

1 A bill to be entitled
2 An act relating to the Department of Transportation;
3 amending s. 215.82, F.S.; conforming provisions to
4 changes made by the act; amending s. 316.545, F.S.;
5 providing for assessment and calculation of a fine for
6 unlawful weight and load of a vehicle fueled by
7 natural gas; requiring written certification of
8 certain weight information; providing gross vehicle
9 weight requirements; providing an exception; amending
10 s. 335.074, F.S.; requiring inspection of certain
11 bridges at intervals required by the Federal Highway
12 Administration; amending s. 337.11, F.S.; revising the
13 amount for which the department may enter into certain
14 construction and maintenance contracts; amending s.
15 338.227, F.S.; providing requirements for the
16 validation of turnpike revenue bonds and related
17 complaints; amending s. 339.135, F.S.; waiving
18 requirements for approval of certain work program
19 amendments by the Legislative Budget Commission under
20 certain conditions; amending s. 339.2405, F.S.;
21 deleting provisions relating to the Florida Highway
22 Beautification Council; transferring certain powers
23 and duties of the council to the department; amending
24 s. 343.52, F.S.; defining the term "department";
25 amending s. 343.53, F.S.; conforming a cross-

26 reference; amending s. 343.54, F.S.; prohibiting the
27 South Florida Regional Transportation Authority from
28 entering into certain contracts or agreements without
29 department approval of the authority's expenditures;
30 amending s. 343.58, F.S.; prohibiting certain funds to
31 be committed by the authority without department
32 approval of the authority's expenditures; prohibiting
33 certain funds to be provided to the authority by the
34 department except under certain circumstances;
35 providing requirements for entering into certain new
36 contracts; providing an effective date.

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

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40 Section 1. Subsection (2) of section 215.82, Florida
41 Statutes, is amended to read:

42 215.82 Validation; when required.—

43 (2) Any bonds issued pursuant to this act which are
44 validated shall be validated in the manner provided by chapter
45 75. In actions to validate bonds to be issued in the name of the
46 State Board of Education under s. 9(a) and (d), Art. XII of the
47 State Constitution and bonds to be issued pursuant to chapter
48 259, the Land Conservation Program, the complaint shall be filed
49 in the circuit court of the county where the seat of state
50 government is situated, the notice required to be published by

51 s. 75.06 shall be published only in the county where the
52 complaint is filed, and the complaint and order of the circuit
53 court shall be served only on the state attorney of the circuit
54 in which the action is pending. In any action to validate bonds
55 issued pursuant to s. 1010.62 or issued pursuant to s. 9(a)(1),
56 Art. XII of the State Constitution or issued pursuant to s.
57 215.605 ~~or s. 338.227~~, the complaint shall be filed in the
58 circuit court of the county where the seat of state government
59 is situated, the notice required to be published by s. 75.06
60 shall be published in a newspaper of general circulation in the
61 county where the complaint is filed and in two other newspapers
62 of general circulation in the state, and the complaint and order
63 of the circuit court shall be served only on the state attorney
64 of the circuit in which the action is pending; provided,
65 however, that if publication of notice pursuant to this section
66 would require publication in more newspapers than would
67 publication pursuant to s. 75.06, such publication shall be made
68 pursuant to s. 75.06.

69 Section 2. Paragraphs (c) and (d) of subsection (3) of
70 section 316.545, Florida Statutes, are redesignated as
71 paragraphs (d) and (e), respectively, and a new paragraph (c) is
72 added to that subsection to read:

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

75 (3)

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

87 2. Notwithstanding any other provisions of this paragraph,
88 the actual gross vehicle weight for vehicles fueled by natural
89 gas may not exceed 82,000 pounds, excluding the weight allowed
90 for idle-reduction technology under paragraph (b). If the actual
91 gross vehicle weight exceeds 82,000 pounds, the fine shall be
92 assessed according to paragraph (a).

93 3. This paragraph does not apply to those vehicles
94 described in s. 316.535(6).

95 Section 3. Subsection (2) of section 335.074, Florida
96 Statutes, is amended to read:

97 335.074 Safety inspection of bridges.—

98 (2) At regular intervals as required by the Federal
99 Highway Administration ~~not to exceed 2 years~~, each bridge on a
100 public transportation facility shall be inspected for structural

101 soundness and safety for the passage of traffic on such bridge.
102 The thoroughness with which bridges are to be inspected shall
103 depend on such factors as age, traffic characteristics, state of
104 maintenance, and known deficiencies. The governmental entity
105 responsible for ~~having~~ maintenance of ~~responsibility for~~ any
106 such bridge is ~~shall be~~ responsible for having inspections
107 performed and reports prepared in accordance with this section
108 ~~the provisions contained herein.~~

109 Section 4. Paragraph (c) of subsection (6) of section
110 337.11, Florida Statutes, is amended to read:

111 337.11 Contracting authority of department; bids;
112 emergency repairs, supplemental agreements, and change orders;
113 combined design and construction contracts; progress payments;
114 records; requirements of vehicle registration.—

115 (6)

116 (c) When the department determines that it is in the best
117 interest of the public for reasons of public concern, economy,
118 improved operations, or safety, and only when circumstances
119 dictate rapid completion of the work, the department may, up to
120 the amount of \$250,000 ~~\$120,000~~, enter into contracts for
121 construction and maintenance without advertising and receiving
122 competitive bids. The department may enter into such contracts
123 only upon a determination that the work is necessary for one of
124 the following reasons:

125 1. To ensure timely completion of projects or avoidance of

126 undue delay for other projects;

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

130 3. To accomplish nonemergency work necessary to ensure
 131 avoidance of adverse conditions that affect the safe and
 132 efficient flow of traffic.

133

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

142 Section 5. Subsection (5) is added to section 338.227,
 143 Florida Statutes, to read:

144 338.227 Turnpike revenue bonds.—

145 (5) Notwithstanding s. 215.82, bonds issued pursuant to
 146 this section are not required to be validated pursuant to
 147 chapter 75 but may be validated at the option of the Division of
 148 Bond Finance. A complaint about such validation must be filed in
 149 the circuit court of the county in which the seat of state
 150 government is situated. The notice required to be published by

151 s. 75.06 must be published only in the county in which the
152 complaint is filed. The complaint and order of the circuit court
153 must be served only on the state attorney of the circuit in
154 which the action is pending.

155 Section 6. Paragraph (e) of subsection (7) of section
156 339.135, Florida Statutes, is amended to read:

157 339.135 Work program; legislative budget request;
158 definitions; preparation, adoption, execution, and amendment.—

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

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

176 certification by the comptroller of the department that there
 177 are sufficient funds available pursuant to the 36-month cash
 178 forecast and applicable statutes.

179 Section 7. Section 339.2405, Florida Statutes, is amended
 180 to read:

181 339.2405 Florida highway beautification grants Council.—

182 (1) The department shall ~~There is created within the~~
 183 ~~Department of Transportation the Florida Highway Beautification~~
 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~~
 196 ~~and shall serve a 2-year term.~~

197 (3) ~~The council shall meet no less than semiannually at~~
 198 ~~the call of the chair or, in the chair's absence or incapacity,~~
 199 ~~at 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~~
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,
233 provide 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
248 created by local governmental entities or by the Legislature.
249 Before ~~Prior to~~ being submitted to the department council, a
250 grant request must be approved by the local government or

251 governments of the area 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
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 and, 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 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 8. Section 343.52, Florida Statutes, is amended to
 281 read:

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

283 (1)~~(3)~~ "Area served" means Miami-Dade, Broward, and Palm
 284 Beach Counties. However, this area may be expanded by mutual
 285 consent of the authority and the board of county commissioners
 286 of Monroe County. The authority may not expand into any
 287 additional counties without the department's prior written
 288 approval.

289 (2)~~(1)~~ "Authority" means the South Florida Regional
 290 Transportation Authority.

291 (3)~~(2)~~ "Board" means the governing body of the authority.

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

293 (5)~~(7)~~ "Feeder transit services" means a transit system
 294 that transports passengers to or from stations within or across
 295 counties.

296 (6) "Member" means the individuals constituting the board.

297 (7)~~(5)~~ "Transit facilities" means property, avenues of
 298 access, equipment, or buildings built and installed in Miami-
 299 Dade, Broward, and Palm Beach Counties which are required to
 300 support a transit system.

301 (8)~~(4)~~ "Transit system" means a system used for the
302 transportation of people and goods by means of, without
303 limitation, a street railway, an elevated railway having a fixed
304 guideway, a commuter railroad, a subway, motor vehicles, or
305 motor buses, and includes a complete system of tracks, stations,
306 and rolling stock necessary to effectuate passenger service to
307 or from the surrounding regional municipalities.

308 Section 9. Paragraph (d) of subsection (2) of section
309 343.53, Florida Statutes, is amended to read:

310 343.53 South Florida Regional Transportation Authority.—

311 (2) The governing board of the authority shall consist of
312 10 voting members, as follows:

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

316 1. The county commission of the county shall elect a
317 commissioner as that commission's representative on the board.
318 The commissioner must be a member of the county commission when
319 elected and for the full extent of his or her term.

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

323 Section 10. Subsections (4) and (5) of section 343.54,
324 Florida Statutes, are renumbered as subsections (5) and (6),
325 respectively, and a new subsection (4) is added to that section

326 | to read:

327 | 343.54 Powers and duties.—

328 | (4) Notwithstanding any other provision of this part, the
 329 | authority may not enter into, extend, or renew any contract or
 330 | other agreement that may be funded, in whole or in part, with
 331 | funds provided by the department without the prior review and
 332 | written approval by the department of the authority's proposed
 333 | expenditures.

334 | Section 11. Paragraph (c) of subsection (4) of section
 335 | 343.58, Florida Statutes, is amended, and paragraph (e) is added
 336 | to that subsection, to read:

337 | 343.58 County funding for the South Florida Regional
 338 | Transportation Authority.—

339 | (4) Notwithstanding any other provision of law to the
 340 | contrary and effective July 1, 2010, until as provided in
 341 | paragraph (d), the department shall transfer annually from the
 342 | State Transportation Trust Fund to the South Florida Regional
 343 | Transportation Authority the amounts specified in subparagraph
 344 | (a)1. or subparagraph (a)2.

345 | (c)1. Funds provided to the authority by the department
 346 | under this subsection may not be committed by the authority
 347 | without the prior review and written approval by ~~of~~ the
 348 | department of the authority's expenditures, ~~which may not be~~
 349 | ~~unreasonably withheld. At least 90 days before advertising any~~
 350 | ~~procurement or renewing any existing contract that will rely on~~

351 ~~state funds for payment, the authority shall notify the~~
352 ~~department of the proposed procurement or renewal and the~~
353 ~~proposed terms thereof. If the department, within 60 days after~~
354 ~~receipt of notice, objects in writing to the proposed~~
355 ~~procurement or renewal, specifying its reasons for objection,~~
356 ~~the authority may not proceed with the proposed procurement or~~
357 ~~renewal. Failure of the department to object in writing within~~
358 ~~60 days after notice shall be deemed consent. This requirement~~
359 ~~does not impair or cause the authority to cancel contracts that~~
360 ~~exist as of June 30, 2012.~~

361 2. To enable the department to evaluate the authority's
362 proposed uses of state funds, the authority shall annually
363 provide the department with its proposed budget for the
364 following authority fiscal year and shall promptly provide the
365 department with any additional documentation or information
366 required by the department for its evaluation of the proposed
367 uses of the state funds.

368 (e) Funds may not be provided to the authority by the
369 department under this subsection until the authority withdraws,
370 Cancels, or otherwise terminates the authority's Notice of
371 Intent for Contract Award for Request for Proposal 16-010,
372 "Operating Services," approved by the authority board on January
373 27, 2017. Before entering into a new contract for the services
374 that were the subject of Request for Proposal 16-010, the
375 authority must obtain the department's written approval of all

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376 | terms and conditions of a new procurement and contract for the
377 | services that were the subject of such request for proposal to
378 | ensure that the authority has sufficient revenues to fund the
379 | contract.

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