

1                   A bill to be entitled  
2           An act relating to the Florida Transportation  
3           Commission; amending s. 20.23, F.S.; removing the  
4           requirement that the Secretary of Transportation be  
5           nominated by the Florida Transportation Commission;  
6           removing the requirement that the secretary provide  
7           assistance to the commission; deleting provisions  
8           relating to the creation, membership, duties,  
9           meetings, executive director and staff, and budget of  
10          the commission; deleting the requirement that the  
11          commission review certain transportation policy  
12          initiatives; repealing s. 334.045, F.S., relating to  
13          transportation performance and productivity standards;  
14          amending s. 334.048, F.S.; conforming provisions to  
15          changes made by the act; amending s. 334.065, F.S.;  
16          revising the membership and member approval of the  
17          Center for Urban Transportation Research advisory  
18          board; amending s. 339.135, F.S.; revising provisions  
19          relating to review and evaluation of the Department of  
20          Transportation's tentative work program; amending s.  
21          339.64, F.S.; conforming provisions to changes made by  
22          the act; amending s. 348.0004, F.S.; requiring the  
23          department to determine certain average administrative  
24          costs for expressway authorities; deleting commission  
25          rulemaking authority; amending s. 110.205, F.S.;

26 conforming cross-references; providing an effective  
 27 date.

28  
 29 Be It Enacted by the Legislature of the State of Florida:

30  
 31 Section 1. Paragraphs (d) and (e) of subsection (1) of  
 32 section 20.23, Florida Statutes, are redesignated as paragraphs  
 33 (c) and (d), respectively, subsections (3) through (6) are  
 34 renumbered as subsections (2) through (5), respectively, and  
 35 present paragraphs (a) and (c) of subsection (1), present  
 36 subsection (2), and paragraph (a) of present subsection (3) of  
 37 that section are amended, to read:

38 20.23 Department of Transportation.—There is created a  
 39 Department of Transportation which shall be a decentralized  
 40 agency.

41 (1) (a) The head of the Department of Transportation is the  
 42 Secretary of Transportation. The secretary shall be appointed by  
 43 the Governor ~~from among three persons nominated by the Florida~~  
 44 ~~Transportation Commission~~ and shall be subject to confirmation  
 45 by the Senate. The secretary shall serve at the pleasure of the  
 46 Governor.

47 ~~(c) The secretary shall provide to the Florida~~  
 48 ~~Transportation Commission or its staff, such assistance,~~  
 49 ~~information, and documents as are requested by the commission or~~  
 50 ~~its staff to enable the commission to fulfill its duties and~~

51 ~~responsibilities.~~

52 ~~(2)(a)1. The Florida Transportation Commission is hereby~~  
53 ~~created and shall consist of nine members appointed by the~~  
54 ~~Governor subject to confirmation by the Senate. Members of the~~  
55 ~~commission shall serve terms of 4 years each.~~

56 ~~2. Members shall be appointed in such a manner as to~~  
57 ~~equitably represent all geographic areas of the state. Each~~  
58 ~~member must be a registered voter and a citizen of the state.~~  
59 ~~Each member of the commission must also possess business~~  
60 ~~managerial experience in the private sector.~~

61 ~~3. A member of the commission shall represent the~~  
62 ~~transportation needs of the state as a whole and may not~~  
63 ~~subordinate the needs of the state to those of any particular~~  
64 ~~area of the state.~~

65 ~~4. The commission is assigned to the Office of the~~  
66 ~~Secretary of the Department of Transportation for administrative~~  
67 ~~and fiscal accountability purposes, but it shall otherwise~~  
68 ~~function independently of the control and direction of the~~  
69 ~~department.~~

70 ~~(b) The commission shall:~~

71 ~~1. Recommend major transportation policies for the~~  
72 ~~Governor's approval and assure that approved policies and any~~  
73 ~~revisions are properly executed.~~

74 ~~2. Periodically review the status of the state~~  
75 ~~transportation system including highway, transit, rail, seaport,~~

76 ~~intermodal development, and aviation components of the system~~  
77 ~~and recommend improvements to the Governor and the Legislature.~~

78 ~~3. Perform an in-depth evaluation of the annual department~~  
79 ~~budget request, the Florida Transportation Plan, and the~~  
80 ~~tentative work program for compliance with all applicable laws~~  
81 ~~and established departmental policies. Except as specifically~~  
82 ~~provided in s. 339.135(4)(c)2., (d), and (f), the commission may~~  
83 ~~not consider individual construction projects, but shall~~  
84 ~~consider methods of accomplishing the goals of the department in~~  
85 ~~the most effective, efficient, and businesslike manner.~~

86 ~~4. Monitor the financial status of the department on a~~  
87 ~~regular basis to assure that the department is managing revenue~~  
88 ~~and bond proceeds responsibly and in accordance with law and~~  
89 ~~established policy.~~

90 ~~5. Monitor on at least a quarterly basis, the efficiency,~~  
91 ~~productivity, and management of the department using performance~~  
92 ~~and production standards developed by the commission pursuant to~~  
93 ~~s. 334.045.~~

94 ~~6. Perform an in-depth evaluation of the factors causing~~  
95 ~~disruption of project schedules in the adopted work program and~~  
96 ~~recommend to the Governor and the Legislature methods to~~  
97 ~~eliminate or reduce the disruptive effects of these factors.~~

98 ~~7. Recommend to the Governor and the Legislature~~  
99 ~~improvements to the department's organization in order to~~  
100 ~~streamline and optimize the efficiency of the department. In~~

101 ~~reviewing the department's organization, the commission shall~~  
102 ~~determine if the current district organizational structure is~~  
103 ~~responsive to this state's changing economic and demographic~~  
104 ~~development patterns. The initial report by the commission must~~  
105 ~~be delivered to the Governor and the Legislature by December 15,~~  
106 ~~2000, and each year thereafter, as appropriate. The commission~~  
107 ~~may retain experts as necessary to carry out this subparagraph,~~  
108 ~~and the department shall pay the expenses of the experts.~~

109 ~~8. Monitor the efficiency, productivity, and management of~~  
110 ~~the authorities created under chapters 348 and 349, including~~  
111 ~~any authority formed using part I of chapter 348; the Mid-Bay~~  
112 ~~Bridge Authority re-created pursuant to chapter 2000-411, Laws~~  
113 ~~of Florida; and any authority formed under chapter 343. The~~  
114 ~~commission shall also conduct periodic reviews of each~~  
115 ~~authority's operations and budget, acquisition of property,~~  
116 ~~management of revenue and bond proceeds, and compliance with~~  
117 ~~applicable laws and generally accepted accounting principles.~~

118 ~~(c) The commission or a member thereof may not enter into~~  
119 ~~the day-to-day operation of the department or a monitored~~  
120 ~~authority and is specifically prohibited from taking part in:~~

121 ~~1. The awarding of contracts.~~

122 ~~2. The selection of a consultant or contractor or the~~  
123 ~~prequalification of any individual consultant or contractor.~~  
124 ~~However, the commission may recommend to the secretary standards~~  
125 ~~and policies governing the procedure for selection and~~

126 ~~prequalification of consultants and contractors.~~

127 ~~3. The selection of a route for a specific project.~~

128 ~~4. The specific location of a transportation facility.~~

129 ~~5. The acquisition of rights-of-way.~~

130 ~~6. The employment, promotion, demotion, suspension,~~  
131 ~~transfer, or discharge of any department personnel.~~

132 ~~7. The granting, denial, suspension, or revocation of any~~  
133 ~~license or permit issued by the department.~~

134 ~~(d)1. The chair of the commission shall be selected by the~~  
135 ~~commission members and shall serve a 1-year term.~~

136 ~~2. The commission shall hold a minimum of 4 regular~~  
137 ~~meetings annually, and other meetings may be called by the chair~~  
138 ~~upon giving at least 1 week's notice to all members and the~~  
139 ~~public pursuant to chapter 120. Other meetings may also be held~~  
140 ~~upon the written request of at least four other members of the~~  
141 ~~commission, with at least 1 week's notice of such meeting being~~  
142 ~~given to all members and the public by the chair pursuant to~~  
143 ~~chapter 120. Emergency meetings may be held without notice upon~~  
144 ~~the request of all members of the commission. At each meeting of~~  
145 ~~the commission, the secretary or his or her designee shall~~  
146 ~~submit a report of major actions taken by him or her as the~~  
147 ~~official representative of the department.~~

148 ~~3. A majority of the membership of the commission~~  
149 ~~constitutes a quorum at any meeting of the commission. An action~~  
150 ~~of the commission is not binding unless the action is taken~~

151 ~~pursuant to an affirmative vote of a majority of the members~~  
152 ~~present, but not fewer than four members of the commission at a~~  
153 ~~meeting held pursuant to subparagraph 2., and the vote is~~  
154 ~~recorded in the minutes of that meeting.~~

155 ~~4. The chair shall cause to be made a complete record of~~  
156 ~~the proceedings of the commission, which record shall be open~~  
157 ~~for public inspection.~~

158 ~~(e) The meetings of the commission shall be held in the~~  
159 ~~central office of the department in Tallahassee unless the chair~~  
160 ~~determines that special circumstances warrant meeting at another~~  
161 ~~location.~~

162 ~~(f) Members of the commission are entitled to per diem and~~  
163 ~~travel expenses pursuant to s. 112.061.~~

164 ~~(g) A member of the commission may not have any interest,~~  
165 ~~direct or indirect, in any contract, franchise, privilege, or~~  
166 ~~other benefit granted or awarded by the department during the~~  
167 ~~term of his or her appointment and for 2 years after the~~  
168 ~~termination of such appointment.~~

169 ~~(h) The commission shall appoint an executive director and~~  
170 ~~assistant executive director, who shall serve under the~~  
171 ~~direction, supervision, and control of the commission. The~~  
172 ~~executive director, with the consent of the commission, shall~~  
173 ~~employ such staff as are necessary to perform adequately the~~  
174 ~~functions of the commission, within budgetary limitations. All~~  
175 ~~employees of the commission are exempt from part II of chapter~~

176 | ~~110 and shall serve at the pleasure of the commission. The~~  
 177 | ~~salaries and benefits of all employees of the commission shall~~  
 178 | ~~be set in accordance with the Selected Exempt Service; provided,~~  
 179 | ~~however, that the commission shall have complete authority for~~  
 180 | ~~fixing the salary of the executive director and assistant~~  
 181 | ~~executive director.~~

182 | ~~(i) The commission shall develop a budget pursuant to~~  
 183 | ~~chapter 216. The budget is not subject to change by the~~  
 184 | ~~department, but such budget shall be submitted to the Governor~~  
 185 | ~~along with the budget of the department.~~

186 | (2)~~(3)~~ (a) The central office shall establish departmental  
 187 | policies, rules, procedures, and standards and shall monitor the  
 188 | implementation of such policies, rules, procedures, and  
 189 | standards in order to ensure uniform compliance and quality  
 190 | performance by the districts and central office units that  
 191 | implement transportation programs. ~~Major transportation policy~~  
 192 | ~~initiatives or revisions shall be submitted to the commission~~  
 193 | ~~for review.~~

194 | Section 2. Section 334.045, Florida Statutes, is repealed.

195 | Section 3. Subsection (1) of section 334.048, Florida  
 196 | Statutes, is amended to read:

197 | 334.048 Legislative intent with respect to department  
 198 | management accountability and monitoring systems.—The department  
 199 | shall implement the following accountability and monitoring  
 200 | systems to evaluate whether the department's goals are being

201 accomplished efficiently and cost-effectively, and ensure  
 202 compliance with all laws, rules, policies, and procedures  
 203 related to the department's operations:

204 ~~(1) The Transportation Commission shall monitor these~~  
 205 ~~aspects of the department's operations as assigned in s. 20.23.~~

207 Such systems are herein established to quickly identify and  
 208 resolve problems, to hold responsible parties accountable, and  
 209 to ensure that all costs to the taxpayer are recovered.

210 Section 4. Subsection (3) of section 334.065, Florida  
 211 Statutes, is amended to read:

212 334.065 Center for Urban Transportation Research.—

213 (3) An advisory board shall be created to periodically and  
 214 objectively review and advise the center concerning its research  
 215 program. Except for projects mandated by law, state-funded base  
 216 projects shall not be undertaken without approval of the  
 217 advisory board. The membership of the board shall consist of  
 218 nine experts in transportation-related areas, including the  
 219 secretaries of the Florida Departments of Transportation and  
 220 Environmental Protection and, the executive director of the  
 221 Department of Economic Opportunity, or their designees, ~~and a~~  
 222 ~~member of the Florida Transportation Commission.~~ The nomination  
 223 of the remaining members of the board shall be made to the  
 224 President of the University of South Florida by the College of  
 225 Engineering at the University of South Florida, and the

226 | appointment of these members must be ~~reviewed and approved by~~  
 227 | ~~the Florida Transportation Commission~~ and confirmed by the Board  
 228 | of Governors.

229 |       Section 5. Paragraphs (c), (d), (f), (g), and (h) of  
 230 | subsection (4) of section 339.135, Florida Statutes, are amended  
 231 | to read:

232 |       339.135 Work program; legislative budget request;  
 233 | definitions; preparation, adoption, execution, and amendment.—

234 |       (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.—

235 |       (c)1. For purposes of this section, the board of county  
 236 | commissioners shall serve as the metropolitan planning  
 237 | organization in those counties which are not located in a  
 238 | metropolitan planning organization and shall be involved in the  
 239 | development of the district work program to the same extent as a  
 240 | metropolitan planning organization.

241 |       2. The district work program shall be developed  
 242 | cooperatively from the outset with the various metropolitan  
 243 | planning organizations of the state and include, to the maximum  
 244 | extent feasible, the project priorities of metropolitan planning  
 245 | organizations which have been submitted to the district by  
 246 | October 1 of each year pursuant to s. 339.175(8)(b); however,  
 247 | the department and a metropolitan planning organization may, in  
 248 | writing, cooperatively agree to vary this submittal date. To  
 249 | assist the metropolitan planning organizations in developing  
 250 | their lists of project priorities, the district shall disclose

251 to each metropolitan planning organization any anticipated  
252 changes in the allocation or programming of state and federal  
253 funds which may affect the inclusion of metropolitan planning  
254 organization project priorities in the district work program.

255 3. Before ~~Prior to~~ submittal of the district work program  
256 to the central office, the district shall provide the affected  
257 metropolitan planning organization with written justification  
258 for any project proposed to be rescheduled or deleted from the  
259 district work program which project is part of the metropolitan  
260 planning organization's transportation improvement program and  
261 is contained in the last 4 years of the previous adopted work  
262 program. By no later than 14 days after submittal of the  
263 district work program to the central office, the affected  
264 metropolitan planning organization may file an objection to such  
265 rescheduling or deletion. When an objection is filed with the  
266 secretary, the rescheduling or deletion may not be included in  
267 the district work program unless the inclusion of such  
268 rescheduling or deletion is specifically approved by the  
269 secretary. ~~The Florida Transportation Commission shall include~~  
270 ~~such objections in its evaluation of the tentative work program~~  
271 ~~only when the secretary has approved the rescheduling or~~  
272 ~~deletion.~~

273 (d) Before ~~Prior to~~ the submission of the district work  
274 program to the central office, each district office shall hold a  
275 public hearing in at least one urbanized area in the district

276 and shall make a presentation at a meeting of each metropolitan  
277 planning organization in the district to determine the necessity  
278 of making any changes to projects included or to be included in  
279 the district work program and to hear requests for new projects  
280 to be added to, or existing projects to be deleted from, the  
281 district work program. However, the district and metropolitan  
282 planning organization shall minimize changes to, deletions from,  
283 or adjustments to projects or project phases contained in the 4  
284 common years of the previous adopted work program and the  
285 district work program. The district shall provide the  
286 metropolitan planning organization with a written explanation  
287 for any project which is contained in the metropolitan planning  
288 organization's transportation improvement program and which is  
289 not included in the district work program. The metropolitan  
290 planning organization may request in writing to the appropriate  
291 district secretary further consideration of any specific project  
292 not included or not adequately addressed in the district work  
293 program. The district secretary shall acknowledge and review all  
294 such requests before ~~prior to~~ the submission of the district  
295 work program to the central office and shall forward a copy of  
296 such requests to the secretary ~~and the Florida Transportation~~  
297 ~~Commission. The commission shall include such requests in its~~  
298 ~~evaluation of the tentative work program.~~

299 (f) The central office shall submit a preliminary copy of  
300 the tentative work program to the Executive Office of the

301 Governor, the legislative appropriations committees, ~~the Florida~~  
 302 ~~Transportation Commission,~~ and the Department of Economic  
 303 Opportunity at least 14 days before ~~prior to~~ the convening of  
 304 the regular legislative session. Before ~~Prior to~~ the submission  
 305 of the tentative work program ~~statewide public hearing~~ required  
 306 by paragraph (g), the Department of Economic Opportunity shall  
 307 transmit to the department ~~Florida Transportation Commission~~ a  
 308 list of those projects and project phases contained in the  
 309 tentative work program which are identified as being  
 310 inconsistent with approved local government comprehensive plans.  
 311 For urbanized areas of metropolitan planning organizations, the  
 312 list may not contain any project or project phase that is  
 313 scheduled in a transportation improvement program unless such  
 314 inconsistency has been previously reported to the affected  
 315 metropolitan planning organization.

316 ~~(g)1. The Florida Transportation Commission shall conduct~~  
 317 ~~a statewide public hearing on the tentative work program and~~  
 318 ~~shall advertise the time, place, and purpose of the hearing in~~  
 319 ~~the Florida Administrative Register at least 7 days prior to the~~  
 320 ~~hearing. As part of the statewide public hearing, the commission~~  
 321 ~~shall, at a minimum:~~

322 ~~a. Conduct an in-depth evaluation of the tentative work~~  
 323 ~~program for compliance with applicable laws and departmental~~  
 324 ~~policies; and~~

325 ~~b. Hear all questions, suggestions, or other comments~~

326 | ~~offered by the public.~~

327 |       ~~2. By no later than 14 days after the regular legislative~~  
 328 | ~~session begins, the commission shall submit to the Executive~~  
 329 | ~~Office of the Governor and the legislative appropriations~~  
 330 | ~~committees a report that evaluates the tentative work program~~  
 331 | ~~for:~~

332 |       ~~a. Financial soundness;~~

333 |       ~~b. Stability;~~

334 |       ~~e. Production capacity;~~

335 |       ~~d. Accomplishments, including compliance with program~~  
 336 | ~~objectives in s. 334.046;~~

337 |       ~~e. Compliance with approved local government comprehensive~~  
 338 | ~~plans;~~

339 |       ~~f. Objections and requests by metropolitan planning~~  
 340 | ~~organizations;~~

341 |       ~~g. Policy changes and effects thereof;~~

342 |       ~~h. Identification of statewide or regional projects; and~~

343 |       ~~i. Compliance with all other applicable laws.~~

344 |       (g) ~~(h)~~ ~~Following evaluation by the Florida Transportation~~  
 345 | ~~Commission,~~ The department shall submit the tentative work  
 346 | program to the Executive Office of the Governor and the  
 347 | legislative appropriations committees no later than 14 days  
 348 | after the regular legislative session begins.

349 |       Section 6. Subsection (2) of section 339.64, Florida  
 350 | Statutes, is amended to read:

351 339.64 Strategic Intermodal System Plan.—

352 ~~(2) In association with the continued development of the~~  
353 ~~Strategic Intermodal System Plan, the Florida Transportation~~  
354 ~~Commission, as part of its work program review process, shall~~  
355 ~~conduct an annual assessment of the progress that the department~~  
356 ~~and its transportation partners have made in realizing the goals~~  
357 ~~of economic development, improved mobility, and increased~~  
358 ~~intermodal connectivity of the Strategic Intermodal System. The~~  
359 ~~Florida Transportation Commission shall coordinate with the~~  
360 ~~department and other appropriate entities when developing this~~  
361 ~~assessment. The Florida Transportation Commission shall deliver~~  
362 ~~a report to the Governor and Legislature no later than 14 days~~  
363 ~~after the regular session begins, with recommendations as~~  
364 ~~necessary to fully implement the Strategic Intermodal System.~~

365 Section 7. Paragraph (e) of subsection (2) of section  
366 348.0004, Florida Statutes, is amended to read:

367 348.0004 Purposes and powers.—

368 (2) Each authority may exercise all powers necessary,  
369 appurtenant, convenient, or incidental to the carrying out of  
370 its purposes, including, but not limited to, the following  
371 rights and powers:

372 (e) To fix, alter, charge, establish, and collect tolls,  
373 rates, fees, rentals, and other charges for the services and  
374 facilities system, which tolls, rates, fees, rentals, and other  
375 charges must always be sufficient to comply with any covenants

376 made with the holders of any bonds issued pursuant to the  
377 Florida Expressway Authority Act. However, such right and power  
378 may be assigned or delegated by the authority to the department.

379 1. Notwithstanding any other provision of law to the  
380 contrary, but subject to any contractual requirements contained  
381 in documents securing any indebtedness outstanding on July 1,  
382 2017, in any county as defined in s. 125.011(1):

383 a. The authority may not increase a toll unless the  
384 increase is justified to the satisfaction of the authority by a  
385 traffic and revenue study conducted by an independent third  
386 party, except for an increase to the extent necessary to adjust  
387 for inflation pursuant to the procedure for toll rate  
388 adjustments provided in s. 338.165.

389 b. A toll increase must be approved by a two-thirds vote  
390 of the expressway authority board.

391 c. The amount of toll revenues used for administrative  
392 expenses by the authority may not be greater than 10 percent  
393 above the annual state average of administrative costs  
394 determined as provided in this sub-subparagraph. The department  
395 ~~Florida Transportation Commission~~ shall determine the annual  
396 state average of administrative costs based on the annual  
397 administrative expenses of all the expressway authorities of  
398 this state. For purposes of this sub-subparagraph,  
399 administrative expenses include, but are not limited to,  
400 employee salaries and benefits, small business outreach,

401 insurance, professional service contracts not directly related  
402 to the operation and maintenance of the expressway system, and  
403 other overhead costs. ~~The commission may adopt rules necessary~~  
404 ~~for the implementation of this sub-subparagraph.~~

405 d. On transportation facilities constructed after July 1,  
406 2017, there must be a distance of at least 5 miles between main  
407 through-lane tolling points. The distance requirement of this  
408 sub-subparagraph does not apply to entry and exit ramps.

409 2. Notwithstanding s. 338.165 or any other provision of  
410 law to the contrary, in any county as defined in s. 125.011(1),  
411 to the extent surplus revenues exist, they may be used for  
412 purposes enumerated in subsection (8), provided the expenditures  
413 are consistent with the metropolitan planning organization's  
414 adopted long-range plan.

415 3. Notwithstanding any other provision of law to the  
416 contrary, but subject to any contractual requirements contained  
417 in documents securing any outstanding indebtedness payable from  
418 tolls, in any county as defined in s. 125.011(1), the board of  
419 county commissioners may, by ordinance adopted on or before  
420 September 30, 1999, alter or abolish existing tolls and  
421 currently approved increases thereto if the board provides a  
422 local source of funding to the county expressway system for  
423 transportation in an amount sufficient to replace revenues  
424 necessary to meet bond obligations secured by such tolls and  
425 increases.

426 Section 8. Paragraphs (j) and (m) of subsection (2) of  
 427 section 110.205, Florida Statutes, are amended to read:

428 110.205 Career service; exemptions.—

429 (2) EXEMPT POSITIONS.—The exempt positions that are not  
 430 covered by this part include the following:

431 (j) The appointed secretaries and the State Surgeon  
 432 General, assistant secretaries, deputy secretaries, and deputy  
 433 assistant secretaries of all departments; the executive  
 434 directors, assistant executive directors, deputy executive  
 435 directors, and deputy assistant executive directors of all  
 436 departments; the directors of all divisions and those positions  
 437 determined by the department to have managerial responsibilities  
 438 comparable to such positions, which positions include, but are  
 439 not limited to, program directors, assistant program directors,  
 440 district administrators, deputy district administrators, the  
 441 Director of Central Operations Services of the Department of  
 442 Children and Families, the State Transportation Development  
 443 Administrator, the State Public Transportation and Modal  
 444 Administrator, district secretaries, district directors of  
 445 transportation development, transportation operations,  
 446 transportation support, and the managers of the offices of the  
 447 Department of Transportation specified in s. 20.23(2)(b) ~~s.~~  
 448 ~~20.23(3)(b)~~. Unless otherwise fixed by law, the department shall  
 449 set the salary and benefits of these positions and the positions  
 450 of county health department directors and county health

451 department administrators of the Department of Health in  
452 accordance with the rules of the Senior Management Service.

453 (m) All assistant division director, deputy division  
454 director, and bureau chief positions in any department, and  
455 those positions determined by the department to have managerial  
456 responsibilities comparable to such positions, which include,  
457 but are not limited to:

458 1. Positions in the Department of Health and the  
459 Department of Children and Families which are assigned primary  
460 duties of serving as the superintendent or assistant  
461 superintendent of an institution.

462 2. Positions in the Department of Corrections which are  
463 assigned primary duties of serving as the warden, assistant  
464 warden, colonel, or major of an institution or that are assigned  
465 primary duties of serving as the circuit administrator or deputy  
466 circuit administrator.

467 3. Positions in the Department of Transportation which are  
468 assigned primary duties of serving as regional toll managers and  
469 managers of offices, as specified in s. 20.23(2)(b) and (3)(c)  
470 ~~s. 20.23(3)(b) and (4)(c)~~.

471 4. Positions in the Department of Environmental Protection  
472 which are assigned the duty of an Environmental Administrator or  
473 program administrator.

474 5. Positions in the Department of Health which are  
475 assigned the duties of Environmental Administrator, Assistant

476 County Health Department Director, and County Health Department  
477 Financial Administrator.

478         6. Positions in the Department of Highway Safety and Motor  
479 Vehicles which are assigned primary duties of serving as  
480 captains in the Florida Highway Patrol.

481  
482 Unless otherwise fixed by law, the department shall set the  
483 salary and benefits of the positions listed in this paragraph in  
484 accordance with the rules established for the Selected Exempt  
485 Service.

486         Section 9. This act shall take effect July 1, 2019.