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2 An act relating to transportation; amending s.  
3 316.2952, F.S.; deleting a reference to an  
4 obsolete federal safety standard; amending ss.  
5 322.212 and 338.2216, F.S.; correcting  
6 references; amending s. 338.165, F.S.;  
7 authorizing the refinancing of certain  
8 transportation facilities; amending s.  
9 163.3177, F.S.; providing for certain airports  
10 to abandon development-of-regional impact  
11 orders; transportation facilities; amending ss.  
12 20.23 and 110.205, F.S.; providing for the  
13 reorganization of the Department of  
14 Transportation; revising duties of the  
15 assistant secretaries; providing for additional  
16 offices; amending s. 120.52, F.S.; redefining  
17 the term "agency" for the purposes of the  
18 Administrative Procedure Act; amending s.  
19 339.175, F.S.; providing authority for  
20 metropolitan planning organizations and  
21 political subdivisions to form separate legal  
22 or administrative entities for the purpose of  
23 coordinating regional transportation planning  
24 and development goals and purposes; specifying  
25 how the entity shall be created and operated;  
26 exempting the entity from the Administrative  
27 Procedure Act; amending s. 255.20, F.S.;  
28 providing for a presumption of prequalification  
29 for certain contractors; amending s. 316.1001,  
30 F.S.; providing for issuing citations for toll  
31 violations by first class mail; providing that

1 mailing constitutes notification of such a  
2 violation; amending s. 316.302, F.S.; revising  
3 provisions for exemption from specified  
4 notification requirements for commercial motor  
5 vehicles carrying hazardous materials;  
6 incorporating specified federal regulations;  
7 updating regulations and rules applicable to  
8 certain commercial motor vehicle owners and  
9 drivers; specifying ownership identification  
10 requirements for certain commercial motor  
11 carriers; providing penalties for violation of  
12 such requirements; providing for compliance  
13 reviews; deleting obsolete references;  
14 requirements for identifying commercial  
15 vehicles; authorizing the department to conduct  
16 compliance reviews; amending s. 316.3025, F.S.;  
17 conforming references; providing for a civil  
18 penalty to be assessed for additional specified  
19 violations; providing penalties for commercial  
20 trucks found to be operating following an  
21 out-of-service order; amending s. 316.3026,  
22 F.S.; providing for the Office of Motor Carrier  
23 Compliance to enforce laws governing the  
24 operating authority of motor carriers;  
25 repealing s. 316.3027, F.S., relating to  
26 identification requirements of commercial  
27 vehicles; amending s. 316.515, F.S.; revising  
28 length limitations for certain commercial  
29 vehicles; amending s. 316.545, F.S.; providing  
30 for placement of a lien on a vehicle for  
31 failure to pay an out-of-service fine; deleting

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

1           revising provisions for exemption from such  
2           registration and licensing requirements;  
3           exempting described areas and facilities from  
4           such requirements; providing described private  
5           airports the option to be inspected and  
6           licensed by the department; amending s. 330.35,  
7           F.S.; revising provisions for airport zoning  
8           protection for public-use airports; amending s.  
9           330.36, F.S.; providing for zoning requirements  
10          governing the landing of seaplanes; amending s.  
11          288.075, F.S.; conforming provisions to changes  
12          made by the act; amending s. 331.303, F.S.;  
13          revising a definition; amending s. 331.308,  
14          F.S.; revising provisions relating to the board  
15          of supervisors for the Florida Space Authority;  
16          amending s. 331.367, F.S.; conforming  
17          provisions to changes made by the act; amending  
18          s. 331.368, F.S.; revising the membership of  
19          the board of directors for the Florida Space  
20          Research Institute; clarifying the authority of  
21          the Florida Space Research Institute; providing  
22          for the submission of an annual report to the  
23          Commissioner of Education; amending s. 331.401,  
24          F.S.; conforming provisions to changes made by  
25          the act; amending s. 331.403, F.S.; revising  
26          legislative findings and intent; amending s.  
27          331.405, F.S.; defining the term "aerospace";  
28          amending s. 331.407, F.S.; redesignating the  
29          Florida Commercial Space Finance Corporation as  
30          the Florida Aerospace Finance Corporation;  
31          conforming provisions to changes made by the

1 act; providing that the Florida Aerospace  
2 Finance Corporation is not an agency for  
3 certain purposes; amending ss. 331.409 and  
4 331.411, F.S.; conforming provisions to changes  
5 made by the act; amending s. 334.03, F.S.;  
6 defining "511 services" and "interactive voice  
7 response"; amending s. 334.044, F.S.; expanding  
8 the powers and duties of the department to  
9 include oversight of traveler information  
10 systems; amending s. 334.14, F.S.; revising the  
11 qualifications required for engineers employed  
12 by the department; creating s. 334.60, F.S.;  
13 requiring the department to be the lead agency  
14 in establishing and coordinating a 511 traveler  
15 information phone system; amending s. 336.467,  
16 F.S.; authorizing the department to acquire  
17 rights-of-way for other governmental entities;  
18 amending s. 337.14, F.S.; clarifying the  
19 contractor prequalification process;  
20 prohibiting a construction contractor from  
21 providing testing services; amending s. 337.18,  
22 F.S.; clarifying that surety bonds issued in  
23 favor of the department for construction and  
24 maintenance projects over a specified amount  
25 are governed by chapter 337, F.S.; removing  
26 certain limitations on contractor incentive  
27 payments; amending s. 338.165, F.S.;  
28 authorizing the Division of Bond Finance to  
29 issue bonds at the department's request for  
30 certain facilities; amending s. 338.235, F.S.;  
31 authorizing the turnpike authority to secure

1 products, business opportunities, and services  
2 by competitive solicitation; creating s.  
3 339.61, F.S.; creating the Florida Strategic  
4 Intermodal System; providing legislative  
5 findings; creating s. 339.62, F.S.; providing  
6 the components of the Strategic Intermodal  
7 System; creating s. 339.63, F.S.; designating  
8 system facilities; creating s. 339.64, F.S.;  
9 providing for a needs assessment; providing for  
10 the Strategic Intermodal System plan;  
11 designating Mamie Langdale Memorial Bridge in  
12 Glades County; designating George Crady Bridge  
13 in Nassau and Duval Counties; designating  
14 Rodolfo Garcia Memorial Avenue; directing the  
15 Department of Transportation to erect suitable  
16 markers; defining statewide transportation  
17 corridors; amending s. 95.361, F.S.; providing  
18 for government acquisition of certain roads;  
19 providing procedures to contest such  
20 acquisition; repealing s. 339.12(10) as created  
21 by s. 83 of ch. 2002-20, Laws of Florida, and  
22 amended by s. 58 of ch. 2002-402, Laws of  
23 Florida, relating to grants for local  
24 governments; designating an official state  
25 aviation museum; amending s. 337.401, F.S.;  
26 allowing the department under certain  
27 circumstances to enter into permit-delegation  
28 agreements with other governmental entities for  
29 issuance of permits to use certain  
30 rights-of-way; amending s. 334.071, F.S.;  
31 requiring local government approval of any

1 proposed road or bridge honorary designation;  
2 amending s. 335.02, F.S.; providing that local  
3 government regulations shall not apply to  
4 transportation facilities on the State Highway  
5 System; amending s. 332.007, F.S.; extending  
6 the time period of the department's  
7 authorization to fund certain security-related  
8 airport projects; providing an effective date.

9

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

11

12 Section 1. Subsection (2) of section 316.2952, Florida  
13 Statutes, is amended to read:

14 316.2952 Windshields; requirements; restrictions.--

15 (2) A person shall not operate any motor vehicle on  
16 any public highway, road, or street with any sign,  
17 sunscreening material, product, or covering attached to, or  
18 located in or upon, the windshield, except the following:

19 (a) A certificate or other paper required to be  
20 displayed by law.

21 (b) Sunscreening material along a strip at the top of  
22 the windshield, so long as such material is transparent and  
23 does not encroach upon the driver's direct forward viewing  
24 area as more particularly described and defined in Federal  
25 Motor Vehicle Safety Standards No. Nos. 205 and 128 as the  
26 AS/1 portion of the windshield.

27 (c) A device, issued by a governmental entity as  
28 defined in s. 334.03, or its designee, for the purpose of  
29 electronic toll payments.

30 Section 2. Subsection (1) of section 322.212, Florida  
31 Statutes, is amended to read:

1           322.212 Unauthorized possession of, and other unlawful  
2 acts in relation to, driver's license or identification  
3 card.--

4           (1) It is unlawful for any person to:

5           (a) Knowingly have in his or her possession or to  
6 display any blank, forged, stolen, fictitious, counterfeit, or  
7 unlawfully issued driver's license or identification card or  
8 any instrument in the similitude of a driver's license or  
9 identification card unless possession by such person has been  
10 duly authorized by the department;

11           (b) Knowingly have in his or her possession any  
12 instrument in the similitude of a driver's license issued by  
13 the department or its duly authorized agents or those of any  
14 state or jurisdiction issuing licenses recognized in this  
15 state for the operation of a motor vehicle;

16           (c) Knowingly have in his or her possession any  
17 instrument in the similitude of an identification card issued  
18 by the department or its duly authorized agents or those of  
19 any state or jurisdiction issuing identification cards  
20 recognized in this state for the purpose of indicating a  
21 person's true name and age; or

22           (d) Knowingly sell, manufacture, or deliver, or  
23 knowingly offer to sell, manufacture, or deliver, a blank,  
24 forged, stolen, fictitious, counterfeit, or unlawfully issued  
25 driver's license or identification card, or an instrument in  
26 the similitude of a driver's license or identification card,  
27 unless that person is authorized to do so by the department. A  
28 violation of this section ~~paragraph~~ may be investigated by any  
29 law enforcement agency, including the Division of Alcoholic  
30 Beverages and Tobacco.

31



1 The term "driver's license" includes a driver's license issued  
2 by the department or its agents or a driver's license issued  
3 by any state or jurisdiction that issues licenses recognized  
4 in this state for the operation of a motor vehicle. The term  
5 "identification card" includes any identification card issued  
6 by the department or its agents or any identification card  
7 issued by any state or jurisdiction that issues identification  
8 cards recognized in this state for the purpose of indicating a  
9 person's true name and age. This subsection does not prohibit  
10 a person from possessing or displaying another person's  
11 driver's license or identification card for a lawful purpose.

12 Section 3. Subsection (3) of section 338.165, Florida  
13 Statutes, is amended to read:

14 338.165 Continuation of tolls.--

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

26 Section 4. Paragraph (b) of subsection (1) of section  
27 338.2216, Florida Statutes, is amended to read:

28 338.2216 Florida Turnpike Enterprise; powers and  
29 authority.--

30 (1)

31

1           (b) It is the express intention of the Florida  
2 Turnpike Law ~~this part~~ that the Florida Turnpike Enterprise be  
3 authorized to plan, develop, own, purchase, lease, or  
4 otherwise acquire, demolish, construct, improve, relocate,  
5 equip, repair, maintain, operate, and manage the Florida  
6 Turnpike System; to expend funds to publicize, advertise, and  
7 promote the advantages of using the turnpike system and its  
8 facilities; and to cooperate, coordinate, partner, and  
9 contract with other entities, public and private, to  
10 accomplish these purposes.

11           Section 5. Section 20.23, Florida Statutes, is amended  
12 to read:

13           20.23 Department of Transportation.--There is created  
14 a Department of Transportation which shall be a decentralized  
15 agency.

16           (1)(a)~~1~~. The head of the Department of Transportation  
17 is the Secretary of Transportation. The secretary shall be  
18 appointed by the Governor from among three persons nominated  
19 by the Florida Transportation Commission and shall be subject  
20 to confirmation by the Senate. The secretary shall serve at  
21 the pleasure of the Governor.

22           **(b)2**. The secretary shall be a proven, effective  
23 administrator who by a combination of education and experience  
24 shall clearly possess a broad knowledge of the administrative,  
25 financial, and technical aspects of the development,  
26 operation, and regulation of transportation systems and  
27 facilities or comparable systems and facilities.

28           ~~(b)1. The secretary shall employ all personnel of the~~  
29 ~~department. He or she shall implement all laws, rules,~~  
30 ~~policies, and procedures applicable to the operation of the~~  
31 ~~department and may not by his or her actions disregard or act~~

1 ~~in a manner contrary to any such policy. The secretary shall~~  
2 ~~represent the department in its dealings with other state~~  
3 ~~agencies, local governments, special districts, and the~~  
4 ~~Federal Government. He or she shall have authority to sign~~  
5 ~~and execute all documents and papers necessary to carry out~~  
6 ~~his or her duties and the operations of the department. At~~  
7 ~~each meeting of the Florida Transportation Commission, the~~  
8 ~~secretary shall submit a report of major actions taken by him~~  
9 ~~or her as official representative of the department.~~

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

23 ~~(c)3.~~ (c) The secretary shall provide to the Florida  
24 Transportation Commission or its staff, such assistance,  
25 information, and documents as are requested by the commission  
26 or its staff to enable the commission to fulfill its duties  
27 and responsibilities.

28 ~~(d)(c)~~ (d) The secretary shall appoint two ~~three~~ assistant  
29 secretaries who shall be directly responsible to the secretary  
30 and who shall perform such duties ~~as are specified in this~~  
31 ~~section and such other duties~~ as are assigned by the

1 secretary. The secretary may delegate to any assistant  
2 secretary the authority to act in the absence of the  
3 secretary. ~~The department has the authority to adopt rules~~  
4 ~~necessary for the delegation of authority beyond the assistant~~  
5 ~~secretaries. The assistant secretaries shall serve at the~~  
6 ~~pleasure of the secretary.~~

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

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

19 2. Members shall be appointed in such a manner as to  
20 equitably represent all geographic areas of the state. Each  
21 member must be a registered voter and a citizen of the state.  
22 Each member of the commission must also possess business  
23 managerial experience in the private sector.

24 3. A member of the commission shall represent the  
25 transportation needs of the state as a whole and may not  
26 subordinate the needs of the state to those of any particular  
27 area of the state.

28 4. The commission is assigned to the Office of the  
29 Secretary of the Department of Transportation for  
30 administrative and fiscal accountability purposes, but it  
31

1 shall otherwise function independently of the control and  
2 direction of the department.

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

5 1. Recommend major transportation policies for the  
6 Governor's approval, and assure that approved policies and any  
7 revisions thereto are properly executed.

8 2. Periodically review the status of the state  
9 transportation system including highway, transit, rail,  
10 seaport, intermodal development, and aviation components of  
11 the system and recommend improvements therein to the Governor  
12 and the Legislature.

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

22 4. Monitor the financial status of the department on a  
23 regular basis to assure that the department is managing  
24 revenue and bond proceeds responsibly and in accordance with  
25 law and established policy.

26 5. Monitor on at least a quarterly basis, the  
27 efficiency, productivity, and management of the department,  
28 using performance and production standards developed by the  
29 commission pursuant to s. 334.045.

30 6. Perform an in-depth evaluation of the factors  
31 causing disruption of project schedules in the adopted work

1 program and recommend to the Legislature and the Governor  
2 methods to eliminate or reduce the disruptive effects of these  
3 factors.

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

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

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

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

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

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

23 4. The chair shall cause to be made a complete record  
24 of the proceedings of the commission, which record shall be  
25 open for public inspection.

26 (e) The meetings of the commission shall be held in  
27 the central office of the department in Tallahassee unless the  
28 chair determines that special circumstances warrant meeting at  
29 another location.

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

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

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

19 (i) The commission shall develop a budget pursuant to  
20 chapter 216. The budget is not subject to change by the  
21 department, but such budget shall be submitted to the Governor  
22 along with the budget of the department.

23 (3)(a) The central office shall establish departmental  
24 policies, rules, procedures, and standards and shall monitor  
25 the implementation of such policies, rules, procedures, and  
26 standards in order to ensure uniform compliance and quality  
27 performance by the districts and central office units that  
28 implement transportation programs. Major transportation  
29 policy initiatives or revisions shall be submitted to the  
30 commission for review. ~~The central office monitoring function~~  
31 ~~shall be based on a plan that clearly specifies what areas~~



1 ~~will be monitored, activities and criteria used to measure~~  
2 ~~compliance, and a feedback process that assures monitoring~~  
3 ~~findings are reported and deficiencies corrected. The~~  
4 ~~secretary is responsible for ensuring that a central office~~  
5 ~~monitoring function is implemented, and that it functions~~  
6 ~~properly. In conjunction with its monitoring function, the~~  
7 ~~central office shall provide such training and administrative~~  
8 ~~support to the districts as the department determines to be~~  
9 ~~necessary to ensure that the department's programs are carried~~  
10 ~~out in the most efficient and effective manner.~~

11 ~~(b) The resources necessary to ensure the efficiency,~~  
12 ~~effectiveness, and quality of performance by the department of~~  
13 ~~its statutory responsibilities shall be allocated to the~~  
14 ~~central office.~~

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

25 ~~1. Assistant Secretary for Transportation Policy.==~~

26 ~~a. Development of the Florida Transportation Plan and~~  
27 ~~other policy planning;~~

28 ~~b. Development of statewide modal systems plans,~~  
29 ~~including public transportation systems;~~

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

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

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

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

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

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

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

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

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

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

9           9. The Office of Management and Budget;

10          10. The Office of Comptroller;

11          11. The Office of Construction;

12          12. The Office of Maintenance; and

13          13. The Office of Materials.

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

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

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

11           ~~(f)1. Within the central office there is created an~~  
12 ~~Office of Management and Budget. The head of the Office of~~  
13 ~~Management and Budget is responsible to the Assistant~~  
14 ~~Secretary for Finance and Administration and is exempt from~~  
15 ~~part II of chapter 110.~~

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

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

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

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

21           ~~3. The Office of Management and Budget shall also be~~  
22 ~~responsible for developing uniform implementation and~~  
23 ~~monitoring procedures for all activities performed at the~~  
24 ~~district level involving the budget and the work program.~~

25           ~~(e)(g)~~ The secretary shall ~~may~~ appoint an inspector  
26 general pursuant to s. 20.055 who shall be directly  
27 responsible to the secretary and shall serve at the pleasure  
28 of the secretary.

29           ~~(h)1. The secretary shall appoint an inspector general~~  
30 ~~pursuant to s. 20.055. The inspector general may be~~  
31 ~~organizationally located within another unit of the department~~

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

1 ~~executed by the department with private entities and other~~  
2 ~~governmental entities. The inspector general has the sole~~  
3 ~~responsibility for the contents of his or her reports, and a~~  
4 ~~copy of each report containing his or her findings and~~  
5 ~~recommendations shall be furnished directly to the secretary~~  
6 ~~and the commission.~~

7         ~~2. In addition to the authority and responsibilities~~  
8 ~~herein provided, the inspector general is required to report~~  
9 ~~to the:~~

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

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

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

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

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

8           ~~a. The several appropriations available for the use of~~  
9 ~~the department;~~

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

12           ~~c. The apportionment or division of all such~~  
13 ~~appropriations among the several counties and districts, when~~  
14 ~~such apportionment or division is made;~~

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

18           ~~e. The amount expended and still to be expended in~~  
19 ~~connection with each contractual and other obligation of the~~  
20 ~~department;~~

21           ~~f. The expense and operating costs of the various~~  
22 ~~activities of the department;~~

23           ~~g. The receipts accruing to the department and the~~  
24 ~~distribution thereof;~~

25           ~~h. The assets, investments, and liabilities of the~~  
26 ~~department; and~~

27           ~~i. The cash requirements of the department for a~~  
28 ~~36-month period.~~

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

31



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

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

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

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

27           (i)~~(m)~~ The secretary shall appoint a state public  
28 transportation and modal administrator ~~who shall report to the~~  
29 ~~Assistant Secretary for Transportation Policy. The state~~  
30 ~~public transportation administrator's responsibilities shall~~  
31 ~~include, but are not limited to, the administration of~~

1 ~~statewide transit, rail, intermodal development, and aviation~~  
2 ~~programs.~~ This position shall be classified at a level equal  
3 to a deputy assistant secretary. ~~The department shall also~~  
4 ~~assign to the public transportation administrator an~~  
5 ~~organizational unit the primary function of which is to~~  
6 ~~administer the high-speed rail program.~~

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

29 (b) ~~The primary responsibility for the implementation~~  
30 ~~of the department's transportation programs shall be delegated~~  
31 ~~by the secretary to the district secretaries, and sufficient~~

1 ~~authority shall be vested in each district to ensure adequate~~  
2 ~~control of the resources commensurate with the delegated~~  
3 ~~responsibility. Each district secretary shall also be~~  
4 ~~accountable for ensuring their district's quality of~~  
5 ~~performance and compliance with all laws, rules, policies, and~~  
6 ~~procedures related to the operation of the department.~~

7 (b)(e) Each district secretary may appoint a district  
8 director for transportation development, a district director  
9 for transportation operations, and a district director for  
10 transportation support or, until July 1, 2005, each district  
11 secretary may appoint a district director for planning and  
12 programming, a district director for production, and a  
13 district director for operations, and a district director for  
14 administration. These positions are exempt from part II of  
15 chapter 110.

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

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

29 (e)(f)1. The responsibility for the turnpike system  
30 shall be delegated by the secretary to the executive director  
31 of the turnpike enterprise, who shall serve at the pleasure of

1 the secretary. The executive director shall report directly to  
2 the secretary, and the turnpike enterprise shall operate  
3 pursuant to ss. 338.22-338.241.

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

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

19           ~~(6) To facilitate the efficient and effective~~  
20 ~~management of the department in a businesslike manner, the~~  
21 ~~department shall develop a system for the submission of~~  
22 ~~monthly management reports to the Florida Transportation~~  
23 ~~Commission and secretary from the district secretaries. The~~  
24 ~~commission and the secretary shall determine which reports are~~  
25 ~~required to fulfill their respective responsibilities under~~  
26 ~~this section. A copy of each such report shall be submitted~~  
27 ~~monthly to the appropriations and transportation committees of~~  
28 ~~the Senate and the House of Representatives. Recommendations~~  
29 ~~made by the Auditor General in his or her audits of the~~  
30 ~~department that relate to management practices, systems, or~~  
31 ~~reports shall be implemented in a timely manner. However, if~~

1 ~~the department determines that one or more of the~~  
2 ~~recommendations should be altered or should not be~~  
3 ~~implemented, it shall provide a written explanation of such~~  
4 ~~determination to the Legislative Auditing Committee within 6~~  
5 ~~months after the date the recommendations were published.~~

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

9 (a) Consultants can do the work at less cost than  
10 state employees;

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

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

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

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

23

24 Such contracts shall require compliance with applicable  
25 federal and state laws, and clearly specify the product or  
26 service to be provided.

27 Section 6. Paragraphs (j) and (m) of subsection (2) of  
28 section 110.205, Florida Statutes, are amended to read:

29 110.205 Career service; exemptions.--

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

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

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

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

18 Section 7. Subsection (1) of section 120.52, Florida  
19 Statutes, is amended to read:

20 120.52 Definitions.--As used in this act:

21 (1) "Agency" means:

22 (a) The Governor in the exercise of all executive  
23 powers other than those derived from the constitution.

24 (b) Each:

25 1. State officer and state department, and each  
26 departmental unit described in s. 20.04.

27 2. Authority, including a regional water supply  
28 authority.

29 3. Board.  
30  
31

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

4           5. Regional planning agency.

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

7           7. Educational units.

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

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

14

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

28           Section 8. Paragraph (a) of subsection (1), paragraph  
29 (b) of subsection (2), and paragraph (h) of subsection (5) of  
30 section 339.175, Florida Statutes, are amended, and paragraph  
31 (i) is added to subsection (5) of that section to read:



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

23           (1) DESIGNATION.--

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

1 the M.P.O. jurisdiction, as defined by the United States  
2 Bureau of the Census, must be a party to such agreement.

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

8 (2) VOTING MEMBERSHIP.--

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

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

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

12           1. Coordinate transportation projects deemed to be  
13 regionally significant by the committee.

14           2. Review the impact of regionally significant land  
15 use decisions on the region.

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

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

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

1 coordination between M.P.O.'s shall vary depending upon the  
2 project involved and given local and regional needs.

3 Consequently, it is appropriate to set forth a flexible  
4 methodology that can be used by M.P.O.'s to coordinate with  
5 other M.P.O.'s and appropriate political subdivisions as  
6 circumstances demand.

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

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

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

12 255.20 Local bids and contracts for public  
13 construction works; specification of state-produced lumber.--

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

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

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

31

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

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

12           316.1001 Payment of toll on toll facilities required;  
13 penalties.--

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

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

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

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

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

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

25  
26 Upon receipt of an affidavit the person designated as having  
27 care, custody, and control of the motor vehicle at the time of  
28 the violation may be issued a citation for failure to pay a  
29 required toll. The affidavit shall be admissible in a  
30 proceeding pursuant to this section for the purpose of

31



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

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

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

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.--

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.

- 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

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

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



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

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

1 ~~from any such violation. Such injunctive proceeding may be~~  
2 ~~instituted by the Department of Transportation.~~

3 Section 14. Section 316.3027, Florida Statutes, is  
4 repealed.

5 Section 15. Paragraph (b) of subsection (3) of section  
6 316.515, Florida Statutes, is amended to read:

7 316.515 Maximum width, height, length.--

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

1 carried thereon, or to stinger-steered automobile or boat  
2 transporters that are 75 feet or less in overall length,  
3 exclusive of the load carried thereon. For purposes of this  
4 subsection, a "stinger-steered automobile or boat transporter"  
5 is an automobile or boat transporter configured as a  
6 semitrailer combination wherein the fifth wheel is located on  
7 a drop frame located behind and below the rearmost axle of the  
8 power unit. Notwithstanding paragraphs (a) and (b), any  
9 straight truck or truck tractor-semitrailer combination  
10 engaged in the transportation of horticultural trees may allow  
11 the load to extend up to an additional 10 feet beyond the rear  
12 of the vehicle, provided said trees are resting against a  
13 retaining bar mounted above the truck bed so that the root  
14 balls of the trees rest on the floor and to the front of the  
15 truck bed and the tops of the trees extend up over and to the  
16 rear of the truck bed, and provided the overhanging portion of  
17 the load is covered with protective fabric.

18 (b) Semitrailers.--

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

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

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

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

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

28           Section 16. Subsections (5), (6), and (10) of section  
29 316.545, Florida Statutes, are amended to read:

30           316.545 Weight and load unlawful; special fuel and  
31 motor fuel tax enforcement; inspection; penalty; review.--

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

1 state may, at its option, proceed to sue out execution against  
2 the defendant and his or her sureties for the amount recovered  
3 as aforesaid or direct the sale of the vehicle under  
4 foreclosure.

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

16 (10) The Department of Transportation may employ  
17 weight inspectors to operate its fixed-scale facilities.  
18 Weight inspectors on duty at a fixed-scale facility are  
19 authorized to enforce the laws governing commercial motor  
20 vehicle weight, registration, size, and load and to assess and  
21 collect civil penalties for violations of said laws. A weight  
22 inspector may detain a commercial motor vehicle that has an  
23 obvious safety defect critical to the continued safe operation  
24 of the vehicle or that is operating in violation of an  
25 out-of-service order as reported on the federal Safety and  
26 Fitness Electronic Records database. The weight inspector may  
27 immediately summon a law enforcement officer of the Department  
28 of Transportation, or other law enforcement officer authorized  
29 by s. 316.640 to enforce the traffic laws of this state, to  
30 take appropriate enforcement action. The vehicle shall be  
31 released if the defect is repaired prior to the arrival of a

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

9 Section 17. Subsection (3) of section 316.610, Florida  
10 Statutes, is repealed.

11 Section 18. Paragraph (a) of subsection (1) of section  
12 316.640, Florida Statutes, is amended to read:

13 316.640 Enforcement.--The enforcement of the traffic  
14 laws of this state is vested as follows:

15 (1) STATE.--

16 (a)1.

17 a. The Division of Florida Highway Patrol of the  
18 Department of Highway Safety and Motor Vehicles, the Division  
19 of Law Enforcement of the Fish and Wildlife Conservation  
20 Commission, the Division of Law Enforcement of the Department  
21 of Environmental Protection, and law enforcement officers of  
22 the Department of Transportation each have authority to  
23 enforce all of the traffic laws of this state on all the  
24 streets and highways thereof and elsewhere throughout the  
25 state wherever the public has a right to travel by motor  
26 vehicle. ~~The Division of the Florida Highway Patrol may employ  
27 as a traffic accident investigation officer any individual who  
28 successfully completes instruction in traffic accident  
29 investigation and court presentation through the Selective  
30 Traffic Enforcement Program as approved by the Criminal  
31 Justice Standards and Training Commission and funded through~~

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

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

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

30       d. Police officers employed by an airport authority  
31 shall have the authority to enforce all of the traffic laws of



1 this state only when such violations occur on any property or  
2 facilities that are owned or operated by an airport authority.

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

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

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

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

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

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

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

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

31           316.650 Traffic citations.--

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

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

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

22           316.70 Nonpublic sector buses; safety rules.--

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

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

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

14 318.14 Noncriminal traffic infractions; exception;  
15 procedures.--

16 (4) Except as provided in subsection (12),any person  
17 charged with a noncriminal infraction under this section who  
18 does not elect to appear shall pay the civil penalty and  
19 delinquent fee, if applicable, either by mail or in person,  
20 within 30 days after the date of issuance of ~~receiving~~ the  
21 citation. If the person cited follows the above procedure, he  
22 or she shall be deemed to have admitted the infraction and to  
23 have waived his or her right to a hearing on the issue of  
24 commission of the infraction. Such admission shall not be  
25 used as evidence in any other proceedings. Any person who is  
26 cited for a violation of s. 320.0605 or s. 322.15(1), or  
27 subject to a penalty under s. 320.07(3)(a) or (b) or s.  
28 322.065, and who makes an election under this subsection shall  
29 submit proof of compliance with the applicable section to the  
30 clerk of the court. For the purposes of this subsection, proof  
31

1 of compliance consists of a valid driver's license or a valid  
2 registration certificate.

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

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

17 330.27 Definitions, when used in ss. 330.29-330.36,  
18 330.38, 330.39.--

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

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

31

1 facilitate such use or intended use, ~~together with all airport~~  
2 ~~buildings and facilities located thereon.~~

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

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

17 ~~(3)(5) "Department" means the Department of~~  
18 ~~Transportation.~~

19 ~~(4)(6) "Limited airport" means any ~~an~~ airport,~~  
20 ~~publicly or privately owned, limited exclusively to the~~  
21 ~~specific conditions stated on the site approval order or~~  
22 ~~license.~~

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

27 ~~(8) "Political subdivision" means any county,~~  
28 ~~municipality, district, port or aviation commission or~~  
29 ~~authority, or similar entity authorized to establish or~~  
30 ~~operate an airport in this state.~~

31

1           ~~(5)(9)~~ "Private airport" means an airport, publicly or  
2 privately owned, which is not open or available for use by the  
3 public, used primarily by the licensee but may be made which  
4 is available to others for use by invitation of the owner or  
5 manager licensee. ~~Services may be provided if authorized by~~  
6 ~~the department.~~

7           ~~(6)(10)~~ "Public airport" means an airport, publicly or  
8 privately owned, which ~~meets minimum safety and service~~  
9 ~~standards and~~ is open for use by the public.

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

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

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

21           330.29 Administration and enforcement; rules;  
22 requirements ~~standards~~ for airport sites and airports.--It is  
23 the duty of the department to:

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

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

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

1           ~~(4)(3)~~ Adopt rules pursuant to ss. 120.536(1) and  
2 120.54 to implement the provisions of this chapter.

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

5           330.30 Approval of airport sites; registration and  
6 licensure ~~licensing~~ of airports; ~~fees~~.--

7           (1) SITE APPROVALS; REQUIREMENTS, ~~FEES~~, EFFECTIVE  
8 PERIOD, REVOCATION.--

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

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

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

26           3. That all affected nearby airports, local  
27 governments municipalities, and property owners have been  
28 notified and any comments submitted by them have been given  
29 adequate consideration.~~;~~ ~~and~~

30  
31



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

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

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

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

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

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

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

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

30           2. That ~~there has been a failure within a reasonable~~  
31 ~~time to develop~~ the site has not been developed as an airport

1 within a reasonable time period or development does not to  
2 comply with the conditions of the site approval;

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

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

11 (2) LICENSES AND REGISTRATIONS; REQUIREMENTS, FEES,  
12 RENEWAL, REVOCATION.--

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

27 1. For a public airport, the department shall issue a  
28 license after a final airport inspection finds the facility to  
29 be in compliance with all requirements for the license. The  
30 license may be subject to any reasonable conditions that the  
31

1 department may deem necessary to protect the public health,  
2 safety, or welfare.

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

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

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

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

- 28 1. ~~Public airport: \$100.~~
- 29 2. ~~Private airport: \$70.~~
- 30 3. ~~Limited airport: \$50.~~
- 31 4. ~~Temporary airport: \$25.~~

1  
2 ~~Airports owned or operated by the state, a county, or a~~  
3 ~~municipality and emergency helistops operated by licensed~~  
4 ~~hospitals are required to be licensed but are exempt from the~~  
5 ~~payment of site approval fees and annual license fees.~~

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

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

1 ~~airport location relative to adjacent land uses and other~~  
2 ~~airports, and any other factors deemed by the department to be~~  
3 ~~critical to airport operation and safety.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

29           (e)(f) An airport which meets the criteria of s.  
30 330.27(7)(~~11~~) used exclusively for aerial application or  
31 spraying of crops on a seasonal basis, not to include any

1 licensed airport where permanent crop aerial application or  
2 spraying facilities are installed, if the period of operation  
3 does not exceed 30 days per calendar year. Such proposed  
4 airports, which will be located within 3 miles of existing  
5 airports or approved airport sites, shall establish ~~work out~~  
6 safe air-traffic patterns with such existing airports or  
7 approved airport sites, by memorandums of understanding, or by  
8 letters of agreement between the parties representing the  
9 airports or sites.

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

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

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

21 330.35 Airport zoning, ~~approach zone~~ protection.--

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

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

30 (3) The department is granted all powers conferred  
31 upon political subdivisions of this state by chapter 333 to

1 regulate airport hazards at state-owned public airports. The  
2 procedure shall be to form a joint zoning board with the  
3 political subdivision of the state in which the state-owned  
4 public airport is located as prescribed in chapter 333.

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

7 330.36 Prohibition against county or municipal  
8 licensing of airports; regulation of seaplane landings.--

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

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

17 288.075 Confidentiality of records.--

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

31



1 interests or industrial interests of the state or that  
2 municipality or county.

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

5 331.303 Definitions.--

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

31

1           Section 29. Section 331.308, Florida Statutes, is  
2 amended to read:

3           331.308 Board of supervisors.--

4           (1) There is created within the Florida Space  
5 Authority a board of supervisors consisting of eight regular  
6 members, who shall be appointed by the Governor, and two ex  
7 officio nonvoting members, one of whom shall be a state  
8 senator selected by the President of the Senate and one of  
9 whom shall be a state representative selected by the Speaker  
10 of the House of Representatives. The Lieutenant Governor, who  
11 is the state's space policy leader, shall serve as chair of  
12 the board of supervisors, and shall cast the deciding vote if  
13 the votes of the eight regular members result in a tie. The  
14 board shall elect a vice-chair to preside in the absence of  
15 the Lieutenant Governor and to perform such other duties as  
16 may be designated. All regular members shall be subject to  
17 confirmation by the Senate at the next regular session of the  
18 Legislature. Existing board members are not prohibited from  
19 reappointment. Each of the regular board members must be a  
20 resident of the state and must have experience in the  
21 aerospace or commercial space industry or in finance or have  
22 other significant relevant experience. A private sector legal  
23 entity may not have more than one person serving on the board  
24 at any one time. One regular member shall represent organized  
25 labor interests, one regular member shall represent minority  
26 interests, and four regular members must represent space  
27 industry, at least one of whom must also be from a small  
28 business, as defined in s. 288.703. For the purpose of this  
29 section, "space industry" includes private sector entities  
30 engaged in space flight business, as defined in s. 212.031,  
31 research and technology development of space-based products

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

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

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

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

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

29 (5)(6) ~~The board shall hold its initial meeting no~~  
30 ~~later than 20 days after the members have been appointed. At~~  
31 ~~its initial meeting, or as soon thereafter as is practicable,~~

1 ~~the~~ The board shall appoint an executive director. Meetings  
2 shall be held quarterly or more frequently at the call of the  
3 chair. A majority of the regular members of the board shall  
4 constitute a quorum, and a majority vote of such members  
5 present is necessary for any action taken by the board.

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

13 Section 30. Paragraph (b) of subsection (2) of section  
14 331.367, Florida Statutes, is amended to read:

15 331.367 Spaceport Management Council.--

16 (2) The council shall make recommendations regarding:

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

20 Section 31. Section 331.368, Florida Statutes, is  
21 amended to read:

22 331.368 Florida Space Research Institute.--

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

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

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

- 1           (b) A representative of Enterprise Florida, Inc.
- 2           (c) A representative of the Florida Aviation Aerospace  
3 Alliance.
- 4           (d) A representative of the Florida Space Business  
5 Roundtable.
- 6           (e) Additional private-sector representatives from the  
7 space industry selected collaboratively by the core members  
8 specified in paragraphs (a)-(d). The additional space industry  
9 representatives under this paragraph must comprise the  
10 majority of members of the board and must be from geographic  
11 regions throughout the state. Each private-sector  
12 representative shall be appointed to a term of 3 years.
- 13           (f) Two representatives from the educational community  
14 who are selected collaboratively by the core members specified  
15 in paragraphs (a)-(d) and who are engaged in research or  
16 instruction related to the space industry. One representative  
17 must be from a community college, and one representative must  
18 be from a public or private university. Each educational  
19 representative shall be appointed to a term of 2 years.
- 20           (g) Additional ex officio, nonvoting representatives  
21 selected collaboratively by the core members.
- 22           (3) Annually, the members of the board shall select  
23 one of the members to serve as chair, who shall be responsible  
24 for convening and leading meetings of the board.
- 25           (4) Board members are considered to be volunteers as  
26 defined in s. 110.501 and shall serve with all protections  
27 provided to volunteers of state agencies under s. 768.1355.
- 28           (5) For the purposes of contracts and grants, s.  
29 216.346 shall apply to the institute's programs with state  
30 universities and community colleges.
- 31           (6) The Florida Space Research Institute may:

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

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

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

12           (d) Establish a personnel-management system and  
13 procedures, rules, and rates governing administrative and  
14 financial operations of the institute.

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

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

23           ~~(7)(3)~~ The board of the Florida Space Research  
24 Institute shall:

25           (a) Set the strategic direction for the space-related  
26 research priorities of the state and its space-related  
27 businesses, the scope of research projects for the institute,  
28 and the timeframes for completion.

29           (b) Invite the participation of public and private  
30 academic institutions ~~universities~~, including, but not limited  
31 to, the University of Central Florida, the University of

1 Florida, the University of South Florida, Florida State  
2 University, Florida Institute of Technology, and the  
3 University of Miami.

4 (c) Select a lead university to:

- 5 1. Serve as coordinator of research for ~~and as the~~  
6 ~~administrative entity of~~ the institute;
- 7 2. Support the institute's development of a statewide  
8 space research agenda and programs; and
- 9 3. Develop, and update as necessary, a report  
10 recommending ways that the state's public and private  
11 universities can work in partnership to support the state's  
12 space-industry requirements, ~~which report must be completed by~~  
13 ~~December 15, 2000~~.

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

21 (e) Comanage, with the National Aeronautics and Space  
22 Administration and subject to the terms of an agreement with  
23 NASA, operation of a Space Experiment Research and Processing  
24 Laboratory, if such a facility is constructed on land of the  
25 John F. Kennedy Space Center. The institute shall carry out  
26 such responsibility through a consortium of public and private  
27 universities in the state led by the University of Florida.

28 (f) Develop initiatives to foster the participation of  
29 the state's space industry in the International Space Station  
30 and to help the state maintain and enhance its competitive  
31 position in the commercial space-transportation industry.

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

8 (h) Pursue partnerships with the National Aeronautics  
9 and Space Administration for the conduct of space-related  
10 research using computer technology to connect experts in a  
11 given field of science who are in disparate locations and to  
12 perform research experiments in a real-time, virtual  
13 environment.

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

18 ~~(8)(4)~~ By December 15 of each year, the institute  
19 shall submit a report of its activities and accomplishments  
20 for the year to the Governor, the President of the Senate, ~~and~~  
21 the Speaker of the House of Representatives, and the  
22 Commissioner of Education. The report shall also include  
23 recommendations regarding actions the state should take to  
24 enhance the development of space-related businesses,  
25 including:

26 (a) Future research activities.

27 (b) The development of capital and technology  
28 assistance to new and expanding industries.

29 (c) The removal of regulatory impediments.

30 (d) The establishment of business development  
31 incentives.



1 (e) The initiation of education and training programs  
2 to ensure a skilled workforce.

3 Section 32. Section 331.401, Florida Statutes, is  
4 amended to read:

5 331.401 Short title.--Sections 331.401-331.419 may be  
6 cited as the "Florida Aerospace Finance ~~Commercial Space~~  
7 ~~Financing~~ Corporation Act."

8 Section 33. Section 331.403, Florida Statutes, is  
9 amended to read:

10 331.403 Legislative findings and intent.--The  
11 Legislature finds that the expansion of state and federal  
12 support for the aerospace industry in Florida is critical to  
13 the continued development of a viable commercial aerospace  
14 ~~space~~ industry and the technical and scientific job base for  
15 its citizens. This development of commercial opportunities in  
16 Florida is slowed by the lack of traditional business  
17 financing tools such as securitization for industrial  
18 development. Florida's launch industry is also being  
19 challenged by the provision of such industry assistance by  
20 other countries. Florida's aerospace industry could be  
21 assisted by a corporation established to work with the United  
22 States Export-Import Bank, the Small Business Administration,  
23 the National Aeronautics and Space Administration, and other  
24 federal, state, and private sources to provide information,  
25 technical assistance, and financial support. It is the  
26 intention of the Legislature to retain and expand job  
27 opportunities for Florida citizens through this mechanism.

28 Section 34. Section 331.405, Florida Statutes, is  
29 amended to read:

30 331.405 Definitions.--As used in this part:

31

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

3           (2) "Aerospace" means the industry concerned with the  
4 design and manufacture of aircraft, rockets, missiles,  
5 spacecraft, satellites, space vehicles, space stations, space  
6 facilities, or components thereof, and equipment, systems,  
7 facilities, simulators, programs, and activities related  
8 thereto.

9           (3)~~(2)~~ "Authority" means the Florida Space Authority  
10 created by s. 331.302.

11           (4)~~(3)~~ "Board" means the governing body of the  
12 corporation.

13           (5)~~(4)~~ "Corporation" means the Florida Aerospace  
14 Finance Commercial Space Financing Corporation.

15           (6)~~(5)~~ "Domiciled in this state" means registered to  
16 do business in Florida.

17           (7)~~(6)~~ "Financial institution" has the same meaning as  
18 in s. 655.005(1)(h).

19           (8)~~(7)~~ "Financing agreement" has the same meaning as  
20 in s. 331.303(10).

21           (9)~~(8)~~ "Member" means an individual appointed to be a  
22 member of the board.

23           (10)~~(9)~~ "President" means the chief executive officer  
24 of the corporation.

25           Section 35. Section 331.407, Florida Statutes, is  
26 amended to read:

27           331.407 Florida Aerospace Finance Commercial Space  
28 Financing Corporation.--

29           (1) The Florida Aerospace Finance Commercial Space  
30 Financing Corporation is created as a corporation not for  
31 profit. The corporation shall have all the powers, rights,

1 privileges, and authority as provided under chapter 617 and  
2 this part. The corporation shall be organized on a nonstock  
3 basis. The purpose of the corporation is to expand employment  
4 and income opportunities for residents of this state by  
5 providing businesses domiciled in this state with information,  
6 technical assistance, and financial assistance to support  
7 space-related transactions, in order to increase the  
8 development within the state of commercial aerospace products,  
9 activities, services, and facilities.

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

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

20 (b) To establish a network of contacts among those  
21 domestic and foreign public and private organizations which  
22 provide information, technical assistance, and financial  
23 support to the aerospace industry.

24 (c) To assemble, publish, and disseminate information  
25 on financing opportunities and techniques of financing  
26 aerospace projects, programs, and activities; sources of  
27 public and private aerospace financing assistance; and sources  
28 of aerospace-related ~~space-related~~ financing.

29 (d) To organize, host, and participate in seminars and  
30 other forums designed to disseminate information and technical  
31

1 assistance regarding aerospace-related ~~space-related~~  
2 financing.

3 (e) To insure, coinsure, lend, and guarantee loans,  
4 and to originate for sale direct aerospace-related  
5 ~~space-related~~ loans, pursuant to criteria, bylaws, policies,  
6 and procedures adopted by the board.

7 (f) To capitalize, underwrite, and secure funding for  
8 aerospace infrastructure, satellites, launch vehicles, and any  
9 service which supports aerospace launches.

10 (g) To construct, lease, or sell aerospace  
11 infrastructure, satellites, launch vehicles, and any other  
12 related activities and services.

13 (h) To acquire property, including real, personal,  
14 tangible, intangible, or mixed, under such conditions as the  
15 board may deem necessary or desirable, and sell or otherwise  
16 dispose of the same.

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

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

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

25 331.409 Powers and limitations.--

26 (4) In providing assistance, the board shall create a  
27 fiscal strategy for Florida which will guide and facilitate  
28 the successful expansion of aerospace-related ~~space-related~~  
29 jobs.

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

1           331.411 Board of directors; powers and duties.--

2           (5) The board shall:

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

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

16           1. Any individual signing any corporation loan  
17 application and loan or guarantee agreement must have an  
18 equity interest in the business applying for financial  
19 assistance.

20           2. Applicants must be domiciled in this state and will  
21 be contractually obligated to use Florida launch facilities to  
22 the maximum extent possible.

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

25           334.03 Definitions.--When used in the Florida  
26 Transportation Code, the term:

27           (37) "511" or "511 services" means three-digit  
28 telecommunications dialing to access interactive voice  
29 response telephone traveler information services provided in  
30 the state as defined by the Federal Communications Commission  
31 in FCC Order No. 00-256, July 31, 2000.

1           (38) "Interactive voice response" means a software  
2 application that accepts a combination of voice telephone  
3 input and touch-tone keypad selection and provides appropriate  
4 responses in the form of voice, fax, callback, e-mail, and  
5 other media.

6           Section 39. Present subsection (31) of section  
7 334.044, Florida Statutes, is redesignated as subsection (32),  
8 and a new subsection (31) is added to that section, to read:

9           334.044 Department; powers and duties.--The department  
10 shall have the following general powers and duties:

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

19           Section 40. Section 334.14, Florida Statutes, is  
20 amended to read:

21           334.14 Employees of department who are required to be  
22 engineers.--Each employee performing engineering as defined in  
23 chapter 471 shall be registered in accordance with the  
24 provisions of chapter 471.

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

28           ~~(a) The State Highway Engineer and the district~~  
29 ~~secretary for each district, except that in lieu of~~  
30 ~~engineering registration the district secretary for each~~  
31

1 ~~district may hold an advanced degree in an appropriate related~~  
2 ~~discipline such as a master of business administration.~~

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

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

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

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

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

18 ~~2. The senior maintenance engineer assigned to a field~~  
19 ~~office.~~

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

22 ~~(2) As used in this section, the term "responsible~~  
23 ~~charge" means the rendering of engineering judgment and~~  
24 ~~decisions in the development of technical policy and programs~~  
25 ~~or the direct control and personal supervision of work~~  
26 ~~performed by himself or herself or by others over whom the~~  
27 ~~person holds supervisory authority.~~

28 ~~(3) Any person holding the position of resident~~  
29 ~~engineer of construction or senior maintenance engineer of a~~  
30 ~~field unit on July 1, 1984, or the position of designer as~~  
31 ~~identified in subparagraph (1)(b)2. on July 1, 1985, is not~~

1 ~~subject to the engineering registration requirement. However,~~  
2 ~~when such person vacates his or her position, his or her~~  
3 ~~replacement must comply with that requirement.~~

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

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

12 Section 41. Section 334.60, Florida Statutes, is  
13 created to read:

14 334.60 511 traveler information system.--

15 (1) The department is the state's lead agency for  
16 implementing 511 services and is the state's point of contact  
17 for coordinating 511 services with telecommunications service  
18 providers. The department shall:

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

21 (b) Coordinate with other transportation authorities  
22 in the state to provide multimodal traveler information  
23 through 511 services and other means;

24 (c) Develop uniform standards and criteria for the  
25 collection and dissemination of traveler information using the  
26 511 number or other interactive voice response systems; and

27 (d) Enter into joint participation agreements or  
28 contracts with highway authorities and public transit  
29 districts to share the costs of implementing and administering  
30 511 services in the state. The department may also enter into  
31 other agreements or contracts with private firms relating to



1 the 511 services to offset the costs of implementing and  
2 administering 511 services in the state.

3  
4 The department shall adopt rules to administer the  
5 coordination of 511 traveler information phone services in the  
6 state.

7 Section 42. Section 336.467, Florida Statutes, is  
8 amended to read:

9 336.467 County-state right-of-way acquisition  
10 agreements.--A county or other governmental entity may enter  
11 into an agreement with the department to provide for the  
12 department to acquire rights-of-way for the county or other  
13 governmental entity, ~~provided the highway project is to be~~  
14 ~~funded by the 80-percent portion of the constitutional gas tax~~  
15 ~~allocated to that county and requires the acquisition of at~~  
16 ~~least 10 parcels of land, the total cost of which will equal~~  
17 ~~or exceed \$100,000.~~

18 Section 43. Subsections (1), (4), and (7) of section  
19 337.14, Florida Statutes, are amended to read:

20 337.14 Application for qualification; certificate of  
21 qualification; restrictions; request for hearing.--

22 (1) Any person desiring to bid for the performance of  
23 any construction contract in excess of \$250,000 which the  
24 department proposes to let must first be certified by the  
25 department as qualified pursuant to this section and rules of  
26 the department. The rules of the department shall address the  
27 qualification of persons to bid on construction contracts in  
28 excess of \$250,000 and shall include requirements with respect  
29 to the equipment, past record, experience, financial  
30 resources, and organizational personnel of the applicant  
31 necessary to perform the specific class of work for which the

1 person seeks certification. The department is authorized to  
2 limit the dollar amount of any contract upon which a person is  
3 qualified to bid or the aggregate total dollar volume of  
4 contracts such person is allowed to have under contract at any  
5 one time. Each applicant seeking qualification to bid on  
6 construction contracts in excess of \$250,000 shall furnish the  
7 department a statement under oath, on such forms as the  
8 department may prescribe, setting forth detailed information  
9 as required on the application. Each application for  
10 certification shall be accompanied by the latest annual  
11 financial statement of the applicant completed within the last  
12 12 months. If the annual financial statement shows the  
13 financial condition of the applicant more than 4 months prior  
14 to the date on which the application is received by the  
15 department, then an interim financial statement must also be  
16 submitted. The interim financial statement must cover the  
17 period from the end date of the annual statement and must show  
18 the financial condition of the applicant no more than 4 months  
19 prior to the date on which the application is received by the  
20 department. Each required annual or interim financial  
21 statement must be audited and accompanied by the opinion of a  
22 certified public accountant or a public accountant approved by  
23 the department. The information required by this subsection  
24 is confidential and exempt from the provisions of s.  
25 119.07(1). The department shall act upon the application for  
26 qualification within 30 days after the department determines  
27 that the application is complete ~~it is presented~~.

28 (4) If the applicant is found to possess the  
29 prescribed qualifications, the department shall issue to him  
30 or her a certificate of qualification that, unless thereafter  
31 revoked by the department for good cause, will be valid for a

1 period of 18 months after the date of the applicant's  
2 financial statement or such shorter period as the department  
3 prescribes. Submission of an application shall not affect  
4 expiration of the certificate of qualification.If the  
5 department finds that an application is incomplete or contains  
6 inadequate information or information that cannot be verified,  
7 the department may request in writing that the applicant  
8 provide the necessary information to complete the application  
9 or provide the source from which any information in the  
10 application may be verified. If the applicant fails to comply  
11 with the initial written request within a reasonable period of  
12 time as specified therein, the department shall request the  
13 information a second time. If the applicant fails to comply  
14 with the second request within a reasonable period of time as  
15 specified therein, the application shall be denied.

16 (7) No "contractor" as defined in s. 337.165(1)(d) or  
17 his or her "affiliate" as defined in s. 337.165(1)(a)  
18 qualified with the department under this section may also  
19 qualify under s. 287.055 or s. 337.105 to provide testing  
20 services, construction, engineering, and inspection services  
21 to the department. This limitation shall not apply to any  
22 design-build prequalification under s. 337.11(7).

23 Section 44. Section 337.18, Florida Statutes, is  
24 amended to read:

25 337.18 Surety bonds for construction or maintenance  
26 contracts; requirement with respect to contract award; bond  
27 requirements; defaults; damage assessments.--

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

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

23 (b) Upon execution of the contract, and prior to  
24 beginning any work under the contract, the contractor shall  
25 record in the public records of the county where the  
26 improvement is located the payment and performance bond  
27 required under this section. A claimant shall have a right of  
28 action against the contractor and surety for the amount due  
29 him or her, including unpaid finance charges due under the  
30 claimant's contract. Such action shall not involve the  
31 department in any expense.

1           (c) A claimant, except a laborer, who is not in  
2 privity with the contractor shall, before commencing or not  
3 later than 90 days after commencing to furnish labor,  
4 materials, or supplies for the prosecution of the work,  
5 furnish the contractor with a notice that he or she intends to  
6 look to the bond for protection. A claimant who is not in  
7 privity with the contractor and who has not received payment  
8 for his or her labor, materials, or supplies shall deliver to  
9 the contractor and to the surety written notice of the  
10 performance of the labor or delivery of the materials or  
11 supplies and of the nonpayment. The notice of nonpayment may  
12 be served at any time during the progress of the work or  
13 thereafter but not before 45 days after the first furnishing  
14 of labor, services, or materials, and not later than 90 days  
15 after the final furnishing of the labor, services, or  
16 materials by the claimant or, with respect to rental  
17 equipment, not later than 90 days after the date that the  
18 rental equipment was last on the job site available for use.  
19 An action by a claimant, except a laborer, who is not in  
20 privity with the contractor for the labor, materials, or  
21 supplies may not be instituted against the contractor or the  
22 surety unless both notices have been given. Notices required  
23 or permitted under this section may be served in any manner  
24 provided in s. 713.18.

25           (d) An action must be instituted by a claimant,  
26 whether in privity with the contractor or not, against the  
27 contractor or the surety on the payment bond or the payment  
28 provisions of a combined payment and performance bond within  
29 365 days after the final acceptance of the contract work by  
30 the department. A claimant may not waive in advance his or her  
31 right to bring an action under the bond against the surety. In

1 any action brought to enforce a claim against a payment bond  
2 under this section, the prevailing party is entitled to  
3 recover a reasonable fee for the services of his or her  
4 attorney for trial and appeal or for arbitration, in an amount  
5 to be determined by the court, which fee must be taxed as part  
6 of the prevailing party's costs, as allowed in equitable  
7 actions.

8 (e) When a contractor has furnished a payment bond  
9 pursuant to this section, he or she may, when the department  
10 makes any payment to the contractor, serve a written demand on  
11 any claimant who is not in privity with the contractor for a  
12 written statement under oath of his or her account showing the  
13 nature of the labor or services performed to date, if any; the  
14 materials furnished; the materials to be furnished, if known;  
15 the amount paid on account to date; the amount due; and the  
16 amount to become due, if known, as of the date of the  
17 statement by the claimant. Any such demand to a claimant who  
18 is not in privity with the contractor must be served on the  
19 claimant at the address and to the attention of any person who  
20 is designated to receive the demand in the notice to the  
21 contractor served by the claimant. The failure or refusal to  
22 furnish the statement does not deprive the claimant of his or  
23 her rights under the bond if the demand is not served at the  
24 address of the claimant or directed to the attention of the  
25 person designated to receive the demand in the notice to  
26 contractor. The failure to furnish the statement within 60  
27 days after the demand, or the furnishing of a false or  
28 fraudulent statement, deprives the claimant who fails to  
29 furnish the statement, or who furnishes the false or  
30 fraudulent statement, of his or her rights under the bond. If  
31 the contractor serves more than one demand for statement of

1 account on a claimant and none of the information regarding  
2 the account has changed since the claimant's last response to  
3 a demand, the failure or refusal to furnish such statement  
4 does not deprive the claimant of his or her rights under the  
5 bond. The negligent inclusion or omission of any information  
6 deprives the claimant of his or her rights under the bond to  
7 the extent that the contractor can demonstrate prejudice from  
8 such act or omission by the claimant. The failure to furnish a  
9 response to a demand for statement of account does not affect  
10 the validity of any claim on the bond being enforced in a  
11 lawsuit filed before the date the demand for statement of  
12 account is received by the claimant.

13 (f) The bonds provided for in this section are  
14 statutory bonds. The provisions of s. 255.05 are not  
15 applicable to bonds issued pursuant to this section.

16 (2) The department shall provide in its contracts for  
17 the determination of default on the part of any contractor for  
18 cause attributable to such contractor. The department shall  
19 have no liability for anticipated profits for unfinished work  
20 on a contract which has been determined to be in default.  
21 Every contract let by the department for the performance of  
22 work shall contain a provision for payment to the department  
23 by the contractor of liquidated damages due to failure of the  
24 contractor to complete the contract work within the time  
25 stipulated in the contract or within such additional time as  
26 may have been granted by the department. The contractual  
27 provision shall include a reasonable estimate of the damages  
28 that would be incurred by the department as a result of such  
29 failure. The department shall establish a schedule of daily  
30 liquidated damage charges, based on original contract amounts,  
31 for construction contracts entered into by the department,

1 which schedule shall be incorporated by reference into the  
2 contract. The department shall update the schedule of  
3 liquidated damages at least once every 2 years, but no more  
4 often than once a year. The schedule shall, at a minimum, be  
5 based on the average construction, engineering, and inspection  
6 costs experienced by the department on contracts over the 2  
7 preceding fiscal years. The schedule shall also include  
8 anticipated costs of project-related delays and inconveniences  
9 to the department and traveling public. Anticipated costs may  
10 include, but are not limited to, road user costs, a portion of  
11 the projected revenues that will be lost due to failure to  
12 timely open a project to revenue-producing traffic, costs  
13 resulting from retaining detours for an extended time, and  
14 other similar costs. Any such liquidated damages paid to the  
15 department shall be deposited to the credit of the fund from  
16 which payment for the work contracted was authorized.

17 (3) In addition to the provision for payment to the  
18 department by the contractor of liquidated damages due to the  
19 failure of the contractor to complete the project within the  
20 time stipulated in the contract or within such additional time  
21 as may have been granted by the department, the department may  
22 also recover from the contractor amounts paid by the  
23 department for damages suffered by third parties as a result  
24 of the contractor's failure to complete the project within the  
25 time stipulated in the contract or within such additional time  
26 as may have been granted by the department, unless the failure  
27 to timely complete the project was caused by the department's  
28 act or omission. However, nothing herein shall create a cause  
29 of action against the department, or against a contractor by  
30 an abutting property owner or business entity, where none has  
31 previously existed.



1           (4)(a) If the department determines and adequately  
2 documents that the timely completion of any project will  
3 provide a substantial benefit to the public health, safety, or  
4 welfare; will limit the disruptive effect of construction on  
5 the community; or is cost beneficial on a revenue-producing  
6 project, the contract for such project may provide for an  
7 incentive payment payable to the contractor for early  
8 completion of the project or critical phases of the work and  
9 for additional damages to be assessed against the contractor  
10 for the completion of the project or critical phases of the  
11 work in excess of the time specified. All contracts containing  
12 such provisions shall be approved by the head of the  
13 department or his or her designee. The amount of such  
14 incentive payment or such additional damages shall be  
15 established in the contract based on an analysis of the cost  
16 savings to the traveling public or revenue projections for a  
17 revenue-producing project ~~but shall not exceed \$10,000 per~~  
18 ~~calendar day, except that for revenue-producing projects the~~  
19 ~~amounts and periods of the incentive may be greater if an~~  
20 ~~analysis indicates that additional revenues projected to be~~  
21 ~~received upon completion of the project will exceed the cost~~  
22 ~~of the incentive payments.~~ Any liquidated damages provided for  
23 under subsection (2) and any additional damages provided for  
24 under this subsection shall be payable to the department  
25 because of the contractor's failure to complete the contract  
26 work within the time stipulated in the contract or within such  
27 additional time as may have been granted by the department.

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

1           (5) Such bonds shall be subject to the additional  
2 obligation that the principal and surety executing the same  
3 shall be liable to the state in a civil action instituted by  
4 the department or any officer of the state authorized in such  
5 cases, for double any amount in money or property the state  
6 may lose or be overcharged or otherwise defrauded of, by  
7 reason of any wrongful or criminal act, if any, of the  
8 contractor, the contractor's agent, or employees.

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

11           338.235 Contracts with department for provision of  
12 services on the turnpike system.--

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

31           (a) The financial capacity of the provider;

1 (b) The willingness to contribute toward the cost of  
2 facility construction;

3 (c) The type and quality of the service or product  
4 offered;

5 (d) The price structure of the service or product  
6 offered;

7 (e) Management experience and capabilities;

8 (f) The national brand names offered;

9 (g) The originality of the concept and its  
10 relationship to the turnpike system;

11 (h) The lease rate; and

12 (i) Other factors that the department may deem  
13 pertinent.

14 Section 46. Section 339.61, Florida Statutes, is  
15 created to read:

16 339.61 Florida Strategic Intermodal System; Legislative  
17 findings, declaration, and intent.--

18 (1) There is hereby created the Florida Strategic  
19 Intermodal System.

20 (2) The Legislature finds that increasing demands are  
21 continuing to be placed on the state's transportation system  
22 by a fast-growing economy, continued population growth, and  
23 projected increases in freight movement, international trade,  
24 and tourism. The Legislature also finds that the state's  
25 growing regional and intercity economic centers will increase  
26 the demand for interregional and intercity travel and that the  
27 evolving service-based and information-based industries will  
28 change the type of transportation system that business and  
29 industry demand, increasing the importance of speed and  
30 reliability. The Legislature further finds that our  
31 transportation system must be designed and operated in such a

1 way that it preserves the abundance of natural and manmade  
2 amenities that have been so successful in attracting new  
3 residents, businesses, and tourists to this state. Therefore,  
4 the Legislature declares that the designation of a strategic  
5 intermodal system, composed of facilities and services of  
6 statewide and interregional significance, will efficiently  
7 serve the mobility needs of Florida's citizens, businesses,  
8 and visitors and will help Florida become a worldwide economic  
9 leader, enhance economic prosperity and competitiveness,  
10 enrich quality of life, and reflect responsible environmental  
11 stewardship. To that end, it is the intent of the Legislature  
12 that the Strategic Intermodal System consist of transportation  
13 facilities that meet a strategic and essential state interest  
14 and that limited resources available for the implementation of  
15 statewide and interregional transportation priorities be  
16 focused on that system.

17 Section 47. Section 339.62, Florida Statutes, is  
18 created to read:

19 339.62 System components.--The Strategic Intermodal  
20 System shall consist of appropriate components of:

21 (1) The Florida Intrastate Highway System established  
22 under to s. 338.001.

23 (2) The National Highway System.

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

25 (4) Rail lines and rail facilities.

26 (5) Selected intermodal facilities; passenger and  
27 freight terminals; and appropriate components of the State  
28 Highway System, county road system, city street system, inland  
29 waterways, and local public transit systems that serve as  
30 existing or planned connectors between the components listed  
31 in subsections (1)-(4).

1           (6) Existing or planned corridors that serve a  
2 statewide or interregional purpose.

3           Section 48. Section 339.63, Florida Statutes, is  
4 created to read:

5           339.63 System facilities designated; additions and  
6 deletions.--

7           (1) The initial Strategic Intermodal System shall  
8 include all facilities that meet the criteria recommended by  
9 the Strategic Intermodal Steering Committee in a report titled  
10 "Steering Committee Final Report: Recommendations for  
11 Designating Florida's Strategic Intermodal System" dated  
12 December 2002.

13           (2) Subsequent to the initial designation of the  
14 Strategic Intermodal System pursuant to subsection (1), the  
15 Secretary of Transportation shall periodically add facilities  
16 to or delete facilities from the Strategic Intermodal System  
17 based upon adopted criteria.

18           Section 49. Section 339.64, Florida Statutes, is  
19 created to read:

20           339.64 Strategic Intermodal System Plan.--

21           (1) The department shall develop, in cooperation with  
22 metropolitan planning organizations, regional planning  
23 councils, local governments, the Statewide Intermodal  
24 Transportation Advisory Council and other transportation  
25 providers, a Strategic Intermodal System Plan. The plan shall  
26 be consistent with the Florida Transportation Plan developed  
27 pursuant to s. 339.155 and shall be updated at least once  
28 every 5 years, subsequent to updates of the Florida  
29 Transportation Plan.

30           (2) In association with the development of the initial  
31 Strategic Intermodal System Plan and other transportation

1 plans, the Florida Transportation Commission, shall conduct an  
2 assessment of the need for an improved philosophical approach  
3 to regional and intermodal input in the planning for and  
4 governing of the Strategic Intermodal System and other  
5 transportation systems. The Florida Transportation Commission  
6 shall coordinate with the department, the Statewide Intermodal  
7 Transportation Advisory Council, and other appropriate  
8 entities when developing this assessment. The Florida  
9 Transportation Commission shall deliver a report to the  
10 Governor and Legislature by December 15, 2003, with  
11 recommendations as necessary to fully implement the Strategic  
12 Intermodal System.

13 (3) During the development of the Strategic Intermodal  
14 System Plan and the development of all subsequent updates, the  
15 department shall provide metropolitan planning organizations,  
16 regional planning councils, local governments, transportation  
17 providers, affected public agencies, and citizens with an  
18 opportunity to participate in and comment on the development  
19 of the proposed plan or update.

20 (4) The Strategic Intermodal System Plan shall include  
21 the following:

22 (a) A needs assessment.

23 (b) A project prioritization process.

24 (c) A map of facilities designated as Strategic  
25 Intermodal System facilities and facilities that are emerging  
26 in importance that are likely to become part of the system in  
27 the future.

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

31

- 1           (5) STATEWIDE INTERMODAL TRANSPORTATION ADVISORY  
2 COUNCIL.--
- 3           (a) The Statewide Intermodal Transportation Advisory  
4 Council is created to advise and make recommendations to the  
5 Legislature and the department on policies, planning, and  
6 funding of intermodal transportation projects. The council's  
7 responsibilities shall include:
- 8           1. Advising the department on the policies, planning,  
9 and implementation of strategies related to intermodal  
10 transportation.
- 11           2. Providing advice and recommendations to the  
12 Legislature on funding for projects to move goods and people  
13 in the most efficient and effective manner for the State of  
14 Florida.
- 15           (b) MEMBERSHIP.--Members of the Statewide Intermodal  
16 Transportation Advisory Council shall consist of the  
17 following:
- 18           1. Five intermodal industry representatives selected  
19 by the Governor as follows:
- 20           a. One representative from an airport involved in the  
21 movement of freight and people from their airport facility to  
22 another transportation mode.
- 23           b. One individual representing a fixed-route,  
24 local-government transit system.
- 25           c. One representative from an intercity bus company  
26 providing regularly scheduled bus travel as determined by  
27 federal regulations.
- 28           d. One representative from a spaceport.
- 29           e. One representative from intermodal trucking  
30 companies.
- 31

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

3           a. One representative from major-line railroads.

4           b. One representative from seaports listed in s.  
5 311.09(1) from the Atlantic Coast.

6           c. One representative from an airport involved in the  
7 movement of freight and people from their airport facility to  
8 another transportation mode.

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

11           a. One representative from short-line railroads.

12           b. One representative from seaports listed in s.  
13 311.09(1) from the Gulf Coast.

14           c. One representative from intermodal trucking  
15 companies. In no event may this representative be employed by  
16 the same company that employs the intermodal trucking company  
17 representative selected by the Governor.

18           (c) Initial appointments to the council must be made  
19 no later than 30 days after the effective date of this  
20 section.

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

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

31



1           3. Vacancies on the council shall be filled in the  
2 same manner as the initial appointments.

3           (d) Each member of the council shall be allowed one  
4 vote. The council shall select a Chair from among its  
5 membership. Meetings shall be held at the call of the Chair,  
6 but not less frequently than quarterly. The members of the  
7 council shall be reimbursed for per diem and travel expenses  
8 as provided in s. 112.061.

9           (e) The department shall provide administrative staff  
10 support and shall ensure that council meetings are  
11 electronically recorded. Such recordings and all documents  
12 received, prepared for, or used by the council in conducting  
13 its business shall be preserved pursuant to chapters 119 and  
14 257.

15           Section 50. Mamie Langdale Memorial Bridge designated;  
16 markers.--

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

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

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

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

27           (2) The Department of Transportation is directed to  
28 erect suitable markers designating George Crady Bridge as  
29 described in subsection (1).

30           Section 52. Rodolfo Garcia Memorial Avenue designated;  
31 markers.--

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

4           (2) The Department of Transportation is directed to  
5 erect suitable markers designating "Rodolfo Garcia Memorial  
6 Avenue."

7           Section 53. Section 341.0532, Florida Statutes, is  
8 created to read:

9           341.0532 Statewide Transportation Corridors.--

10          (1) A "Statewide transportation corridor" is defined  
11 as a system of transportation infrastructure that collectively  
12 provides for the efficient movement of significant volumes of  
13 intrastate, interstate, and international commerce by  
14 seamlessly linking multiple modes of transport.

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

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

18          (b) The Gulf Coast Corridor, from Pensacola to St.  
19 Petersburg and to Tampa including U.S. Route 98 and U.S. Route  
20 19/State Road 27.

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

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

27          (e) The North Florida Corridor, from Pensacola to  
28 Jacksonville, including Interstate 10, and U.S. Route 231,  
29 State Road 77 and State Road 79 from the Florida-Alabama  
30 border to Panama City.

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1           (f) The Jacksonville to Tampa Corridor, including U.S.  
2 Route 301.

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

5           (h) The Southeastern Everglades Corridor, linking  
6 Wildwood, Winter Garden, Orlando, and West Palm Beach via the  
7 Florida Turnpike. For the purposes of this subsection, the  
8 term "corridor" includes railways adjacent to such corridor  
9 and the roadways linking to transportation terminals, and  
10 intermodal service centers to the major highways listed in  
11 this subsection.

12           Section 54. Section 95.361, Florida Statutes, is  
13 amended to read:

14           95.361 Roads presumed to be dedicated.--

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

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

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

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

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

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

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

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

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

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

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

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

5  
6 shall be prima facie evidence of ownership of the land by the  
7 state, county, or municipality, as the case may be.

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

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

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

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

29 337.401 Use of right-of-way for utilities subject to  
30 regulation; permit; fees.--

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

17           Section 58. Subsection (3) is added to section  
18 334.071, Florida Statutes, to read:

19           334.071 Legislative designation of transportation  
20 facilities.--

21           (3) Erection of markers shall be contingent on the  
22 appropriate city or county commission passing a resolution in  
23 support of the particular honorary designation. If the bridge  
24 or road segment being designated is located in more than one  
25 city or county, resolutions supporting the designation must be  
26 passed by each affected local government prior to the erection  
27 of the markers.

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

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1           335.02 Authority to designate transportation  
2 facilities and rights-of-way and establish lanes; procedure  
3 for redesignation and relocation.--

4           (4) Notwithstanding any general law or special act,  
5 regulations of any county, municipality, or special district,  
6 including any instrumentality thereof, shall not apply to  
7 existing or future transportation facilities, or appurtenances  
8 thereto, on the State Highway System.

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

11           332.007 Administration and financing of aviation and  
12 airport programs and projects; state plan.--

13           (8) Notwithstanding any other provision of law to the  
14 contrary, the department is authorized to provide operational  
15 and maintenance assistance to publicly owned public-use  
16 airports. Such assistance shall be to comply with enhanced  
17 federal security requirements or to address related economic  
18 impacts from the events of September 11, 2001. For projects in  
19 the current adopted work program, or projects added using the  
20 available budget of the department, airports may request the  
21 department change the project purpose in accordance with this  
22 provision notwithstanding the provisions of s. 339.135(7). For  
23 purposes of this subsection, the department may fund up to 100  
24 percent of eligible project costs that are not funded by the  
25 Federal Government. Prior to releasing any funds under this  
26 section, the department shall review and approve the  
27 expenditure plans submitted by the airport. The department  
28 shall inform the Legislature of any change that it approves  
29 under this subsection. This subsection shall expire on June  
30 30, 2007 ~~2004~~.

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1           Section 61. Paragraph (k) of subsection (6) of section  
2 163.3177, Florida Statutes, is amended to read:

3           163.3177 Required and optional elements of  
4 comprehensive plan; studies and surveys.--

5           (6) In addition to the requirements of subsections  
6 (1)-(5), the comprehensive plan shall include the following  
7 elements:

8           (k) An airport master plan, and any subsequent  
9 amendments to the airport master plan, prepared by a licensed  
10 publicly owned and operated airport under s. 333.06 may be  
11 incorporated into the local government comprehensive plan by  
12 the local government having jurisdiction under this act for  
13 the area in which the airport or projected airport development  
14 is located by the adoption of a comprehensive plan amendment.  
15 In the amendment to the local comprehensive plan that  
16 integrates the airport master plan, the comprehensive plan  
17 amendment shall address land use compatibility consistent with  
18 chapter 333 regarding airport zoning; the provision of  
19 regional transportation facilities for the efficient use and  
20 operation of the transportation system and airport;  
21 consistency with the local government transportation  
22 circulation element and applicable metropolitan planning  
23 organization long-range transportation plans; and the  
24 execution of any necessary interlocal agreements for the  
25 purposes of the provision of public facilities and services to  
26 maintain the adopted level of service standards for facilities  
27 subject to concurrency; and may address airport-related or  
28 aviation-related development. Development or expansion of an  
29 airport consistent with the adopted airport master plan that  
30 has been incorporated into the local comprehensive plan in  
31 compliance with this part, and airport-related or



1 aviation-related development that has been addressed in the  
2 comprehensive plan amendment that incorporates the airport  
3 master plan, shall not be a development of regional impact.  
4 Notwithstanding any other general law, an airport that has  
5 received a development-of-regional impact development order  
6 pursuant to s. 380.06, but which is no longer required to  
7 undergo development-of-regional impact review pursuant to this  
8 subsection, may abandon its development-of-regional impact  
9 order upon written notification to the applicable local  
10 government. Upon receipt by the local government, the  
11 development-of-regional impact development order is void.

12           Section 62. Except as otherwise expressly provided in  
13 this act, this act shall take effect upon becoming a law.

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