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1 is the state's space policy leader, shall serve as chair of
2 the board of supervisors, and shall cast the deciding vote if
3 the votes of the eight regular members result in a tie. The
4 board shall elect a vice-chair to preside in the absence of
5 the Lieutenant Governor and to perform such other duties as
6 may be designated. All regular members shall be subject to
7 confirmation by the Senate at the next regular session of the
8 Legislature. Existing board members are not prohibited from
9 reappointment. Each of the regular board members must be a
10 resident of the state and must have experience in the
11 aerospace or commercial space industry or in finance or have
12 other significant relevant experience. A private sector legal
13 entity may not have more than one person serving on the board
14 at any one time. One regular member shall represent organized
15 labor interests, one regular member shall represent minority
16 interests, and four regular members must represent space
17 industry, at least one of whom must also be from a small
18 business, as defined in s. 288.703. For the purpose of this
19 section, "space industry" includes private sector entities
20 engaged in space flight business, as defined in s. 212.031,
21 research and technology development of space-based products
22 and services, space station commercialization, development of
23 spaceport and range technology, remote sensing products and
24 services, space biotechnology, measurement and calibration of
25 space assets, space-related software and information
26 technology development, design and architecture of space-based
27 assets and facilities for manufacturing and other purposes,
28 space-related nanotechnology, space tourism, and other
29 commercial enterprises utilizing uniquely space-based
30 capabilities.

31 (2) Each regular member shall serve a term of 4 years

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1 or until a successor is appointed and qualified. The term of
2 each such member shall be construed to commence on the date of
3 appointment and to terminate on June 30 of the year of the end
4 of the term. Appointment to the board shall not preclude any
5 such member from holding any other private or public position.

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

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

10 ~~(5) This act does not affect the terms or conditions~~
11 ~~of current members of the board, but applies to any vacancy~~
12 ~~that occurs on or after the effective date of this act.~~
13 ~~Appointments to the board shall give effect to this act as~~
14 ~~soon as practicable. Vacancies created by or occurring~~
15 ~~subsequent to the passage of this act shall be filled by~~
16 ~~representatives of the space industry, as provided herein,~~
17 ~~until the composition of the board is in compliance with the~~
18 ~~provisions of subsection (1).~~

19 ~~(5)(6) The board shall hold its initial meeting no~~
20 ~~later than 20 days after the members have been appointed. At~~
21 ~~its initial meeting, or as soon thereafter as is practicable,~~
22 ~~the~~ The board shall appoint an executive director. Meetings
23 shall be held quarterly or more frequently at the call of the
24 chair. A majority of the regular members of the board shall
25 constitute a quorum, and a majority vote of such members
26 present is necessary for any action taken by the board.

27 ~~(6)(7) The Governor has the authority to remove from~~
28 the board any regular member in the manner and for cause as
29 defined by the laws of this state and applicable to situations
30 ~~which~~ that may arise before the board. Unless excused by the
31 chair of the board, a regular member's absence from two or

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1 more consecutive board meetings creates a vacancy in the
2 office to which the member was appointed.

3 Section 30. Paragraph (b) of subsection (2) of section
4 331.367, Florida Statutes, is amended to read:

5 331.367 Spaceport Management Council.--

6 (2) The council shall make recommendations regarding:

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

10 Section 31. Section 331.368, Florida Statutes, is
11 amended to read:

12 331.368 Florida Space Research Institute.--

13 (1) There is created the Florida Space Research
14 Institute, the purpose of which is to serve as an
15 industry-driven center for research, leveraging the state's
16 resources in a collaborative effort to support Florida's space
17 industry and its expansion, diversification, and transition to
18 commercialization.

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

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

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

23 (c) A representative of the Florida Aviation Aerospace
24 Alliance.

25 (d) A representative of the Florida Space Business
26 Roundtable.

27 (e) Additional private-sector representatives from the
28 space industry selected collaboratively by the core members
29 specified in paragraphs (a)-(d). The additional space industry
30 representatives under this paragraph must comprise the
31 majority of members of the board and must be from geographic

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1 regions throughout the state. Each private-sector
 2 representative shall be appointed to a term of 3 years.

3 (f) Two representatives from the educational community
 4 who are selected collaboratively by the core members specified
 5 in paragraphs (a)-(d) and who are engaged in research or
 6 instruction related to the space industry. One representative
 7 must be from a community college, and one representative must
 8 be from a public or private university. Each educational
 9 representative shall be appointed to a term of 2 years.

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

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

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

18 (5) For the purposes of contracts and grants, s.
 19 216.346 shall apply to the institute's programs with state
 20 universities and community colleges.

21 (6) The Florida Space Research Institute may:

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

25 (b) Serve as a coordinating organization among public
 26 and private academic institutions, industry, and government
 27 agencies to support the expansion and diversification of
 28 Florida's space industry, and to support research and
 29 education programs.

30 (c) Execute contracts and other documents, adopt
 31 proceedings, and perform any acts determined by the board to

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1 be necessary to carry out the purposes of this section.

2 (d) Establish a personnel-management system and
3 procedures, rules, and rates governing administrative and
4 financial operations of the institute.

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

8 (f) Work in partnership with the Florida Space
9 Authority, Enterprise Florida, Inc., the Department of
10 Education, and other organizations to support their programs
11 to promote the state as a center for space enterprise,
12 research, and technology development.

13 (7)(3) The board of the Florida Space Research
14 Institute shall:

15 (a) Set the strategic direction for the space-related
16 research priorities of the state and its space-related
17 businesses, the scope of research projects for the institute,
18 and the timeframes for completion.

19 (b) Invite the participation of public and private
20 academic institutions ~~universities~~, including, but not limited
21 to, the University of Central Florida, the University of
22 Florida, the University of South Florida, Florida State
23 University, Florida Institute of Technology, and the
24 University of Miami.

25 (c) Select a lead university to:

26 1. Serve as coordinator of research for ~~and as the~~
27 ~~administrative entity~~ of the institute;

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

30 3. Develop, and update as necessary, a report
31 recommending ways that the state's public and private

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1 universities can work in partnership to support the state's
2 space-industry requirements, ~~which report must be completed by~~
3 ~~December 15, 2000.~~

4 (d) Establish a partnership with the state Workforce
5 Development Board, or its successor entity, under which the
6 institute coordinates the workforce-training requirements
7 identified by the space industry and supports development of
8 workforce-training initiatives to meet such requirements,
9 using training providers approved by the board or its
10 successor entity.

11 (e) Comanage, with the National Aeronautics and Space
12 Administration and subject to the terms of an agreement with
13 NASA, operation of a Space Experiment Research and Processing
14 Laboratory, if such a facility is constructed on land of the
15 John F. Kennedy Space Center. The institute shall carry out
16 such responsibility through a consortium of public and private
17 universities in the state led by the University of Florida.

18 (f) Develop initiatives to foster the participation of
19 the state's space industry in the International Space Station
20 and to help the state maintain and enhance its competitive
21 position in the commercial space-transportation industry.

22 (g) Pursue partnerships with the National Aeronautics
23 and Space Administration to coordinate and conduct research in
24 fields including, but not limited to, environmental
25 monitoring; agriculture; aquatics; resource reutilization
26 technologies for long-duration space missions; and spaceport
27 technologies which support current or next-generation launch
28 vehicles and range systems.

29 (h) Pursue partnerships with the National Aeronautics
30 and Space Administration for the conduct of space-related
31 research using computer technology to connect experts in a

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1 given field of science who are in disparate locations and to
 2 perform research experiments in a real-time, virtual
 3 environment.

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

8 (8)(4) By December 15 of each year, the institute
 9 shall submit a report of its activities and accomplishments
 10 for the year to the Governor, the President of the Senate, ~~and~~
 11 the Speaker of the House of Representatives, and the
 12 Commissioner of Education. The report shall also include
 13 recommendations regarding actions the state should take to
 14 enhance the development of space-related businesses,
 15 including:

- 16 (a) Future research activities.
- 17 (b) The development of capital and technology
 18 assistance to new and expanding industries.
- 19 (c) The removal of regulatory impediments.
- 20 (d) The establishment of business development
 21 incentives.
- 22 (e) The initiation of education and training programs
 23 to ensure a skilled workforce.

24 Section 32. Section 331.401, Florida Statutes, is
 25 amended to read:

26 331.401 Short title.--Sections 331.401-331.419 may be
 27 cited as the "Florida Aerospace Finance ~~Commercial Space~~
 28 ~~Financing~~ Corporation Act."

29 Section 33. Section 331.403, Florida Statutes, is
 30 amended to read:

31 331.403 Legislative findings and intent.--The

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1 Legislature finds that the expansion of state and federal
2 support for the aerospace industry in Florida is critical to
3 the continued development of a viable commercial aerospace
4 ~~space~~ industry and the technical and scientific job base for
5 its citizens. This development of commercial opportunities in
6 Florida is slowed by the lack of traditional business
7 financing tools such as securitization for industrial
8 development. Florida's launch industry is also being
9 challenged by the provision of such industry assistance by
10 other countries. Florida's aerospace industry could be
11 assisted by a corporation established to work with the United
12 States Export-Import Bank, the Small Business Administration,
13 the National Aeronautics and Space Administration, and other
14 federal, state, and private sources to provide information,
15 technical assistance, and financial support. It is the
16 intention of the Legislature to retain and expand job
17 opportunities for Florida citizens through this mechanism.

18 Section 34. Section 331.405, Florida Statutes, is
19 amended to read:

20 331.405 Definitions.--As used in this part:

21 (1) "Account" means the account established pursuant
22 to s. 331.415.

23 (2) "Aerospace" means the industry concerned with the
24 design and manufacture of aircraft, rockets, missiles,
25 spacecraft, satellites, space vehicles, space stations, space
26 facilities, or components thereof, and equipment, systems,
27 facilities, simulators, programs, and activities related
28 thereto.

29 ~~(3)(2)~~ "Authority" means the Florida Space Authority
30 created by s. 331.302.

31 ~~(4)(3)~~ "Board" means the governing body of the

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1 corporation.

2 (5)(4) "Corporation" means the Florida Aerospace
3 Finance ~~Commercial Space Financing~~ Corporation.

4 (6)(5) "Domiciled in this state" means registered to
5 do business in Florida.

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

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

10 (9)(8) "Member" means an individual appointed to be a
11 member of the board.

12 (10)(9) "President" means the chief executive officer
13 of the corporation.

14 Section 35. Section 331.407, Florida Statutes, is
15 amended to read:

16 331.407 Florida Aerospace Finance ~~Commercial Space~~
17 ~~Financing~~ Corporation.--

18 (1) The Florida Aerospace Finance ~~Commercial Space~~
19 ~~Financing~~ Corporation is created as a corporation not for
20 profit. The corporation shall have all the powers, rights,
21 privileges, and authority as provided under chapter 617 and
22 this part. The corporation shall be organized on a nonstock
23 basis. The purpose of the corporation is to expand employment
24 and income opportunities for residents of this state by
25 providing businesses domiciled in this state with information,
26 technical assistance, and financial assistance to support
27 space-related transactions, in order to increase the
28 development within the state of commercial aerospace products,
29 activities, services, and facilities.

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

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1 (a) To coordinate its efforts with programs and goals
2 of the United States Air Force, the National Aeronautics and
3 Space Administration, the Export-Import Bank, the
4 International Trade Administration of the United States
5 Department of Commerce, the Foreign Credit Insurance
6 Association, Enterprise Florida, Inc., and its boards, and
7 other private and public programs and organizations, domestic
8 and foreign.

9 (b) To establish a network of contacts among those
10 domestic and foreign public and private organizations which
11 provide information, technical assistance, and financial
12 support to the aerospace industry.

13 (c) To assemble, publish, and disseminate information
14 on financing opportunities and techniques of financing
15 aerospace projects, programs, and activities; sources of
16 public and private aerospace financing assistance; and sources
17 of aerospace-related ~~space-related~~ financing.

18 (d) To organize, host, and participate in seminars and
19 other forums designed to disseminate information and technical
20 assistance regarding aerospace-related ~~space-related~~
21 financing.

22 (e) To insure, coinsure, lend, and guarantee loans,
23 and to originate for sale direct aerospace-related
24 ~~space-related~~ loans, pursuant to criteria, bylaws, policies,
25 and procedures adopted by the board.

26 (f) To capitalize, underwrite, and secure funding for
27 aerospace infrastructure, satellites, launch vehicles, and any
28 service which supports aerospace launches.

29 (g) To construct, lease, or sell aerospace
30 infrastructure, satellites, launch vehicles, and any other
31 related activities and services.

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1 (h) To acquire property, including real, personal,
 2 tangible, intangible, or mixed, under such conditions as the
 3 board may deem necessary or desirable, and sell or otherwise
 4 dispose of the same.

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

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

11 Section 36. Subsection (4) of section 331.409, Florida
 12 Statutes, is amended to read:

13 331.409 Powers and limitations.--

14 (4) In providing assistance, the board shall create a
 15 fiscal strategy for Florida which will guide and facilitate
 16 the successful expansion of aerospace-related ~~space-related~~
 17 jobs.

18 Section 37. Paragraphs (a) and (c) of subsection (5)
 19 of section 331.411, Florida Statutes, are amended to read:

20 331.411 Board of directors; powers and duties.--

21 (5) The board shall:

22 (a) Prior to the expenditure of funds from the
 23 account, adopt bylaws, rules, and policies necessary to carry
 24 out its responsibilities under this part, particularly with
 25 respect to the implementation of the corporation's programs to
 26 insure, coinsure, lend, provide loan guarantees, and make
 27 direct, guaranteed, or collateralized loans to support
 28 aerospace-related ~~space-related~~ transactions.

29 (c) Adopt policies, including criteria, establishing
 30 which aerospace-related ~~space-related~~ transactions shall be
 31 eligible for insurance, coinsurance, loan guarantees, and

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1 direct, guaranteed, or collateralized loans which may be
 2 extended by the corporation. To implement this paragraph, the
 3 board shall adopt rules which include the following criteria:

4 1. Any individual signing any corporation loan
 5 application and loan or guarantee agreement must have an
 6 equity interest in the business applying for financial
 7 assistance.

8 2. Applicants must be domiciled in this state and will
 9 be contractually obligated to use Florida launch facilities to
 10 the maximum extent possible.

11 Section 38. Subsections (37) and (38) are added to
 12 section 334.03, Florida Statutes, to read:

13 334.03 Definitions.--When used in the Florida
 14 Transportation Code, the term:

15 (37) "511" or "511 services" means three-digit
 16 telecommunications dialing to access interactive voice
 17 response telephone traveler information services provided in
 18 the state as defined by the Federal Communications Commission
 19 in FCC Order No. 00-256, July 31, 2000.

20 (38) "Interactive voice response" means a software
 21 application that accepts a combination of voice telephone
 22 input and touch-tone keypad selection and provides appropriate
 23 responses in the form of voice, fax, callback, e-mail, and
 24 other media.

25 Section 39. Present subsection (31) of section
 26 334.044, Florida Statutes, is redesignated as subsection (32),
 27 and a new subsection (31) is added to that section, to read:

28 334.044 Department; powers and duties.--The department
 29 shall have the following general powers and duties:

30 (31) To provide oversight of traveler information
 31 systems that may include the provision of interactive voice

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1 response telephone systems accessible via the 511 number as
2 assigned by the Federal Communications Commission for traveler
3 information services. The department shall ensure that uniform
4 standards and criteria for the collection and dissemination of
5 traveler information are applied using interactive voice
6 response systems.

7 Section 40. Section 334.14, Florida Statutes, is
8 amended to read:

9 334.14 Employees of department who are required to be
10 engineers.--Each employee performing engineering as defined in
11 chapter 471 shall be registered in accordance with the
12 provisions of chapter 471.

13 ~~(1) At a minimum, each of the following employees of~~
14 ~~the department must be a professional engineer registered~~
15 ~~under chapter 471:~~

16 ~~(a) The State Highway Engineer and the district~~
17 ~~secretary for each district, except that in lieu of~~
18 ~~engineering registration the district secretary for each~~
19 ~~district may hold an advanced degree in an appropriate related~~
20 ~~discipline such as a master of business administration.~~

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

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

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

31 ~~2. Any area or resident engineer who is in responsible~~

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1 ~~charge of an engineering construction project.~~

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

5 ~~2. The senior maintenance engineer assigned to a field~~
6 ~~office.~~

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

9 ~~(2) As used in this section, the term "responsible~~
10 ~~charge" means the rendering of engineering judgment and~~
11 ~~decisions in the development of technical policy and programs~~
12 ~~or the direct control and personal supervision of work~~
13 ~~performed by himself or herself or by others over whom the~~
14 ~~person holds supervisory authority.~~

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

22 ~~(4) The department shall employ a district secretary~~
23 ~~for each transportation district whose duties shall be fixed~~
24 ~~by the department and who shall be responsible for the~~
25 ~~efficient operation and administration of that district.~~

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

30 Section 41. Section 334.60, Florida Statutes, is
31 created to read:

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1 334.60 511 traveler information system.--
2 (1) The department is the state's lead agency for
3 implementing 511 services and is the state's point of contact
4 for coordinating 511 services with telecommunications service
5 providers. The department shall:

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

8 (b) Coordinate with other transportation authorities
9 in the state to provide multimodal traveler information
10 through 511 services and other means;

11 (c) Develop uniform standards and criteria for the
12 collection and dissemination of traveler information using the
13 511 number or other interactive voice response systems; and

14 (d) Enter into joint participation agreements or
15 contracts with highway authorities and public transit
16 districts to share the costs of implementing and administering
17 511 services in the state. The department may also enter into
18 other agreements or contracts with private firms relating to
19 the 511 services to offset the costs of implementing and
20 administering 511 services in the state.

21
22 The department shall adopt rules to administer the
23 coordination of 511 traveler information phone services in the
24 state.

25 Section 42. Section 336.467, Florida Statutes, is
26 amended to read:

27 336.467 County-state right-of-way acquisition
28 agreements.--A county or other governmental entity may enter
29 into an agreement with the department to provide for the
30 department to acquire rights-of-way for the county or other
31 governmental entity, provided the highway project is to be

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1 ~~funded by the 80-percent portion of the constitutional gas tax~~
2 ~~allocated to that county and requires the acquisition of at~~
3 ~~least 10 parcels of land, the total cost of which will equal~~
4 ~~or exceed \$100,000.~~

5 Section 43. Subsections (1), (4), and (7) of section
6 337.14, Florida Statutes, are amended to read:

7 337.14 Application for qualification; certificate of
8 qualification; restrictions; request for hearing.--

9 (1) Any person desiring to bid for the performance of
10 any construction contract in excess of \$250,000 which the
11 department proposes to let must first be certified by the
12 department as qualified pursuant to this section and rules of
13 the department. The rules of the department shall address the
14 qualification of persons to bid on construction contracts in
15 excess of \$250,000 and shall include requirements with respect
16 to the equipment, past record, experience, financial
17 resources, and organizational personnel of the applicant
18 necessary to perform the specific class of work for which the
19 person seeks certification. The department is authorized to
20 limit the dollar amount of any contract upon which a person is
21 qualified to bid or the aggregate total dollar volume of
22 contracts such person is allowed to have under contract at any
23 one time. Each applicant seeking qualification to bid on
24 construction contracts in excess of \$250,000 shall furnish the
25 department a statement under oath, on such forms as the
26 department may prescribe, setting forth detailed information
27 as required on the application. Each application for
28 certification shall be accompanied by the latest annual
29 financial statement of the applicant completed within the last
30 12 months. If the annual financial statement shows the
31 financial condition of the applicant more than 4 months prior

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1 to the date on which the application is received by the
2 department, then an interim financial statement must also be
3 submitted. The interim financial statement must cover the
4 period from the end date of the annual statement and must show
5 the financial condition of the applicant no more than 4 months
6 prior to the date on which the application is received by the
7 department. Each required annual or interim financial
8 statement must be audited and accompanied by the opinion of a
9 certified public accountant or a public accountant approved by
10 the department. The information required by this subsection
11 is confidential and exempt from the provisions of s.
12 119.07(1). The department shall act upon the application for
13 qualification within 30 days after the department determines
14 that the application is complete it is presented.

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

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1 with the second request within a reasonable period of time as
2 specified therein, the application shall be denied.

3 (7) No "contractor" as defined in s. 337.165(1)(d) or
4 his or her "affiliate" as defined in s. 337.165(1)(a)
5 qualified with the department under this section may also
6 qualify under s. 287.055 or s. 337.105 to provide testing
7 services, construction, engineering, and inspection services
8 to the department. This limitation shall not apply to any
9 design-build prequalification under s. 337.11(7).

10 Section 44. Section 337.18, Florida Statutes, is
11 amended to read:

12 337.18 Surety bonds for construction or maintenance
13 contracts; requirement with respect to contract award; bond
14 requirements; defaults; damage assessments.--

15 (1)(a) A surety bond shall be required of the
16 successful bidder in an amount equal to the awarded contract
17 price. For a project for which the contract price is \$150,000
18 or less, the department may waive the requirement for all or a
19 portion of a surety bond if it determines the project is of a
20 noncritical nature and nonperformance will not endanger public
21 health, safety, or property. The department may require
22 alternate means of security if a surety bond is waived. The
23 surety on such bond shall be a surety company authorized to do
24 business in the state. All bonds shall be payable to the
25 department and conditioned for the prompt, faithful, and
26 efficient performance of the contract according to plans and
27 specifications and within the time period specified, and for
28 the prompt payment of all persons defined in s. 713.01
29 furnishing labor, material, equipment, and supplies for work
30 provided in the contract ~~therefor~~; however, whenever an
31 improvement, demolition, or removal contract price is \$25,000

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1 or less, the security may, in the discretion of the bidder, be
2 in the form of a cashier's check, bank money order of any
3 state or national bank, certified check, or postal money
4 order. The department shall adopt rules to implement this
5 subsection. Such rules shall include provisions under which
6 the department shall refuse to accept bonds on contracts when
7 a surety wrongfully fails or refuses to settle or provide a
8 defense for claims or actions arising under a contract for
9 which the surety previously furnished a bond.

10 (b) Upon execution of the contract, and prior to
11 beginning any work under the contract, the contractor shall
12 record in the public records of the county where the
13 improvement is located the payment and performance bond
14 required under this section. A claimant shall have a right of
15 action against the contractor and surety for the amount due
16 him or her, including unpaid finance charges due under the
17 claimant's contract. Such action shall not involve the
18 department in any expense.

19 (c) A claimant, except a laborer, who is not in
20 privity with the contractor shall, before commencing or not
21 later than 90 days after commencing to furnish labor,
22 materials, or supplies for the prosecution of the work,
23 furnish the contractor with a notice that he or she intends to
24 look to the bond for protection. A claimant who is not in
25 privity with the contractor and who has not received payment
26 for his or her labor, materials, or supplies shall deliver to
27 the contractor and to the surety written notice of the
28 performance of the labor or delivery of the materials or
29 supplies and of the nonpayment. The notice of nonpayment may
30 be served at any time during the progress of the work or
31 thereafter but not before 45 days after the first furnishing

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1 of labor, services, or materials, and not later than 90 days
2 after the final furnishing of the labor, services, or
3 materials by the claimant or, with respect to rental
4 equipment, not later than 90 days after the date that the
5 rental equipment was last on the job site available for use.
6 An action by a claimant, except a laborer, who is not in
7 privity with the contractor for the labor, materials, or
8 supplies may not be instituted against the contractor or the
9 surety unless both notices have been given. Notices required
10 or permitted under this section may be served in any manner
11 provided in s. 713.18.

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

26 (e) When a contractor has furnished a payment bond
27 pursuant to this section, he or she may, when the department
28 makes any payment to the contractor, serve a written demand on
29 any claimant who is not in privity with the contractor for a
30 written statement under oath of his or her account showing the
31 nature of the labor or services performed to date, if any; the

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

31 (f) The bonds provided for in this section are

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1 statutory bonds. The provisions of s. 255.05 are not
2 applicable to bonds issued pursuant to this section.

3 (2) The department shall provide in its contracts for
4 the determination of default on the part of any contractor for
5 cause attributable to such contractor. The department shall
6 have no liability for anticipated profits for unfinished work
7 on a contract which has been determined to be in default.
8 Every contract let by the department for the performance of
9 work shall contain a provision for payment to the department
10 by the contractor of liquidated damages due to failure of the
11 contractor to complete the contract work within the time
12 stipulated in the contract or within such additional time as
13 may have been granted by the department. The contractual
14 provision shall include a reasonable estimate of the damages
15 that would be incurred by the department as a result of such
16 failure. The department shall establish a schedule of daily
17 liquidated damage charges, based on original contract amounts,
18 for construction contracts entered into by the department,
19 which schedule shall be incorporated by reference into the
20 contract. The department shall update the schedule of
21 liquidated damages at least once every 2 years, but no more
22 often than once a year. The schedule shall, at a minimum, be
23 based on the average construction, engineering, and inspection
24 costs experienced by the department on contracts over the 2
25 preceding fiscal years. The schedule shall also include
26 anticipated costs of project-related delays and inconveniences
27 to the department and traveling public. Anticipated costs may
28 include, but are not limited to, road user costs, a portion of
29 the projected revenues that will be lost due to failure to
30 timely open a project to revenue-producing traffic, costs
31 resulting from retaining detours for an extended time, and

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1 other similar costs. Any such liquidated damages paid to the
2 department shall be deposited to the credit of the fund from
3 which payment for the work contracted was authorized.

4 (3) In addition to the provision for payment to the
5 department by the contractor of liquidated damages due to the
6 failure of the contractor to complete the project within the
7 time stipulated in the contract or within such additional time
8 as may have been granted by the department, the department may
9 also recover from the contractor amounts paid by the
10 department for damages suffered by third parties as a result
11 of the contractor's failure to complete the project within the
12 time stipulated in the contract or within such additional time
13 as may have been granted by the department, unless the failure
14 to timely complete the project was caused by the department's
15 act or omission. However, nothing herein shall create a cause
16 of action against the department, or against a contractor by
17 an abutting property owner or business entity, where none has
18 previously existed.

19 (4)(a) If the department determines and adequately
20 documents that the timely completion of any project will
21 provide a substantial benefit to the public health, safety, or
22 welfare; will limit the disruptive effect of construction on
23 the community; or is cost beneficial on a revenue-producing
24 project, the contract for such project may provide for an
25 incentive payment payable to the contractor for early
26 completion of the project or critical phases of the work and
27 for additional damages to be assessed against the contractor
28 for the completion of the project or critical phases of the
29 work in excess of the time specified. All contracts containing
30 such provisions shall be approved by the head of the
31 department or his or her designee. The amount of such

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1 incentive payment or such additional damages shall be
2 established in the contract based on an analysis of the cost
3 savings to the traveling public or revenue projections for a
4 revenue-producing project but shall not exceed \$10,000 per
5 calendar day, except that for revenue-producing projects the
6 amounts and periods of the incentive may be greater if an
7 analysis indicates that additional revenues projected to be
8 received upon completion of the project will exceed the cost
9 of the incentive payments. Any liquidated damages provided for
10 under subsection (2) and any additional damages provided for
11 under this subsection shall be payable to the department
12 because of the contractor's failure to complete the contract
13 work within the time stipulated in the contract or within such
14 additional time as may have been granted by the department.

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

19 (5) Such bonds shall be subject to the additional
20 obligation that the principal and surety executing the same
21 shall be liable to the state in a civil action instituted by
22 the department or any officer of the state authorized in such
23 cases, for double any amount in money or property the state
24 may lose or be overcharged or otherwise defrauded of, by
25 reason of any wrongful or criminal act, if any, of the
26 contractor, the contractor's agent, or employees.

27 Section 45. Subsection (2) of section 338.235, Florida
28 Statutes, is amended to read:

29 338.235 Contracts with department for provision of
30 services on the turnpike system.--

31 (2) In order to secure high-quality products, business

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1 opportunities, and services on the turnpike system, products,
2 business opportunities, and services authorized by s. 338.234
3 may be secured by competitive solicitation for turnpike
4 patrons, products and services authorized by s. 338.234(1) may
5 be secured through the request for proposal process. If the
6 department receives an unsolicited proposal for products,
7 business opportunities, or services that it wishes to
8 consider, it shall publish a notice in a newspaper of general
9 circulation at least once a week for 2 weeks, or may broadcast
10 such notice by electronic media for 2 weeks, stating that it
11 has received a proposal and will accept other proposals on the
12 same subject for 30 days after the date of publication. The
13 department may select offers that the proposal and fee which
14 best satisfy the conditions of a quality service, business
15 opportunity, or and product operation for the turnpike system.
16 The factors to be used in evaluating proposals include, but
17 are not limited to:
18 (a) The financial capacity of the provider;
19 (b) The willingness to contribute toward the cost of
20 facility construction;
21 (c) The type and quality of the service or product
22 offered;
23 (d) The price structure of the service or product
24 offered;
25 (e) Management experience and capabilities;
26 (f) The national brand names offered;
27 (g) The originality of the concept and its
28 relationship to the turnpike system;
29 (h) The lease rate; and
30 (i) Other factors that the department may deem
31 pertinent.

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1 Section 46. Section 339.61, Florida Statutes, is
2 created to read:

3 339.61 Florida Strategic Intermodal System; Legislative
4 findings, declaration, and intent.--

5 (1) There is hereby created the Florida Strategic
6 Intermodal System.

7 (2) The Legislature finds that increasing demands are
8 continuing to be placed on the state's transportation system
9 by a fast-growing economy, continued population growth, and
10 projected increases in freight movement, international trade,
11 and tourism. The Legislature also finds that the state's
12 growing regional and intercity economic centers will increase
13 the demand for interregional and intercity travel and that the
14 evolving service-based and information-based industries will
15 change the type of transportation system that business and
16 industry demand, increasing the importance of speed and
17 reliability. The Legislature further finds that our
18 transportation system must be designed and operated in such a
19 way that it preserves the abundance of natural and manmade
20 amenities that have been so successful in attracting new
21 residents, businesses, and tourists to this state. Therefore,
22 the Legislature declares that the designation of a strategic
23 intermodal system, composed of facilities and services of
24 statewide and interregional significance, will efficiently
25 serve the mobility needs of Florida's citizens, businesses,
26 and visitors and will help Florida become a worldwide economic
27 leader, enhance economic prosperity and competitiveness,
28 enrich quality of life, and reflect responsible environmental
29 stewardship. To that end, it is the intent of the Legislature
30 that the Strategic Intermodal System consist of transportation
31 facilities that meet a strategic and essential state interest

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1 and that limited resources available for the implementation of
2 statewide and interregional transportation priorities be
3 focused on that system.

4 Section 47. Section 339.62, Florida Statutes, is
5 created to read:

6 339.62 System components.--The Strategic Intermodal
7 System shall consist of appropriate components of:

8 (1) The Florida Intrastate Highway System established
9 under to s. 338.001.

10 (2) The National Highway System.

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

12 (4) Rail lines and rail facilities.

13 (5) Selected intermodal facilities; passenger and
14 freight terminals; and appropriate components of the State
15 Highway System, county road system, city street system, inland
16 waterways, and local public transit systems that serve as
17 existing or planned connectors between the components listed
18 in subsections (1)-(4).

19 (6) Existing or planned corridors that serve a
20 statewide or interregional purpose.

21 Section 48. Section 339.63, Florida Statutes, is
22 created to read:

23 339.63 System facilities designated; additions and
24 deletions.--

25 (1) The initial Strategic Intermodal System shall
26 include all facilities that meet the criteria recommended by
27 the Strategic Intermodal Steering Committee in a report titled
28 "Steering Committee Final Report: Recommendations for
29 Designating Florida's Strategic Intermodal System" dated
30 December 2002.

31 (2) Subsequent to the initial designation of the

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1 Strategic Intermodal System pursuant to subsection (1), the
2 Secretary of Transportation shall periodically add facilities
3 to or delete facilities from the Strategic Intermodal System
4 based upon adopted criteria.

5 Section 49. Section 339.64, Florida Statutes, is
6 created to read:

7 339.64 Strategic Intermodal System Plan.--

8 (1) The department shall develop, in cooperation with
9 metropolitan planning organizations, regional planning
10 councils, local governments, the Statewide Intermodal
11 Transportation Advisory Council and other transportation
12 providers, a Strategic Intermodal System Plan. The plan shall
13 be consistent with the Florida Transportation Plan developed
14 pursuant to s. 339.155 and shall be updated at least once
15 every 5 years, subsequent to updates of the Florida
16 Transportation Plan.

17 (2) In association with the development of the initial
18 Strategic Intermodal System Plan and other transportation
19 plans, the Florida Transportation Commission, shall conduct an
20 assessment of the need for an improved philosophical approach
21 to regional and intermodal input in the planning for and
22 governing of the Strategic Intermodal System and other
23 transportation systems. The Florida Transportation Commission
24 shall coordinate with the department, the Statewide Intermodal
25 Transportation Advisory Council, and other appropriate
26 entities when developing this assessment. The Florida
27 Transportation Commission shall deliver a report to the
28 Governor and Legislature by December 15, 2003, with
29 recommendations as necessary to fully implement the Strategic
30 Intermodal System.

31 (3) During the development of the Strategic Intermodal

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1 System Plan and the development of all subsequent updates, the
2 department shall provide metropolitan planning organizations,
3 regional planning councils, local governments, transportation
4 providers, affected public agencies, and citizens with an
5 opportunity to participate in and comment on the development
6 of the proposed plan or update.

7 (4) The Strategic Intermodal System Plan shall include
8 the following:

9 (a) A needs assessment.

10 (b) A project prioritization process.

11 (c) A map of facilities designated as Strategic
12 Intermodal System facilities and facilities that are emerging
13 in importance that are likely to become part of the system in
14 the future.

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

18 (5) STATEWIDE INTERMODAL TRANSPORTATION ADVISORY
19 COUNCIL.--

20 (a) The Statewide Intermodal Transportation Advisory
21 Council is created to advise and make recommendations to the
22 Legislature and the department on policies, planning, and
23 funding of intermodal transportation projects. The council's
24 responsibilities shall include:

25 1. Advising the department on the policies, planning,
26 and implementation of strategies related to intermodal
27 transportation.

28 2. Providing advice and recommendations to the
29 Legislature on funding for projects to move goods and people
30 in the most efficient and effective manner for the State of
31 Florida.

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1 (b) MEMBERSHIP.--Members of the Statewide Intermodal
 2 Transportation Advisory Council shall consist of the
 3 following:
 4 1. Five intermodal industry representatives selected
 5 by the Governor as follows:
 6 a. One representative from an airport involved in the
 7 movement of freight and people from their airport facility to
 8 another transportation mode.
 9 b. One individual representing a fixed-route,
 10 local-government transit system.
 11 c. One representative from an intercity bus company
 12 providing regularly scheduled bus travel as determined by
 13 federal regulations.
 14 d. One representative from a spaceport.
 15 e. One representative from intermodal trucking
 16 companies.
 17 2. Three intermodal industry representatives selected
 18 by the President of the Senate as follows:
 19 a. One representative from major-line railroads.
 20 b. One representative from seaports listed in s.
 21 311.09(1) from the Atlantic Coast.
 22 c. One representative from an airport involved in the
 23 movement of freight and people from their airport facility to
 24 another transportation mode.
 25 3. Three intermodal industry representatives selected
 26 by the Speaker of the House of Representatives as follows:
 27 a. One representative from short-line railroads.
 28 b. One representative from seaports listed in s.
 29 311.09(1) from the Gulf Coast.
 30 c. One representative from intermodal trucking
 31 companies. In no event may this representative be employed by

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1 the same company that employs the intermodal trucking company
2 representative selected by the Governor.

3 (c) Initial appointments to the council must be made
4 no later than 30 days after the effective date of this
5 section.

6 1. The initial appointments made by the President of
7 the Senate and the Speaker of the House of Representatives
8 shall serve terms concurrent with those of the respective
9 appointing officer. Beginning January 15, 2005, and for all
10 subsequent appointments, council members appointed by the
11 President of the Senate and the Speaker of the House of
12 Representatives shall serve 2-year terms, concurrent with the
13 term of the respective appointing officer.

14 2. The initial appointees, and all subsequent
15 appointees, made by the Governor shall serve 2-year terms.

16 3. Vacancies on the council shall be filled in the
17 same manner as the initial appointments.

18 (d) Each member of the council shall be allowed one
19 vote. The council shall select a Chair from among its
20 membership. Meetings shall be held at the call of the Chair,
21 but not less frequently than quarterly. The members of the
22 council shall be reimbursed for per diem and travel expenses
23 as provided in s. 112.061.

24 (e) The department shall provide administrative staff
25 support and shall ensure that council meetings are
26 electronically recorded. Such recordings and all documents
27 received, prepared for, or used by the council in conducting
28 its business shall be preserved pursuant to chapters 119 and
29 257.

30 Section 50. Mamie Langdale Memorial Bridge designated;
31 markers.--

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1 (1) The new U.S. Highway 27 bridge in the City of
2 Moore Haven in Glades County is hereby designated as "Mamie
3 Langdale Memorial Bridge."

4 (2) The Department of Transportation is directed to
5 erect suitable markers designating Mamie Langdale Memorial
6 Bridge as described in subsection (1).

7 Section 51. George Crady Bridge designated; markers.--

8 (1) The old Nassau Sound Bridge, bridge number 750055,
9 on State Road 105 in Nassau and Duval Counties is hereby
10 redesignated as "George Crady Bridge."

11 (2) The Department of Transportation is directed to
12 erect suitable markers designating George Crady Bridge as
13 described in subsection (1).

14 Section 52. Rodolfo Garcia Memorial Avenue designated;
15 markers.--

16 (1) The portion of west S.R. 823 in Miami-Dade county
17 between west 76th Street and west 72nd Street is designated as
18 "Rodolfo Garcia Memorial Avenue."

19 (2) The Department of Transportation is directed to
20 erect suitable markers designating "Rodolfo Garcia Memorial
21 Avenue."

22 Section 53. Section 341.0532, Florida Statutes, is
23 created to read:

24 341.0532 Statewide Transportation Corridors.--

25 (1) A "Statewide transportation corridor" is defined
26 as a system of transportation infrastructure that collectively
27 provides for the efficient movement of significant volumes of
28 intrastate, interstate, and international commerce by
29 seamlessly linking multiple modes of transport.

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

31 (a) The Atlantic Coast Corridor, from Jacksonville to

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1 Miami, including Interstate 95.

2 (b) The Gulf Coast Corridor, from Pensacola to St.
3 Petersburg and to Tampa including U.S. Route 98 and U.S. Route
4 19/State Road 27.

5 (c) The Central Florida/North-South Corridor, from the
6 Florida-Georgia border to Naples and Fort Lauderdale/Miami,
7 including Interstate 75.

8 (d) The Central Florida/East-West Corridor from St.
9 Petersburg to Tampa and to Titusville, including Interstate 4
10 and the Beeline Expressway.

11 (e) The North Florida Corridor, from Pensacola to
12 Jacksonville, including Interstate 10, and U.S. Route 231,
13 State Road 77 and State Road 79 from the Florida-Alabama
14 border to Panama City.

15 (f) The Jacksonville to Tampa Corridor, including U.S.
16 Route 301.

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

19 (h) The Southeastern Everglades Corridor, linking
20 Wildwood, Winter Garden, Orlando, and West Palm Beach via the
21 Florida Turnpike. For the purposes of this subsection, the
22 term "corridor" includes railways adjacent to such corridor
23 and the roadways linking to transportation terminals, and
24 intermodal service centers to the major highways listed in
25 this subsection.

26 Section 54. Section 95.361, Florida Statutes, is
27 amended to read:

28 95.361 Roads presumed to be dedicated.--

29 (1) When a road, constructed by a county, a
30 municipality, or the Department of Transportation, has been
31 maintained or repaired continuously and uninterruptedly for 4

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1 years by the county, municipality, or the Department of
 2 Transportation, jointly or severally, the road shall be deemed
 3 to be dedicated to the public to the extent in width that has
 4 been actually maintained for the prescribed period, whether or
 5 not the road has been formally established as a public
 6 highway. The dedication shall vest all right, title, easement,
 7 and appurtenances in and to the road in:

- 8 (a) The county, if it is a county road;
- 9 (b) The municipality, if it is a municipal street or
 10 road; or
- 11 (c) The state, if it is a road in the State Highway
 12 System or State Park Road System,

13
 14 whether or not there is a record of a conveyance, dedication,
 15 or appropriation to the public use.

16 (2) In those instances where a road has been
 17 constructed by a nongovernmental entity, or where the road was
 18 not constructed by the entity currently maintaining or
 19 repairing it, or where it cannot be determined who constructed
 20 the road, and when such road has been regularly maintained or
 21 repaired for the immediate past 7 years by a county, a
 22 municipality, or the Department of Transportation, whether
 23 jointly or severally, such road shall be deemed to be
 24 dedicated to the public to the extent of the width that
 25 actually has been maintained or repaired for the prescribed
 26 period, whether or not the road has been formally established
 27 as a public highway. The dedication shall vest all rights,
 28 title, easement, and appurtenances in and to the road in:

- 29 (a) The county, if it is a county road;
- 30 (b) The municipality, if it is a municipal street or
 31 road; or

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

5 (3) The filing of a map in the office of the clerk of
6 the circuit court of the county where the road is located
7 showing the lands and reciting on it that the road has vested
8 in the state, a county, or a municipality in accordance with
9 subsection (1) or subsection (2) or by any other means of
10 acquisition, duly certified by:

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

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

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

18
19 shall be prima facie evidence of ownership of the land by the
20 state, county, or municipality, as the case may be.

21 (4) Any person, firm, corporation, or entity having or
22 claiming any interest in and to any of the property affected
23 by subsection (2) shall have and is hereby allowed a period of
24 1 year after the effective date of this subsection, or a
25 period of 7 years after the initial date of regular
26 maintenance or repair of the road, whichever period is
27 greater, to file a claim in equity or with a court of law
28 against the particular governing authority assuming
29 jurisdiction over such property to cause a cessation of the
30 maintenance and occupation of the property. Such timely filed
31 and adjudicated claim shall prevent the dedication of the road

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1 to the public pursuant to subsection (2).

2 Section 55. subsection (10) of section 339.12, Florida
3 Statutes as created by section 83 of chapter 2002-20, Laws of
4 Florida, and amended by section 58 of chapter 2002-402, Laws
5 of Florida, is repealed.

6 Section 56. The Florida Air Museum, housed at Sun n'
7 Fun in Lakeland, is designated as the official state aviation
8 museum and education center.

9 Section 57. Subsection (1) of section 337.401, Florida
10 Statutes, is amended to read:

11 337.401 Use of right-of-way for utilities subject to
12 regulation; permit; fees.--

13 (1) The department and local governmental entities,
14 referred to in ss. 337.401-337.404 as the "authority," that
15 have jurisdiction and control of public roads or publicly
16 owned rail corridors are authorized to prescribe and enforce
17 reasonable rules or regulations with reference to the placing
18 and maintaining along, across, or on any road or publicly
19 owned rail corridors under their respective jurisdictions any
20 electric transmission, telephone, telegraph, or other
21 communications services lines; pole lines; poles; railways;
22 ditches; sewers; water, heat, or gas mains; pipelines; fences;
23 gasoline tanks and pumps; or other structures hereinafter
24 referred to as the "utility." The department may enter into a
25 permit-delegation agreement with a governmental entity if
26 issuance of a permit is based on requirements that the
27 department finds will ensure the safety and integrity of
28 facilities of the Department of Transportation.

29 Section 58. Subsection (3) is added to section
30 334.071, Florida Statutes, to read:

31 334.071 Legislative designation of transportation

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1 facilities.--

2 (3) Erection of markers shall be contingent on the
3 appropriate city or county commission passing a resolution in
4 support of the particular honorary designation. If the bridge
5 or road segment being designated is located in more than one
6 city or county, resolutions supporting the designation must be
7 passed by each affected local government prior to the erection
8 of the markers.

9 Section 59. Subsection (4) is added to section 335.02,
10 Florida Statutes, to read:

11 335.02 Authority to designate transportation
12 facilities and rights-of-way and establish lanes; procedure
13 for redesignation and relocation.--

14 (4) Notwithstanding any general law or special act,
15 regulations of any county, municipality, or special district,
16 including any instrumentality thereof, shall not apply to
17 existing or future transportation facilities, or appurtenances
18 thereto, on the State Highway System.

19 Section 60. Subsection (8) of section 332.007, Florida
20 Statutes, is amended to read:

21 332.007 Administration and financing of aviation and
22 airport programs and projects; state plan.--

23 (8) Notwithstanding any other provision of law to the
24 contrary, the department is authorized to provide operational
25 and maintenance assistance to publicly owned public-use
26 airports. Such assistance shall be to comply with enhanced
27 federal security requirements or to address related economic
28 impacts from the events of September 11, 2001. For projects in
29 the current adopted work program, or projects added using the
30 available budget of the department, airports may request the
31 department change the project purpose in accordance with this

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1 provision notwithstanding the provisions of s. 339.135(7). For
 2 purposes of this subsection, the department may fund up to 100
 3 percent of eligible project costs that are not funded by the
 4 Federal Government. Prior to releasing any funds under this
 5 section, the department shall review and approve the
 6 expenditure plans submitted by the airport. The department
 7 shall inform the Legislature of any change that it approves
 8 under this subsection. This subsection shall expire on June
 9 30, 2007 ~~2004~~.

10 Section 61. Except as otherwise expressly provided in
 11 this act, this act shall take effect upon becoming a law.

12
 13

14 ===== T I T L E A M E N D M E N T =====

15 And the title is amended as follows:

16 On page 1, lines 8, after the semicolon insert:
 17 transportation facilities; amending ss. 20.23
 18 and 110.205, F.S.; providing for the
 19 reorganization of the Department of
 20 Transportation; revising duties of the
 21 assistant secretaries; providing for additional
 22 offices; amending s. 120.52, F.S.; redefining
 23 the term "agency" for the purposes of the
 24 Administrative Procedure Act; amending s.
 25 339.175, F.S.; providing authority for
 26 metropolitan planning organizations and
 27 political subdivisions to form separate legal
 28 or administrative entities for the purpose of
 29 coordinating regional transportation planning
 30 and development goals and purposes; specifying
 31 how the entity shall be created and operated;

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1 exempting the entity from the Administrative
2 Procedure Act; amending s. 255.20, F.S.;
3 providing for a presumption of prequalification
4 for certain contractors; amending s. 316.1001,
5 F.S.; providing for issuing citations for toll
6 violations by first class mail; providing that
7 mailing constitutes notification of such a
8 violation; amending s. 316.302, F.S.; revising
9 provisions for exemption from specified
10 notification requirements for commercial motor
11 vehicles carrying hazardous materials;
12 incorporating specified federal regulations;
13 updating regulations and rules applicable to
14 certain commercial motor vehicle owners and
15 drivers; specifying ownership identification
16 requirements for certain commercial motor
17 carriers; providing penalties for violation of
18 such requirements; providing for compliance
19 reviews; deleting obsolete references;
20 requirements for identifying commercial
21 vehicles; authorizing the department to conduct
22 compliance reviews; amending s. 316.3025, F.S.;
23 conforming references; providing for a civil
24 penalty to be assessed for additional specified
25 violations; providing penalties for commercial
26 trucks found to be operating following an
27 out-of-service order; amending s. 316.3026,
28 F.S.; providing for the Office of Motor Carrier
29 Compliance to enforce laws governing the
30 operating authority of motor carriers;
31 repealing s. 316.3027, F.S., relating to

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1 identification requirements of commercial
2 vehicles; amending s. 316.515, F.S.; revising
3 length limitations for certain commercial
4 vehicles; amending s. 316.545, F.S.; providing
5 for placement of a lien on a vehicle for
6 failure to pay an out-of-service fine; deleting
7 obsolete provisions; authorizing weight
8 inspectors to detain a commercial vehicle under
9 certain circumstances; repealing s. 316.610(3),
10 F.S., relating to a commercial vehicle
11 inspection program within the department which
12 no longer exists; amending s. 316.640, F.S.;
13 providing for authorization of traffic accident
14 investigation officers; amending s. 316.650,
15 F.S.; authorizing the transfer of toll
16 violation citations via electronic means;
17 amending s. 316.70, F.S.; authorizing the
18 department to conduct compliance reviews of
19 nonpublic sector buses; amending s. 318.14,
20 F.S.; revising the time period for paying
21 certain civil penalties; amending s. 330.27,
22 F.S.; revising definitions; amending s. 330.29,
23 F.S.; revising duties of the Department of
24 Transportation with respect to the regulation
25 of airport sites and airports; requiring the
26 department to establish requirements for
27 airport site approval, licensure, and
28 registration; requiring the department to
29 establish and maintain a state aviation
30 facility data system; amending s. 330.30, F.S.;
31 revising provisions for airport site approval;

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1 revising provisions for airport licensing;
2 providing for a private airport registration
3 process; specifying requirements for such
4 licensing and registration; deleting airport
5 license fees; providing for expiration and
6 revocation of such license or registration;
7 revising provisions for exemption from such
8 registration and licensing requirements;
9 exempting described areas and facilities from
10 such requirements; providing described private
11 airports the option to be inspected and
12 licensed by the department; amending s. 330.35,
13 F.S.; revising provisions for airport zoning
14 protection for public-use airports; amending s.
15 330.36, F.S.; providing for zoning requirements
16 governing the landing of seaplanes; amending s.
17 288.075, F.S.; conforming provisions to changes
18 made by the act; amending s. 331.303, F.S.;
19 revising a definition; amending s. 331.308,
20 F.S.; revising provisions relating to the board
21 of supervisors for the Florida Space Authority;
22 amending s. 331.367, F.S.; conforming
23 provisions to changes made by the act; amending
24 s. 331.368, F.S.; revising the membership of
25 the board of directors for the Florida Space
26 Research Institute; clarifying the authority of
27 the Florida Space Research Institute; providing
28 for the submission of an annual report to the
29 Commissioner of Education; amending s. 331.401,
30 F.S.; conforming provisions to changes made by
31 the act; amending s. 331.403, F.S.; revising

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1 legislative findings and intent; amending s.
2 331.405, F.S.; defining the term "aerospace";
3 amending s. 331.407, F.S.; redesignating the
4 Florida Commercial Space Finance Corporation as
5 the Florida Aerospace Finance Corporation;
6 conforming provisions to changes made by the
7 act; providing that the Florida Aerospace
8 Finance Corporation is not an agency for
9 certain purposes; amending ss. 331.409 and
10 331.411, F.S.; conforming provisions to changes
11 made by the act; amending s. 334.03, F.S.;
12 defining "511 services" and "interactive voice
13 response"; amending s. 334.044, F.S.; expanding
14 the powers and duties of the department to
15 include oversight of traveler information
16 systems; amending s. 334.14, F.S.; revising the
17 qualifications required for engineers employed
18 by the department; creating s. 334.60, F.S.;
19 requiring the department to be the lead agency
20 in establishing and coordinating a 511 traveler
21 information phone system; amending s. 336.467,
22 F.S.; authorizing the department to acquire
23 rights-of-way for other governmental entities;
24 amending s. 337.14, F.S.; clarifying the
25 contractor prequalification process;
26 prohibiting a construction contractor from
27 providing testing services; amending s. 337.18,
28 F.S.; clarifying that surety bonds issued in
29 favor of the department for construction and
30 maintenance projects over a specified amount
31 are governed by chapter 337, F.S.; removing

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1 certain limitations on contractor incentive
2 payments; amending s. 338.165, F.S.;

3 authorizing the Division of Bond Finance to
4 issue bonds at the department's request for
5 certain facilities; amending s. 338.235, F.S.;

6 authorizing the turnpike authority to secure
7 products, business opportunities, and services
8 by competitive solicitation; creating s.
9 339.61, F.S.; creating the Florida Strategic
10 Intermodal System; providing legislative
11 findings; creating s. 339.62, F.S.; providing
12 the components of the Strategic Intermodal
13 System; creating s. 339.63, F.S.; designating
14 system facilities; creating s. 339.64, F.S.;

15 providing for a needs assessment; providing for
16 the Strategic Intermodal System plan;

17 designating Mamie Langdale Memorial Bridge in
18 Glades County; designating George Crady Bridge
19 in Nassau and Duval Counties; designating
20 Rodolfo Garcia Memorial Avenue; directing the
21 Department of Transportation to erect suitable
22 markers; defining statewide transportation
23 corridors; amending s. 95.361, F.S.; providing
24 for government acquisition of certain roads;

25 providing procedures to contest such
26 acquisition; repealing s. 339.12(10) as
27 created by s. 83 of ch. 2002-20, Laws of
28 Florida, and amended by s. 58 of ch. 2002-402,
29 Laws of Florida, relating to grants for local
30 governments; designating an official state
31 aviation museum; amending s. 337.401, F.S.;

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1 allowing the department under certain
2 circumstances to enter into permit-delegation
3 agreements with other governmental entities for
4 issuance of permits to use certain
5 rights-of-way; amending s. 334.071, F.S.;
6 requiring local government approval of any
7 proposed road or bridge honorary designation;
8 amending s. 335.02, F.S.; providing that local
9 government regulations shall not apply to
10 transportation facilities on the State Highway
11 System; amending s. 332.007, F.S.; extending
12 the time period of the department's
13 authorization to fund certain security-related
14 airport projects; providing an effective date.

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