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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/28/2012	.	
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The Committee on Budget (Benacquisto) recommended the following:

Senate Amendment (with title amendment)

Delete lines 468 - 510

and insert:

section 20.23, Florida Statutes, are amended to read:

20.23 Department of Transportation.—There is created a Department of Transportation which shall be a decentralized agency.

(5) (a) The operations of the department shall be organized into seven districts, each headed by a district secretary, and a turnpike enterprise and a rail enterprise, each enterprise headed by an executive director. The district secretaries and the executive directors must ~~shall~~ be registered professional



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14 engineers in accordance with ~~the provisions of~~ chapter 471 or
15 the laws of another state or, in lieu of professional engineer
16 registration, a district secretary or executive director may
17 hold an advanced degree in an appropriate related discipline,
18 such as a Master of Business Administration. The headquarters of
19 the districts shall be located in Polk, Columbia, Washington,
20 Broward, Volusia, Miami-Dade, and Hillsborough Counties. The
21 headquarters of the turnpike enterprise shall be located in
22 Orange County. The headquarters of the rail enterprise shall be
23 located in Leon County. In order to provide for efficient
24 operations and to expedite the decisionmaking process, the
25 department shall provide for maximum decentralization to the
26 districts.

27 (b) Each district secretary may appoint up to three
28 district directors ~~or, until July 1, 2005, each district~~
29 ~~secretary may appoint up to four district directors.~~ These
30 positions are exempt from part II of chapter 110.

31
32 Delete lines 545 - 602.

33
34 Delete lines 1146 - 1162

35 and insert:

36 (b) A citation issued under this subsection ~~may~~ must be
37 issued by mailing the citation by certified ~~first-class~~ mail,
38 ~~return receipt requested,~~ to the address of the registered owner
39 of the motor vehicle involved in the violation. Delivery Receipt
40 of the citation constitutes notification. In the case of joint
41 ownership of a motor vehicle, the traffic citation must be
42 mailed to the first name appearing on the registration, unless



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43 the first name appearing on the registration is a business
44 organization, in which case the second name appearing on the
45 registration may be used. A citation issued under this paragraph
46 must be mailed to the registered owner of the motor vehicle
47 involved in the violation within 14 days after the date of
48 issuance of the citation. In addition to the citation,
49 notification must be sent by first-class mail to the registered
50 owner of the motor vehicle involved in the violation specifying
51 remedies available under ss. 318.14(12) and 318.18(7).

52
53 Delete lines 2246 - 2267
54 and insert:
55 through (7), respectively, and a new subsection (2) is added to
56 that section, to read:

57 338.01 Authority to establish and regulate limited access
58 facilities.—

59 (2) The department may establish limited access facilities
60 as provided in s. 335.02. The primary function of these limited
61 access facilities is to allow high-speed and high-volume traffic
62 movements within the state. Access to abutting land is
63 subordinate to this function and must be prohibited or highly
64 regulated.

65
66 Delete lines 2716 - 2790.

67
68 ===== T I T L E A M E N D M E N T =====

69 And the title is amended as follows:

70 Delete lines 8 - 237

71 and insert:



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72 amending s. 206.41, F.S.; revising the definition of
73 the term "agricultural and aquacultural purposes" for
74 the purpose of obtaining a refund of the state motor
75 fuel tax; providing a directive to the Division of
76 Statutory Revision; amending s. 311.07, F.S.;
77 increasing funding for the Florida Seaport
78 Transportation and Economic Development Program;
79 requiring the program's council to develop guidelines
80 for program funding; revising the list of projects
81 eligible for program funding; deleting a cap on
82 distribution of program funds to eligible ports;
83 amending s. 311.09, F.S.; revising the rule criteria
84 for evaluating a potential Florida Seaport
85 Transportation and Economic Development Council
86 project; deleting provisions relating to project
87 review by the Department of Community Affairs;
88 requiring projects to be consistent with the Statewide
89 Seaport and Waterways System Plan; revising the
90 criteria used by the Department of Transportation and
91 the Department of Economic Opportunity to review
92 project applications approved by the council;
93 increasing the amount of funding the Department of
94 Transportation is required to include in its annual
95 legislative budget request for the Florida Seaport
96 Transportation and Economic Development grant program;
97 creating s. 311.10, F.S.; establishing the Strategic
98 Port Investment Initiative within the department;
99 providing annual funding from the State Transportation
100 Trust Fund; directing the department to work with



101 deepwater ports to develop and maintain a specified
102 priority list of strategic investment projects;
103 providing project selection criteria; requiring the
104 department to schedule a publicly noticed workshop
105 with the Department of Economic Opportunity and the
106 deepwater ports to review proposed projects; directing
107 the department to include seaport projects proposed
108 for funding in the tentative work program; excluding
109 project funding from the requirement that a minimum of
110 15 percent of state revenues deposited into the State
111 Transportation Fund be committed to specified public
112 transportation projects; creating s. 311.101, F.S.;
113 establishing the Intermodal Logistics Center
114 Infrastructure Support Program within the department
115 to fund projects conveying or shipping goods through a
116 seaport; defining the term "intermodal logistics
117 center"; providing project criteria; providing for
118 funding; authorizing the department to adopt rules;
119 amending s. 311.14, F.S.; directing the department to
120 develop a Statewide Seaport and Waterways System Plan;
121 deleting provisions relating to the development and
122 integration of freight mobility and trade corridor
123 plans; amending s. 311.22, F.S.; conforming a cross-
124 reference; amending s. 316.003, F.S.; revising the
125 definition of the term "motor vehicle" for purposes of
126 the payment of tolls; amending s. 316.091, F.S.;
127 revising provisions relating to prohibitions against
128 operating a human-operated vehicle on a limited access
129 highway; authorizing the department and expressway



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130 authorities to designate the use of shoulders of
131 limited access facilities and interstate highways for
132 vehicular traffic under certain conditions; requiring
133 the department to establish a pilot program to open
134 certain limited access highways and bridges to
135 bicycles and other human-powered vehicles; providing
136 requirements for the program; requiring a report;
137 amending s. 316.1001, F.S.; revising provisions
138 relating to mailing citations for failing to pay a
139 toll; amending s. 316.2122, F.S.; deleting a cross-
140 reference; amending s. 316.515, F.S.; revising
141 provisions related to the maximum allowed length of
142 straight truck-trailer combinations; revising
143 provisions relating to farm equipment; amending s.
144 318.12, F.S.; conforming provisions to changes made by
145 the act; amending s. 320.01, F.S.; revising the
146 definition of the term "low-speed vehicle"; amending
147 s. 320.20, F.S.; conforming provisions to changes made
148 by the act; amending s. 332.08, F.S.; authorizing a
149 municipality participating in the Federal Aviation
150 Administration's pilot program on the private
151 ownership of airports to lease or sell airport
152 property to a private party; providing for department
153 approval under certain conditions; reordering and
154 amending s. 334.03, F.S.; revising definitions for
155 purposes of the Florida Transportation Code; amending
156 s. 334.044, F.S.; revising the powers and duties of
157 the department relating to jurisdictional
158 responsibility, the designation of facilities, and



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159 highway landscaping, and adding a duty to develop
160 freight mobility and trade plans; amending s. 334.047,
161 F.S.; deleting a prohibition preventing the department
162 from establishing a maximum number of miles of urban
163 principal arterial roads; amending s. 335.02, F.S.;
164 revising references to conform to the incorporation of
165 the Florida Intrastate Highway System into the
166 Strategic Intermodal System; amending s. 335.074,
167 F.S.; requiring the governmental entity having
168 maintenance responsibility for a bridge to reduce the
169 maximum limits for the bridge in accordance with a
170 bridge inspection report and post such limits as
171 specified; requiring the governmental entity to
172 immediately close a bridge if recommended in the
173 report; amending s. 335.17, F.S., relating to highway
174 construction noise abatement; clarifying project
175 eligibility provisions governing noise abatement;
176 updating a reference to a federal regulation; amending
177 s. 336.021, F.S.; revising the date for levying
178 certain fuel taxes; amending s. 336.025, F.S.;
179 revising the date for levying certain fuel taxes;
180 specifying certain transportation program
181 expenditures; amending s. 337.11, F.S.; revising the
182 department's advertising requirements for bids on
183 certain construction contracts; amending s. 337.111,
184 F.S.; providing additional forms of security for the
185 cost of removing or modifying monuments or memorials
186 at highway rest areas; amending s. 337.125, F.S.;
187 revising provisions relating to the submission of



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188 information documenting that a subcontract is with a
189 disadvantaged business enterprise; repealing s.
190 337.137, F.S., relating to subcontract limitations by
191 socially and economically disadvantaged business
192 enterprises; amending s. 337.139, F.S.; updating a
193 reference to federal law as it relates to encouraging
194 the award of contracts to socially and economically
195 disadvantaged business enterprises; amending s.
196 337.14, F.S.; specifying when an application for
197 qualification to bid on a department contract is
198 timely; authorizing certain applicants to submit
199 reviewed annual or reviewed interim financial
200 statements prepared by a certified public accountant;
201 amending ss. 337.403 and 337.404, F.S.; clarifying
202 provisions relating to responsibility for the work and
203 costs for alleviating interference on a public road or
204 publicly owned rail corridor caused by a utility
205 facility; requiring the utility owner to initiate and
206 complete the work necessary within a certain time
207 period; requiring the local governmental authority to
208 bear the costs of work on a utility facility that was
209 initially installed to serve the governmental entity
210 or its tenants; providing that the governmental entity
211 is not responsible for the costs of utility work
212 related to subsequent additions to the facility;
213 requiring that the local governmental authority bear
214 the costs of removing or relocating a utility facility
215 under certain circumstances; providing for notice to
216 the utility; revising provisions for payment of costs;



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217 revising provisions for completion of work when the
218 utility owner does not perform the work; amending s.
219 337.408, F.S.; revising provisions for certain
220 facilities installed within the right-of-way limits of
221 a road; requiring counties and municipalities to
222 indemnify the department from certain claims relating
223 to the installation, removal, or relocation of a
224 noncompliant bench or shelter; authorizing the
225 department to remove or relocate a noncompliant
226 installation and charge the cost to the county or
227 municipality; removing a provision for the replacement
228 of an unusable transit bus bench that was in service
229 before a certain date; providing a directive to the
230 Division of Statutory Revision; repealing s. 338.001,
231 F.S., relating to the Florida Intrastate Highway
232 System Plan; amending s. 338.01, F.S.; clarifying
233 provisions governing the designation and function of
234 limited access facilities established by the
235 department; creating s. 338.151, F.S.; authorizing the
236 department to establish tolls on certain
237 transportation facilities to pay for the cost of such
238 project; amending s. 338.155, F.S.; authorizing the
239 department to allow the use of certain toll facilities
240 by certain vehicles without paying the tolls under
241 certain circumstances; amending s. 338.161, F.S.;
242 authorizing the department to enter in agreements with
243 other entities for the use of the public or private
244 toll facilities under certain circumstances;
245 authorizing the department to modify its rules



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246 regarding toll collection procedures and the
247 imposition of administrative charges for certain toll
248 facilities; amending s. 338.166, F.S.; removing a
249 location restriction on the issuing of bonds secured
250 by toll revenues; restricting the use of remaining
251 tolls revenues to the county or counties in which the
252 revenues were collected or to support express bus
253 service on the facility where the toll revenues were
254 collected; amending s. 338.221, F.S.; revising the
255 definition of the term "economically feasible" for
256 purposes of proposed turnpike projects; amending s.
257 338.223, F.S.; revising a provision relating to
258 department requests for legislative approval of
259 proposed turnpike projects; conforming a cross-
260 reference; amending s. 338.227, F.S.; replacing a
261 reference to the Florida Intrastate Highway System
262 Plan with a reference to the Strategic Intermodal
263 System Plan; amending ss. 338.2275 and 338.228, F.S.;
264 conforming cross-references; amending s. 338.231,
265 F.S.; authorizing the department to assess an
266 administrative fee as an account maintenance charge
267 for inactive prepaid toll accounts; amending s.
268 338.234, F.S.; replacing a reference to the Florida
269 Intrastate Highway System with a reference to the
270 Strategic Intermodal System; amending s. 339.0805,
271 F.S.; revising provisions relating to the
272 certification of socially and economically
273 disadvantaged individuals; deleting provisions
274 requiring a periodic disparity study; deleting



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275 obsolete provisions; revising the timeframe for
276 notifying the department of any change in ownership of
277 a qualifying individual or individuals; conforming
278 provisions to changes made by the act; updating
279 references to federal law; amending s. 339.155, F.S.;