

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

309-2562-04

1 A bill to be entitled
2 An act relating to the Department of
3 Transportation; amending s. 20.23, F.S.;
4 authorizing the secretary of the department to
5 appoint an additional assistant secretary and
6 deputy assistant secretaries or directors;
7 revising the organization of the department to
8 specify areas of program responsibility;
9 authorizing the secretary to reorganize offices
10 within the department in consultation with the
11 Executive Office of the Governor; amending s.
12 110.205, F.S., relating to career service;
13 conforming provisions to changes made by the
14 act; removing the toll on Navarre Bridge in
15 Santa Rosa County; amending s. 338.251, F.S.;
16 authorizing the Emerald Coast Bridge Authority
17 to revise the repayment schedule of any
18 previous advances for funds from the Toll
19 Facilities Revolving Trust Fund within the
20 department; providing that such repayment
21 schedule is not a failure to repay under
22 certain conditions; amending s. 334.30, F.S.;
23 revising provisions for public-private
24 construction of transportation facilities;
25 providing procedures for requests for proposals
26 and receipt of unsolicited proposals by the
27 department; providing for use of certain funds
28 under described conditions; amending s.
29 338.001, F.S., relating to the Florida
30 Intrastate Highway System Plan; establishing a
31 minimum annual allocation; amending s. 339.08,

1 F.S.; revising provisions for use of moneys in
2 the State Transportation Trust Fund; providing
3 for use of such funds for projects on the
4 Strategic Intermodal System; amending s.
5 339.135, F.S.; revising provisions for use of
6 new discretionary highway capacity funds;
7 providing for allocation of such funds to the
8 Strategic Intermodal System; repealing s.
9 339.137, F.S., relating to the Transportation
10 Outreach Program; amending s. 339.1371, F.S.;
11 removing provisions to fund the Transportation
12 Outreach Program; adding provisions to fund the
13 Florida Strategic Intermodal System; amending
14 s. 339.61, F.S., relating to the Florida
15 Strategic Intermodal System; establishing a
16 minimum annual allocation; providing authority
17 to fund nonprofit organizations for aviation
18 administration purposes; amending s. 332.007,
19 F.S.; providing for the consolidation and
20 conversion of loans to certain airports;
21 amending s. 348.753, F.S.; adding the Mayor of
22 Orlando to the governing body of the
23 Orlando-Orange County Expressway Authority;
24 amending s. 348.754, F.S.; requiring the
25 consent of Orange County in order for the
26 authority to exercise certain powers; repealing
27 s. 348.0004(2)(m), F.S., relating to an
28 obsolete provision authorizing expressway
29 authorities to enter into public-private
30 transportation partnerships; amending s.
31 348.0004, F.S.; creating a new process for

1 expressway authorities to enter into
2 public-private partnerships with private
3 entities; directing the expressway authorities
4 to adopt rules related to the public-private
5 partnerships; specifying public notice
6 requirements; specifying that public-private
7 entities may impose tolls on the new
8 facilities, but the expressway authority may
9 regulate the amount and use of such tolls;
10 providing that the Department of Transportation
11 may loan funds from the Toll Facilities
12 Revolving Loan Trust Fund for eligible
13 projects; specifying project requirements;
14 authorizing an expressway authority to exercise
15 certain powers to facilitate the partnership
16 projects; providing that intent of the act is
17 not to amend or impact other existing laws;
18 amending s. 2 of chapter 88-418, Laws of
19 Florida, as amended, relating to Crandon
20 Boulevard; allowing expenditure of public funds
21 for certain modifications to enhance life
22 safety vehicular or pedestrian use under
23 certain circumstances; providing an effective
24 date.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. Paragraph (d) of subsection (1), subsection
29 (3), and paragraph (b) of subsection (4) of section 20.23,
30 Florida Statutes, are amended to read:

31

1 20.23 Department of Transportation.--There is created
2 a Department of Transportation which shall be a decentralized
3 agency.

4 (1)

5 (d) The secretary ~~may shall~~ appoint up to three two
6 assistant secretaries who shall be directly responsible to the
7 secretary and who shall perform such duties as are assigned by
8 the secretary. The secretary may delegate to any assistant
9 secretary the authority to act in the absence of the
10 secretary.

11 (3)(a) The central office shall establish departmental
12 policies, rules, procedures, and standards and shall monitor
13 the implementation of such policies, rules, procedures, and
14 standards in order to ensure uniform compliance and quality
15 performance by the districts and central office units that
16 implement transportation programs. Major transportation
17 policy initiatives or revisions shall be submitted to the
18 commission for review.

19 ~~(b) The secretary shall appoint an Assistant Secretary~~
20 ~~for Transportation Development and Operations and an Assistant~~
21 ~~Secretary for Transportation Support.~~

22 **(b)(c)** The secretary may appoint positions at the
23 level of deputy assistant secretary or director which the
24 secretary deems necessary to accomplish the mission and goals
25 of the department, including, but not limited to, the areas of
26 program responsibility provided in this paragraph following
27 ~~offices are established and shall be headed by a manager, each~~
28 of whom shall be appointed by and serve at the pleasure of the
29 secretary. The secretary may combine, separate, or delete
30 offices as needed in consultation with the Executive Office of
31 the Governor. The department's areas of program responsibility

1 ~~include, but are not limited to positions shall be classified~~
2 ~~at a level equal to a division director:~~

- 3 1. ~~The Office of Administration;~~
- 4 2. ~~The Office of Planning and Environmental~~
5 ~~Management;~~
- 6 3. Public transportation;
- 7 4.3. The Office of Design;
- 8 5.4. The Office of Highway operations;
- 9 6.5. The Office of Right-of-way;
- 10 7.6. The Office of Toll operations;
- 11 8.7. The Office of Information systems;
- 12 9.8. The Office of Motor carrier compliance;
- 13 10.9. The Office of Management and budget;
- 14 11.10. The Office of Comptroller;
- 15 12.11. The Office of Construction;
- 16 13.12. The Office of Maintenance; and
- 17 14.13. The Office of Materials.

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

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

27 ~~(e)(f)~~ The secretary shall appoint a general counsel
28 who shall be directly responsible to the secretary. The
29 general counsel is responsible for all legal matters of the
30 department. The department may employ as many attorneys as it
31

1 | deems necessary to advise and represent the department in all
2 | transportation matters.

3 | ~~(g) The secretary shall appoint a state transportation~~
4 | ~~development administrator. This position shall be classified~~
5 | ~~at a level equal to a deputy assistant secretary.~~

6 | ~~(h) The secretary shall appoint a state transportation~~
7 | ~~operations administrator. This position shall be classified at~~
8 | ~~a level equal to a deputy assistant secretary.~~

9 | ~~(i) The secretary shall appoint a state public~~
10 | ~~transportation and modal administrator. This position shall be~~
11 | ~~classified at a level equal to a deputy assistant secretary.~~

12 | (4)

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

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

24 | 110.205 Career service; exemptions.--

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

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

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

19 | (m) All assistant division director, deputy division
20 | director, and bureau chief positions in any department, and
21 | those positions determined by the department to have
22 | managerial responsibilities comparable to such positions,
23 | which positions include, but are not limited to:

24 | 1. Positions in the Department of Health and the
25 | Department of Children and Family Services that are assigned
26 | primary duties of serving as the superintendent or assistant
27 | superintendent of an institution.

28 | 2. Positions in the Department of Corrections that are
29 | assigned primary duties of serving as the warden, assistant
30 | warden, colonel, or major of an institution or that are
31 |

1 assigned primary duties of serving as the circuit
2 administrator or deputy circuit administrator.

3 3. Positions in the Department of Transportation that
4 are assigned primary duties of serving as regional toll
5 managers and managers of offices as defined in s. 20.23(3)(b)
6 ~~s. 20.23(3)(c)~~ and (4)(d), and captains and majors of the
7 Office of Motor Carrier Compliance.

8 4. Positions in the Department of Environmental
9 Protection that are assigned the duty of an Environmental
10 Administrator or program administrator.

11 5. Positions in the Department of Health that are
12 assigned the duties of Environmental Administrator, Assistant
13 County Health Department Director, and County Health
14 Department Financial Administrator.

15
16 Unless otherwise fixed by law, the department shall set the
17 salary and benefits of the positions listed in this paragraph
18 in accordance with the rules established for the Selected
19 Exempt Service.

20 Section 3. Notwithstanding section 338.165, Florida
21 Statutes, or any other provision of law or rule, the
22 Department of Transportation may not collect a toll for use of
23 the Navarre Bridge in Santa Rosa County and a toll may not be
24 charged or collected on that bridge.

25 Section 4. Subsection (12) is added to section
26 338.251, Florida Statutes, to read:

27 338.251 Toll Facilities Revolving Trust Fund.--The
28 Toll Facilities Revolving Trust Fund is hereby created for the
29 purpose of encouraging the development and enhancing the
30 financial feasibility of revenue-producing road projects
31 undertaken by local governmental entities in a county or

1 combination of contiguous counties and the turnpike
2 enterprise.

3 (12) Notwithstanding subsection (4), by agreement with
4 the department, the Emerald Coast Bridge Authority may revise
5 the repayment schedule of any previous advances, which shall
6 not be considered a failure to repay if the effort to
7 undertake a revenue-producing road project is being conducted
8 in good faith and all other requirements of law are met.

9 Section 5. Section 334.30, Florida Statutes, is
10 amended to read:

11 334.30 Public-private ~~Private~~ transportation
12 facilities.--The Legislature hereby finds and declares that
13 there is a public need for rapid construction of safe and
14 efficient transportation facilities for the purpose of travel
15 within the state, and that it is in the public's interest to
16 provide for the construction of additional safe, convenient,
17 and economical transportation facilities.

18 (1) The department may receive or solicit proposals
19 and, with legislative approval as evidenced by approval of the
20 project in the department's work program ~~by a separate bill~~
21 ~~for each facility~~, enter into agreements with private
22 entities, or consortia thereof, for the building, operation,
23 ownership, or financing of transportation facilities. The
24 department may advance projects programmed in the adopted
25 5-year work program using funds provided by public-private
26 partnerships or private entities to be reimbursed from
27 department funds for the project as programmed in the adopted
28 work program. The department shall by rule establish an
29 application fee for the submission of proposals under this
30 section. The fee must be sufficient to pay the costs of
31 evaluating the proposals. The department may engage the

1 services of private consultants to assist in the evaluation.

2 Before ~~seeking legislative~~ approval, the department must
3 determine that the proposed project:

4 (a) Is in the public's best interest;

5 (b) Would not require state funds to be used unless
6 the project is on the State Highway System ~~there is an~~
7 ~~overriding state interest~~; and

8 (c) Would have adequate safeguards in place to ensure
9 that no additional costs or service disruptions would be
10 realized by the traveling public and citizens of the state in
11 the event of default or cancellation of the agreement by the
12 department.

13
14 The department shall ensure that all reasonable costs to the
15 state ~~and substantially affected local governments and~~
16 ~~utilities~~, related to ~~the private~~ transportation facilities
17 that are not part of the State Highway System facility, are
18 borne by the private entity. The department shall also ensure
19 that all reasonable costs to the state and substantially
20 affected local governments and utilities, related to the
21 private transportation facility, are borne by the private
22 entity for transportation facilities that are owned by private
23 entities. For projects on the State Highway System, the
24 department may use state resources to participate in funding
25 and financing the project as provided for under the
26 department's enabling legislation.

27 (2) Agreements entered into pursuant to this section
28 may authorize the private entity to impose tolls or fares for
29 the use of the facility. However, the amount and use of toll
30 or fare revenues may be regulated by the department to avoid
31 unreasonable costs to users of the facility.

1 (3) Each private transportation facility constructed
2 pursuant to this section shall comply with all requirements of
3 federal, state, and local laws; state, regional, and local
4 comprehensive plans; department rules, policies, procedures,
5 and standards for transportation facilities; and any other
6 conditions which the department determines to be in the
7 public's best interest.

8 (4) The department may exercise any power possessed by
9 it, including eminent domain, with respect to the development
10 and construction of state transportation projects to
11 facilitate the development and construction of transportation
12 projects pursuant to this section. The department may provide
13 services to the private entity. Agreements for maintenance,
14 law enforcement, and other services entered into pursuant to
15 this section shall provide for full reimbursement for services
16 rendered for projects not on the State Highway System.

17 (5) Except as herein provided, the provisions of this
18 section are not intended to amend existing laws by granting
19 additional powers to, or further restricting, local
20 governmental entities from regulating and entering into
21 cooperative arrangements with the private sector for the
22 planning, construction, and operation of transportation
23 facilities.

24 (6) The department may request proposals from private
25 entities for public-private transportation projects or, if the
26 department receives an unsolicited proposal, the department
27 shall publish a notice in the Florida Administrative Weekly
28 and a newspaper of general circulation at least once a week
29 for 2 weeks stating that the department has received the
30 proposal and will accept, for 60 days after the initial date
31 of publication, other proposals for the same project purpose.

1 A copy of the notice must be mailed to each local government
2 in the affected area. After the public notification period has
3 expired, the department shall rank the proposals in order of
4 preference. In ranking the proposals the department may
5 consider factors, including, but not limited to, professional
6 qualifications, general business terms, innovative engineering
7 or cost-reduction terms, finance plans, and the need for state
8 funds to deliver the project. If the department is not
9 satisfied with the results of the negotiations, the department
10 may, at its sole discretion, terminate negotiations with the
11 proposer. If these negotiations are unsuccessful, the
12 department may go to the second-ranked and lower-ranked firms,
13 in order, using this same procedure. If only one proposal is
14 received, the department may negotiate in good faith and, if
15 the department is not satisfied with the results of the
16 negotiations, the department may, at its sole discretion,
17 terminate negotiations with the proposer. Notwithstanding this
18 subsection, the department may, at its discretion, reject all
19 proposals at any point in the process up to completion of a
20 contract with the proposer.

21 (7) The department may lend funds from the Toll
22 Facilities Revolving Trust Fund, as outlined in s. 338.251, to
23 private entities that construct projects on the State Highway
24 System containing toll facilities that are approved under this
25 section. To be eligible, a private entity must comply with s.
26 338.251 and must provide an indication from a nationally
27 recognized rating agency that the senior bonds for the project
28 will be investment grade, or must provide credit support such
29 as a letter of credit or other means acceptable to the
30 department, to ensure that the loans will be fully repaid. The
31 state's liability for the funding of a facility is limited to

1 the amount approved for that specific facility in the
2 department's 5-year work program adopted pursuant to s.
3 339.135.

4 ~~(8)(6)~~ A fixed-guideway transportation system
5 authorized by the department to be wholly or partially within
6 the department's right-of-way pursuant to a lease granted
7 under s. 337.251 may operate at any safe speed.

8 Section 6. Subsection (6) of section 338.001, Florida
9 Statutes, is amended to read:

10 338.001 Florida Intrastate Highway System Plan.--

11 (6) For the purposes of developing the proposed plan,
12 beginning in fiscal year 2003-2004 ~~1993-1994~~ and for each
13 fiscal year thereafter, the minimum amount allocated shall be
14 based on the fiscal year 2003-2004 ~~1992-1993~~ allocation of
15 ~~\$450~~\$151.3 million adjusted annually by the change in the
16 Consumer Price Index for the prior fiscal year compared to the
17 Consumer Price Index for fiscal year 2003-2004 ~~1991-1992~~. No
18 amounts from the funds dedicated to the Florida Intrastate
19 Highway System shall be allocated to turnpike projects ~~after~~
20 ~~the 1993-1994 fiscal year.~~

21 Section 7. Section 339.08, Florida Statutes, is
22 amended to read:

23 339.08 Use of moneys in State Transportation Trust
24 Fund.--

25 (1) The department shall expend ~~by rule provide for~~
26 ~~the expenditure of the~~ moneys in the State Transportation
27 Trust Fund accruing to the department, in accordance with its
28 annual budget.

29 ~~(2) These rules must restrict~~ The use of such moneys
30 shall be restricted to the following purposes:
31

1 (a) To pay administrative expenses of the department,
2 including administrative expenses incurred by the several
3 state transportation districts, but excluding administrative
4 expenses of commuter rail authorities that do not operate rail
5 service.

6 (b) To pay the cost of construction of the State
7 Highway System.

8 (c) To pay the cost of maintaining the State Highway
9 System.

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

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

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

17 (g) To lend or pay a portion of the operating,
18 maintenance, and capital costs of a revenue-producing
19 transportation project that is located on the State Highway
20 System or that is demonstrated to relieve traffic congestion
21 on the State Highway System.

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

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

28 (j) To pay the cost of county or municipal road
29 projects selected in accordance with the County Incentive
30 Grant Program created in s. 339.2817 and the Small County
31 Outreach Program created in s. 339.2818.

1 (k) To provide loans and credit enhancements for use
2 in constructing and improving highway transportation
3 facilities selected in accordance with the state-funded
4 infrastructure bank created in s. 339.55.

5 (1) To pay the cost of projects on the Florida
6 Strategic Intermodal System created in s. 339.61 ~~fund the~~
7 ~~Transportation Outreach Program created in s. 339.137.~~

8 (m) To pay other lawful expenditures of the
9 department.

10 ~~(2)(3)~~ Unless specifically provided in the General
11 Appropriations Act or the substantive bill implementing the
12 General Appropriations Act, no moneys in the State
13 Transportation Trust Fund may be used to fund the operational
14 or capital outlay cost for any correctional facility of the
15 Department of Corrections. The department shall, however,
16 enter into contractual arrangements with the Department of
17 Corrections for those specific maintenance functions that can
18 be performed effectively by prison inmates under the
19 supervision of Department of Corrections personnel with
20 technical assistance being provided by the department. The
21 cost of such contracts must not exceed the cost that would be
22 incurred by the department if these functions were to be
23 performed by its personnel or by contract with another entity
24 unless, notwithstanding cost, the department can clearly
25 demonstrate that for reasons of expediency or efficiency it is
26 in the best interests of the department to contract with the
27 Department of Corrections.

28 ~~(3)(4)~~ The department may authorize the investment of
29 the earnings accrued and collected upon the investment of the
30 minimum balance of funds required to be maintained in the
31 State Transportation Trust Fund pursuant to s. 339.135(6)(b).

1 Such investment shall be limited as provided in s.
2 288.9607(7).

3 ~~(4)(5)~~ For the 2003-2004 fiscal year only and
4 notwithstanding the provisions of this section and s.
5 339.09(1), \$200 million may be transferred from the State
6 Transportation Trust Fund to the General Revenue Fund in the
7 2003-2004 General Appropriations Act. Such transfer may be
8 comprised of several smaller transfers made during the
9 2003-2004 fiscal year. Notwithstanding ss. 206.46(3) and
10 206.606(2), the total amount transferred shall be reduced from
11 total state revenues deposited into the State Transportation
12 Trust Fund for the calculation requirements of ss. 206.46(3)
13 and 206.606(2). This subsection expires July 1, 2004.

14 Section 8. Paragraph (a) of subsection (4) of section
15 339.135, Florida Statutes, is amended to read:

16 339.135 Work program; legislative budget request;
17 definitions; preparation, adoption, execution, and
18 amendment.--

19 (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.--

20 (a)1. To assure that no district or county is
21 penalized for local efforts to improve the State Highway
22 System, the department shall, for the purpose of developing a
23 tentative work program, allocate funds for new construction to
24 the districts, except for the turnpike enterprise, based on
25 equal parts of population and motor fuel tax collections.
26 Funds for resurfacing, bridge repair and rehabilitation,
27 bridge fender system construction or repair, public transit
28 projects except public transit block grants as provided in s.
29 341.052, and other programs with quantitative needs
30 assessments shall be allocated based on the results of these
31 assessments. The department may not transfer any funds

1 allocated to a district under this paragraph to any other
2 district except as provided in subsection (7). Funds for
3 public transit block grants shall be allocated to the
4 districts pursuant to s. 341.052. Funds for the intercity bus
5 program provided for under s. 5311(f) of the federal
6 nonurbanized area formula program shall be administered and
7 allocated directly to eligible bus carriers as defined in s.
8 341.031(12) at the state level rather than the district. In
9 order to provide state funding to support the intercity bus
10 program provided for under provisions of the federal 5311(f)
11 program, the department shall allocate an amount equal to the
12 federal share of the 5311(f) program from amounts calculated
13 pursuant to s. 206.46(3).

14 2. Notwithstanding the provisions of subparagraph 1.,
15 the department shall allocate at least 50 percent of any new
16 discretionary highway capacity funds to the Florida Strategic
17 Intermodal Intra~~state~~ Highway System created ~~established~~
18 pursuant to s. 339.61 ~~s. 338.001~~. Any remaining new
19 discretionary highway capacity funds shall be allocated to the
20 districts for new construction as provided in subparagraph 1.
21 For the purposes of this subparagraph, the term "new
22 discretionary highway capacity funds" means any funds
23 available to the department above the prior year funding level
24 for capacity improvements, which the department has the
25 discretion to allocate to highway projects.

26 Section 9. Section 339.137, Florida Statutes, is
27 repealed.

28 Section 10. Section 339.1371, Florida Statutes, is
29 amended to read:

30 339.1371 Mobility 2000; ~~Transportation Outreach~~
31 ~~Program~~; funding.--

1 (1) Beginning in fiscal year 2000-2001 the Department
2 of Transportation shall allocate sufficient funds to implement
3 the Mobility 2000 (Building Roads for the 21st Century)
4 initiative. The department shall develop a plan to expend
5 these revenues and amend the current tentative work program
6 for the time period 2000-2001 through 2004-2005 prior to
7 adoption to include Mobility 2000 projects. In addition, prior
8 to work program adoption, the department shall submit a budget
9 amendment pursuant to s. 339.135(7), requesting budget
10 authority needed to implement the Mobility 2000 initiative.
11 Funds will be used for corridors that link Florida's economic
12 regions to seaports, international airports, and markets to
13 provide connections through major gateways, improved mobility
14 in major urbanized areas, and access routes for emergency
15 evacuation to coastal communities based on analysis of current
16 and projected traffic conditions.

17 (2) Notwithstanding any other provision of law, in
18 fiscal year 2001-2002 and each year thereafter, the increase
19 in revenue to the State Transportation Trust Fund derived from
20 ss. 1, 2, 3, 7, 9, and 10, ch. 2000-257, Laws of Florida,
21 shall be first used by the Department of Transportation to
22 fund the Mobility 2000 initiative and any remaining funds
23 shall be used to fund the Florida Strategic Intermodal System
24 ~~Transportation Outreach Program~~ created pursuant to s. 339.61
25 ~~s. 339.137~~. Notwithstanding any other law to the contrary, the
26 requirements of ss. 206.46(3) and 206.606(2) shall not apply
27 to the Mobility 2000 initiative.

28 Section 11. Subsection (1) of section 339.61, Florida
29 Statutes, is amended to read:

30 339.61 Florida Strategic Intermodal System;
31 legislative findings, declaration, and intent.--

1 (1) There is hereby created the Florida Strategic
2 Intermodal System. For purposes of funding projects under the
3 system, the department shall allocate from the State
4 Transportation Trust Fund in its program and resource plan a
5 minimum of \$60 million each year, beginning in the 2004-2005
6 fiscal year. This allocation of funds is in addition to any
7 funding provided to this system by any other provision of law.

8 Section 12. Subsections (10) and (11) are added to
9 section 332.007, Florida Statutes, to read:

10 332.007 Administration and financing of aviation and
11 airport programs and projects; state plan.--

12 (10) Notwithstanding any other provision of this
13 section, any airport that has direct intercontinental
14 passenger service, that is located in a county having a
15 population of fewer than 400,000 persons as of the effective
16 date of this act, and that has loans from the Department of
17 Transportation due in March 2008, July 2009, and September
18 2009, shall have such loans consolidated and converted to a
19 grant.

20 (11) The department may fund nonprofit organizations
21 that include a majority of the state's public airports as
22 members, including the Florida Airports Council, to perform
23 aviation planning, evaluation, educational, service,
24 operational, and capital projects. Projects may include, but
25 need not be limited to, administration of the Secure Airports
26 for Florida's Economy Council, as created in s. 332.12, and
27 other projects to improve the safety, capacity, economic
28 capability, development, efficiency, and viability of the
29 state's airports.

30 Section 13. Subsection (2) of section 348.753, Florida
31 Statutes, is amended to read:

1 348.753 Orlando-Orange County Expressway Authority.--
2 (2) The governing body of the authority shall consist
3 of six ~~five~~ members. Three members shall be citizens of Orange
4 County, who shall be appointed by the Governor. The fourth
5 member shall be, ~~ex officio~~, the chair of the County
6 Commissioners of Orange County, ~~and~~ the fifth member shall be
7 the Mayor of Orlando, and the sixth member shall be, ex
8 officio, the district secretary of the Department of
9 Transportation serving in the district that contains Orange
10 County. The term of each appointed member shall be for 4
11 years. Each appointed member shall hold office until his or
12 her successor has been appointed and has qualified. A vacancy
13 occurring during a term shall be filled only for the balance
14 of the unexpired term. Each appointed member of the authority
15 shall be a person of outstanding reputation for integrity,
16 responsibility, and business ability, but no person who is an
17 officer or employee of any city or of Orange County in any
18 other capacity shall be an appointed member of the authority.
19 Any member of the authority shall be eligible for
20 reappointment.

21 Section 14. Paragraph (n) of subsection (2) of section
22 348.754, Florida Statutes, is amended to read:

23 348.754 Purposes and powers.--

24 (2) The authority is hereby granted, and shall have
25 and may exercise all powers necessary, appurtenant, convenient
26 or incidental to the carrying out of the aforesaid purposes,
27 including, but without being limited to, the following rights
28 and powers:

29 (n) With the consent of Orange County and the county
30 within whose jurisdiction the following activities occur, the
31 authority shall have the right to construct, operate, and

1 maintain roads, bridges, avenues of access, thoroughfares, and
2 boulevards outside the jurisdictional boundaries of Orange
3 County, together with the right to construct, repair, replace,
4 operate, install, and maintain electronic toll payment systems
5 thereon, with all necessary and incidental powers to
6 accomplish the foregoing.

7 Section 15. Paragraph (m) of subsection (2) of section
8 348.0004, Florida Statutes, is repealed.

9 Section 16. Subsection (9) is added to section
10 348.0004, Florida Statutes, to read:

11 348.0004 Purposes and powers.--

12 (9) The Legislature declares that there is a public
13 need for rapid construction of safe and efficient
14 transportation facilities for travel within the state and that
15 it is in the public's interest to provide for public-private
16 partnership agreements to effectuate the construction of
17 additional safe, convenient, and economical transportation
18 facilities.

19 (a) Notwithstanding any other provision of the Florida
20 Expressway Authority Act, any expressway authority may receive
21 or solicit proposals and enter into agreements with private
22 entities, or consortia thereof, for the building, operation,
23 ownership, or financing of expressway authority transportation
24 facilities or new transportation facilities within the
25 jurisdiction of the expressway authority. An expressway
26 authority is authorized to adopt rules to implement this
27 subsection and shall, by rule, establish an application fee
28 for the submission of unsolicited proposals under this
29 subsection. The fee must be sufficient to pay the costs of
30 evaluating the proposals. An expressway authority may engage
31 private consultants to assist in the evaluation. Before

1 approval, an expressway authority must determine that a
2 proposed project:

3 1. Is in the public's best interest.

4 2. Would not require state funds to be used unless the
5 project is on or provides increased mobility on the State
6 Highway System.

7 3. Would have adequate safeguards to ensure that no
8 additional costs or service disruptions would be realized by
9 the traveling public and citizens of the state in the event of
10 default or the cancellation of the agreement by the expressway
11 authority.

12 (b) An expressway authority shall ensure that all
13 reasonable costs to the state, related to transportation
14 facilities that are not part of the State Highway System, are
15 borne by the private entity. An expressway authority shall
16 also ensure that all reasonable costs to the state and
17 substantially affected local governments and utilities related
18 to the private transportation facility are borne by the
19 private entity for transportation facilities that are owned by
20 private entities. For projects on the State Highway System,
21 the department may use state resources to participate in
22 funding and financing the project as provided for under the
23 department's enabling legislation.

24 (c) The expressway authority may request proposals for
25 public-private transportation projects or, if it receives an
26 unsolicited proposal, it must publish a notice in the Florida
27 Administrative Weekly and a newspaper of general circulation
28 in the county in which it is located at least once a week for
29 2 weeks, stating that it has received the proposal and will
30 accept, for 60 days after the initial date of publication,
31 other proposals for the same project purpose. A copy of the

1 notice must be mailed to each local government in the affected
2 areas. After the public notification period has expired, the
3 expressway authority shall rank the proposals in order of
4 preference. In ranking the proposals, the expressway authority
5 shall consider professional qualifications, general business
6 terms, innovative engineering or cost-reduction terms, finance
7 plans, and the need for state funds to deliver the proposal.
8 If the expressway authority is not satisfied with the results
9 of the negotiations, it may, at its sole discretion, terminate
10 negotiations with the proposer. If these negotiations are
11 unsuccessful, the expressway authority may go to the second
12 and lower-ranked firms, in order, using the same procedure. If
13 only one proposal is received, the expressway authority may
14 negotiate in good faith, and if it is not satisfied with the
15 results, it may, at its sole discretion, terminate
16 negotiations with the proposer. Notwithstanding this
17 paragraph, the expressway authority may, at its discretion,
18 reject all proposals at any point in the process up to
19 completion of a contract with the proposer.

20 (d) The department may lend funds from the Toll
21 Facilities Revolving Trust Fund, as outlined in s. 338.251, to
22 public-private partnerships. To be eligible a private entity
23 must comply with s. 338.251 and must provide an indication
24 from a nationally recognized rating agency that the senior
25 bonds for the project will be investment grade or must provide
26 credit support, such as a letter of credit or other means
27 acceptable to the department, to ensure that the loans will be
28 fully repaid.

29 (e) Agreements entered into pursuant to this
30 subsection may authorize the public-private entity to impose
31 tolls or fares for the use of the facility. However, the

1 amount and use of toll or fare revenues may be regulated by
2 the expressway authority to avoid unreasonable costs to users
3 of the facility.

4 (f) Each public-private transportation facility
5 constructed pursuant to this subsection shall comply with all
6 requirements of federal, state, and local laws; state,
7 regional, and local comprehensive plans; the expressway
8 authority's rules, policies, procedures, and standards for
9 transportation facilities; and any other conditions that the
10 expressway authority determines to be in the public's best
11 interest.

12 (g) An expressway authority may exercise any power
13 possessed by it, including eminent domain, to facilitate the
14 development and construction of transportation projects
15 pursuant to this subsection. An expressway authority may pay
16 all or part of the cost of operating and maintaining the
17 facility or may provide services to the private entity for
18 which it receives full or partial reimbursement for services
19 rendered.

20 (h) Except as herein provided, this subsection is not
21 intended to amend existing laws by granting additional powers
22 to or further restricting the governmental entities from
23 regulating and entering into cooperative arrangements with the
24 private sector for the planning, construction, and operation
25 of transportation facilities.

26 Section 17. Subsection (2) of section 2 of chapter
27 88-418, Laws of Florida, as amended by section 99 of chapter
28 2002-20, Laws of Florida, is amended to read:

29 Section 2. Crandon Boulevard is hereby designated as a
30 state historic highway. No public funds shall be expended
31 for:

1 (2) The alteration of the physical dimensions or
2 location of Crandon Boulevard, the median strip thereof, or
3 the land adjacent thereto, except for:

4 (a) The routine or emergency utilities maintenance
5 activities necessitated to maintain the road as a utility
6 corridor serving the village of Key Biscayne; ~~or~~

7 (b) The modification or improvements made to provide
8 for vehicular ingress and egress of governmental public safety
9 vehicles; or-

10 (c) Alterations, modifications, or improvements made
11 for the purpose of enhancing life safety vehicular use or
12 pedestrian use of Crandon Boulevard, or both, so long as such
13 alterations, modifications, or improvements are heard in a
14 public hearing and subsequently approved by the Village
15 Council of the Village of Key Biscayne.

16 Section 18. This act shall take effect upon becoming a
17 law.

18
19 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
20 COMMITTEE SUBSTITUTE FOR
21 CS/SB 1456

22 The committee substitute formally establishes Public
23 Transportation as one of the Department of Transportation's
24 areas of program responsibility. The CS/CS provides for
25 funding of the Strategic Intermodal System and abolishes the
26 Transportation Outreach Program. The CS/CS authorizes loans
27 to aviation industry non-profit organizations and converts
28 loans made to certain airports to grants. The CS/CS revises
29 the membership and powers of the Orlando-Orange County
30 Expressway Authority. Finally, the CS/CS adds to the types of
31 modifications allowed on Crandon Boulevard in Miami-Dade
County.