

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.; providing that certain funds  
31 provided to the authority constitute state financial  
32 assistance; requiring a written agreement for  
33 provision of such funds; authorizing the department to  
34 advance a certain amount of funds under certain  
35 circumstances; requiring the department to submit to  
36 the Governor and Legislature a fiscal analysis  
37 regarding the revision of certain district boundaries  
38 and headquarters; providing an effective date.

39  
40 Be It Enacted by the Legislature of the State of Florida:

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

44 215.82 Validation; when required.—

45 (2) Any bonds issued pursuant to this act which are  
46 validated shall be validated in the manner provided by chapter  
47 75. In actions to validate bonds to be issued in the name of the  
48 State Board of Education under s. 9(a) and (d), Art. XII of the  
49 State Constitution and bonds to be issued pursuant to chapter  
50 259, the Land Conservation Program, the complaint shall be filed

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

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

75 316.545 Weight and load unlawful; special fuel and motor

76 fuel tax enforcement; inspection; penalty; review.—

77 (3)

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

89 2. The actual gross vehicle weight for vehicles fueled by  
90 natural gas may not exceed 82,000 pounds, excluding the weight  
91 allowed for idle-reduction technology under paragraph (b).

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

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

96 335.074 Safety inspection of bridges.—

97 (2) At regular intervals as required by the Federal  
98 Highway Administration ~~not to exceed 2 years~~, each bridge on a  
99 public transportation facility shall be inspected for structural  
100 soundness and safety for the passage of traffic on such bridge.

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

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

110 337.11 Contracting authority of department; bids;  
 111 emergency repairs, supplemental agreements, and change orders;  
 112 combined design and construction contracts; progress payments;  
 113 records; requirements of vehicle registration.-

114 (6)

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

124 1. To ensure timely completion of projects or avoidance of  
 125 undue delay for other projects;

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

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

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

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

143           338.227 Turnpike revenue bonds.—

144           (5) Notwithstanding s. 215.82, bonds issued pursuant to  
 145 this section are not required to be validated pursuant to  
 146 chapter 75 but may be validated at the option of the Division of  
 147 Bond Finance. A complaint about such validation must be filed in  
 148 the circuit court of the county in which the seat of state  
 149 government is situated. The notice required to be published by  
 150 s. 75.06 must be published only in the county in which the

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

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

156 339.135 Work program; legislative budget request;  
157 definitions; preparation, adoption, execution, and amendment.—

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

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

176 are sufficient funds available pursuant to the 36-month cash  
177 forecast and applicable statutes.

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

180 339.2405 Florida highway beautification grants Council.—

181 (1) The department shall ~~There is created within the~~  
182 ~~Department of Transportation the Florida Highway Beautification~~  
183 ~~Council. It shall consist of seven members appointed by the~~  
184 ~~Governor. All appointed members must be residents of this state.~~  
185 ~~One member must be a licensed landscape architect, one member~~  
186 ~~must be a representative of the Florida Federation of Garden~~  
187 ~~Clubs, Inc., one member must be a representative of the Florida~~  
188 ~~Nurserymen and Growers Association, one member must be a~~  
189 ~~representative of the department as designated by the head of~~  
190 ~~the department, one member must be a representative of the~~  
191 ~~Department of Agriculture and Consumer Services, and two members~~  
192 ~~must be private citizens. The members of the council shall serve~~  
193 ~~at the pleasure of the Governor.~~

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

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



201 ~~present shall be sufficient for all actions of the council.~~

202 ~~(4) The council members shall serve without pay but shall~~  
203 ~~be entitled to per diem and travel expenses pursuant to s.~~  
204 ~~112.061.~~

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

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

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

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

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

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

220 (d)4. Establish rules for evaluating and prioritizing the  
221 grant requests. The rules must include, but are not limited to,  
222 an examination of each grant's aesthetic value, cost-  
223 effectiveness, level of local support, feasibility of  
224 installation and maintenance, and compliance with state and  
225 federal regulations. Rules adopted by the department council

226 | which it uses to evaluate grant applications must take into  
 227 | consideration the contributions made by the highway  
 228 | beautification project in preventing litter.

229 |       ~~(e)5.~~ 5. Maintain a prioritized list of approved grant  
 230 | requests. The list must include recommended funding levels for  
 231 | each request and, if staged implementation is appropriate,  
 232 | provide funding requirements for each stage ~~shall be provided.~~

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

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

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

246 |       ~~(2)(9)~~ (2) Local highway beautification councils may be  
 247 | created by local governmental entities or by the Legislature.  
 248 | Before ~~Prior to~~ being submitted to the department council, a  
 249 | grant request must be approved by the local government or  
 250 | governments of the area in which the project is located.

251        (3) ~~(10)~~ The head of the department, ~~after receiving~~  
252 ~~recommendations from the council,~~ shall award grants to local  
253 governmental entities that have submitted grant requests for  
254 beautification of roads on the State Highway System and which  
255 requests are on the ~~council's~~ approved list. The grants shall be  
256 awarded in the order they appear on the ~~council's~~ prioritized  
257 list and in accordance with available funding.

258        (4) ~~(11)~~ State highway beautification grants may be  
259 requested only for projects to beautify through landscaping  
260 roads on the State Highway System. The grant request shall  
261 identify all costs associated with the project, including  
262 sprinkler systems, plant materials, equipment, and labor. A  
263 grant shall provide for the costs of purchase and installation  
264 of a sprinkler system and, the cost of plant materials and  
265 fertilizer, and may provide for the costs for labor associated  
266 with the installation of the plantings. Each local government  
267 that receives a grant shall be responsible for any costs for  
268 water, for the maintenance of the sprinkler system, for the  
269 maintenance of the landscaped areas in accordance with a  
270 maintenance agreement with the department, and, except as  
271 otherwise provided in the grant, for any costs for labor  
272 associated with the installation of the plantings. The  
273 department may provide, by contract, services to maintain such  
274 landscaping at a level not to exceed the cost of routine  
275 maintenance of an equivalent unlandscaped area.

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

279 Section 8. Section 343.52, Florida Statutes, is amended to  
 280 read:

281 343.52 Definitions.—As used in this part, the term:

282 (1)~~(3)~~ "Area served" means Miami-Dade, Broward, and Palm  
 283 Beach Counties. However, this area may be expanded by mutual  
 284 consent of the authority and the board of county commissioners  
 285 of Monroe County. The authority may not expand into any  
 286 additional counties without the department's prior written  
 287 approval.

288 (2)~~(1)~~ "Authority" means the South Florida Regional  
 289 Transportation Authority.

290 (3)~~(2)~~ "Board" means the governing body of the authority.

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

292 (5)~~(7)~~ "Feeder transit services" means a transit system  
 293 that transports passengers to or from stations within or across  
 294 counties.

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

296 (7)~~(5)~~ "Transit facilities" means property, avenues of  
 297 access, equipment, or buildings built and installed in Miami-  
 298 Dade, Broward, and Palm Beach Counties which are required to  
 299 support a transit system.

300 (8)~~(4)~~ "Transit system" means a system used for the

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

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

309 343.53 South Florida Regional Transportation Authority.—

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

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

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

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

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

326 343.54 Powers and duties.—

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

333 Section 11. Paragraph (c) of subsection (4) of section  
 334 343.58, Florida Statutes, is amended to read:

335 343.58 County funding for the South Florida Regional  
 336 Transportation Authority.—

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

343 (c)1. Funds provided to the authority by the department  
 344 under this subsection constitute state financial assistance  
 345 provided to a nonstate entity to carry out a state project  
 346 subject to ss. 215.97 and 215.971. The department shall provide  
 347 the funds in accordance with the terms of a written agreement to  
 348 be entered into between the authority and the department, which  
 349 shall provide for department review, approval, and audit of  
 350 authority expenditure of such funds and shall include such other

351 provisions as are required by applicable law. The department is  
352 specifically authorized to agree to advance the authority 25  
353 percent of the total funds provided under this subsection for a  
354 state fiscal year at the beginning of each state fiscal year,  
355 with monthly payments over the fiscal year on a reimbursement  
356 basis as supported by invoices and such additional documentation  
357 and information as the department may reasonably require and a  
358 reconciliation of the advance against remaining invoices in the  
359 last quarter of the fiscal year ~~may not be committed by the~~  
360 ~~authority without the approval of the department, which may not~~  
361 ~~be unreasonably withheld. At least 90 days before advertising~~  
362 ~~any procurement or renewing any existing contract that will rely~~  
363 ~~on state funds for payment, the authority shall notify the~~  
364 ~~department of the proposed procurement or renewal and the~~  
365 ~~proposed terms thereof. If the department, within 60 days after~~  
366 ~~receipt of notice, objects in writing to the proposed~~  
367 ~~procurement or renewal, specifying its reasons for objection,~~  
368 ~~the authority may not proceed with the proposed procurement or~~  
369 ~~renewal. Failure of the department to object in writing within~~  
370 ~~60 days after notice shall be deemed consent. This requirement~~  
371 ~~does not impair or cause the authority to cancel contracts that~~  
372 ~~exist as of June 30, 2012.~~

373 2. To enable the department to evaluate the authority's  
374 proposed uses of state funds, the authority shall annually  
375 provide the department with its proposed budget for the

376 following authority fiscal year and shall promptly provide the  
377 department with any additional documentation or information  
378 required by the department for its evaluation of the proposed  
379 uses of the state funds.

380 Section 12. On or before October 31, 2017, the Department  
381 of Transportation shall submit to the Governor, the President of  
382 the Senate, and the Speaker of the House of Representatives a  
383 fiscal analysis of the following: relocating the department's  
384 District 1 headquarters to Lee County; including Polk County in  
385 the department's District 5; relocating the department's  
386 District 5 headquarters to Polk County; and making the  
387 department's DeLand office an urban office located within the  
388 department's District 5.

389 Section 13. This act shall take effect July 1, 2017.