

By the Committee on Transportation; and Senators Gainer and Rouson

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1 A bill to be entitled
2 An act relating to transportation; amending s.
3 316.545, F.S.; providing for the calculation of fines
4 for unlawful weight and load for a vehicle fueled by
5 natural gas; requiring the vehicle operator to present
6 a certain written certification upon request by a
7 weight inspector or law enforcement officer;
8 prescribing a maximum actual gross vehicle weight for
9 vehicles fueled by natural gas; providing
10 applicability; amending s. 335.074, F.S.; requiring
11 bridges on public transportation facilities to be
12 inspected for certain purposes at regular intervals as
13 required by the Federal Highway Administration;
14 amending s. 337.11, F.S.; increasing the allowable
15 amount for contracts for construction and maintenance
16 which the Department of Transportation may enter into,
17 in certain circumstances, without advertising and
18 receiving competitive bids; amending s. 338.227, F.S.;
19 providing that certain bonds are not required to be
20 validated but may be validated at the option of the
21 Division of Bond Finance; providing filing, notice,
22 and service requirements for complaints and circuit
23 court orders concerning such validation; amending s.
24 339.135, F.S.; providing an additional exception
25 related to the amendment of adopted work programs when
26 an emergency exists; amending s. 339.2405, F.S.;
27 replacing the Florida Highway Beautification Council
28 within the department with the Florida Highway
29 Beautification Grant Program; providing the purpose of

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30 the program; providing duties of the department,
31 including the establishment of rules related to grant
32 requests; conforming provisions to changes made by the
33 act; amending s. 343.52, F.S.; defining the term
34 "department"; amending s. 343.54, F.S.; prohibiting
35 the South Florida Regional Transportation Authority
36 from entering into, extending, or renewing certain
37 contracts or other agreements without the department's
38 prior review and written approval if such contracts or
39 agreements may be funded with funds provided by the
40 department; amending s. 343.58, F.S.; prohibiting
41 specified funds provided to the authority by the
42 department from being committed by the authority
43 without the prior review and written approval by the
44 department of the authority's expenditures; deleting
45 requirements relating to notification by the authority
46 to the department of a proposed procurement or of a
47 renewal of any existing contract that will rely on
48 state funds for payment; requiring the authority to
49 promptly provide the department any documentation or
50 information, in addition to the proposed annual
51 budget, which is required by the department for its
52 evaluation of the proposed uses of state funds;
53 prohibiting certain funding from being provided to the
54 authority by the department until the authority
55 terminates a Notice of Intent of Contract Award for a
56 specified request for proposal; requiring the
57 authority, before entering into a new contract for the
58 services that were the subject of such request for

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59 proposal, to obtain the department's written approval
60 of all terms and conditions of the new procurement and
61 contract for such services; amending s. 215.82, F.S.;
62 conforming a provision to changes made by the act;
63 amending s. 343.53, F.S.; conforming a cross-
64 reference; providing an effective date.

65
66 Be It Enacted by the Legislature of the State of Florida:

67
68 Section 1. Present paragraphs (c) and (d) of subsection (3)
69 of section 316.545, Florida Statutes, are redesignated as
70 paragraphs (d) and (e), respectively, and a new paragraph (c) is
71 added to that subsection, to read:

72 316.545 Weight and load unlawful; special fuel and motor
73 fuel tax enforcement; inspection; penalty; review.—

74 (3)

75 (c)1. For a vehicle fueled by natural gas, the fine is
76 calculated by reducing the actual gross vehicle weight by the
77 certified weight difference between the natural gas tank and
78 fueling system and a comparable diesel tank and fueling system.
79 Upon the request of a weight inspector or a law enforcement
80 officer, the vehicle operator shall present a written
81 certification that identifies the weight of the natural gas tank
82 and fueling system and the difference in weight of a comparable
83 diesel tank and fueling system. The written certification must
84 originate from the vehicle manufacturer or the installer of the
85 natural gas tank and fueling system.

86 2. The actual gross vehicle weight for vehicles fueled by
87 natural gas may not exceed 82,000 pounds, excluding the weight

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88 allowed for idle-reduction technology under paragraph (b).

89 3. This paragraph does not apply to vehicles described in
90 s. 316.535(6).

91 Section 2. Subsection (2) of section 335.074, Florida
92 Statutes, is amended to read:

93 335.074 Safety inspection of bridges.—

94 (2) At regular intervals as required by the Federal Highway
95 Administration not to exceed 2 years, each bridge on a public
96 transportation facility shall be inspected for structural
97 soundness and safety for the passage of traffic on such bridge.
98 The thoroughness with which bridges are to be inspected shall
99 depend on such factors as age, traffic characteristics, state of
100 maintenance, and known deficiencies. The governmental entity
101 having maintenance responsibility for any such bridge shall be
102 responsible for having inspections performed and reports
103 prepared in accordance with the provisions contained herein.

104 Section 3. Paragraph (c) of subsection (6) of section
105 337.11, Florida Statutes, is amended to read:

106 337.11 Contracting authority of department; bids; emergency
107 repairs, supplemental agreements, and change orders; combined
108 design and construction contracts; progress payments; records;
109 requirements of vehicle registration.—

110 (6)

111 (c) When the department determines that it is in the best
112 interest of the public for reasons of public concern, economy,
113 improved operations, or safety, and only for contracts for
114 construction and maintenance which do not exceed \$250,000 when
115 circumstances dictate rapid completion of the work, the
116 department may, ~~up to the amount of \$120,000,~~ enter into

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117 ~~contracts for construction and maintenance~~ without advertising
118 and receiving competitive bids. The department may enter into
119 such contracts only upon a determination that the work is
120 necessary for one of the following reasons:

121 1. To ensure timely completion of projects or avoidance of
122 undue delay for other projects;

123 2. To accomplish minor repairs or construction and
124 maintenance activities for which time is of the essence and for
125 which significant cost savings would occur; or

126 3. To accomplish nonemergency work necessary to ensure
127 avoidance of adverse conditions that affect the safe and
128 efficient flow of traffic.

129
130 The department shall make a good faith effort to obtain two or
131 more quotes, if available, from qualified contractors before
132 entering into any contract. The department shall give
133 consideration to disadvantaged business enterprise
134 participation. However, when the work exists within the limits
135 of an existing contract, the department shall make a good faith
136 effort to negotiate and enter into a contract with the prime
137 contractor on the existing contract.

138 Section 4. Subsection (5) is added to section 338.227,
139 Florida Statutes, to read:

140 338.227 Turnpike revenue bonds.—

141 (5) Notwithstanding s. 215.82, bonds issued pursuant to
142 this section are not required to be validated pursuant to
143 chapter 75 but may be validated at the option of the Division of
144 Bond Finance. Any complaint about such validation must be filed
145 in the circuit court of the county in which the seat of state

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146 government is situated, and the clerk shall publish the notice
147 as required by s. 75.06 only in the county in which the
148 complaint is filed. The complaint and order of the circuit court
149 must be served on the state attorney of the circuit in which the
150 action is pending.

151 Section 5. Paragraph (e) of subsection (7) of section
152 339.135, Florida Statutes, is amended to read:

153 339.135 Work program; legislative budget request;
154 definitions; preparation, adoption, execution, and amendment.—

155 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

156 (e) Notwithstanding paragraphs (d), ~~and~~ (g), and (h) and
157 ss. 216.177(2) and 216.351, the secretary may request the
158 Executive Office of the Governor to amend the adopted work
159 program when an emergency exists, as defined in s. 252.34, and
160 the emergency relates to the repair or rehabilitation of any
161 state transportation facility. The Executive Office of the
162 Governor may approve the amendment to the adopted work program
163 and amend that portion of the department's approved budget if a
164 delay incident to the notification requirements in paragraph (d)
165 would be detrimental to the interests of the state. However, the
166 department shall immediately notify the parties specified in
167 paragraph (d) and provide such parties written justification for
168 the emergency action within 7 days after approval by the
169 Executive Office of the Governor of the amendment to the adopted
170 work program and the department's budget. The adopted work
171 program may not be amended under this subsection without
172 certification by the comptroller of the department that there
173 are sufficient funds available pursuant to the 36-month cash
174 forecast and applicable statutes.

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175 Section 6. Section 339.2405, Florida Statutes, is amended
176 to read:

177 339.2405 Florida Highway Beautification Grant Program
178 ~~Council.~~—

179 (1) There is created within the Department of
180 Transportation the Florida Highway Beautification Grant Program
181 for the purpose of awarding grants to local governmental
182 entities for beautification of roads on the State Highway System
183 as provided in subsections (3) and (4). The department shall
184 ~~Council. It shall consist of seven members appointed by the~~
185 ~~Governor. All appointed members must be residents of this state.~~
186 ~~One member must be a licensed landscape architect, one member~~
187 ~~must be a representative of the Florida Federation of Garden~~
188 ~~Clubs, Inc., one member must be a representative of the Florida~~
189 ~~Nurserymen and Growers Association, one member must be a~~
190 ~~representative of the department as designated by the head of~~
191 ~~the department, one member must be a representative of the~~
192 ~~Department of Agriculture and Consumer Services, and two members~~
193 ~~must be private citizens. The members of the council shall serve~~
194 ~~at the pleasure of the Governor.~~

195 (2) ~~Each chair shall be selected by the council members and~~
196 ~~shall serve a 2-year term.~~

197 (3) ~~The council shall meet no less than semiannually at the~~
198 ~~call of the chair or, in the chair's absence or incapacity, at~~
199 ~~the call of the head of the department. Four members shall~~
200 ~~constitute a quorum for the purpose of exercising all of the~~
201 ~~powers of the council. A vote of the majority of the members~~
202 ~~present shall be sufficient for all actions of the council.~~

203 (4) ~~The council members shall serve without pay but shall~~

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204 ~~be entitled to per diem and travel expenses pursuant to s.~~
205 ~~112.061.~~

206 ~~(5) A member of the council may not participate in any~~
207 ~~discussion or decision to recommend grants to any qualified~~
208 ~~local government with which the member is associated as a member~~
209 ~~of the governing body or as an employee or with which the member~~
210 ~~has entered into a contractual arrangement.~~

211 ~~(6) The council may prescribe, amend, and repeal bylaws~~
212 ~~governing the manner in which the business of the council is~~
213 ~~conducted.~~

214 ~~(7) (a) The duties of the council shall be to:~~

215 (a)1. Provide information to local governments and local
216 highway beautification councils regarding the state highway
217 beautification grants program.

218 (b)2. Accept grant requests from local governments.

219 (c)3. Review grant requests for compliance with department
220 council rules.

221 (d)4. Establish rules for evaluating and prioritizing the
222 grant requests. The rules must include, but are not limited to,
223 an examination of each grant's aesthetic value, cost-
224 effectiveness, level of local support, feasibility of
225 installation and maintenance, and compliance with state and
226 federal regulations. Rules adopted by the department council
227 which it uses to evaluate grant applications must take into
228 consideration the contributions made by the highway
229 beautification project in preventing litter.

230 (e)5. Maintain a prioritized list of approved grant
231 requests. The list must include recommended funding levels for
232 each request and, if staged implementation is appropriate,

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233 funding requirements for each stage shall be provided.

234 ~~6. Assess the feasibility of planting and maintaining~~
235 ~~indigenous wildflowers and plants, instead of sod groundcovers,~~
236 ~~along the rights-of-way of state roads and highways. In making~~
237 ~~such assessment, the council shall utilize data from other~~
238 ~~states which include indigenous wildflower and plant species in~~
239 ~~their highway vegetative management systems.~~

240 ~~(b) The council may, at the request of the head of the~~
241 ~~department, review and make recommendations on any other highway~~
242 ~~beautification matters relating to the State Highway System.~~

243 ~~(8) The head of the department shall provide from existing~~
244 ~~personnel such staff support services to the council as are~~
245 ~~necessary to enable the council to fulfill its duties and~~
246 ~~responsibilities.~~

247 (2)~~(9)~~ Local highway beautification councils may be created
248 by local governmental entities or by the Legislature. Prior to
249 being submitted to the department council~~council~~, a grant request must
250 be approved by the local government or governments of the area
251 in which the project is located.

252 (3)~~(10)~~ The head of the department, ~~after receiving~~
253 ~~recommendations from the council~~, shall award grants to local
254 governmental entities that have submitted grant requests for
255 beautification of roads on the State Highway System and which
256 requests are on the ~~council's~~ approved list. The grants shall be
257 awarded in the order they appear on the ~~council's~~ prioritized
258 list and in accordance with available funding.

259 (4)~~(11)~~ State highway beautification grants may be
260 requested only for projects to beautify through landscaping
261 roads on the State Highway System. The grant request shall

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262 identify all costs associated with the project, including
263 sprinkler systems, plant materials, equipment, and labor. A
264 grant shall provide for the costs of purchase and installation
265 of a sprinkler system, the cost of plant materials and
266 fertilizer, and may provide for the costs for labor associated
267 with the installation of the plantings. Each local government
268 that receives a grant is ~~shall be~~ responsible for any costs for
269 water, for the maintenance of the sprinkler system, for the
270 maintenance of the landscaped areas in accordance with a
271 maintenance agreement with the department, and, except as
272 otherwise provided in the grant, for any costs for labor
273 associated with the installation of the plantings. The
274 department may provide, by contract, services to maintain such
275 landscaping at a level not to exceed the cost of routine
276 maintenance of an equivalent unlandscaped area.

277 ~~(12) The council shall annually submit to the head of the~~
278 ~~Department of Transportation a proposal recommending the level~~
279 ~~of grant funding.~~

280 Section 7. Section 343.52, Florida Statutes, is reordered
281 and amended to read:

282 343.52 Definitions.—As used in this part, the term:

283 (2)~~(1)~~ "Authority" means the South Florida Regional
284 Transportation Authority.

285 (3)~~(2)~~ "Board" means the governing body of the authority.

286 (4) "Department" means the Department of Transportation.

287 (1)~~(3)~~ "Area served" means Miami-Dade, Broward, and Palm
288 Beach Counties. However, this area may be expanded by mutual
289 consent of the authority and the board of county commissioners
290 of Monroe County. The authority may not expand into any

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291 additional counties without the department's prior written
292 approval.

293 ~~(8)(4)~~ "Transit system" means a system used for the
294 transportation of people and goods by means of, without
295 limitation, a street railway, an elevated railway having a fixed
296 guideway, a commuter railroad, a subway, motor vehicles, or
297 motor buses, and includes a complete system of tracks, stations,
298 and rolling stock necessary to effectuate passenger service to
299 or from the surrounding regional municipalities.

300 ~~(7)(5)~~ "Transit facilities" means property, avenues of
301 access, equipment, or buildings built and installed in Miami-
302 Dade, Broward, and Palm Beach Counties which are required to
303 support a transit system.

304 ~~(6)(6)~~ "Member" means the individuals constituting the
305 board.

306 ~~(5)(7)~~ "Feeder transit services" means a transit system
307 that transports passengers to or from stations within or across
308 counties.

309 Section 8. Present subsections (4) and (5) of section
310 343.54, Florida Statutes, are redesignated as subsections (5)
311 and (6), respectively, and a new subsection (4) is added to that
312 section, to read:

313 343.54 Powers and duties.—

314 (4) Notwithstanding any other provision of this part, the
315 authority may not enter into, extend, or renew any contract or
316 other agreement under this part without the department's prior
317 review and written approval of the authority's proposed
318 expenditures if such contract or agreement may be funded, in
319 whole or in part, with funds provided by the department.

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320 Section 9. Paragraph (c) of subsection (4) of section
321 343.58, Florida Statutes, is amended, and paragraph (e) is added
322 to that subsection, to read:

323 343.58 County funding for the South Florida Regional
324 Transportation Authority.—

325 (4) Notwithstanding any other provision of law to the
326 contrary and effective July 1, 2010, until as provided in
327 paragraph (d), the department shall transfer annually from the
328 State Transportation Trust Fund to the South Florida Regional
329 Transportation Authority the amounts specified in subparagraph
330 (a)1. or subparagraph (a)2.

331 (c)1. Funds provided to the authority by the department
332 under this subsection may not be committed by the authority
333 without the prior review and written approval by ~~of~~ the
334 department of the authority's expenditures, ~~which may not be~~
335 ~~unreasonably withheld. At least 90 days before advertising any~~
336 ~~procurement or renewing any existing contract that will rely on~~
337 ~~state funds for payment, the authority shall notify the~~
338 ~~department of the proposed procurement or renewal and the~~
339 ~~proposed terms thereof. If the department, within 60 days after~~
340 ~~receipt of notice, objects in writing to the proposed~~
341 ~~procurement or renewal, specifying its reasons for objection,~~
342 ~~the authority may not proceed with the proposed procurement or~~
343 ~~renewal. Failure of the department to object in writing within~~
344 ~~60 days after notice shall be deemed consent. This requirement~~
345 ~~does not impair or cause the authority to cancel contracts that~~
346 ~~exist as of June 30, 2012.~~

347 2. To enable the department to evaluate the authority's
348 proposed uses of state funds, the authority shall annually

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349 provide the department with its proposed budget for the
350 following authority fiscal year and shall promptly provide the
351 department with any additional documentation or information
352 required by the department for its evaluation of the proposed
353 uses of the state funds.

354 (e) Funding may not be provided to the authority by the
355 department under this subsection until the authority withdraws,
356 cancels, or otherwise terminates the authority's Notice of
357 Intent of Contract Award for Request for Proposal 16-010
358 "Operating Services," approved by the authority's board on
359 January 27, 2017. Before entering into a new contract for the
360 services that were the subject of the Request for Proposal 16-
361 010, the authority must obtain the department's written approval
362 of all terms and conditions of a new procurement and contract
363 for the services that were the subject of such request for
364 proposal to ensure that the authority has sufficient revenues to
365 fund the contract.

366 Section 10. Subsection (2) of section 215.82, Florida
367 Statutes, is amended to read:

368 215.82 Validation; when required.—

369 (2) Any bonds issued pursuant to this act which are
370 validated shall be validated in the manner provided by chapter
371 75. In actions to validate bonds to be issued in the name of the
372 State Board of Education under s. 9(a) and (d), Art. XII of the
373 State Constitution and bonds to be issued pursuant to chapter
374 259, the Land Conservation Program, the complaint shall be filed
375 in the circuit court of the county where the seat of state
376 government is situated, the notice required to be published by
377 s. 75.06 shall be published only in the county where the

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378 complaint is filed, and the complaint and order of the circuit
379 court shall be served only on the state attorney of the circuit
380 in which the action is pending. In any action to validate bonds
381 issued pursuant to s. 1010.62 or issued pursuant to s. 9(a)(1),
382 Art. XII of the State Constitution or issued pursuant to s.
383 215.605 ~~or s. 338.227~~, the complaint shall be filed in the
384 circuit court of the county where the seat of state government
385 is situated, the notice required to be published by s. 75.06
386 shall be published in a newspaper of general circulation in the
387 county where the complaint is filed and in two other newspapers
388 of general circulation in the state, and the complaint and order
389 of the circuit court shall be served only on the state attorney
390 of the circuit in which the action is pending; provided,
391 however, that if publication of notice pursuant to this section
392 would require publication in more newspapers than would
393 publication pursuant to s. 75.06, such publication shall be made
394 pursuant to s. 75.06.

395 Section 11. Paragraph (d) of subsection (2) of section
396 343.53, Florida Statutes, is amended to read:

397 343.53 South Florida Regional Transportation Authority.—

398 (2) The governing board of the authority shall consist of
399 10 voting members, as follows:

400 (d) If the authority's service area is expanded pursuant to
401 s. 343.54(6) ~~s. 343.54(5)~~, the county containing the new service
402 area shall have two members appointed to the board as follows:

403 1. The county commission of the county shall elect a
404 commissioner as that commission's representative on the board.
405 The commissioner must be a member of the county commission when
406 elected and for the full extent of his or her term.

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407 2. The Governor shall appoint a citizen member to the board
408 who is not a member of the county commission but who is a
409 resident and a qualified elector of that county.

410 Section 12. This act shall take effect July 1, 2017.