

By the Committee on Transportation and Senator Sebesta

306-1834A-01

1 A bill to be entitled
2 An act relating to the Department of
3 Transportation; amending s. 20.23, F.S.;
4 creating the turnpike enterprise; providing
5 organization changes for the Department of
6 Transportation; amending s. 163.3180, F.S.;
7 providing a deadline for development on certain
8 roads; amending s. 189.441, F.S.; removing an
9 exemption to s. 287.055, F.S.; amending s.
10 206.46, F.S.; increasing the debt-service cap
11 on the transfer of 7 percent of state
12 transportation revenue to the Right-of-Way
13 Acquisition and Bridge Construction Trust Fund;
14 amending s. 255.20, F.S.; adding an exception
15 to requirements relating to local bids and
16 contracts for public construction works;
17 amending s. 287.055, F.S.; increasing the
18 amount constituting a continuing contract;
19 amending s. 311.09, F.S.; referencing s.
20 287.055, F.S., relating to competition
21 negotiation; amending s. 315.031, F.S.;
22 authorizing certain entertainment expenditures
23 for seaports; amending s. 316.302, F.S.;
24 updating references to safety regulations for
25 commercial vehicles; amending s. 316.3025,
26 F.S.; conforming that section to the repeal of
27 s. 316.3027, F.S.; repealing s. 316.3027, F.S.,
28 relating to commercial motor vehicle
29 identification requirements; amending s.
30 316.515, F.S.; deleting the permit requirement
31 for an automobile transporter; amending s.

1 316.535, F.S.; providing maximum weights for
2 certain trucks; amending s. 316.545, F.S.;
3 conforming provisions to amendments made by
4 this act; repealing s. 316.610(3), F.S.,
5 relating to an irrelevant vehicle inspection
6 service; amending ss. 330.27, 330.29, 330.30,
7 330.35, 330.36, F.S.; providing for the
8 registration and licensing of airports;
9 amending s. 332.004, F.S.; including an
10 off-airport noise mitigation project within the
11 meaning of the term "airport or aviation
12 development project"; amending s. 333.06, F.S.;
13 requiring each licensed publicly owned and
14 operated airport to prepare an airport master
15 plan, and providing for notice to affected
16 local governments with respect thereto;
17 amending s. 380.06, F.S., relating to
18 developments of regional impact; removing
19 provisions that specify that certain changes in
20 airport facilities and increases in the storage
21 capacity for chemical or petroleum storage
22 facilities constitute a substantial deviation
23 and require further
24 development-of-regional-impact review;
25 exempting certain proposed facilities for the
26 storage of any petroleum product from
27 development-of-regional-impact review; amending
28 ss. 380.06, 380.0651, F.S.; revising provisions
29 governing application with respect to airports
30 and petroleum storage facilities that have
31 received a development-of-regional-impact

1 development order or that have an application
2 for development approval or notification of
3 proposed change pending on the effective date
4 of the act; amending s. 334.044, F.S.;
5 authorizing the department to purchase certain
6 promotional items for the Florida Scenic
7 Highways Program; authorizing the department to
8 enter into permit-delegation agreements in
9 certain circumstances; creating s. 335.066,
10 F.S.; establishing the Safe Paths to School
11 program; amending s. 334.30, F.S.; providing
12 for public-private transportation facilities;
13 amending ss. 335.141, 341.302, F.S.; removing
14 the department's authority to regulate the
15 operating speed of trains; amending s. 336.41,
16 F.S.; providing prequalification requirements
17 for contractors who bid on certain government
18 projects; requiring the publication of
19 prequalification criteria and procedures;
20 providing for de novo review of the
21 prequalification process by a circuit court;
22 requiring the publication of selection
23 criteria; amending s. 336.44, F.S.;
24 substituting the criterion "lowest responsible
25 bidder" for "lowest competent bidder"; amending
26 s. 337.025, F.S.; exempting the turnpike
27 enterprise from an annual contract cap;
28 amending s. 337.107, F.S.; authorizing
29 right-of-way services to be included in
30 design-build contracts; amending s. 337.11,
31 F.S.; authorizing the advertisement and award

1 of certain design-build contracts; increasing
2 the cap on fast-response contracts; authorizing
3 the use of design-build contracts for
4 enhancement projects; providing an exemption
5 for a turnpike enterprise project; amending s.
6 337.14, F.S.; increasing the length of time for
7 which a certificate of qualification may remain
8 valid; providing prequalification requirements
9 for contractors who bid on certain projects of
10 specified expressway and bridge authorities or
11 of the Jacksonville Transportation Authority;
12 requiring the publication of prequalification
13 criteria and procedures; providing for de novo
14 review of the prequalification process by a
15 circuit court; requiring the publication of
16 selection criteria in specified circumstances;
17 providing applicability; amending s. 337.401,
18 F.S.; authorizing the department to accept a
19 utility-relocation schedule and relocation
20 agreement in lieu of a written permit in
21 certain circumstances; amending s. 338.22,
22 F.S.; redesignating the Florida Turnpike Law as
23 the Florida Turnpike Enterprise Law; amending
24 s. 338.221, F.S.; redefining the term
25 "economically feasible" as used with respect to
26 turnpike projects; creating s. 338.2215, F.S.;
27 providing legislative findings policy, purpose,
28 and intent for the Florida turnpike enterprise;
29 creating s. 338.2216, F.S.; prescribing the
30 power and authority of the turnpike enterprise;
31 amending s. 338.223, F.S.; increasing the

1 maximum loan amount for the turnpike
2 enterprise; amending s. 338.227, F.S.;
3 conforming provisions; amending s. 338.2275,
4 F.S.; authorizing the turnpike enterprise to
5 advertise for bids for contracts prior to
6 obtaining environmental permits; amending s.
7 338.234, F.S.; authorizing the turnpike
8 enterprise to expand business opportunities;
9 amending s. 338.235, F.S.; authorizing the
10 consideration of goods instead of fees;
11 amending s. 338.239, F.S.; providing that
12 approved expenditure to the Florida Highway
13 Patrol be paid by the turnpike enterprise;
14 amending s. 338.241, F.S.; lowering the
15 required cash reserve for the turnpike
16 enterprise; amending s. 338.251, F.S.;
17 conforming provisions; amending s. 553.80,
18 F.S.; providing for self-regulation; amending
19 s. 339.08, F.S.; repealing a rulemaking
20 requirement relating to the department's
21 expending moneys in the State Transportation
22 Trust Fund; amending s. 339.12, F.S.;
23 authorizing compensation to local governments
24 by the department; increasing the amount of a
25 project agreement for a local contribution;
26 providing funds for certain counties that
27 dedicate a portion of a sales tax to certain
28 transportation projects; amending s. 339.135,
29 F.S.; increasing the threshold amount for an
30 amendment to the adopted work program; revising
31 the time period for a transportation project

1 commitment in the work program; amending s.
2 339.137, F.S.; providing membership changes to
3 the Transportation Outreach Program Council;
4 providing restrictions on project
5 consideration; providing for the development of
6 a scoring system; repealing 341.051(5)(b),
7 F.S.; eliminating certain unnecessary public
8 transit studies; amending s. 341.302, F.S.;
9 eliminating the requirement for the department
10 to develop and administer certain rail-system
11 standards; amending s. 348.0003, F.S.;
12 requiring the governing body of the county to
13 determine the qualifications, terms of office,
14 and obligations and rights of members of the
15 expressway authority for the county; amending
16 s. 373.4137, F.S.; providing requirements for
17 environmental mitigation for transportation
18 projects proposed by a transportation
19 authority; requiring the authority to establish
20 an escrow account; providing for mitigation
21 plans; amending s. 348.0012, F.S.; providing an
22 exemption to the Florida Expressway Authority
23 Act; amending s. 348.7543, F.S.; expanding the
24 use of bond financing; amending ss. 348.7544,
25 348.7545, F.S.; authorizing refinancing with
26 bonds; amending s. 348.755, F.S.; authorizing
27 the issuance of bonds; amending s. 348.765,
28 F.S.; providing that the section does not
29 repeal, rescind, or modify s. 215.821, F.S.;
30 amending s. 475.011, F.S.; providing an
31 exemption for certain employees from specified

1 licensing requirements; amending s. 479.15,
2 F.S.; defining the term "federal-aid primary
3 highway system"; creating s. 479.25, F.S.;
4 allowing an increase in the height of a sign to
5 restore its visibility under specified
6 conditions; creating s. 70.20, F.S.; creating a
7 process by which governmental entities and sign
8 owners may enter into relocation and
9 reconstruction agreements related to outdoor
10 advertising signs; providing for just
11 compensation to sign owners under certain
12 conditions; amending s. 496.425, F.S., and
13 creating s. 496.4256, F.S.; revising the permit
14 requirement for solicitation at rest areas;
15 providing an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Subsection (1), paragraph (d) of subsection
20 (2), subsection (3), and paragraphs (a) and (d) of subsection
21 (4) of section 20.23, Florida Statutes, are amended, and
22 paragraph (f) is added to subsection (4) of that section,
23 subsection (6) of that section is repealed, and present
24 subsection (7) of that section is redesignated as subsection
25 (6), to read:

26 20.23 Department of Transportation.--There is created
27 a Department of Transportation which shall be a decentralized
28 agency.

29 (1)(a)~~1~~. The head of the Department of Transportation
30 is the Secretary of Transportation. The secretary shall be
31 appointed by the Governor from among three persons nominated

1 by the Florida Transportation Commission and shall be subject
2 to confirmation by the Senate. The secretary shall serve at
3 the pleasure of the Governor.

4 (b)2. The secretary shall be a proven, effective
5 administrator who by a combination of education and experience
6 shall clearly possess a broad knowledge of the administrative,
7 financial, and technical aspects of the development,
8 operation, and regulation of transportation systems and
9 facilities or comparable systems and facilities.

10 ~~(b)1. The secretary shall employ all personnel of the~~
11 ~~department. He or she shall implement all laws, rules,~~
12 ~~policies, and procedures applicable to the operation of the~~
13 ~~department and may not by his or her actions disregard or act~~
14 ~~in a manner contrary to any such policy. The secretary shall~~
15 ~~represent the department in its dealings with other state~~
16 ~~agencies, local governments, special districts, and the~~
17 ~~Federal Government. He or she shall have authority to sign~~
18 ~~and execute all documents and papers necessary to carry out~~
19 ~~his or her duties and the operations of the department. At~~
20 ~~each meeting of the Florida Transportation Commission, the~~
21 ~~secretary shall submit a report of major actions taken by him~~
22 ~~or her as official representative of the department.~~

23 ~~2. The secretary shall cause the annual department~~
24 ~~budget request, the Florida Transportation Plan, and the~~
25 ~~tentative work program to be prepared in accordance with all~~
26 ~~applicable laws and departmental policies and shall submit the~~
27 ~~budget, plan, and program to the Florida Transportation~~
28 ~~Commission. The commission shall perform an in-depth~~
29 ~~evaluation of the budget, plan, and program for compliance~~
30 ~~with all applicable laws and departmental policies. If the~~
31 ~~commission determines that the budget, plan, or program is not~~

1 ~~in compliance with all applicable laws and departmental~~
2 ~~policies, it shall report its findings and recommendations~~
3 ~~regarding such noncompliance to the Legislature and the~~
4 ~~Governor.~~

5 (c)~~3~~. The secretary shall provide to the Florida
6 Transportation Commission or its staff, such assistance,
7 information, and documents as are requested by the commission
8 or its staff to enable the commission to fulfill its duties
9 and responsibilities.

10 (d)~~(c)~~ The secretary shall appoint two ~~three~~ assistant
11 secretaries who shall be directly responsible to the secretary
12 and who shall perform such duties as are specified in this
13 section and such other duties as are assigned by the
14 secretary. ~~The secretary may delegate to any assistant~~
15 ~~secretary the authority to act in the absence of the~~
16 ~~secretary. The department has the authority to adopt rules~~
17 ~~necessary for the delegation of authority beyond the assistant~~
18 ~~secretaries. The assistant secretaries shall serve at the~~
19 ~~pleasure of the secretary.~~

20 (e)~~(d)~~ Any secretary appointed after July 5, 1989, and
21 the assistant secretaries shall be exempt from the provisions
22 of part III of chapter 110 and shall receive compensation
23 commensurate with their qualifications and competitive with
24 compensation for comparable responsibility in the private
25 sector. When the salary of any assistant secretary exceeds
26 the limits established in part III of chapter 110, the
27 Governor shall approve said salary.

28 (2)

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

31

1 2. The commission shall hold a minimum of 4 regular
2 meetings annually, and other meetings may be called by the
3 chair upon giving at least 1 week's notice to all members and
4 the public pursuant to chapter 120. Other meetings may also be
5 held upon the written request of at least four other members
6 of the commission, with at least 1 week's notice of such
7 meeting being given to all members and the public by the chair
8 pursuant to chapter 120. Emergency meetings may be held
9 without notice upon the request of all members of the
10 commission. At each meeting of the Florida Transportation
11 Commission, the secretary or the secretary's designee shall
12 submit a report of major actions taken by him or her as
13 official representative of the department.

14 3. A majority of the membership of the commission
15 constitutes a quorum at any meeting of the commission. An
16 action of the commission is not binding unless the action is
17 taken pursuant to an affirmative vote of a majority of the
18 members present, but not fewer than four members of the
19 commission at a meeting held pursuant to subparagraph 2., and
20 the vote is recorded in the minutes of that meeting.

21 4. The chair shall cause to be made a complete record
22 of the proceedings of the commission, which record shall be
23 open for public inspection.

24 (3)(a) The central office shall establish departmental
25 policies, rules, procedures, and standards and shall monitor
26 the implementation of such policies, rules, procedures, and
27 standards in order to ensure uniform compliance and quality
28 performance by the districts and central office units that
29 implement transportation programs. Major transportation
30 policy initiatives or revisions shall be submitted to the
31 commission for review. ~~The central office monitoring function~~

1 ~~shall be based on a plan that clearly specifies what areas~~
2 ~~will be monitored, activities and criteria used to measure~~
3 ~~compliance, and a feedback process that assures monitoring~~
4 ~~findings are reported and deficiencies corrected. The~~
5 ~~secretary is responsible for ensuring that a central office~~
6 ~~monitoring function is implemented, and that it functions~~
7 ~~properly. In conjunction with its monitoring function, the~~
8 ~~central office shall provide such training and administrative~~
9 ~~support to the districts as the department determines to be~~
10 ~~necessary to ensure that the department's programs are carried~~
11 ~~out in the most efficient and effective manner.~~

12 ~~(b) The resources necessary to ensure the efficiency,~~
13 ~~effectiveness, and quality of performance by the department of~~
14 ~~its statutory responsibilities shall be allocated to the~~
15 ~~central office.~~

16 ~~(b)(c) The secretary shall appoint an Assistant~~
17 ~~Secretary for Transportation Policy and, an Assistant~~
18 ~~Secretary for Finance and Administration, and an Assistant~~
19 ~~Secretary for District Operations, each of whom shall serve at~~
20 ~~the pleasure of the secretary. The positions are responsible~~
21 ~~for developing, monitoring, and enforcing policy and managing~~
22 ~~major technical programs. The responsibilities and duties of~~
23 ~~these positions include, but are not limited to, the following~~
24 ~~functional areas:~~

25 ~~1. Assistant Secretary for Transportation Policy.--~~

26 ~~a. Development of the Florida Transportation Plan and~~
27 ~~other policy planning;~~

28 ~~b. Development of statewide modal systems plans,~~
29 ~~including public transportation systems;~~

30 ~~c. Design of transportation facilities;~~

31 ~~d. Construction of transportation facilities;~~

1 ~~e. Acquisition and management of transportation~~
2 ~~rights-of-way; and~~
3 ~~f. Administration of motor carrier compliance and~~
4 ~~safety.~~
5 ~~2. Assistant Secretary for District Operations.--~~
6 ~~a. Administration of the eight districts; and~~
7 ~~b. Implementation of the decentralization of the~~
8 ~~department.~~
9 ~~3. Assistant Secretary for Finance and~~
10 ~~Administration.--~~
11 ~~a. Financial planning and management;~~
12 ~~b. Information systems;~~
13 ~~c. Accounting systems;~~
14 ~~d. Administrative functions; and~~
15 ~~e. Administration of toll operations.~~
16 ~~(d)1. Policy, program, or operations offices shall be~~
17 ~~established within the central office for the purposes of:~~
18 ~~a. Developing policy and procedures and monitoring~~
19 ~~performance to ensure compliance with these policies and~~
20 ~~procedures;~~
21 ~~b. Performing statewide activities which it is more~~
22 ~~cost-effective to perform in a central location;~~
23 ~~c. Assessing and ensuring the accuracy of information~~
24 ~~within the department's financial management information~~
25 ~~systems; and~~
26 ~~d. Performing other activities of a statewide nature.~~
27 1.2. The following offices are established and shall
28 be headed by a manager, each of whom shall be appointed by and
29 serve at the pleasure of the secretary. The positions shall be
30 classified at a level equal to a division director:
31 a. The Office of Administration;

- 1 b. The Office of Policy Planning;
2 c. The Office of Design;
3 d. The Office of Highway Operations;
4 e. The Office of Right-of-Way;
5 f. The Office of Toll Operations;
6 g. The Office of Information Systems; ~~and~~
7 h. The Office of Motor Carrier Compliance;
8 i. The Office of Management and Budget; and
9 j. The Office of the Comptroller.

10 2.3. Other offices may be established in accordance
11 with s. 20.04(7). The heads of such offices are exempt from
12 part II of chapter 110. No office or organization shall be
13 created at a level equal to or higher than a division without
14 specific legislative authority.

15 3.4. During the construction of a major transportation
16 improvement project or as determined by the district
17 secretary, the department may provide assistance to a business
18 entity significantly impacted by the project if the entity is
19 a for-profit entity that has been in business for 3 years
20 prior to the beginning of construction and has direct or
21 shared access to the transportation project being constructed.
22 The assistance program shall be in the form of additional
23 guarantees to assist the impacted business entity in receiving
24 loans pursuant to Title 13 C.F.R. part 120. However, in no
25 instance shall the combined guarantees be greater than 90
26 percent of the loan. The department shall adopt rules to
27 implement this subparagraph.

28 ~~(e) The Assistant Secretary for Finance and~~
29 ~~Administration must possess a broad knowledge of the~~
30 ~~administrative, financial, and technical aspects of a complete~~
31 ~~cost-accounting system, budget preparation and management, and~~

1 ~~management information systems. The Assistant Secretary for~~
2 ~~Finance and Administration must be a proven, effective manager~~
3 ~~with specialized skills in financial planning and management.~~
4 ~~The Assistant Secretary for Finance and Administration shall~~
5 ~~ensure that financial information is processed in a timely,~~
6 ~~accurate, and complete manner.~~

7 ~~(f)1. Within the central office there is created an~~
8 ~~Office of Management and Budget. The head of the Office of~~
9 ~~Management and Budget is responsible to the Assistant~~
10 ~~Secretary for Finance and Administration and is exempt from~~
11 ~~part II of chapter 110.~~

12 ~~2. The functions of the Office of Management and~~
13 ~~Budget include, but are not limited to:~~

14 ~~a. Preparation of the work program;~~

15 ~~b. Preparation of the departmental budget; and~~

16 ~~c. Coordination of related policies and procedures.~~

17 ~~3. The Office of Management and Budget shall also be~~
18 ~~responsible for developing uniform implementation and~~
19 ~~monitoring procedures for all activities performed at the~~
20 ~~district level involving the budget and the work program.~~

21 ~~(c)(g)~~ The secretary shall may appoint an inspector
22 general pursuant to s. 20.055, who shall be directly
23 responsible to the secretary and shall serve at the pleasure
24 of the secretary.

25 ~~(h)1. The secretary shall appoint an inspector general~~
26 ~~pursuant to s. 20.055. To comply with recommended professional~~
27 ~~auditing standards related to independence and objectivity,~~
28 ~~the inspector general shall be appointed to a position within~~
29 ~~the Career Service System and may be removed by the secretary~~
30 ~~with the concurrence of the Transportation Commission. In~~
31 ~~order to attract and retain an individual who has the proven~~

1 ~~technical and administrative skills necessary to comply with~~
2 ~~the requirements of this section, the agency head may appoint~~
3 ~~the inspector general to a classification level within the~~
4 ~~Career Service System that is equivalent to that provided for~~
5 ~~in part III of chapter 110. The inspector general may be~~
6 ~~organizationally located within another unit of the department~~
7 ~~for administrative purposes, but shall function independently~~
8 ~~and be directly responsible to the secretary pursuant to s.~~
9 ~~20.055. The duties of the inspector general shall include, but~~
10 ~~are not restricted to, reviewing, evaluating, and reporting on~~
11 ~~the policies, plans, procedures, and accounting, financial,~~
12 ~~and other operations of the department and recommending~~
13 ~~changes for the improvement thereof, as well as performing~~
14 ~~audits of contracts and agreements between the department and~~
15 ~~private entities or other governmental entities. The inspector~~
16 ~~general shall give priority to reviewing major parts of the~~
17 ~~department's accounting system and central office monitoring~~
18 ~~function to determine whether such systems effectively ensure~~
19 ~~accountability and compliance with all laws, rules, policies,~~
20 ~~and procedures applicable to the operation of the department.~~
21 ~~The inspector general shall also give priority to assessing~~
22 ~~the department's management information systems as required by~~
23 ~~s. 282.318. The internal audit function shall use the~~
24 ~~necessary expertise, in particular, engineering, financial,~~
25 ~~and property appraising expertise, to independently evaluate~~
26 ~~the technical aspects of the department's operations. The~~
27 ~~inspector general shall have access at all times to any~~
28 ~~personnel, records, data, or other information of the~~
29 ~~department and shall determine the methods and procedures~~
30 ~~necessary to carry out his or her duties. The inspector~~
31 ~~general is responsible for audits of departmental operations~~

1 ~~and for audits of consultant contracts and agreements, and~~
2 ~~such audits shall be conducted in accordance with generally~~
3 ~~accepted governmental auditing standards. The inspector~~
4 ~~general shall annually perform a sufficient number of audits~~
5 ~~to determine the efficiency and effectiveness, as well as~~
6 ~~verify the accuracy of estimates and charges, of contracts~~
7 ~~executed by the department with private entities and other~~
8 ~~governmental entities. The inspector general has the sole~~
9 ~~responsibility for the contents of his or her reports, and a~~
10 ~~copy of each report containing his or her findings and~~
11 ~~recommendations shall be furnished directly to the secretary~~
12 ~~and the commission.~~

13 ~~2. In addition to the authority and responsibilities~~
14 ~~herein provided, the inspector general is required to report~~
15 ~~to the:~~

16 ~~a. Secretary whenever the inspector general makes a~~
17 ~~preliminary determination that particularly serious or~~
18 ~~flagrant problems, abuses, or deficiencies relating to the~~
19 ~~administration of programs and operations of the department~~
20 ~~have occurred. The secretary shall review and assess the~~
21 ~~correctness of the preliminary determination by the inspector~~
22 ~~general. If the preliminary determination is substantiated,~~
23 ~~the secretary shall submit such report to the appropriate~~
24 ~~committees of the Legislature within 7 calendar days, together~~
25 ~~with a report by the secretary containing any comments deemed~~
26 ~~appropriate. Nothing in this section shall be construed to~~
27 ~~authorize the public disclosure of information which is~~
28 ~~specifically prohibited from disclosure by any other provision~~
29 ~~of law.~~

30 ~~b. Transportation Commission and the Legislature any~~
31 ~~actions by the secretary that prohibit the inspector general~~

1 ~~from initiating, carrying out, or completing any audit after~~
2 ~~the inspector general has decided to initiate, carry out, or~~
3 ~~complete such audit. The secretary shall, within 30 days~~
4 ~~after transmission of the report, set forth in a statement to~~
5 ~~the Transportation Commission and the Legislature the reasons~~
6 ~~for his or her actions.~~

7 ~~(i)1. The secretary shall appoint a comptroller who is~~
8 ~~responsible to the Assistant Secretary for Finance and~~
9 ~~Administration. This position is exempt from part II of~~
10 ~~chapter 110.~~

11 ~~2. The comptroller is the chief financial officer of~~
12 ~~the department and must be a proven, effective administrator~~
13 ~~who by a combination of education and experience clearly~~
14 ~~possesses a broad knowledge of the administrative, financial,~~
15 ~~and technical aspects of a complex cost-accounting system.~~
16 ~~The comptroller must also have a working knowledge of~~
17 ~~generally accepted accounting principles. At a minimum, the~~
18 ~~comptroller must hold an active license to practice public~~
19 ~~accounting in Florida pursuant to chapter 473 or an active~~
20 ~~license to practice public accounting in any other state. In~~
21 ~~addition to the requirements of the Florida Fiscal Accounting~~
22 ~~Management Information System Act, the comptroller is~~
23 ~~responsible for the development, maintenance, and modification~~
24 ~~of an accounting system that will in a timely manner~~
25 ~~accurately reflect the revenues and expenditures of the~~
26 ~~department and that includes a cost-accounting system to~~
27 ~~properly identify, segregate, allocate, and report department~~
28 ~~costs. The comptroller shall supervise and direct preparation~~
29 ~~of a detailed 36-month forecast of cash and expenditures and~~
30 ~~is responsible for managing cash and determining cash~~
31 ~~requirements. The comptroller shall review all comparative~~

1 ~~cost studies that examine the cost effectiveness and~~
2 ~~feasibility of contracting for services and operations~~
3 ~~performed by the department. The review must state that the~~
4 ~~study was prepared in accordance with generally accepted~~
5 ~~cost-accounting standards applied in a consistent manner using~~
6 ~~valid and accurate cost data.~~

7 3. ~~The department shall by rule or internal management~~
8 ~~memoranda as required by chapter 120 provide for the~~
9 ~~maintenance by the comptroller of financial records and~~
10 ~~accounts of the department as will afford a full and complete~~
11 ~~check against the improper payment of bills and provide a~~
12 ~~system for the prompt payment of the just obligations of the~~
13 ~~department, which records must at all times disclose:~~

14 a. ~~The several appropriations available for the use of~~
15 ~~the department;~~

16 b. ~~The specific amounts of each such appropriation~~
17 ~~budgeted by the department for each improvement or purpose;~~

18 c. ~~The apportionment or division of all such~~
19 ~~appropriations among the several counties and districts, when~~
20 ~~such apportionment or division is made;~~

21 d. ~~The amount or portion of each such apportionment~~
22 ~~against general contractual and other liabilities then~~
23 ~~created;~~

24 e. ~~The amount expended and still to be expended in~~
25 ~~connection with each contractual and other obligation of the~~
26 ~~department;~~

27 f. ~~The expense and operating costs of the various~~
28 ~~activities of the department;~~

29 g. ~~The receipts accruing to the department and the~~
30 ~~distribution thereof;~~

31

1 ~~h. The assets, investments, and liabilities of the~~
2 ~~department; and~~

3 ~~i. The cash requirements of the department for a~~
4 ~~36-month period.~~

5 ~~4. The comptroller shall maintain a separate account~~
6 ~~for each fund administered by the department.~~

7 ~~5. The comptroller shall perform such other related~~
8 ~~duties as designated by the department.~~

9 (d)(j) The secretary shall appoint a general counsel
10 who shall be ~~employed full time and shall be~~ directly
11 responsible to the secretary and shall serve at the pleasure
12 of the secretary. The general counsel is responsible for all
13 legal matters of the department. The department may employ as
14 many attorneys as it deems necessary to advise and represent
15 the department in all transportation matters.

16 (e)(k) The secretary shall appoint a state
17 transportation planner ~~who shall report to the Assistant~~
18 ~~Secretary for Transportation Policy. The state transportation~~
19 ~~planner's responsibilities shall include, but are not limited~~
20 ~~to, policy planning, systems planning, and transportation~~
21 ~~statistics. This position shall be classified at a level~~
22 ~~equal to a deputy assistant secretary.~~

23 (f)(l) The secretary shall appoint a state highway
24 engineer ~~who shall report to the Assistant Secretary for~~
25 ~~Transportation Policy. The state highway engineer's~~
26 ~~responsibilities shall include, but are not limited to,~~
27 ~~design, construction, and maintenance of highway facilities;~~
28 ~~acquisition and management of transportation rights-of-way;~~
29 ~~traffic engineering; and materials testing. This position~~
30 shall be classified at a level equal to a deputy assistant
31 secretary.

1 ~~(g)(m)~~ The secretary shall appoint a state public
2 transportation administrator ~~who shall report to the Assistant~~
3 ~~Secretary for Transportation Policy. The state public~~
4 ~~transportation administrator's responsibilities shall include,~~
5 ~~but are not limited to, the administration of statewide~~
6 ~~transit, rail, intermodal development, and aviation programs.~~
7 This position shall be classified at a level equal to a deputy
8 assistant secretary. ~~The department shall also assign to the~~
9 ~~public transportation administrator an organizational unit the~~
10 ~~primary function of which is to administer the high-speed rail~~
11 ~~program.~~

12 (4)(a) The operations of the department shall be
13 organized into seven ~~eight~~ districts, ~~including a turnpike~~
14 ~~district,~~ each headed by a district secretary, and a turnpike
15 enterprise, headed by an executive director. ~~The district~~
16 ~~secretaries shall report to the Assistant Secretary for~~
17 ~~District Operations.~~ The headquarters of the districts shall
18 be located in Polk, Columbia, Washington, Broward, Volusia,
19 Dade, and Hillsborough, ~~and Leon~~ Counties. The headquarters of
20 the turnpike enterprise shall be located in Orange County. ~~The~~
21 ~~turnpike district must be relocated to Orange County in the~~
22 ~~year 2000.~~ In order to provide for efficient operations and to
23 expedite the decisionmaking process, the department shall
24 provide for maximum decentralization to the districts.
25 However, before making a decision to centralize or
26 decentralize department operations ~~or relocate the turnpike~~
27 ~~district,~~ the department must first determine if the decision
28 would be cost-effective and in the public's best interest. The
29 department shall periodically evaluate such decisions to
30 ensure that they are appropriate.

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1 (d) Within each district, offices shall be established
2 for managing major functional responsibilities of the
3 department. ~~The offices may include planning, design,~~
4 ~~construction, right-of-way, maintenance, and public~~
5 ~~transportation.~~ The heads of these offices shall be exempt
6 from part II of chapter 110.

7 (f)1. The responsibility for the turnpike system shall
8 be delegated by the secretary to the executive director of the
9 turnpike enterprise, who shall serve at the pleasure of the
10 secretary. The executive director shall report directly to
11 the secretary and the turnpike enterprise shall operate
12 pursuant to ss. 338.22-338.241.

13 2. To facilitate the most efficient and effective
14 management of the turnpike enterprise, including the use of
15 best business practices employed by the private sector, the
16 secretary shall have the authority to exempt the turnpike
17 enterprise from departmental policies, procedures, and
18 standards.

19 3. To maximize the turnpike enterprise's ability to
20 use best business practices employed by the private sector,
21 the secretary shall have the authority to adopt rules that
22 exempt the turnpike enterprise from the department's rules and
23 authorize the turnpike enterprise to employ procurement
24 methods available to the private sector.

25 ~~(6) To facilitate the efficient and effective~~
26 ~~management of the department in a businesslike manner, the~~
27 ~~department shall develop a system for the submission of~~
28 ~~monthly management reports to the Florida Transportation~~
29 ~~Commission and secretary from the district secretaries. The~~
30 ~~commission and the secretary shall determine which reports are~~
31 ~~required to fulfill their respective responsibilities under~~

1 ~~this section. A copy of each such report shall be submitted~~
2 ~~monthly to the appropriations and transportation committees of~~
3 ~~the Senate and the House of Representatives. Recommendations~~
4 ~~made by the Auditor General in his or her audits of the~~
5 ~~department that relate to management practices, systems, or~~
6 ~~reports shall be implemented in a timely manner. However, if~~
7 ~~the department determines that one or more of the~~
8 ~~recommendations should be altered or should not be~~
9 ~~implemented, it shall provide a written explanation of such~~
10 ~~determination to the Legislative Auditing Committee within 6~~
11 ~~months after the date the recommendations were published.~~

12 (6)~~(7)~~ The department is authorized to contract with
13 local governmental entities and with the private sector if the
14 department first determines that:

15 (a) Consultants can do the work at less cost than
16 state employees;

17 (b) State employees can do the work at less cost, but
18 sufficient positions have not been approved by the Legislature
19 as requested in the department's most recent legislative
20 budget request;

21 (c) The work requires specialized expertise, and it
22 would not be economical for the state to acquire, and then
23 maintain, the expertise after the work is done;

24 (d) The workload is at a peak level, and it would not
25 be economical to acquire, and then keep, extra personnel after
26 the workload decreases; or

27 (e) The use of such entities is clearly in the
28 public's best interest.

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1 Such contracts shall require compliance with applicable
2 federal and state laws, and clearly specify the product or
3 service to be provided.

4 Section 2. Paragraph (c) of subsection (2) of section
5 163.3180, Florida Statutes, is amended to read:

6 163.3180 Concurrency.--

7 (2)

8 (c) Consistent with the public welfare, and except as
9 otherwise provided in this section, transportation facilities
10 designated as part of the Florida Intrastate Highway System
11 needed to serve new development shall be in place or under
12 actual construction no more than 5 years after issuance by the
13 local government of a certificate of occupancy or its
14 functional equivalent. Other transportation facilities needed
15 to serve new development shall be in place or under actual
16 construction no more than 3 years after issuance by the local
17 government of a certificate of occupancy or its functional
18 equivalent.

19 Section 3. Section 189.441, Florida Statutes, is
20 amended to read:

21 189.441 Contracts.--Contracts for the construction of
22 projects and for any other purpose of the authority may be
23 awarded by the authority in a manner that will best promote
24 free and open competition, including advertisement for
25 competitive bids; however, if the authority determines that
26 the purposes of this act will be more effectively served
27 thereby, the authority may award or cause to be awarded
28 contracts for the construction of any project, including
29 design-build contracts, or any part thereof, or for any other
30 purpose of the authority upon a negotiated basis as determined
31 by the authority. Each contractor doing business with the

1 authority and required to be licensed by the state or local
2 general-purpose governments must maintain the license during
3 the term of the contract with the authority. The authority
4 may prescribe bid security requirements and other procedures
5 in connection with the award of contracts which protect the
6 public interest. ~~Section 287.055 does not apply to the~~
7 ~~selection of professional architectural, engineering,~~
8 ~~landscape architectural, or land surveying services by the~~
9 ~~authority or to the procurement of design-build contracts.~~The
10 authority may, and in the case of a new professional sports
11 franchise must, by written contract engage the services of the
12 operator, lessee, sublessee, or purchaser, or prospective
13 operator, lessee, sublessee, or purchaser, of any project in
14 the construction of the project and may, and in the case of a
15 new professional sports franchise must, provide in the
16 contract that the lessee, sublessee, purchaser, or prospective
17 lessee, sublessee, or purchaser, may act as an agent of, or an
18 independent contractor for, the authority for the performance
19 of the functions described therein, subject to the conditions
20 and requirements prescribed in the contract, including
21 functions such as the acquisition of the site and other real
22 property for the project; the preparation of plans,
23 specifications, financing, and contract documents; the award
24 of construction and other contracts upon a competitive or
25 negotiated basis; the construction of the project, or any part
26 thereof, directly by the lessee, purchaser, or prospective
27 lessee or purchaser; the inspection and supervision of
28 construction; the employment of engineers, architects,
29 builders, and other contractors; and the provision of money to
30 pay the cost thereof pending reimbursement by the authority.
31 Any such contract may, and in the case of a new professional

1 sports franchise must, allow the authority to make advances to
2 or reimburse the lessee, sublessee, or purchaser, or
3 prospective lessee, sublessee, or purchaser for its costs
4 incurred in the performance of those functions, and must set
5 forth the supporting documents required to be submitted to the
6 authority and the reviews, examinations, and audits that are
7 required in connection therewith to assure compliance with the
8 contract.

9 Section 4. Subsection (2) of section 206.46, Florida
10 Statutes, is amended to read:

11 206.46 State Transportation Trust Fund.--

12 (2) Notwithstanding any other provisions of law, from
13 the revenues deposited into the State Transportation Trust
14 Fund a maximum of 7 percent in each fiscal year shall be
15 transferred into the Right-of-Way Acquisition and Bridge
16 Construction Trust Fund created in s. 215.605, as needed to
17 meet the requirements of the documents authorizing the bonds
18 issued or proposed to be issued under ss. 215.605 and 337.276
19 or at a minimum amount sufficient to pay for the debt service
20 coverage requirements of outstanding bonds. Notwithstanding
21 the 7 percent annual transfer authorized in this subsection,
22 the annual amount transferred under this subsection shall not
23 exceed an amount necessary to provide the required debt
24 service coverage levels for a maximum debt service not to
25 exceed \$200~~\$135~~ million. Such transfer shall be payable
26 primarily from the motor and diesel fuel taxes transferred to
27 the State Transportation Trust Fund from the Fuel Tax
28 Collection Trust Fund.

29 Section 5. Paragraph (a) of subsection (1) of section
30 255.20, Florida Statutes, is amended to read:

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1 255.20 Local bids and contracts for public
2 construction works; specification of state-produced lumber.--
3 (1) A county, municipality, special district as
4 defined in chapter 189, or other political subdivision of the
5 state seeking to construct or improve a public building,
6 structure, or other public construction works must
7 competitively award to an appropriately licensed contractor
8 each project that is estimated in accordance with generally
9 accepted cost-accounting principles to have total construction
10 project costs of more than \$200,000. For electrical work,
11 local government must competitively award to an appropriately
12 licensed contractor each project that is estimated in
13 accordance with generally accepted cost-accounting principles
14 to have a cost of more than \$50,000. As used in this section,
15 the term "competitively award" means to award contracts based
16 on the submission of sealed bids, proposals submitted in
17 response to a request for proposal, proposals submitted in
18 response to a request for qualifications, or proposals
19 submitted for competitive negotiation. This subsection
20 expressly allows contracts for construction management
21 services, design/build contracts, continuation contracts based
22 on unit prices, and any other contract arrangement with a
23 private sector contractor permitted by any applicable
24 municipal or county ordinance, by district resolution, or by
25 state law. For purposes of this section, construction costs
26 include the cost of all labor, except inmate labor, and
27 include the cost of equipment and materials to be used in the
28 construction of the project. Subject to the provisions of
29 subsection (3), the county, municipality, special district, or
30 other political subdivision may establish, by municipal or
31

1 county ordinance or special district resolution, procedures
2 for conducting the bidding process.

3 (a) The provisions of this subsection do not apply:

4 1. When the project is undertaken to replace,
5 reconstruct, or repair an existing facility damaged or
6 destroyed by a sudden unexpected turn of events, such as an
7 act of God, riot, fire, flood, accident, or other urgent
8 circumstances, and such damage or destruction creates:

9 a. An immediate danger to the public health or safety;

10 b. Other loss to public or private property which
11 requires emergency government action; or

12 c. An interruption of an essential governmental
13 service.

14 2. When, after notice by publication in accordance
15 with the applicable ordinance or resolution, the governmental
16 entity does not receive any responsive bids or responses.

17 3. To construction, remodeling, repair, or improvement
18 to a public electric or gas utility system when such work on
19 the public utility system is performed by personnel of the
20 system.

21 4. To construction, remodeling, repair, or improvement
22 by a utility commission whose major contracts are to construct
23 and operate a public electric utility system.

24 5. When the project is undertaken as repair or
25 maintenance of an existing public facility.

26 6. When the project is undertaken exclusively as part
27 of a public educational program.

28 7. When the funding source of the project will be
29 diminished or lost because the time required to competitively
30 award the project after the funds become available exceeds the
31 time within which the funding source must be spent.

1 8. When the local government has competitively awarded
2 a project to a private sector contractor and the contractor
3 has abandoned the project before completion or the local
4 government has terminated the contract.

5 9. When the governing board of the local government,
6 after public notice, conducts a public meeting under s.
7 286.011 and finds by a majority vote of the governing board
8 that it is in the public's best interest to perform the
9 project using its own services, employees, and equipment. The
10 public notice must be published at least 14 days prior to the
11 date of the public meeting at which the governing board takes
12 final action to apply this subparagraph. The notice must
13 identify the project, the estimated cost of the project, and
14 specify that the purpose for the public meeting is to consider
15 whether it is in the public's best interest to perform the
16 project using the local government's own services, employees,
17 and equipment. In deciding whether it is in the public's best
18 interest for local government to perform a project using its
19 own services, employees, and equipment, the governing board
20 may consider the cost of the project, whether the project
21 requires an increase in the number of government employees, an
22 increase in capital expenditures for public facilities,
23 equipment or other capital assets, the impact on local
24 economic development, the impact on small and minority
25 business owners, the impact on state and local tax revenues,
26 whether the private sector contractors provide health
27 insurance and other benefits equivalent to those provided by
28 the local government, and any other factor relevant to what is
29 in the public's best interest.

30 10. When the governing board of the local government
31 determines upon consideration of specific substantive criteria

1 and administrative procedures that it is in the best interest
2 of the local government to award the project to an
3 appropriately licensed private sector contractor according to
4 procedures established by and expressly set forth in a
5 charter, ordinance, or resolution of the local government
6 adopted prior to July 1, 1994. The criteria and procedures
7 must be set out in the charter, ordinance, or resolution and
8 must be applied uniformly by the local government to avoid
9 award of any project in an arbitrary or capricious manner.

10 This exception shall apply when all of the following occur:

11 a. When the governing board of the local government,
12 after public notice, conducts a public meeting under s.
13 286.011 and finds by a two-thirds vote of the governing board
14 that it is in the public's best interest to award the project
15 according to the criteria and procedures established by
16 charter, ordinance, or resolution. The public notice must be
17 published at least 14 days prior to the date of the public
18 meeting at which the governing board takes final action to
19 apply this subparagraph. The notice must identify the
20 project, the estimated cost of the project, and specify that
21 the purpose for the public meeting is to consider whether it
22 is in the public's best interest to award the project using
23 the criteria and procedures permitted by the preexisting
24 ordinance.

25 b. In the event the project is to be awarded by any
26 method other than a competitive selection process, the
27 governing board must find evidence that:

28 (I) There is one appropriately licensed contractor who
29 is uniquely qualified to undertake the project because that
30 contractor is currently under contract to perform work that is
31 affiliated with the project; or

1 (II) The time to competitively award the project will
2 jeopardize the funding for the project, or will materially
3 increase the cost of the project or will create an undue
4 hardship on the public health, safety, or welfare.

5 c. In the event the project is to be awarded by any
6 method other than a competitive selection process, the
7 published notice must clearly specify the ordinance or
8 resolution by which the private sector contractor will be
9 selected and the criteria to be considered.

10 d. In the event the project is to be awarded by a
11 method other than a competitive selection process, the
12 architect or engineer of record has provided a written
13 recommendation that the project be awarded to the private
14 sector contractor without competitive selection; and the
15 consideration by, and the justification of, the government
16 body are documented, in writing, in the project file and are
17 presented to the governing board prior to the approval
18 required in this paragraph.

19 11. To projects subject to chapter 336.

20 Section 6. Paragraph (g) of subsection (2) of section
21 287.055, Florida Statutes, is amended to read:

22 287.055 Acquisition of professional architectural,
23 engineering, landscape architectural, or surveying and mapping
24 services; definitions; procedures; contingent fees prohibited;
25 penalties.--

26 (2) DEFINITIONS.--For purposes of this section:

27 (g) A "continuing contract" is a contract for
28 professional services entered into in accordance with all the
29 procedures of this act between an agency and a firm whereby
30 the firm provides professional services to the agency for
31 projects in which construction costs do not exceed \$1 million

1 ~~\$500,000~~, for study activity when the fee for such
2 professional service does not exceed \$50,000~~\$25,000~~, or for
3 work of a specified nature as outlined in the contract
4 required by the agency, with no time limitation except that
5 the contract must provide a termination clause.

6 Section 7. Subsection (12) of section 311.09, Florida
7 Statutes, is amended to read:

8 311.09 Florida Seaport Transportation and Economic
9 Development Council.--

10 (12) Members of the council shall serve without
11 compensation but are entitled to receive reimbursement for per
12 diem and travel expenses as provided in s. 112.061. The
13 council may elect to provide an administrative staff to
14 provide services to the council on matters relating to the
15 Florida Seaport Transportation and Economic Development
16 Program and the council. The cost for such administrative
17 services shall be paid by all ports that receive funding from
18 the Florida Seaport Transportation and Economic Development
19 Program, based upon a pro rata formula measured by each
20 recipient's share of the funds as compared to the total funds
21 disbursed to all recipients during the year. The share of
22 costs for administrative services shall be paid in its total
23 amount by the recipient port upon execution by the port and
24 the Department of Transportation of a joint participation
25 agreement for each council-approved project, and such payment
26 is in addition to the matching funds required to be paid by
27 the recipient port. Except as otherwise exempted by law, all
28 moneys derived from the Florida Seaport Transportation and
29 Economic Development Program shall be expended in accordance
30 with the provisions of s. 287.057. Seaports subject to
31 competitive negotiation requirements of a local governing body

1 shall abide by the provisions of s. 287.055 ~~be exempt from~~
2 ~~this requirement.~~

3 Section 8. Subsection (1) of section 315.031, Florida
4 Statutes, is amended to read:

5 315.031 Promoting and advertising port facilities.--

6 (1) Each unit is authorized and empowered:

7 (a) To publicize, advertise and promote the activities
8 and port facilities herein authorized;

9 (b) To make known the advantages, facilities,
10 resources, products, attractions and attributes of the
11 activities and port facilities herein authorized;

12 (c) To create a favorable climate of opinion
13 concerning the activities and port facilities herein
14 authorized;

15 (d) To cooperate with other agencies, public and
16 private, in accomplishing these purposes;

17 (e) To enter into agreements with the purchaser or
18 purchasers of port facilities bonds issued under the
19 provisions of this law to establish a special fund to be set
20 aside from the proceeds of the revenues collected under the
21 provisions of s. 315.03(13), during any fiscal year, for the
22 promotional activities authorized herein.

23 (f) To authorize expenditures for promotional
24 activities authorized by this section, including meals,
25 hospitality, and entertainment of persons in the interest of
26 promoting and engendering goodwill toward its ports
27 facilities.

28
29 Nothing herein shall be construed to authorize any unit to
30 expend funds for meals, hospitality, amusement or any other
31 purpose of an entertainment nature.

1 Section 9. Paragraph (b) of subsection (1) of section
2 316.302, Florida Statutes, is amended to read:

3 316.302 Commercial motor vehicles; safety regulations;
4 transporters and shippers of hazardous materials;
5 enforcement.--

6 (1)

7 (b) Except as otherwise provided in this section, all
8 owners or drivers of commercial motor vehicles that are
9 engaged in intrastate commerce are subject to the rules and
10 regulations contained in 49 C.F.R. parts 382, 385, and
11 390-397, with the exception of 49 C.F.R. s. 390.5 as it
12 relates to the definition of bus, as such rules and
13 regulations existed on October 1, 2000 ~~March 1, 1999~~.

14 Section 10. Paragraph (a) of subsection (3) of section
15 316.3025, Florida Statutes, is amended to read:

16 316.3025 Penalties.--

17 (3)(a) A civil penalty of \$50 may be assessed for a
18 violation of 49 C.F.R. s. 390.21 ~~s. 316.3027~~.

19 Section 11. Section 316.3027, Florida Statutes, is
20 repealed.

21 Section 12. Subsection (2) of section 316.515, Florida
22 Statutes, is amended to read:

23 316.515 Maximum width, height, length.--

24 (2) HEIGHT LIMITATION.--No vehicle may exceed a height
25 of 13 feet 6 inches, inclusive of load carried thereon.
26 However, an automobile transporter may, ~~with a permit from the~~
27 ~~Department of Transportation,~~ measure a height not to exceed
28 14 feet, inclusive of the load carried thereon.

29 Section 13. Present subsection (6) of section 316.535,
30 Florida Statutes, is redesignated as subsection (7), present
31 subsection (7) of that section is redesignated as subsection

1 (8) and amended, and a new subsection (6) is added to that
2 section, to read:

3 316.535 Maximum weights.--
4 (6) Dump trucks, concrete mixing trucks, trucks
5 engaged in waste collection and disposal, and fuel oil and
6 gasoline trucks designed and constructed for special types of
7 work or use, when operated as a single unit, are subject to
8 all safety and operational requirements of law, except that
9 any such vehicle need not conform to the axle spacing
10 requirements of this section if the vehicle is limited to a
11 total gross load, including the weight of the vehicle, of
12 20,000 pounds per axle plus scale tolerances and does not
13 exceed 550 pounds per inch of tire surface width plus scale
14 tolerances. A vehicle operating pursuant to this section may
15 not exceed a gross weight, including the weight of the vehicle
16 and scale tolerances, of 70,000 pounds. Any vehicle that
17 violates the weight provisions of this section shall be
18 penalized as provided in s. 316.545.

19 ~~(7)(6)~~ The Department of Transportation shall adopt
20 rules to implement this section, shall enforce this section
21 and the rules adopted hereunder, and shall publish and
22 distribute tables and other publications as deemed necessary
23 to inform the public.

24 ~~(8)(7)~~ Except as hereinafter provided, no vehicle or
25 combination of vehicles exceeding the gross weights specified
26 in subsections (3), (4), ~~and~~ (5), and (6) shall be permitted
27 to travel on the public highways within the state.

28 Section 14. Paragraph (a) of subsection (2) of section
29 316.545, Florida Statutes, is amended to read:

30 316.545 Weight and load unlawful; special fuel and
31 motor fuel tax enforcement; inspection; penalty; review.--

1 (2)(a) Whenever an officer, upon weighing a vehicle or
2 combination of vehicles with load, determines that the axle
3 weight or gross weight is unlawful, the officer may require
4 the driver to stop the vehicle in a suitable place and remain
5 standing until a determination can be made as to the amount of
6 weight thereon and, if overloaded, the amount of penalty to be
7 assessed as provided herein. However, any gross weight over
8 and beyond 6,000 pounds beyond the maximum herein set shall be
9 unloaded and all material so unloaded shall be cared for by
10 the owner or operator of the vehicle at the risk of such owner
11 or operator. Except as otherwise provided in this chapter, to
12 facilitate compliance with and enforcement of the weight
13 limits established in s. 316.535, weight tables published
14 pursuant to s. 316.535(7)~~s. 316.535(6)~~ shall include a
15 10-percent scale tolerance and shall thereby reflect the
16 maximum scaled weights allowed any vehicle or combination of
17 vehicles. As used in this section, scale tolerance means the
18 allowable deviation from legal weights established in s.
19 316.535. Notwithstanding any other provision of the weight
20 law, if a vehicle or combination of vehicles does not exceed
21 the gross, external bridge, or internal bridge weight limits
22 imposed in s. 316.535 and the driver of such vehicle or
23 combination of vehicles can comply with the requirements of
24 this chapter by shifting or equalizing the load on all wheels
25 or axles and does so when requested by the proper authority,
26 the driver shall not be held to be operating in violation of
27 said weight limits.

28 Section 15. Subsection (3) of section 316.610, Florida
29 Statutes, is repealed.

30 Section 16. Section 330.27, Florida Statutes, is
31 amended to read:

1 330.27 Definitions, when used in ss. 330.29-330.36,
2 330.38, 330.39.--

3 (1) "Aircraft" means a powered or unpowered machine or
4 device capable of atmospheric flight ~~any motor vehicle or~~
5 ~~contrivance now known, or hereafter invented, which is used or~~
6 ~~designed for navigation of or flight in the air, except a~~
7 ~~parachute or other such device~~ contrivance designed for such
8 ~~navigation but~~ used primarily as safety equipment.

9 (2) "Airport" means an ~~any~~ area of land or water, ~~or~~
10 ~~any manmade object or facility located thereon, which is used~~
11 for, or intended to be used for use, for the landing and
12 takeoff of aircraft, including ~~and any~~ appurtenant areas,
13 ~~which are used, or intended for use, for airport buildings, or~~
14 ~~other airport facilities, or rights-of-way~~ necessary to
15 facilitate such use or intended use, together with all airport
16 ~~buildings and facilities located thereon.~~

17 ~~(3) "Airport hazard" means any structure, object of~~
18 ~~natural growth, or use of land which obstructs the airspace~~
19 ~~required for the flight of aircraft in landing or taking off~~
20 ~~at an airport or which is otherwise hazardous to such landing~~
21 ~~or taking off.~~

22 ~~(4) "Aviation" means the science and art of flight and~~
23 ~~includes, but is not limited to, transportation by aircraft;~~
24 ~~the operation, construction, repair, or maintenance of~~
25 ~~aircraft, aircraft power plants, and accessories, including~~
26 ~~the repair, packing, and maintenance of parachutes; the~~
27 ~~design, establishment, construction, extension, operation,~~
28 ~~improvement, repair, or maintenance of airports or other air~~
29 ~~navigation facilities; and instruction in flying or ground~~
30 ~~subjects pertaining thereto.~~

31

1 ~~(3)(5)~~ "Department" means the Department of
2 Transportation.

3 ~~(4)(6)~~ "Limited airport" means any ~~an~~ airport,
4 ~~publicly or privately owned~~, limited exclusively to the
5 specific conditions stated on the site approval order or
6 license.

7 ~~(7)~~ "~~Operation of aircraft" or "operate aircraft"~~
8 ~~means the use, navigation, or piloting of aircraft in the~~
9 ~~airspace over this state or upon any airport within this~~
10 ~~state.~~

11 ~~(8)~~ "~~Political subdivision" means any county,~~
12 ~~municipality, district, port or aviation commission or~~
13 ~~authority, or similar entity authorized to establish or~~
14 ~~operate an airport in this state.~~

15 ~~(5)(9)~~ "Private airport" means an airport, publicly or
16 privately owned, which is not open or available for use by the
17 public. A private airport is registered with the department
18 for use of the person or persons registering the facility,
19 ~~used primarily by the licensee but may be made which is~~
20 available to others for use by invitation of the registrants
21 ~~licensee. Services may be provided if authorized by the~~
22 ~~department.~~

23 ~~(6)(10)~~ "Public airport" means an airport, publicly or
24 privately owned, which ~~meets minimum safety and service~~
25 ~~standards and~~ is open for use by the public as listed in the
26 current United States Government Flight Information
27 Publication, Airport Facility Directory. A public airport is
28 licensed by the department as meeting minimum safety
29 standards.

1 ~~(7)(11)~~ "Temporary airport" means any ~~an~~ airport,
2 ~~publicly or privately owned,~~ that will be used for a period of
3 less than 30 ~~90~~ days with no more than 10 operations per day.

4 ~~(8)(12)~~ "Ultralight aircraft" means any
5 ~~heavier-than-air, motorized~~ aircraft that ~~which~~ meets the
6 criteria for ~~maximum weight, fuel capacity, and airspeed~~
7 ~~established for such aircraft by the~~ Federal Aviation
8 Regulations, Administration under Part 103 of the Federal
9 Aviation Regulations.

10 Section 17. Section 330.29, Florida Statutes, is
11 amended to read:

12 330.29 Administration and enforcement; rules;
13 standards for airport sites and airports.--It is the duty of
14 the department to:

15 (1) Administer and enforce the provisions of this
16 chapter.

17 (2) Establish minimum standards for airport sites and
18 airports under its licensing and registration jurisdiction.

19 (3) Establish and maintain a state aviation data
20 system to facilitate licensing and registration of all
21 airports.

22 ~~(4)(3)~~ Adopt rules pursuant to ss. 120.536(1) and
23 120.54 to implement the provisions of this chapter.

24 Section 18. Section 330.30, Florida Statutes, is
25 amended to read:

26 330.30 Approval of airport sites and licensing of
27 airports; fees.--

28 (1) SITE APPROVALS; REQUIREMENTS, FEES, EFFECTIVE
29 PERIOD, REVOCATION.--

30 (a) Except as provided in subsection (3), the owner or
31 lessee of any proposed airport shall, prior to site ~~the~~

1 ~~acquisition, of the site~~ or ~~prior to the~~ construction or
2 establishment of the proposed airport, obtain approval of the
3 airport site from the department. Applications for approval
4 of a site ~~and for an original license~~ shall be jointly made on
5 a form prescribed by the department ~~and shall be accompanied~~
6 ~~by a site approval fee of \$100.~~ The department, ~~after~~
7 ~~inspection of the airport site,~~ shall grant the site approval
8 if it is satisfied:

9 1. That the site is suitable ~~adequate~~ for the airport
10 as proposed ~~airport~~;

11 2. That the airport as proposed ~~airport,~~ if
12 ~~constructed or established,~~ will conform to minimum standards
13 ~~of safety~~ and will comply with the applicable local government
14 land development regulations or ~~county or municipal~~ zoning
15 requirements;

16 3. That all nearby airports, local governments
17 ~~municipalities,~~ and property owners have been notified and any
18 comments submitted by them have been given adequate
19 consideration; and

20 4. That safe air-traffic patterns can be established
21 ~~worked out~~ for the proposed airport with ~~and for~~ all existing
22 airports and approved airport sites in its vicinity.

23 (b) Site approval shall be granted for public airports
24 only after a favorable department inspection of the proposed
25 site.

26 (c) Site approval shall be granted for private
27 airports only after receipt of documentation that the
28 department considers necessary to satisfy the conditions in
29 paragraph (1)(a).

30 ~~(d)(b)~~ Site approval may be granted subject to any
31 reasonable conditions that ~~which~~ the department considers ~~may~~

1 ~~deem~~ necessary to protect the public health, safety, or
2 welfare.

3 (e) Such Approval remains valid ~~shall remain in effect~~
4 ~~for a period of 2 years after the date of issue issuance of~~
5 ~~the site approval order, unless sooner~~ revoked by the
6 department or unless, ~~prior to the expiration of the 2-year~~
7 ~~period,~~ a public airport license is issued or private airport
8 registration is granted ~~for an airport located on the approved~~
9 ~~site has been issued~~ pursuant to subsection (2) prior to the
10 expiration date.

11 (f) The department may extend a site approval ~~may be~~
12 ~~extended for up to a maximum of 2 years for upon~~ good cause
13 ~~shown by the owner or lessee of the airport site.~~

14 (g)(c) The department may revoke a site ~~such~~ approval
15 if it determines:

16 1. That ~~there has been an abandonment of the site has~~
17 been abandoned as an airport site;

18 2. That ~~there has been a failure within a reasonable~~
19 ~~time to develop~~ the site has not been developed as an airport
20 within a reasonable time period or development does not to
21 comply with the conditions of the site approval;

22 3. That, except as required for inflight emergencies,
23 ~~the operation of aircraft have operated of a nonemergency~~
24 ~~nature has occurred~~ on the site; or

25 4. That, ~~because of changed physical or legal~~
26 ~~conditions or circumstances,~~ the site is no longer usable for
27 the aviation purposes due to physical or legal changes in
28 conditions that were the subject of for which the approval was
29 granted.

30 (2) LICENSES AND REGISTRATIONS; REQUIREMENTS, FEES,
31 RENEWAL, REVOCATION.--

1 (a) Except as provided in subsection (3), the owner or
2 lessee of any an airport in this state must have either obtain
3 a public airport license or private airport registration prior
4 to the operation of aircraft to or from the facility on the
5 airport. ~~An Application for a such license or registration~~
6 shall be made on a form prescribed by the department ~~and shall~~
7 ~~be accomplished jointly with an application for site approval.~~
8 Upon granting site approval:

9 1. For a public airport, the department shall issue a
10 license after a final airport inspection shows the facility to
11 be in compliance with all requirements for the license. The
12 license may be subject to any reasonable conditions that the
13 department considers necessary to protect the public health,
14 safety, or welfare.

15 2. For a private airport, the department shall provide
16 controlled electronic access to the state aviation facility
17 data system to permit the applicant to complete the
18 registration process. Registration is complete upon
19 self-certification by the registrant of operational and
20 configuration data considered necessary by the department.
21 ~~making a favorable final airport inspection report indicating~~
22 ~~compliance with all license requirements, and receiving the~~
23 ~~appropriate license fee, the department shall issue a license~~
24 ~~to the applicant, subject to any reasonable conditions that~~
25 ~~the department may deem necessary to protect the public~~
26 ~~health, safety, or welfare.~~

27 (b) The department is authorized to license a public
28 ~~an~~ airport that does not meet all of the minimum standards
29 only if it determines that such exception is justified by
30 unusual circumstances or is in the interest of public
31 convenience and does not endanger the public health, safety,

1 or welfare. Such a license shall bear the designation
2 "special" and shall state the conditions subject to which the
3 license is granted.

4 (c) The department may authorize a site to be used as
5 a temporary airport if it finds, after inspection of the site,
6 that the airport will not endanger the public health, safety,
7 or welfare. A temporary airport does not need a license or
8 registration. Authorization to use a site for a temporary
9 airport remains valid for ~~Such authorization shall expire not~~
10 ~~more later~~ than 30 ~~90~~ days ~~after issuance~~ and is not
11 renewable.

12 ~~(d) The license fees for the four categories of~~
13 ~~airport licenses are:~~

- 14 1. ~~Public airport: \$100.~~
- 15 2. ~~Private airport: \$70.~~
- 16 3. ~~Limited airport: \$50.~~
- 17 4. ~~Temporary airport: \$25.~~

18
19 ~~Airports owned or operated by the state, a county, or a~~
20 ~~municipality and emergency helistops operated by licensed~~
21 ~~hospitals are required to be licensed but are exempt from the~~
22 ~~payment of site approval fees and annual license fees.~~

23 (d)(e)1. Each public airport license will expire no
24 later than 1 year after the effective date of the license,
25 except that the expiration date of a license may be adjusted
26 to provide a maximum license period of 18 months to facilitate
27 airport inspections, recognize seasonal airport operations, or
28 improve administrative efficiency. ~~If the expiration date for~~
29 ~~a public airport is adjusted, the appropriate license fee~~
30 ~~shall be determined by prorating the annual fee based on the~~
31 ~~length of the adjusted license period.~~

1 2. Registration ~~The license period for private all~~
2 airports remains valid if specific elements of airport data,
3 established by the department, are periodically recertified by
4 the airport registrant. The ability to recertify private
5 airport registration data by electronic submittal must be
6 available at all times. The airport registrant must recertify
7 the required data every 12 months. If a private airport
8 registration has not been recertified within the 12-month
9 period following the latest certification, the registration is
10 expired. The expiration date of the current registration
11 period must be clearly identifiable from the state aviation
12 facility data system.~~other than public airports will be set~~
13 ~~by the department, but shall not exceed a period of 5 years.~~
14 ~~In determining the license period for such airports, the~~
15 ~~department shall consider the number of based aircraft, the~~
16 ~~airport location relative to adjacent land uses and other~~
17 ~~airports, and any other factors deemed by the department to be~~
18 ~~critical to airport operation and safety.~~

19 3. The effective date and expiration date shall be
20 shown on the public airport ~~stated on the face of the license.~~
21 Upon receiving an application for renewal of a public airport
22 license on a form prescribed by the department, and upon
23 making a favorable inspection report indicating compliance
24 with all applicable requirements and conditions, ~~and receiving~~
25 ~~the appropriate annual license fee,~~the department shall renew
26 the license, subject to any conditions deemed necessary to
27 protect the public health, safety, or welfare.

28 4. The department may require a new site approval for
29 any an airport if the license or registration ~~of the airport~~
30 has expired ~~not been renewed by the expiration date.~~

31

1 5. If the renewal application for a public airport
2 license or the registration recertification for a private
3 airport has ~~and fees have~~ not been received by the department
4 within 15 days after the date of expiration ~~of the license~~,
5 the department may close the airport.

6 ~~(e)(f)~~ The department may revoke any airport
7 registration, license, or license renewal thereof, or refuse
8 to allow registration or issue a license or license renewal,
9 if it determines:

10 1. That the site there has been abandoned as an
11 ~~abandonment of the airport as such~~;

12 2. That the airport does not ~~there has been a failure~~
13 ~~to~~ comply with the registration, license, license renewal, or
14 site conditions of the license or renewal thereof; or

15 3. That, ~~because of changed physical or legal~~
16 ~~conditions or circumstances~~, the airport has become either
17 unsafe or unusable for flight operations due to physical or
18 legal changes in conditions that were the subject of approval
19 ~~the aeronautical purposes for which the license or renewal was~~
20 ~~issued~~.

21 (3) EXEMPTIONS.--~~The provisions of This section~~ does
22 ~~do~~ not apply to:

23 (a) An airport owned or operated by the United States.

24 (b) An ultralight aircraft landing area; ~~except that~~
25 ~~any public ultralight airport~~ located more than within 5
26 nautical miles from a ~~of another~~ public ~~airport~~ or military
27 airport, except or any ultralight landing area with more than
28 10 ultralight aircraft operating from the site ~~is subject to~~
29 ~~the provisions of this section~~.

30 (c) A helistop used solely in conjunction with a
31 construction project undertaken pursuant to the performance of

1 a state contract if the purpose of the helicopter operations
2 at the site is to expedite construction.

3 ~~(d) An airport under the jurisdiction or control of a~~
4 ~~county or municipal aviation authority or a county or~~
5 ~~municipal port authority or the Spaceport Florida Authority;~~
6 ~~however, the department shall license any such airport if such~~
7 ~~authority does not elect to exercise its exemption under this~~
8 ~~subsection.~~

9 (d)~~(e)~~ A helistop used by mosquito control or
10 emergency services, not to include areas where permanent
11 facilities are installed, such as hospital landing sites.

12 (e)~~(f)~~ An airport which meets the criteria of s.
13 330.27(11) used exclusively for aerial application or spraying
14 of crops on a seasonal basis, not to include any licensed
15 airport where permanent crop aerial application or spraying
16 facilities are installed, if the period of operation does not
17 exceed 30 days per calendar year. Such proposed airports,
18 which will be located within 3 miles of existing airports or
19 approved airport sites, shall work out safe air-traffic
20 patterns with such existing airports or approved airport
21 sites, by memorandums of understanding, or by letters of
22 agreement between the parties representing the airports or
23 sites.

24 Section 19. Subsection (2) of section 330.35, Florida
25 Statutes, is amended to read:

26 330.35 Airport zoning, ~~approach zone~~ protection.--

27 (2) Airports licensed for ~~general~~ public use under the
28 provisions of s. 330.30 are eligible for airport zoning
29 ~~approach zone~~ protection, and the procedure shall be the same
30 as ~~is~~ prescribed in chapter 333.

31

1 Section 20. Subsection (2) of section 330.36, Florida
2 Statutes, is amended to read:

3 330.36 Prohibition against county or municipal
4 licensing of airports; regulation of seaplane landings.--

5 (2) A municipality may prohibit or otherwise regulate,
6 for specified public health and safety purposes, the landing
7 of seaplanes in and upon any public waters of the state which
8 are located within the limits or jurisdiction of, or bordering
9 on, the municipality upon adoption of zoning requirements in
10 compliance with subsection (1).

11 Section 21. Section 332.004, Florida Statutes, is
12 amended to read:

13 332.004 Definitions of terms used in ss.
14 332.003-332.007.--As used in ss. 332.003-332.007, the term:

15 (1) "Airport" means any area of land or water, or any
16 manmade object or facility located therein, which is used, or
17 intended for public use, for the landing and takeoff of
18 aircraft, and any appurtenant areas which are used, or
19 intended for public use, for airport buildings or other
20 airport facilities or rights-of-way.

21 (2) "Airport hazard" means any structure or object of
22 natural growth located on or in the vicinity of a public-use
23 airport, or any use of land near such airport, which obstructs
24 or causes an obstruction to the airspace required for the
25 flight of aircraft in landing or taking off at such airport or
26 is otherwise hazardous to landing or taking off at such
27 airport.

28 (3) "Airport master planning" means the development,
29 for planning purposes, of information and guidance to
30 determine the extent, type, and nature of development needed
31 at a specific airport.

1 (4) "Airport or aviation development project" or
2 "development project" means any activity associated with the
3 design, construction, purchase, improvement, or repair of a
4 public-use airport or portion thereof, including, but not
5 limited to: the purchase of equipment; the acquisition of
6 land, including land required as a condition of a federal,
7 state, or local permit or agreement for environmental
8 mitigation; off-airport noise mitigation projects; the
9 removal, lowering, relocation, marking, and lighting of
10 airport hazards; the installation of navigation aids used by
11 aircraft in landing at or taking off from a public airport;
12 the installation of safety equipment required by rule or
13 regulation for certification of the airport under s. 612 of
14 the Federal Aviation Act of 1958, and amendments thereto; and
15 the improvement of access to the airport by road or rail
16 system which is on airport property and which is consistent,
17 to the maximum extent feasible, with the approved local
18 government comprehensive plan of the units of local government
19 in which the airport is located.

20 (5) "Airport or aviation discretionary capacity
21 improvement projects" or "discretionary capacity improvement
22 projects" means capacity improvements which are consistent, to
23 the maximum extent feasible, with the approved local
24 government comprehensive plans of the units of local
25 government in which the airport is located, and which enhance
26 intercontinental capacity at airports which:

27 (a) Are international airports with United States
28 Customs Service;

29 (b) Had one or more regularly scheduled
30 intercontinental flights during the previous calendar year or
31 have an agreement in writing for installation of one or more

1 regularly scheduled intercontinental flights upon the
2 commitment of funds for stipulated airport capital
3 improvements; and

4 (c) Have available or planned public ground
5 transportation between the airport and other major
6 transportation facilities.

7 (6) "Aviation system planning" means the development
8 of comprehensive aviation plans designed to achieve and
9 facilitate the establishment of a statewide, integrated
10 aviation system in order to meet the current and future
11 aviation needs of this state.

12 (7) "Eligible agency" means a political subdivision of
13 the state or an authority which owns or seeks to develop a
14 public-use airport.

15 (8) "Federal aid" means funds made available from the
16 Federal Government for the accomplishment of airport or
17 aviation development projects.

18 (9) "Florida airport system" means all existing
19 public-use airports that are owned and operated within the
20 state and those public-use airports which will be developed
21 and made operational in the future.

22 (10) "Landing area" means that area used or intended
23 to be used for the landing, takeoff, or surface maneuvering of
24 an aircraft.

25 (11) "Planning agency" means any agency authorized by
26 the laws of the state or by a political subdivision to engage
27 in area planning for the areas in which assistance under this
28 act is contemplated.

29 (12) "Project" means a project for the accomplishment
30 of airport or aviation development or airport master planning.

31

1 (13) "Project cost" means any cost involved in
2 accomplishing a project.

3 (14) "Public-use airport" means any publicly owned
4 airport which is used or to be used for public purposes.

5 (15) "Sponsor" means any eligible agency which, either
6 individually or jointly with one or more eligible agencies,
7 submits to the department an application for financial
8 assistance for an airport development project in accordance
9 with this act.

10 Section 22. Subsection (4) is added to section 333.06,
11 Florida Statutes, to read:

12 333.06 Airport zoning requirements.--

13 (4) ADOPTION OF AIRPORT MASTER PLAN AND NOTICE TO
14 AFFECTED LOCAL GOVERNMENTS.--An airport master plan shall be
15 prepared by each publicly owned and operated airport licensed
16 by the Department of Transportation under chapter 330. The
17 authorized entity having responsibility for governing the
18 operation of the airport, when either requesting from or
19 submitting to a state or federal governmental agency with
20 finding or approval jurisdiction a "finding of no significant
21 impact," an environmental assessment, a site selection study,
22 an airport master plan, or any amendment to an airport master
23 plan, shall submit simultaneously a copy of the study, plan,
24 or amendments by certified mail to all affected local
25 governments. For the purposes of this subsection, the term
26 "affected local government" means any municipality or county
27 having jurisdiction over the airport and any municipality or
28 county located within 2 miles of the boundaries of the land
29 subject to the airport master plan.

30 Section 23. Paragraph (b) of subsection (19) of
31 section 380.06, Florida Statutes, is amended, and paragraph

1 (i) and (j) are added to subsection (24) of that section, to
2 read:

3 380.06 Developments of regional impact.--

4 (19) SUBSTANTIAL DEVIATIONS.--

5 (b) Any proposed change to a previously approved
6 development of regional impact or development order condition
7 which, either individually or cumulatively with other changes,
8 exceeds any of the following criteria shall constitute a
9 substantial deviation and shall cause the development to be
10 subject to further development-of-regional-impact review
11 without the necessity for a finding of same by the local
12 government:

13 1. An increase in the number of parking spaces at an
14 attraction or recreational facility by 5 percent or 300
15 spaces, whichever is greater, or an increase in the number of
16 spectators that may be accommodated at such a facility by 5
17 percent or 1,000 spectators, whichever is greater.

18 ~~2. A new runway, a new terminal facility, a 25-percent~~
19 ~~lengthening of an existing runway, or a 25-percent increase in~~
20 ~~the number of gates of an existing terminal, but only if the~~
21 ~~increase adds at least three additional gates. However, if an~~
22 ~~airport is located in two counties, a 10-percent lengthening~~
23 ~~of an existing runway or a 20-percent increase in the number~~
24 ~~of gates of an existing terminal is the applicable criteria.~~

25 ~~2.3.~~ An increase in the number of hospital beds by 5
26 percent or 60 beds, whichever is greater.

27 ~~3.4.~~ An increase in industrial development area by 5
28 percent or 32 acres, whichever is greater.

29 ~~4.5.~~ An increase in the average annual acreage mined
30 by 5 percent or 10 acres, whichever is greater, or an increase
31 in the average daily water consumption by a mining operation

1 by 5 percent or 300,000 gallons, whichever is greater. An
2 increase in the size of the mine by 5 percent or 750 acres,
3 whichever is less.

4 5.6. An increase in land area for office development
5 by 5 percent or 6 acres, whichever is greater, or an increase
6 of gross floor area of office development by 5 percent or
7 60,000 gross square feet, whichever is greater.

8 ~~7.~~ ~~An increase in the storage capacity for chemical or~~
9 ~~petroleum storage facilities by 5 percent, 20,000 barrels, or~~
10 ~~7 million pounds, whichever is greater.~~

11 6.8. An increase of development at a waterport of wet
12 storage for 20 watercraft, dry storage for 30 watercraft, or
13 wet/dry storage for 60 watercraft in an area identified in the
14 state marina siting plan as an appropriate site for additional
15 waterport development or a 5-percent increase in watercraft
16 storage capacity, whichever is greater.

17 7.9. An increase in the number of dwelling units by 5
18 percent or 50 dwelling units, whichever is greater.

19 8.10. An increase in commercial development by 6 acres
20 of land area or by 50,000 square feet of gross floor area, or
21 of parking spaces provided for customers for 300 cars or a
22 5-percent increase of any of these, whichever is greater.

23 9.11. An increase in hotel or motel facility units by
24 5 percent or 75 units, whichever is greater.

25 10.12. An increase in a recreational vehicle park area
26 by 5 percent or 100 vehicle spaces, whichever is less.

27 11.13. A decrease in the area set aside for open space
28 of 5 percent or 20 acres, whichever is less.

29 12.14. A proposed increase to an approved multiuse
30 development of regional impact where the sum of the increases
31 of each land use as a percentage of the applicable substantial

1 deviation criteria is equal to or exceeds 100 percent. The
2 percentage of any decrease in the amount of open space shall
3 be treated as an increase for purposes of determining when 100
4 percent has been reached or exceeded.

5 ~~13.15.~~ A 15-percent increase in the number of external
6 vehicle trips generated by the development above that which
7 was projected during the original
8 development-of-regional-impact review.

9 ~~14.16.~~ Any change which would result in development of
10 any area which was specifically set aside in the application
11 for development approval or in the development order for
12 preservation or special protection of endangered or threatened
13 plants or animals designated as endangered, threatened, or
14 species of special concern and their habitat, primary dunes,
15 or archaeological and historical sites designated as
16 significant by the Division of Historical Resources of the
17 Department of State. The further refinement of such areas by
18 survey shall be considered under sub-subparagraph (e)5.b.

19
20 The substantial deviation numerical standards in subparagraphs
21 ~~3., 5., 8., 12., 4., 6., 10., 14.,~~excluding residential uses,
22 and ~~13.15.~~, are increased by 100 percent for a project
23 certified under s. 403.973 which creates jobs and meets
24 criteria established by the Office of Tourism, Trade, and
25 Economic Development as to its impact on an area's economy,
26 employment, and prevailing wage and skill levels. The
27 substantial deviation numerical standards in subparagraphs 3.,
28 5., 7., 8., 9.,~~4., 6., 9., 10., 11.,~~and ~~12.14.~~are
29 increased by 50 percent for a project located wholly within an
30 urban infill and redevelopment area designated on the
31

1 applicable adopted local comprehensive plan future land use
2 map and not located within the coastal high hazard area.

3 (24) STATUTORY EXEMPTIONS.--

4 (i) Any proposed facility for the storage of any
5 petroleum product is exempt from the provisions of this
6 section if such facility is consistent with a local
7 comprehensive plan that is in compliance with s. 163.3177 or
8 with s. 163.3178.

9 (j) Any development or expansion of an airport or
10 airport-related or aviation-related development is exempt from
11 the provisions of this section.

12 Section 24. (1) Nothing contained in this act
13 abridges or modifies any vested or other right or any duty or
14 obligation pursuant to any development order or agreement
15 which is applicable to a development of regional impact on the
16 effective date of this act. An airport or petroleum storage
17 facility that has received a development-of-regional-impact
18 development order pursuant to section 380.06, Florida
19 Statutes, but is no longer required to undergo
20 development-of-regional-impact review by operation of this
21 act, shall be governed by the following procedures:

22 (a) The development shall continue to be governed by
23 the development-of-regional-impact development order, and may
24 be completed in reliance upon and pursuant to the development
25 order. The development-of-regional-impact development order
26 may be enforced by the local government as provided by
27 sections 380.06(17) and 380.11, Florida Statutes.

28 (b) If requested by the developer or landowner, the
29 development-of-regional-impact development order may be
30 amended or rescinded by the local government consistent with
31 the local comprehensive plan and land development regulations,

1 and pursuant to the local government procedures governing
2 local development orders.

3 (2) An airport or petroleum storage facility with an
4 application for development approval pending on the effective
5 date of this act, or a notification of proposed change pending
6 on the effective date of this act, may elect to continue such
7 review under section 380.06, Florida Statutes. At the
8 conclusion of the pending review, including any appeals under
9 section 380.071, Florida Statutes, the resulting development
10 order shall be governed by subsection (1).

11 Section 25. Subsection (3) of section 380.0651,
12 Florida Statutes, is amended to read:

13 380.0651 Statewide guidelines and standards.--

14 (3) The following statewide guidelines and standards
15 shall be applied in the manner described in s. 380.06(2) to
16 determine whether the following developments shall be required
17 to undergo development-of-regional-impact review:

18 ~~(a) Airports.--~~

19 ~~1. Any of the following airport construction projects~~
20 ~~shall be a development of regional impact:~~

21 ~~a. A new commercial service or general aviation~~
22 ~~airport with paved runways.~~

23 ~~b. A new commercial service or general aviation paved~~
24 ~~runway.~~

25 ~~c. A new passenger terminal facility.~~

26 ~~2. Lengthening of an existing runway by 25 percent or~~
27 ~~an increase in the number of gates by 25 percent or three~~
28 ~~gates, whichever is greater, on a commercial service airport~~
29 ~~or a general aviation airport with regularly scheduled flights~~
30 ~~is a development of regional impact. However, expansion of~~
31 ~~existing terminal facilities at a nonhub or small hub~~

1 ~~commercial service airport shall not be a development of~~
2 ~~regional impact.~~

3 ~~3. Any airport development project which is proposed~~
4 ~~for safety, repair, or maintenance reasons alone and would not~~
5 ~~have the potential to increase or change existing types of~~
6 ~~aircraft activity is not a development of regional impact.~~
7 ~~Notwithstanding subparagraphs 1. and 2., renovation,~~
8 ~~modernization, or replacement of airport airside or terminal~~
9 ~~facilities that may include increases in square footage of~~
10 ~~such facilities but does not increase the number of gates or~~
11 ~~change the existing types of aircraft activity is not a~~
12 ~~development of regional impact.~~

13 (a)~~(b)~~ Attractions and recreation facilities.--Any
14 sports, entertainment, amusement, or recreation facility,
15 including, but not limited to, a sports arena, stadium,
16 racetrack, tourist attraction, amusement park, or pari-mutuel
17 facility, the construction or expansion of which:

18 1. For single performance facilities:

19 a. Provides parking spaces for more than 2,500 cars;

20 or

21 b. Provides more than 10,000 permanent seats for
22 spectators.

23 2. For serial performance facilities:

24 a. Provides parking spaces for more than 1,000 cars;

25 or

26 b. Provides more than 4,000 permanent seats for
27 spectators.

28
29 For purposes of this subsection, "serial performance
30 facilities" means those using their parking areas or permanent
31

1 seating more than one time per day on a regular or continuous
2 basis.

3 3. For multiscreen movie theaters of at least 8
4 screens and 2,500 seats:

5 a. Provides parking spaces for more than 1,500 cars;

6 or

7 b. Provides more than 6,000 permanent seats for
8 spectators.

9 (b)~~(c)~~ Industrial plants, industrial parks, and
10 distribution, warehousing or wholesaling facilities.--Any
11 proposed industrial, manufacturing, or processing plant, or
12 distribution, warehousing, or wholesaling facility, excluding
13 wholesaling developments which deal primarily with the general
14 public onsite, under common ownership, or any proposed
15 industrial, manufacturing, or processing activity or
16 distribution, warehousing, or wholesaling activity, excluding
17 wholesaling activities which deal primarily with the general
18 public onsite, which:

19 1. Provides parking for more than 2,500 motor
20 vehicles; or

21 2. Occupies a site greater than 320 acres.

22 (c)~~(d)~~ Office development.--Any proposed office
23 building or park operated under common ownership, development
24 plan, or management that:

25 1. Encompasses 300,000 or more square feet of gross
26 floor area; or

27 2. Has a total site size of 30 or more acres; or

28 3. Encompasses more than 600,000 square feet of gross
29 floor area in a county with a population greater than 500,000
30 and only in a geographic area specifically designated as
31 highly suitable for increased threshold intensity in the

1 approved local comprehensive plan and in the strategic
2 regional policy plan.

3 (d)~~(e)~~ Port facilities.--The proposed construction of
4 any waterport or marina is required to undergo
5 development-of-regional-impact review, except one designed
6 for:

7 1.a. The wet storage or mooring of fewer than 150
8 watercraft used exclusively for sport, pleasure, or commercial
9 fishing, or

10 b. The dry storage of fewer than 200 watercraft used
11 exclusively for sport, pleasure, or commercial fishing, or

12 c. The wet or dry storage or mooring of fewer than 150
13 watercraft on or adjacent to an inland freshwater lake except
14 Lake Okeechobee or any lake which has been designated an
15 Outstanding Florida Water, or

16 d. The wet or dry storage or mooring of fewer than 50
17 watercraft of 40 feet in length or less of any type or
18 purpose. The exceptions to this paragraph's requirements for
19 development-of-regional-impact review shall not apply to any
20 waterport or marina facility located within or which serves
21 physical development located within a coastal barrier resource
22 unit on an unbridged barrier island designated pursuant to 16
23 U.S.C. s. 3501.

24
25 In addition to the foregoing, for projects for which no
26 environmental resource permit or sovereign submerged land
27 lease is required, the Department of Environmental Protection
28 must determine in writing that a proposed marina in excess of
29 10 slips or storage spaces or a combination of the two is
30 located so that it will not adversely impact Outstanding
31 Florida Waters or Class II waters and will not contribute boat

1 traffic in a manner that will have an adverse impact on an
2 area known to be, or likely to be, frequented by manatees. If
3 the Department of Environmental Protection fails to issue its
4 determination within 45 days of receipt of a formal written
5 request, it has waived its authority to make such
6 determination. The Department of Environmental Protection
7 determination shall constitute final agency action pursuant to
8 chapter 120.

9 2. The dry storage of fewer than 300 watercraft used
10 exclusively for sport, pleasure, or commercial fishing at a
11 marina constructed and in operation prior to July 1, 1985.

12 3. Any proposed marina development with both wet and
13 dry mooring or storage used exclusively for sport, pleasure,
14 or commercial fishing, where the sum of percentages of the
15 applicable wet and dry mooring or storage thresholds equals
16 100 percent. This threshold is in addition to, and does not
17 preclude, a development from being required to undergo
18 development-of-regional-impact review under sub-subparagraphs
19 1.a. and b. and subparagraph 2.

20 ~~(e)~~(f) Retail and service development.--Any proposed
21 retail, service, or wholesale business establishment or group
22 of establishments which deals primarily with the general
23 public onsite, operated under one common property ownership,
24 development plan, or management that:

25 1. Encompasses more than 400,000 square feet of gross
26 area;

27 2. Occupies more than 40 acres of land; or

28 3. Provides parking spaces for more than 2,500 cars.

29 ~~(f)~~(g) Hotel or motel development.--

30 1. Any proposed hotel or motel development that is
31 planned to create or accommodate 350 or more units; or

1 2. Any proposed hotel or motel development that is
2 planned to create or accommodate 750 or more units, in a
3 county with a population greater than 500,000, and only in a
4 geographic area specifically designated as highly suitable for
5 increased threshold intensity in the approved local
6 comprehensive plan and in the strategic regional policy plan.

7 (g)~~(h)~~ Recreational vehicle development.--Any proposed
8 recreational vehicle development planned to create or
9 accommodate 500 or more spaces.

10 (h)~~(i)~~ Multiuse development.--Any proposed development
11 with two or more land uses where the sum of the percentages of
12 the appropriate thresholds identified in chapter 28-24,
13 Florida Administrative Code, or this section for each land use
14 in the development is equal to or greater than 145 percent.

15 Any proposed development with three or more land uses, one of
16 which is residential and contains at least 100 dwelling units
17 or 15 percent of the applicable residential threshold,
18 whichever is greater, where the sum of the percentages of the
19 appropriate thresholds identified in chapter 28-24, Florida
20 Administrative Code, or this section for each land use in the
21 development is equal to or greater than 160 percent. This
22 threshold is in addition to, and does not preclude, a
23 development from being required to undergo
24 development-of-regional-impact review under any other
25 threshold.

26 (i)~~(j)~~ Residential development.--No rule may be
27 adopted concerning residential developments which treats a
28 residential development in one county as being located in a
29 less populated adjacent county unless more than 25 percent of
30 the development is located within 2 or less miles of the less
31 populated adjacent county.

1 (j)~~(k)~~ Schools.--

2 1. The proposed construction of any public, private,
3 or proprietary postsecondary educational campus which provides
4 for a design population of more than 5,000 full-time
5 equivalent students, or the proposed physical expansion of any
6 public, private, or proprietary postsecondary educational
7 campus having such a design population that would increase the
8 population by at least 20 percent of the design population.

9 2. As used in this paragraph, "full-time equivalent
10 student" means enrollment for 15 or more quarter hours during
11 a single academic semester. In area vocational schools or
12 other institutions which do not employ semester hours or
13 quarter hours in accounting for student participation,
14 enrollment for 18 contact hours shall be considered equivalent
15 to one quarter hour, and enrollment for 27 contact hours shall
16 be considered equivalent to one semester hour.

17 3. This paragraph does not apply to institutions which
18 are the subject of a campus master plan adopted by the Board
19 of Regents pursuant to s. 240.155.

20 Section 26. Subsections (5) and (15) of section
21 334.044, Florida Statutes, are amended to read:

22 334.044 Department; powers and duties.--The department
23 shall have the following general powers and duties:

24 (5) To purchase, lease, or otherwise acquire property
25 and materials, including the purchase of promotional items as
26 part of public information and education campaigns for the
27 promotion of scenic highways, traffic and train safety
28 awareness, alternatives to single-occupant vehicle travel, and
29 commercial motor vehicle safety; to purchase, lease, or
30 otherwise acquire equipment and supplies; and to sell,

31

1 exchange, or otherwise dispose of any property that is no
2 longer needed by the department.

3 (15) To regulate and prescribe conditions for the
4 transfer of stormwater to the state right-of-way as a result
5 of manmade changes to adjacent properties.

6 (a) Such regulation shall be through a permitting
7 process designed to ensure the safety and integrity of the
8 Department of Transportation facilities and to prevent an
9 unreasonable burden on lower properties.

10 (b) The department is specifically authorized to adopt
11 rules which set forth the purpose; necessary definitions;
12 permit exceptions; permit and assurance requirements; permit
13 application procedures; permit forms; general conditions for a
14 drainage permit; provisions for suspension or revocation of a
15 permit; and provisions for department recovery of fines,
16 penalties, and costs incurred due to permittee actions. In
17 order to avoid duplication and overlap with other units of
18 government, the department shall accept a surface water
19 management permit issued by a water management district, the
20 Department of Environmental Protection, a surface water
21 management permit issued by a delegated local government, or a
22 permit issued pursuant to an approved Stormwater Management
23 Plan or Master Drainage Plan; provided issuance is based on
24 requirements equal to or more stringent than those of the
25 department. The department and a governmental entity may enter
26 into a permit-delegation agreement under which issuance is
27 based on requirements that the department determines will
28 ensure the safety and integrity of department facilities.

29 Section 27. Section 335.066, Florida Statutes, is
30 created to read:

31 335.066 Safe Paths to Schools Program--

1 (1) There is established within the Department of
2 Transportation the Safe Paths to Schools Program to consider
3 the planning and construction of bicycle and pedestrian ways
4 to provide safe transportation for children from neighborhoods
5 to schools, to parks, and to the state's greenway and trails
6 system.

7 (2) As part of the Safe Paths to Schools Program, the
8 department may establish a grant program to fund local,
9 regional, and state bicycle and pedestrian projects that
10 support the program.

11 (3) The department may adopt appropriate rules for the
12 administration of the Safe Paths to Schools Program.

13 Section 28. Section 334.30, Florida Statutes, is
14 amended to read:

15 334.30 Public-private ~~Private~~ transportation
16 facilities.--The Legislature hereby finds and declares that
17 there is a public need for rapid construction of safe and
18 efficient transportation facilities for the purpose of travel
19 within the state, and that it is in the public's interest to
20 provide for public-private partnership agreements to
21 effectuate the construction of additional safe, convenient,
22 and economical transportation facilities.

23 (1) The department may receive or solicit proposals
24 ~~and, with legislative approval by a separate bill for each~~
25 ~~facility,~~ enter into agreements with private entities, or
26 consortia thereof, for the building, operation, ownership, or
27 financing of transportation facilities. The department is
28 authorized to adopt rules to implement this section and shall
29 by rule establish an application fee for the submission of
30 proposals under this section. The fee must be sufficient to
31 pay the costs of evaluating the proposals. The department may

1 engage the services of private consultants to assist in the
2 evaluation. Before ~~seeking legislative~~ approval, the
3 department must determine that the proposed project:

4 (a) Is in the public's best interest. ~~†~~

5 (b) Would not require state funds to be used unless
6 there is an overriding state interest. However, the department
7 may use state resources for a transportation facility project
8 that is on the State Highway System or that provides for
9 increased mobility on the state's transportation system.† ~~and~~

10 (c) Would have adequate safeguards in place to ensure
11 that no additional costs or service disruptions would be
12 realized by the traveling public and citizens of the state in
13 the event of default or cancellation of the agreement by the
14 department.

15
16 ~~The department shall ensure that all reasonable costs to the~~
17 ~~state and substantially affected local governments and~~
18 ~~utilities, related to the private transportation facility, are~~
19 ~~borne by the private entity.~~

20 (2) The use of funds from the State Transportation
21 Trust Fund is limited to advancing projects already programmed
22 in the adopted 5-year work program or to no more than a
23 statewide total of \$50 million in capital costs for all
24 projects not programmed in the adopted 5-year work program.

25 (3) The department may request proposals for
26 public-private transportation proposals or, if the department
27 receives a proposal, the department shall publish a notice in
28 Administrative Weekly and a newspaper of general circulation,
29 at least once a week for 2 weeks, stating that the department
30 has received the proposal and will accept, for 60 days after
31 the initial date of publication, other proposals for the same

1 project purpose. A copy of the notice must be mailed to each
2 local government in the affected area. Notwithstanding any
3 other provision of law, entities selected by the department in
4 this manner shall be deemed to have complied with open
5 competition provisions of law.

6 (4) A separate bill for projects requiring legislative
7 approval shall be required for each facility requesting funds
8 form the State Transportation Trust Fund in excess of a
9 statewide total of \$50 million in capital costs for all
10 projects not programmed in the 5-year work program.

11 (5)~~(2)~~ Agreements entered into pursuant to this
12 section may authorize the private entity to impose tolls or
13 fares for the use of the facility. However, the amount and
14 use of toll or fare revenues may be regulated by the
15 department to avoid unreasonable costs to users of the
16 facility.

17 (6)~~(3)~~ Each ~~private~~ transportation facility
18 constructed pursuant to this section shall comply with all
19 requirements of federal, state, and local laws; state,
20 regional, and local comprehensive plans; department rules,
21 policies, procedures, and standards for transportation
22 facilities; and any other conditions which the department
23 determines to be in the public's best interest.

24 (7)~~(4)~~ The department may exercise any power possessed
25 by it, including eminent domain, with respect to the
26 development and construction of state transportation projects
27 to facilitate the development and construction of
28 transportation projects pursuant to this section. For
29 public-private facilities located on the State Highway System,
30 the department may pay all or part of the cost of operating
31 and maintaining the facility. For facilities not located on

1 the State Highway System the department may provide services
2 to the private entity, ~~and~~ agreements for maintenance, law
3 enforcement, and other services ~~entered into pursuant to this~~
4 ~~section~~ shall provide for full reimbursement for services
5 rendered.

6 (8)~~(5)~~ Except as herein provided, the provisions of
7 this section are not intended to amend existing laws by
8 granting additional powers to, or further restricting, local
9 governmental entities from regulating and entering into
10 cooperative arrangements with the private sector for the
11 planning, construction, and operation of transportation
12 facilities.

13 (9) The department shall have the authority to create,
14 or assist in the creation of, tax-exempt, public-purpose
15 chapter 63-20 corporations as provided for under the Internal
16 Revenue Code, for the purpose of shielding the state from
17 possible financing risks for projects under this section.
18 Chapter 63-20 corporations may receive State Transportation
19 Trust Fund grants from the department. The department shall
20 be empowered to enter into public-private partnership
21 agreements with chapter 63-20 corporations for projects under
22 this section.

23 (10) The department may lend funds from the Toll
24 Facilities Revolving Trust Fund, as outlined in s. 338.251, to
25 chapter 63-20 corporations that propose projects containing
26 toll facilities. To be eligible, the chapter 63-20
27 corporation must meet the provisions of s. 338.251 and must
28 also provide credit support, such as a letter of credit or
29 other means acceptable to the department, to ensure that the
30 loans will be repaid as required by law.

31

1 (11)~~(6)~~ Notwithstanding s. 341.327, a fixed-guideway
2 transportation system authorized by the department to be
3 wholly or partially within the department's right-of-way
4 pursuant to a lease granted under s. 337.251 may operate at
5 any safe speed.

6 Section 29. Present subsection (3) of section 335.141
7 is repealed, present subsection (4) of that section is
8 redesignated as subsection (3) and amended, and present
9 subsection (5) of that section is redesignated as subsection
10 (4), to read:

11 335.141 Regulation of public railroad-highway grade
12 crossings; reduction of hazards.--

13 ~~(3) The department is authorized to regulate the speed~~
14 ~~limits of railroad traffic on a municipal, county, regional,~~
15 ~~or statewide basis. Such speed limits shall be established by~~
16 ~~order of the department, which order is subject to the~~
17 ~~provisions of chapter 120. The department shall have the~~
18 ~~authority to adopt reasonable rules to carry out the~~
19 ~~provisions of this subsection. Such rules shall, at a minimum,~~
20 ~~provide for public input prior to the issuance of any such~~
21 ~~order.~~

22 (3)~~(4)~~ Jurisdiction to enforce such orders shall be as
23 provided in s. 316.640, and any penalty for violation thereof
24 shall be imposed upon the railroad company guilty of such
25 violation.This section does not ~~Nothing herein shall~~ prevent
26 a local governmental entity from enacting ordinances relating
27 to the blocking of streets by railroad engines and cars.

28 (4)~~(5)~~ Any local governmental entity or other public
29 or private agency planning a public event, such as a parade or
30 race, that involves the crossing of a railroad track shall
31 notify the railroad as far in advance of the event as possible

1 and in no case less than 72 hours in advance of the event so
2 that the coordination of the crossing may be arranged by the
3 agency and railroad to assure the safety of the railroad
4 trains and the participants in the event.

5 Section 30. Subsection (4) is added to section 336.41,
6 Florida Statutes, to read:

7 336.41 Counties; employing labor and providing road
8 equipment; definitions.--

9 (4)(a) For contracts in excess of \$250,000, any county
10 may require that persons interested in performing work under
11 the contract first be certified or qualified to do the work.
12 Any contractor prequalified and considered eligible to bid by
13 the department to perform the type of work described under the
14 contract shall be presumed to be qualified to perform the work
15 so described. Any contractor may be considered ineligible to
16 bid by the county if the contractor is behind an approved
17 progress schedule by 10 percent or more on another project for
18 that county at the time of the advertisement of the work. The
19 county may provide an appeal process to overcome that
20 presumption with de novo review based on the record below to
21 the circuit court.

22 (b) The county shall publish prequalification criteria
23 and procedures prior to advertisement or notice of
24 solicitation. Such publications shall include notice of a
25 public hearing for comment on such criteria and procedures
26 prior to adoption. The procedures shall provide for an appeal
27 process within the county for objections to the
28 prequalification process with de novo review based on the
29 record below to the circuit court.

30 (c) The county shall also publish for comment, prior
31 to adoption, the selection criteria and procedures to be used

1 by the county if such procedures would allow selection of
2 other than the lowest responsible bidder. The selection
3 criteria shall include an appeal process within the county
4 with de novo review based on the record below to the circuit
5 court.

6 Section 31. Subsection (2) of section 336.44, Florida
7 Statutes, is amended to read:

8 336.44 Counties; contracts for construction of roads;
9 procedure; contractor's bond.--

10 (2) Such contracts shall be let to the lowest
11 responsible ~~competent~~ bidder, after publication of notice for
12 bids containing specifications furnished by the commissioners
13 in a newspaper published in the county where such contract is
14 made, at least once each week for 2 consecutive weeks prior to
15 the making of such contract.

16 Section 32. Section 337.025, Florida Statutes, is
17 amended to read:

18 337.025 Innovative highway projects; department to
19 establish program.--The department is authorized to establish
20 a program for highway projects demonstrating innovative
21 techniques of highway construction, maintenance, and finance
22 which have the intended effect of controlling time and cost
23 increases on construction projects. Such techniques may
24 include, but are not limited to, state-of-the-art technology
25 for pavement, safety, and other aspects of highway
26 construction and maintenance; innovative bidding and financing
27 techniques; accelerated construction procedures; and those
28 techniques that have the potential to reduce project life
29 cycle costs. To the maximum extent practical, the department
30 must use the existing process to award and administer
31 construction and maintenance contracts. When specific

1 innovative techniques are to be used, the department is not
2 required to adhere to those provisions of law that would
3 prevent, preclude, or in any way prohibit the department from
4 using the innovative technique. However, prior to using an
5 innovative technique that is inconsistent with another
6 provision of law, the department must document in writing the
7 need for the exception and identify what benefits the
8 traveling public and the affected community are anticipated to
9 receive. The department may enter into no more than \$120
10 million in contracts annually for the purposes authorized by
11 this section. However, the annual cap on contracts provided in
12 this section shall not apply to turnpike enterprise projects
13 nor shall turnpike enterprise projects be counted toward the
14 department's annual cap.

15 Section 33. Section 337.107, Florida Statutes, is
16 amended to read:

17 337.107 Contracts for right-of-way services.--The
18 department may enter into contracts pursuant to s. 287.055 or
19 s. 337.025 for right-of-way services on transportation
20 corridors and transportation facilities, or the department may
21 include right-of-way services as part of design-build
22 contracts awarded under s. 337.11. Right-of-way services
23 include negotiation and acquisition services, appraisal
24 services, demolition and removal of improvements, and
25 asbestos-abatement services.

26 Section 34. Paragraph (c) of subsection (3), paragraph
27 (c) of subsection (6), and paragraph (a) of subsection (7) of
28 section 337.11, Florida Statutes, are amended to read:

29 337.11 Contracting authority of department; bids;
30 emergency repairs, supplemental agreements, and change orders;

31

1 combined design and construction contracts; progress payments;
2 records; requirements of vehicle registration.--

3 (3)

4 (c) No advertisement for bids shall be published and
5 no bid solicitation notice shall be provided until title to
6 all necessary rights-of-way and easements for the construction
7 of the project covered by such advertisement or notice has
8 vested in the state or a local governmental entity, and all
9 railroad crossing and utility agreements have been executed.

10 The turnpike enterprise is exempt from the provision for a
11 turnpike enterprise project.Title to all necessary

12 rights-of-way shall be deemed to have been vested in the State
13 of Florida when such title has been dedicated to the public or
14 acquired by prescription.

15 (6)

16 (c) When the department determines that it is in the
17 best interest of the public for reasons of public concern,
18 economy, improved operations or safety, and only when
19 circumstances dictate rapid completion of the work, the
20 department may, up to the threshold amount of \$120,000
21 ~~provided in s. 287.017 for CATEGORY FOUR~~, enter into contracts
22 for construction and maintenance without advertising and
23 receiving competitive bids. ~~However, if legislation is enacted~~
24 ~~by the Legislature which changes the category thresholds, the~~
25 ~~threshold amount shall remain at \$60,000.~~The department may
26 enter into such contracts only upon a determination that the
27 work is necessary for one of the following reasons:

28 1. To ensure timely completion of projects or
29 avoidance of undue delay for other projects;

30
31

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

4 3. To accomplish nonemergency work necessary to ensure
5 avoidance of adverse conditions that affect the safe and
6 efficient flow of traffic.

7
8 The department shall make a good faith effort to obtain two or
9 more quotes, if available, from qualified contractors before
10 entering into any contract. The department shall give
11 consideration to disadvantaged business enterprise
12 participation. However, when the work exists within the limits
13 of an existing contract, the department shall make a good
14 faith effort to negotiate and enter into a contract with the
15 prime contractor on the existing contract.

16 (7)(a) If the head of the department determines that
17 it is in the best interests of the public, the department may
18 combine the design and construction phases of a building, a
19 major bridge, an enhancement project, or a rail corridor
20 project into a single contract. Such contract is referred to
21 as a design-build contract. Design-build contracts may be
22 advertised and awarded notwithstanding the requirements of s.
23 337.11(3)(c). However, construction activities may not begin
24 on any portion of such a project until title to the necessary
25 rights-of-way and easements for the construction of that
26 portion of the project has vested in the state or in a local
27 government entity and all railroad-crossing and utility
28 agreements have been executed. Title to rights-of-way vests in
29 the state when the title has been dedicated to the public or
30 acquired by prescription.

31

1 Section 35. Subsection (4) of section 337.14, Florida
2 Statutes, is amended and subsection (9) is added to that
3 section to read:

4 337.14 Application for qualification; certificate of
5 qualification; restrictions; request for hearing.--

6 (4) If the applicant is found to possess the
7 prescribed qualifications, the department shall issue to him
8 or her a certificate of qualification that ~~which~~, unless
9 thereafter revoked by the department for good cause, will be
10 valid for a period of 18 ~~16~~ months after ~~from~~ the date of the
11 applicant's financial statement or such shorter period as the
12 department prescribes ~~may prescribe~~. ~~If in the event~~ the
13 department finds that an application is incomplete or contains
14 inadequate information or information that ~~which~~ cannot be
15 verified, the department may request in writing that the
16 applicant provide the necessary information to complete the
17 application or provide the source from which any information
18 in the application may be verified. If the applicant fails to
19 comply with the initial written request within a reasonable
20 period of time as specified therein, the department shall
21 request the information a second time. If the applicant fails
22 to comply with the second request within a reasonable period
23 of time as specified therein, the application shall be denied.

24 (9)(a) Notwithstanding any other law to the contrary,
25 for contracts in excess of \$250,000, an authority created
26 pursuant to chapter 348 or chapter 349 may require that
27 persons interested in performing work under contract first be
28 certified or qualified to do the work. Any contractor may be
29 considered ineligible to bid by the governmental entity or
30 authority if the contractor is behind an approved progress
31 schedule for the governmental entity or authority by 10

1 percent or more at the time of advertisement of the work. Any
2 contractor prequalified and considered eligible by the
3 department to bid to perform the type of work described under
4 the contract shall be presumed to be qualified to perform the
5 work so described. The governmental entity or authority may
6 provide an appeal process to overcome that presumption with de
7 novo review based on the record below to the circuit court.

8 (b) With respect to contractors not prequalified with
9 the department, the authority shall publish prequalification
10 criteria and procedures prior to advertisement or notice of
11 solicitation. Such publications shall include notice of a
12 public hearing for comment on such criteria and procedures
13 prior to adoption. The procedures shall provide for an appeal
14 process within the authority for objections to the
15 prequalification process with de novo review based on the
16 record below to the circuit court.

17 (c) An authority may establish criteria and procedures
18 whereunder contractor selection may occur on a basis other than
19 the lowest responsible bidder. Prior to adoption, the
20 authority shall publish for comment the proposed criteria and
21 procedures. Review of the adopted criteria and procedures
22 shall be to the circuit court, within 30 days of adoption,
23 with de novo review based on the record below.

24 Section 36. Subsection (2) of section 337.401, Florida
25 Statutes, is amended to read:

26 337.401 Use of right-of-way for utilities subject to
27 regulation; permit; fees.--

28 (2) The authority may grant to any person who is a
29 resident of this state, or to any corporation which is
30 organized under the laws of this state or licensed to do
31 business within this state, the use of a right-of-way for the

1 utility in accordance with such rules or regulations as the
2 authority may adopt. No utility shall be installed, located,
3 or relocated unless authorized by a written permit issued by
4 the authority. However, for public roads or publicly owned
5 rail corridors under the jurisdiction of the department, a
6 utility-relocation schedule and relocation agreement may be
7 executed in lieu of a written permit.The permit shall require
8 the permitholder to be responsible for any damage resulting
9 from the issuance of such permit. The authority may initiate
10 injunctive proceedings as provided in s. 120.69 to enforce
11 provisions of this subsection or any rule or order issued or
12 entered into pursuant thereto.

13 Section 37. Section 338.22, Florida Statutes, is
14 amended to read:

15 338.22 Florida Turnpike Enterprise Law; short
16 title.--Sections 338.22-338.241 may be cited as the "Florida
17 Turnpike Enterprise Law."

18 Section 38. Section 338.221, Florida Statutes, is
19 amended to read:

20 338.221 Definitions of terms used in ss.
21 338.22-338.241.--As used in ss. 338.22-338.241, the following
22 words and terms have the following meanings, unless the
23 context indicates another or different meaning or intent:

24 (1) "Bonds" or "revenue bonds" means notes, bonds,
25 refunding bonds or other evidences of indebtedness or
26 obligations, in either temporary or definitive form, issued by
27 the Division of Bond Finance on behalf of the department and
28 authorized under the provisions of ss. 338.22-338.241 and the
29 State Bond Act.

30 (2) "Cost," as applied to a turnpike project, includes
31 the cost of acquisition of all land, rights-of-way, property,

1 easements, and interests acquired by the department for
2 turnpike project construction; the cost of such construction;
3 the cost of all machinery and equipment, financing charges,
4 fees, and expenses related to the financing; establishment of
5 reserves to secure bonds; interest prior to and during
6 construction and for such period after completion of
7 construction as shall be determined by the department; the
8 cost of traffic estimates and of engineering and legal
9 expenses, plans, specifications, surveys, estimates of cost
10 and revenues; other expenses necessary or incident to
11 determining the feasibility or practicability of acquiring or
12 constructing any such turnpike project; administrative
13 expenses; and such other expenses as may be necessary or
14 incident to the acquisition or construction of a turnpike
15 project, the financing of such acquisition or construction,
16 and the placing of the turnpike project in operation.

17 (3) "Feeder road" means any road no more than 5 miles
18 in length, connecting to the turnpike system which the
19 department determines is necessary to create or facilitate
20 access to a turnpike project.

21 (4) "Owner" includes any person or any governmental
22 entity that has title to, or an interest in, any property,
23 right, easement, or interest authorized to be acquired
24 pursuant to ss. 338.22-338.241.

25 (5) "Revenues" means all tolls, charges, rentals,
26 gifts, grants, moneys, and other funds coming into the
27 possession, or under the control, of the department by virtue
28 of the provisions hereof, except the proceeds from the sale of
29 bonds issued under ss. 338.22-338.241.

30 (6) "Turnpike system" means those limited access toll
31 highways and associated feeder roads and other structures,

1 appurtenances, or rights previously designated, acquired, or
2 constructed pursuant to the Florida Turnpike Law and such
3 other additional turnpike projects as may be acquired or
4 constructed as approved by the Legislature.

5 (7) "Turnpike improvement" means any betterment
6 necessary or desirable for the operation of the turnpike
7 system, including, but not limited to, widenings, the addition
8 of interchanges to the existing turnpike system, resurfacings,
9 toll plazas, machinery, and equipment.

10 (8) "Economically feasible" for a proposed turnpike
11 project means that the revenues of the project in combination
12 with those of the existing turnpike system are sufficient to
13 service the debt of the outstanding turnpike bonds to
14 safeguard investors.+

15 ~~(a) For a proposed turnpike project, that, as~~
16 ~~determined by the department before the issuance of revenue~~
17 ~~bonds for the project, the estimated net revenues of the~~
18 ~~proposed turnpike project, excluding feeder roads and turnpike~~
19 ~~improvements, will be sufficient to pay at least 50 percent of~~
20 ~~the debt service on the bonds by the end of the 5th year of~~
21 ~~operation and to pay at least 100 percent of the debt service~~
22 ~~on the bonds by the end of the 15th year of operation. In~~
23 ~~implementing this paragraph, up to 50 percent of the adopted~~
24 ~~work program costs of the project may be funded from turnpike~~
25 ~~revenues.~~

26 ~~(b) For turnpike projects, except for feeder roads and~~
27 ~~turnpike improvements, financed from revenues of the turnpike~~
28 ~~system, such project, or such group of projects, originally~~
29 ~~financed from revenues of the turnpike system, that the~~
30 ~~project is expected to generate sufficient revenues to~~
31 ~~amortize project costs within 15 years of opening to traffic.~~

1
2 This subsection does not prohibit the pledging of revenues
3 from the entire turnpike system to bonds issued to finance or
4 refinance a turnpike project or group of turnpike projects.

5 (9) "Turnpike project" means any extension to or
6 expansion of the existing turnpike system and new limited
7 access toll highways and associated feeder roads and other
8 structures, interchanges, appurtenances, or rights as may be
9 approved in accordance with the Florida Turnpike Law.

10 (10) "Statement of environmental feasibility" means a
11 statement by the Department of Environmental Protection of the
12 project's significant environmental impacts.

13 Section 39. Section 338.2215, Florida Statutes, is
14 created to read:

15 338.2215 Florida Turnpike Enterprise; legislative
16 findings, policy, purpose, and intent.--It is the intent of
17 the Legislature that the turnpike enterprise be provided
18 additional powers and authority in order to maximize the
19 advantages obtainable through fully leveraging the Florida
20 Turnpike System asset. The additional powers and authority
21 will provide the turnpike enterprise with the autonomy and
22 flexibility to enable it to more easily pursue innovations as
23 well as best practices found in the private sector in
24 management, finance, organization, and operations. The
25 additional powers and authority are intended to improve
26 cost-effectiveness and timeliness of project delivery,
27 increase revenues, expand the turnpike system's capital
28 program capability, and improve the quality of service to its
29 patrons, while continuing to protect the turnpike system's
30 bondholders and further preserve, expand, and improve the
31 Florida Turnpike System.

1 Section 40. Section 338.2216, Florida Statutes, is
2 created to read:

3 338.2216 Florida Turnpike Enterprise; powers and
4 authority.--

5 (1)(a) In addition to the powers granted to the
6 department, the Florida Turnpike Enterprise has full authority
7 to exercise all powers granted to it under this chapter.
8 Powers shall include, but are not limited to, the ability to
9 plan, construct, maintain, repair and operate the Florida
10 Turnpike System.

11 (b) It is the express intention of this part that the
12 Florida Turnpike Enterprise be authorized to plan, develop,
13 own, purchase, lease, or otherwise acquire, demolish,
14 construct, improve, relocate, equip, repair, maintain,
15 operate, and manage the Florida Turnpike System; to expend
16 funds to publicize, advertise, and promote the advantages of
17 using the turnpike system and its facilities; and to
18 cooperate, coordinate, partner, and contract with other
19 entities, public and private, to accomplish these purposes.

20 (c) The executive director of the turnpike enterprise
21 shall appoint a staff, which shall be exempt from part II of
22 chapter 110. The fiscal functions of the turnpike enterprise,
23 including those arising under chapters 216, 334, and 339,
24 shall be managed by the turnpike enterprise chief financial
25 officer, who shall possess qualifications similar to those of
26 the department comptroller.

27 (2)(a) The department shall have the authority to
28 employ procurement methods available to the Department of
29 Management Services under chapters 255 and 287 and under any
30 rule adopted under such chapters solely for the benefit of the
31 turnpike enterprise. In order to enhance the effective and

1 efficient operation of the turnpike enterprise, the department
2 may adopt rules for procurement procedures alternative to
3 chapters 255, 287, and 337.

4 (3)(a) The turnpike enterprise shall be a single
5 budget entity and shall develop a budget pursuant to chapter
6 216. The turnpike enterprise's budget shall be submitted to
7 the Legislature along with the department's budget.

8 (b) Notwithstanding the provisions of s. 216.301 to
9 the contrary and in accordance with s. 216.351, the Executive
10 Office of the Governor shall, on July 1 of each year, certify
11 forward all unexpended funds appropriated or provided pursuant
12 to this section for the turnpike enterprise. Of the
13 unexpended funds certified forward, any unencumbered amounts
14 shall be carried forward. Such funds carried forward shall
15 not exceed 5 percent of the total operating budget of the
16 turnpike enterprise. Funds carried forward pursuant to this
17 section may be used for any lawful purpose including but not
18 limited to promotional and market activities, technology,
19 training, and salary bonuses. Any certified forward funds
20 remaining undisbursed on December 31 of each year shall be
21 carried forward.

22 (4) The powers conferred upon the turnpike enterprise
23 under s. 338.22-338.241 shall be in addition and supplemental
24 to the existing powers of the department and the turnpike
25 enterprise, and these powers shall not be construed as
26 repealing any of the provisions of any other law, general or
27 local, but shall supersede such other laws that are
28 inconsistent with the exercise of the powers provided under s.
29 338.22-338.241 and provide a complete method for the exercise
30 of such powers granted.

31

1 Section 41. Subsection (4) of section 338.233, Florida
2 Statutes, is amended to read:

3 338.223 Proposed turnpike projects.--

4 (4) The department is authorized, with the approval of
5 the Legislature, to use federal and state transportation funds
6 to lend or pay a portion of the operating, maintenance, and
7 capital costs of turnpike projects. ~~Federal and state~~
8 ~~transportation funds included in an adopted work program, or~~
9 ~~the General Appropriations Act, for a turnpike project do not~~
10 ~~have to be reimbursed to the State Transportation Trust Fund,~~
11 ~~or used in determining the economic feasibility of the~~
12 ~~proposed project.~~ For operating and maintenance loans, the
13 maximum net loan amount in any fiscal year shall not exceed
14 1.5 ~~0.5~~ percent of state transportation tax revenues for that
15 fiscal year.

16 Section 42. Subsection (2) of section 338.227, Florida
17 Statutes, is amended to read:

18 338.227 Turnpike revenue bonds.--

19 (2) The proceeds of the bonds of each issue shall be
20 used solely for the payment of the cost of the turnpike
21 projects for which such bonds shall have been issued, except
22 as provided in the State Bond Act. Such proceeds shall be
23 disbursed and used as provided by ss. 338.22-338.241 and in
24 such manner and under such restrictions, if any, as the
25 Division of Bond Finance may provide in the resolution
26 authorizing the issuance of such bonds or in the trust
27 agreement hereinafter mentioned securing the same. All
28 revenues and bond proceeds from the turnpike system received
29 by the department pursuant to ss. 338.22-338.241, the Florida
30 Turnpike Enterprise Law, shall be used only for the cost of
31 turnpike projects and turnpike improvements and for the

1 administration, operation, maintenance, and financing of the
2 turnpike system. No revenues or bond proceeds from the
3 turnpike system shall be spent for the operation, maintenance,
4 construction, or financing of any project which is not part of
5 the turnpike system.

6 Section 43. Subsection (2) of section 338.2275,
7 Florida Statutes, is amended to read:

8 338.2275 Approved turnpike projects.--

9 (2) The department is authorized to use turnpike
10 revenues, the State Transportation Trust Fund moneys allocated
11 for turnpike projects pursuant to s. 338.001, federal funds,
12 and bond proceeds, and shall use the most cost-efficient
13 combination of such funds, in developing a financial plan for
14 funding turnpike projects. The department must submit a
15 report of the estimated cost for each ongoing turnpike project
16 and for each planned project to the Legislature 14 days before
17 the convening of the regular legislative session. Verification
18 of economic feasibility and statements of environmental
19 feasibility for individual turnpike projects must be based on
20 the entire project as approved. Statements of environmental
21 feasibility are not required for those projects listed in s.
22 12, chapter 90-136, Laws of Florida, for which the Project
23 Development and Environmental Reports were completed by July
24 1, 1990. ~~All required environmental permits must be obtained~~
25 ~~before the~~ The department may advertise for bids for contracts
26 for the construction of any turnpike project prior to
27 obtaining required environmental permits.

28 Section 44. Section 338.234, Florida Statutes, is
29 amended to read:

30 338.234 Granting concessions or selling along the
31 turnpike system.--

1 ~~(1)~~ The department may enter into contracts or
2 licenses with any person for the sale of ~~grant concessions or~~
3 ~~sell services or products,~~ or business opportunities on ~~along~~
4 the turnpike system, or the turnpike enterprise may sell
5 services, products, or business opportunities on the turnpike
6 system which benefit the traveling public or provide
7 additional revenue to the turnpike system. Services, business
8 opportunities, and products authorized to be sold include, but
9 are not limited to, ~~the sale of~~ motor fuel, vehicle towing,
10 and vehicle maintenance services; ~~the sale of~~ food with
11 attendant nonalcoholic beverages; lodging, meeting rooms, and
12 other business services opportunities; advertising and other
13 promotional opportunities, which advertising and promotions
14 must be consistent with the dignity and integrity of the
15 state; ~~the sale of~~ state lottery tickets sold by authorized
16 retailers; games and amusements that ~~the granting of~~
17 ~~concessions for amusement devices which operate by the~~
18 application of skill, not including games of chance as defined
19 in s. 849.16 or other illegal gambling games; ~~the sale of~~
20 Florida citrus, goods promoting the state, or handmade goods
21 produced within the state; ~~the granting of concessions for~~
22 ~~equipment which provides~~ and travel information, or tickets,
23 reservations, or other related services; ~~and the granting of~~
24 ~~concessions which provide banking and other business services.~~
25 ~~The department may also provide information centers on the~~
26 ~~plazas for the benefit of the public.~~

27 ~~(2)~~ ~~The department may provide an opportunity for~~
28 ~~governmental agencies to hold public events at turnpike plazas~~
29 ~~which educate the traveling public as to safety, travel, and~~
30 ~~tourism.~~

31

1 Section 45. Subsection (3) of section 338.235, Florida
2 Statutes, is amended to read:

3 338.235 Contracts with department for provision of
4 services on the turnpike system.--

5 (3) The department may enter into contracts or
6 agreements, with or without competitive bidding or
7 procurement, to make available, on a fair, reasonable,
8 nonexclusive, and nondiscriminatory basis, turnpike property
9 and other turnpike structures, for the placement of wireless
10 facilities by any wireless provider of mobile services as
11 defined in 47 U.S.C. s. 153(n) or s. 332(d), and any
12 telecommunications company as defined in s. 364.02 when it is
13 determined to be practical and feasible to make such property
14 or structures available. The department may, without adopting
15 a rule, charge a just, reasonable, and nondiscriminatory fee
16 for placement of the facilities, payable annually, based on
17 the fair market value of space used by comparable
18 communications facilities in the state. The department and a
19 wireless provider may negotiate the reduction or elimination
20 of a fee in consideration of goods or services ~~service~~
21 provided to the department by the wireless provider. All such
22 fees collected by the department shall be deposited directly
23 into the State Agency Law Enforcement Radio System Trust Fund
24 and may be used to construct, maintain, or support the system.

25 Section 46. Subsection (2) of section 338.239, Florida
26 Statutes, is amended to read:

27 338.239 Traffic control on the turnpike system.--

28 (2) Members of the Florida Highway Patrol are vested
29 with the power, and charged with the duty, to enforce the
30 rules of the department. Approved expenditures ~~Expenses~~
31 incurred by the Florida Highway Patrol in carrying out its

1 powers and duties under ss. 338.22-338.241 may be treated as a
2 part of the cost of the operation of the turnpike system, and
3 the Department of Highway Safety and Motor Vehicles shall be
4 reimbursed by the turnpike enterprise ~~Department of~~
5 ~~Transportation~~ for such expenses incurred on the turnpike
6 system mainline, which is that part of the turnpike system
7 extending from the southern terminus in Florida City to the
8 northern terminus in Wildwood including all contiguous
9 sections. Florida Highway Patrol Troop K shall be
10 headquartered with the turnpike enterprise and shall be the
11 official and preferred law enforcement troop for the turnpike
12 system. The department of Highway Safety and Motor Vehicles
13 may upon request of the executive director of the turnpike
14 enterprise and approval of the Legislature increase the number
15 of authorized positions for Troop K, or Troop K may contract
16 with other troops for additional trooper to patrol the
17 turnpike system.

18 Section 47. Section 338.241, Florida Statutes, is
19 amended to read:

20 338.241 Cash reserve requirement.--The budget for the
21 turnpike system shall be so planned as to provide for a cash
22 reserve at the end of each fiscal year of not less than 5 ~~10~~
23 percent of the unpaid balance of all turnpike system
24 contractual obligations, excluding bond obligations, to be
25 paid from revenues.

26 Section 48. Section 338.251, Florida Statutes, is
27 amended to read:

28 338.251 Toll Facilities Revolving Trust Fund.--The
29 Toll Facilities Revolving Trust Fund is hereby created for the
30 purpose of encouraging the development and enhancing the
31 financial feasibility of revenue-producing road projects

1 undertaken by local governmental entities in a county or
2 combination of contiguous counties and the turnpike
3 enterprise.

4 (1) The department is authorized to advance funds for
5 preliminary engineering, traffic and revenue studies,
6 environmental impact studies, financial advisory services,
7 engineering design, right-of-way map preparation, other
8 appropriate project-related professional services, and
9 advanced right-of-way acquisition to expressway authorities,
10 the turnpike enterprise, counties, or other local governmental
11 entities that desire to undertake revenue-producing road
12 projects.

13 (2) No funds shall be advanced pursuant to this
14 section unless the following is documented to the department:

15 (a) The proposed facility is consistent with the
16 adopted transportation plan of the appropriate metropolitan
17 planning organization and the Florida Transportation Plan.

18 (b) A proposed 2-year budget detailing the use of the
19 cash advance and a project schedule consistent with the
20 budget.

21 (3) Prior to receiving any moneys for advance
22 right-of-way acquisition, it shall be shown that such
23 right-of-way will substantially appreciate prior to
24 construction and that savings will result from its advance
25 purchase. Any such request for moneys for advance
26 right-of-way acquisition shall be accompanied by a preliminary
27 engineering study, environmental impact study, traffic and
28 revenue study, and right-of-way maps along with either a
29 negotiated contract for purchase of the right-of-way, such
30 contract to include a clause stating that it is subject to
31 funding by the department or the Legislature, or an appraisal

1 of the subject property for purpose of condemnation
2 proceedings.

3 (4) Each advance pursuant to this section shall
4 require repayment out of the initial bond issue revenue or, at
5 the discretion of the governmental entity or the turnpike
6 enterprise ~~of the facility~~, repayment shall begin no later
7 than 7 years after the date of the advance, provided repayment
8 shall be completed no later than 12 years after the date of
9 the advance. However, such election shall be made at the time
10 of the initial bond issue, and, if repayment is to be made
11 during the time period referred to above, a schedule of such
12 repayment shall be submitted to the department.

13 (5) No amount in excess of \$1.5 million annually shall
14 be advanced to any one governmental entity or the turnpike
15 enterprise pursuant to this section without specific
16 appropriation by the Legislature.

17 (6) Funds may not be advanced for funding final design
18 costs beyond 60 percent completion until an acceptable plan to
19 finance all project costs, including the reimbursement of
20 outstanding trust fund advances, is approved by the
21 department.

22 (7) The department may advance funds sufficient to
23 defray shortages in toll revenues of facilities receiving
24 funds pursuant to this section for the first 5 years of
25 operation, up to a maximum of \$5 million per year, to be
26 reimbursed to this fund within 5 years of the last advance
27 hereunder. Any advance under this provision shall require
28 specific appropriation by the Legislature.

29 (8) No expressway authority, county, or other local
30 governmental entity or the turnpike enterprise shall be
31 eligible to receive any advance under this section if the

1 expressway authority, county, or other local governmental
2 entity or the turnpike enterprise has failed to repay any
3 previous advances as required by law or by agreement with the
4 department.

5 (9) Repayment of funds advanced, including advances
6 made prior to January 1, 1994, shall not include interest.
7 However, interest accruing to local governmental entities and
8 the turnpike enterprise from the investment of advances shall
9 be paid to the department.

10 (10) Any repayment of prior or future advances made
11 from the State Transportation Trust Fund which were used to
12 fund any project phase of a toll facility, shall be deposited
13 in the Toll Facilities Revolving Trust Fund. However, when
14 funds advanced to the Seminole County Expressway Authority
15 pursuant to this section are repaid to the Toll Facilities
16 Revolving Trust Fund by or on behalf of the Seminole County
17 Expressway Authority, those funds shall thereupon and
18 forthwith be appropriated for and advanced to the Seminole
19 County Expressway Authority for funding the design of and the
20 advanced right-of-way acquisition for that segment of the
21 Seminole County Expressway extending from U.S. Highway 17/92
22 to Interstate Highway 4. Notwithstanding subsection (6), when
23 funds previously advanced to the Orlando-Orange County
24 Expressway Authority are repaid to the Toll Facilities
25 Revolving Trust Fund by or on behalf of the Orlando-Orange
26 County Expressway Authority, those funds may thereupon and
27 forthwith be appropriated for and advanced to the Seminole
28 County Expressway Authority for funding that segment of the
29 Seminole County Expressway extending from U.S. Highway 17/92
30 to Interstate Highway 4. Any funds advanced to the
31 Tampa-Hillsborough County Expressway Authority pursuant to

1 this section which have been or will be repaid on or after
2 July 1, 1998, to the Toll Facilities Revolving Trust Fund on
3 behalf of the Tampa-Hillsborough County Expressway Authority
4 shall thereupon and forthwith be appropriated for and advanced
5 to the Tampa-Hillsborough County Expressway Authority for
6 funding the design of and the advanced right-of-way
7 acquisition for the Brandon area feeder roads, capital
8 improvements to increase capacity to the expressway system,
9 and Lee Roy Selmon Crosstown Expressway System Widening as
10 authorized under s. 348.565.

11 (11) The department shall adopt rules necessary for
12 the implementation of this section, including rules for
13 project selection and funding.

14 Section 49. Subsection (1) of section 553.80, Florida
15 Statutes, as amended by section 86 of chapter 2000-141, Laws
16 of Florida, is amended to read:

17 553.80 Enforcement.--

18 (1) Except as provided in paragraphs (a)-(f)~~(a)-(e)~~,
19 each local government and each legally constituted enforcement
20 district with statutory authority shall regulate building
21 construction and, where authorized in the state agency's
22 enabling legislation, each state agency shall enforce the
23 Florida Building Code required by this part on all public or
24 private buildings, structures, and facilities, unless such
25 responsibility has been delegated to another unit of
26 government pursuant to s. 553.79(9).

27 (a) Construction regulations relating to correctional
28 facilities under the jurisdiction of the Department of
29 Corrections and the Department of Juvenile Justice are to be
30 enforced exclusively by those departments.

31

1 (b) Construction regulations relating to elevator
2 equipment under the jurisdiction of the Bureau of Elevators of
3 the Department of Business and Professional Regulation shall
4 be enforced exclusively by that department.

5 (c) In addition to the requirements of s. 553.79 and
6 this section, facilities subject to the provisions of chapter
7 395 and part II of chapter 400 shall have facility plans
8 reviewed and construction surveyed by the state agency
9 authorized to do so under the requirements of chapter 395 and
10 part II of chapter 400 and the certification requirements of
11 the Federal Government.

12 (d) Building plans approved pursuant to s. 553.77(6)
13 and state-approved manufactured buildings, including buildings
14 manufactured and assembled offsite and not intended for
15 habitation, such as lawn storage buildings and storage sheds,
16 are exempt from local code enforcing agency plan reviews
17 except for provisions of the code relating to erection,
18 assembly, or construction at the site. Erection, assembly, and
19 construction at the site are subject to local permitting and
20 inspections.

21 (e) Construction regulations governing public schools,
22 state universities, and community colleges shall be enforced
23 as provided in subsection (6).

24 (f) Construction regulations relating to
25 transportation facilities under the jurisdiction of the
26 turnpike enterprise of the Department of Transportation shall
27 be enforced exclusively by the turnpike enterprise.

28
29 The governing bodies of local governments may provide a
30 schedule of fees, as authorized by s. 125.56(2) or s. 166.222
31 and this section, for the enforcement of the provisions of

1 this part. Such fees shall be used solely for carrying out
2 the local government's responsibilities in enforcing the
3 Florida Building Code. The authority of state enforcing
4 agencies to set fees for enforcement shall be derived from
5 authority existing on July 1, 1998. However, nothing contained
6 in this subsection shall operate to limit such agencies from
7 adjusting their fee schedule in conformance with existing
8 authority.

9 Section 50. Subsections (1) and (2) of section 339.08,
10 Florida Statutes, are amended to read:

11 339.08 Use of moneys in State Transportation Trust
12 Fund.--

13 (1) The department shall expend ~~by rule provide for~~
14 ~~the expenditure of the~~ moneys in the State Transportation
15 Trust Fund accruing to the department, in accordance with its
16 annual budget.

17 (2) ~~The These rules must restrict the~~ use of such
18 moneys is restricted to the following purposes:

19 (a) To pay administrative expenses of the department,
20 including administrative expenses incurred by the several
21 state transportation districts, but excluding administrative
22 expenses of commuter rail authorities that do not operate rail
23 service.

24 (b) To pay the cost of construction of the State
25 Highway System.

26 (c) To pay the cost of maintaining the State Highway
27 System.

28 (d) To pay the cost of public transportation projects
29 in accordance with chapter 341 and ss. 332.003-332.007.

30
31

1 (e) To reimburse counties or municipalities for
2 expenditures made on projects in the State Highway System as
3 authorized by s. 339.12(4) upon legislative approval.

4 (f) To pay the cost of economic development
5 transportation projects in accordance with s. 288.063.

6 (g) To lend or pay a portion of the operating,
7 maintenance, and capital costs of a revenue-producing
8 transportation project that is located on the State Highway
9 System or that is demonstrated to relieve traffic congestion
10 on the State Highway System.

11 (h) To match any federal-aid funds allocated for any
12 other transportation purpose, including funds allocated to
13 projects not located in the State Highway System.

14 (i) To pay the cost of county road projects selected
15 in accordance with the Small County Road Assistance Program
16 created in s. 339.2816.

17 (j) To pay the cost of county or municipal road
18 projects selected in accordance with the County Incentive
19 Grant Program created in s. 339.2817 and the Small County
20 Outreach Program created in s. 339.2818.

21 (k) To provide loans and credit enhancements for use
22 in constructing and improving highway transportation
23 facilities selected in accordance with the state-funded
24 infrastructure bank created in s. 339.55.

25 (l) To fund the Transportation Outreach Program
26 created in s. 339.137.

27 (m) To pay other lawful expenditures of the
28 department.

29 Section 51. Paragraph (c), subsection (4) and
30 subsection (5) of section 339.12, Florida Statutes, are
31 amended, present subsections (8) and (9) of that section are

1 redesignated as subsections (9) and (10), respectively, and a
2 new subsection (8) is added to that section, to read:

3 339.12 Aid and contributions by governmental entities
4 for department projects; federal aid.--

5 (4)

6 (c) The department may enter into agreements under
7 this subsection for a project or project phase not included in
8 the adopted work program. As used in this paragraph, the term
9 "project phase" means acquisition of rights-of-way,
10 construction, construction inspection, and related support
11 phases. The project or project phase must be a high priority
12 of the governmental entity. Reimbursement for a project or
13 project phase must be made from funds appropriated by the
14 Legislature pursuant to s. 339.135(5). All other provisions of
15 this subsection apply to agreements entered into under this
16 paragraph. The total amount of project agreements for projects
17 or project phases not included in the adopted work program may
18 not at any time exceed ~~\$150~~\$100 million.

19 (5) The department and the governing body of a
20 governmental entity may enter into an agreement by which the
21 governmental entity agrees to perform a highway project or
22 project phase in the department's adopted work program that is
23 not revenue producing or any public transportation project in
24 the adopted work program. By specific provision in the
25 written agreement between the department and the governing
26 body of the governmental entity, the department may agree to
27 compensate ~~reimburse~~ the governmental entity the actual cost
28 of for the project or project phase contained in the adopted
29 work program. Compensation ~~Reimbursement~~ to the governmental
30 entity for such project or project phases must be made from
31 funds appropriated by the Legislature, and compensation

1 ~~reimbursement~~ for the cost of the project or project phase is
2 to begin in the year the project or project phase is scheduled
3 in the work program as of the date of the agreement.

4 (8) Effective January 1, 2004, any county having a
5 population of 50,000 or more in which at least 15.5 percent of
6 its total real property is removed from the ad valorem tax
7 rolls due to state property tax exemptions and which dedicates
8 50 percent of more of the proceeds from the county's 1-cent
9 local option sales tax, over the life of the tax, for
10 improvements to the state transportation system or to local
11 projects that directly upgrade the state transportation system
12 within the county's boundaries shall receive funds for
13 maintenance from the Department of Transportation at a level
14 at least equal to the average of the amount of expenditures
15 for the previous 10 years for planning, design, right-of-way
16 acquisition, and construction for that county. The calculation
17 of such funding may not include the state and federal bridge
18 replacement program, the interstate highway program, seaports,
19 state economic development, toll capital improvements, federal
20 pass-through money for FTA, indirect overhead costs,
21 motor-carrier safety assistance, small-county resurfacing,
22 railroad hazard elimination, emergency funds, or toll
23 projects. The county must adopt a list of specific state road
24 projects to be paid for with the 1-cent local option sales tax
25 prior to the ballot referendum. The county shall enter into a
26 joint project agreement with the Department of Transportation
27 obligating the 50-percent or more portion of the tax proceeds,
28 over the life of the 1-cent local option sales tax, to the
29 department for improvements to the state transportation
30 system. The Department of Transportation shall enter into a
31 joint project agreement with the county over the life of the

1 sales tax, committing to a maintenance level of funding equal
2 to the average of the expenditures for the previous 10 years
3 for planning, design, right-of-way acquisition, and
4 construction for that county. A county that receives funds
5 from the department under this subsection shall distribute the
6 funds in accordance with ss. 212.055(2)(c)2. and 218.62. It is
7 not the intent of this subsection to provide a windfall to
8 counties. The intent of this subsection is to hold harmless
9 counties that are willing to fund millions of dollars for
10 state transportation improvements. If funds are appropriated
11 to the department for planning, design, right-of-way
12 acquisition, or construction in the 5-year work program for
13 state projects that are in addition to those included in the
14 joint project agreement, that amount shall be deducted from
15 the department's annual appropriation to the local government.

16 Section 52. Paragraph (b) of subsection (4) and
17 paragraph (c) of subsection (7) of section 39.135, Florida
18 Statutes, are amended to read:

19 339.135 Work program; legislative budget request;
20 definitions; preparation, adoption, execution, and
21 amendment.--

22 (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.--

23 (b)1. A tentative work program, including the ensuing
24 fiscal year and the successive 4 fiscal years, shall be
25 prepared for the State Transportation Trust Fund and other
26 funds managed by the department, unless otherwise provided by
27 law. The tentative work program shall be based on the
28 district work programs and shall set forth all projects by
29 phase to be undertaken during the ensuing fiscal year and
30 planned for the successive 4 fiscal years. The total amount of
31 the liabilities accruing in each fiscal year of the tentative

1 work program may not exceed the revenues available for
2 expenditure during the respective fiscal year based on the
3 cash forecast for that respective fiscal year.

4 2. The tentative work program shall be developed in
5 accordance with the Florida Transportation Plan required in s.
6 339.155 and must comply with the program funding levels
7 contained in the program and resource plan.

8 3. The department may include in the tentative work
9 program proposed changes to the programs contained in the
10 previous work program adopted pursuant to subsection (5);
11 however, the department shall minimize changes and adjustments
12 that affect the scheduling of project phases in the 4 common
13 fiscal years contained in the previous adopted work program
14 and the tentative work program. The department, in the
15 development of the tentative work program, shall advance by 1
16 fiscal year all projects included in the second year of the
17 previous year's adopted work program, unless the secretary
18 specifically determines that it is necessary, for specific
19 reasons, to reschedule or delete one or more projects from
20 that year. Such changes and adjustments shall be clearly
21 identified, and the effect on the 4 common fiscal years
22 contained in the previous adopted work program and the
23 tentative work program shall be shown. It is the intent of
24 the Legislature that the first 5 years of the adopted work
25 program for facilities designated as part of the Florida
26 Intrastate Highway System and the first 3 years of the adopted
27 work program stand as the commitment of the state to undertake
28 transportation projects that local governments may rely on for
29 planning purposes and in the development and amendment of the
30 capital improvements elements of their local government
31 comprehensive plans.

1 4. The tentative work program must include a balanced
2 36-month forecast of cash and expenditures and a 5-year
3 finance plan supporting the tentative work program.

4 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.--

5 (c) The department may amend the adopted work program
6 to transfer appropriations within the department, except that
7 the following amendments shall be subject to the procedures in
8 paragraph (d):

9 1. Any amendment that ~~which~~ deletes any project or
10 project phase;

11 2. Any amendment that ~~which~~ adds a project estimated
12 to cost over \$500,000 ~~\$150,000~~ in funds appropriated by the
13 Legislature;

14 3. Any amendment that ~~which~~ advances or defers to
15 another fiscal year, a right-of-way phase, a construction
16 phase, or a public transportation project phase estimated to
17 cost over \$1 million ~~\$500,000~~ in funds appropriated by the
18 Legislature, except an amendment advancing or deferring a
19 phase for a period of 90 days or less; or

20 4. Any amendment that ~~which~~ advances or defers to
21 another fiscal year, any preliminary engineering phase or
22 design phase estimated to cost over \$500,000 ~~\$150,000~~ in funds
23 appropriated by the Legislature, except an amendment advancing
24 or deferring a phase for a period of 90 days or less.

25 Section 53. Subsections (7), (9), and (10) of section
26 339.137, Florida Statutes, are amended to read:

27 339.137 Transportation Outreach Program (TOP)
28 supporting economic development; administration; definitions;
29 eligible projects; Transportation Outreach Program (TOP)
30 advisory council created; limitations; funding.--

31

1 (7) The Transportation Outreach Program (TOP) advisory
2 council is created to annually make recommendations to the
3 Legislature on prioritization and selection of economic growth
4 projects as provided in this section.

5 ~~(a)~~ The council shall consist of:

6 (a) The following seven members, each representing
7 districts 1 through 7, who will serve for 2-year terms:

8 1. Members representing districts 1, 3, 5, and 7, who
9 will be appointed by the Speaker of the House of
10 Representatives; and

11 2. Members representing districts 2, 4, and 6, who
12 will be appointed by the President of the Senate.

13
14 The district appointments provided in this paragraph will
15 alternate between the Senate and the House of Representatives.

16 (b) Four members, who will be appointed by the
17 Governor and will serve for 4-year terms.

18
19 Each council member will be allowed one vote.

20 ~~1. Two representatives of private interests who are~~
21 ~~directly involved in or affected by any mode of transportation~~
22 ~~or tourism chosen by the Speaker of the House of~~
23 ~~Representatives.~~

24 ~~2. Two representatives of private interests who are~~
25 ~~directly involved in or affected by any mode of transportation~~
26 ~~or tourism chosen by the President of the Senate.~~

27 ~~3. Three representatives of private or governmental~~
28 ~~interests who are directly involved in or affected by any mode~~
29 ~~of transportation or tourism chosen by the Governor.~~

30 ~~(b) Terms for council members shall be 2 years, and~~
31 ~~each member shall be allowed one vote.~~

1 (c) Initial appointments must be made no later than 60
2 days after this act takes effect. Vacancies in the council
3 shall be filled in the same manner as the initial
4 appointments.

5 (d) The council shall hold its initial meeting no
6 later than 30 days after the members have been appointed in
7 order to organize and select a chair and vice chair from the
8 council membership. Meetings shall be held at the call of the
9 chair, but not less frequently than quarterly.

10 (e) The members of the council shall serve without
11 compensation, but shall be reimbursed for per diem and travel
12 expenses as provided in s. 112.061. The department shall
13 provide administrative staff support, travel and per diem
14 expenses for the council.

15 (9) The council shall review and prioritize projects
16 submitted for funding under the program with priority given to
17 projects that ~~which~~ comply with the prevailing principles
18 provided in subsection (1), and shall recommend to the
19 Legislature a transportation outreach program. The council
20 must develop a comprehensive ranking system that includes a
21 scoring system, including, but not limited to, consideration
22 of the following: population, length of the project, and the
23 number of times the project has been applied for and unfunded.
24 Projects not funded in a fiscal year shall retain their
25 ranking and be considered in rank order the following year.
26 The department shall provide technical expertise and support
27 as requested by the council, and shall develop financial
28 plans, cash forecast plans, and program and resource plans
29 necessary to implement this program. These supporting
30 documents shall be submitted with the Transportation Outreach
31 Program.

1 (10) Projects recommended for funding under the
2 Transportation Outreach Program shall be submitted to the
3 Governor and the Legislature as a separate section of the
4 department's tentative work program. Final approval of the
5 Transportation Outreach Program shall be made by the
6 Legislature through the General Appropriations Act. Program
7 projects approved by the Legislature must be included in the
8 department's adopted work program. No TOPS project may be
9 considered by the House of Representatives or the Senate in
10 their respective budgets unless it has been through the
11 council's review process, even if the application was
12 rejected.

13 Section 54. Paragraph (b) of subsection (5) of section
14 341.051, Florida Statutes, is repealed.

15 Section 55. Subsection (10) of section 341.302,
16 Florida Statutes, is amended to read:

17 341.302 Rail program, duties and responsibilities of
18 the department.--The department, in conjunction with other
19 governmental units and the private sector, shall develop and
20 implement a rail program of statewide application designed to
21 ensure the proper maintenance, safety, revitalization, and
22 expansion of the rail system to assure its continued and
23 increased availability to respond to statewide mobility needs.
24 Within the resources provided pursuant to chapter 216, and as
25 authorized under Title 49 C.F.R. part 212, the department
26 shall:

27 (10) Administer rail operating and construction
28 programs, which programs shall include ~~the regulation of~~
29 ~~maximum train operating speeds,~~ the opening and closing of
30 public grade crossings, the construction and rehabilitation of
31 public grade crossings, and the installation of traffic

1 control devices at public grade crossings, ~~the administering~~
2 ~~of the programs by the department~~ including participation in
3 the cost of the programs.

4 Section 56. Paragraph (d) of subsection (2) of section
5 348.0003, Florida Statutes, is amended to read:

6 348.0003 Expressway authority; formation;
7 membership.--

8 (2)

9 (d) Notwithstanding any provision to the contrary in
10 this subsection, in any county as defined in s. 125.011(1),
11 the governing body of an authority shall consist of up to 13
12 members, and the following provisions of this paragraph shall
13 apply specifically to such authority. Except for the district
14 secretary of the department, the members must be residents of
15 the county. Seven voting members shall be appointed by the
16 governing body of the county. At the discretion of the
17 governing body of the county, up to two of the members
18 appointed by the governing body of the county may be elected
19 officials residing in the county. Five voting members of the
20 authority shall be appointed by the Governor. One member shall
21 be the district secretary of the department serving in the
22 district that contains such county. This member shall be an
23 ex officio voting member of the authority. If the governing
24 board of an authority includes any member originally appointed
25 by the governing body of the county as a nonvoting member,
26 when the term of such member expires, that member shall be
27 replaced by a member appointed by the Governor until the
28 governing body of the authority is composed of seven members
29 appointed by the governing body of the county and five members
30 appointed by the Governor. The qualifications, terms of
31 office, and obligations and rights of members of the authority

1 shall be determined by resolution or ordinance of the
2 governing body of the county in a manner that is consistent
3 with subsections (3) and (4).

4 Section 57. Subsections (1), (2), (3), (4), (5), (6),
5 and (8) of section 373.4137, Florida Statutes, are amended,
6 and subsection (9) is added to that section, to read:

7 373.4137 Mitigation requirements.--

8 (1) The Legislature finds that environmental
9 mitigation for the impact of transportation projects proposed
10 by the Department of Transportation, or a transportation
11 authority established pursuant to chapter 348 or chapter 349
12 can be more effectively achieved by regional, long-range
13 mitigation planning rather than on a project-by-project basis.
14 It is the intent of the Legislature that mitigation to offset
15 the adverse effects of these transportation projects be funded
16 by the Department of Transportation and be carried out by the
17 Department of Environmental Protection and the water
18 management districts, including the use of mitigation banks
19 established pursuant to this part.

20 (2) Environmental impact inventories for
21 transportation projects proposed by the Department of
22 Transportation or a transportation authority established
23 pursuant to chapter 348 or chapter 349 shall be developed as
24 follows:

25 (a) By May 1 of each year, the Department of
26 Transportation or a transportation authority established
27 pursuant to chapter 348 or chapter 349 shall submit to the
28 Department of Environmental Protection and the water
29 management districts a copy of its adopted work program and an
30 inventory of habitats addressed in the rules tentatively,
31 pursuant to this part and s. 404 of the Clean Water Act, 33

1 U.S.C. s. 1344, which may be impacted by its plan of
2 construction for transportation projects in the next 3 years
3 of the tentative work program. The Department of
4 Transportation or a transportation authority established
5 pursuant to chapter 348 or chapter 349 may also include in its
6 inventory the habitat impacts of any future transportation
7 project identified in the tentative work program.

8 (b) The environmental impact inventory shall include a
9 description of these habitat impacts, including their
10 location, acreage, and type; state water quality
11 classification of impacted wetlands and other surface waters;
12 any other state or regional designations for these habitats;
13 and a survey of threatened species, endangered species, and
14 species of special concern affected by the proposed project.

15 (3)(a) To fund the mitigation plan for the projected
16 impacts identified in the inventory described in subsection
17 (2), the Department of Transportation shall identify funds
18 quarterly in an escrow account within the State Transportation
19 Trust Fund for the environmental mitigation phase of projects
20 budgeted by the Department of Transportation for the current
21 fiscal year. The escrow account will be maintained by the
22 Department of Transportation for the benefit of the Department
23 of Environmental Protection and the water management
24 districts. Any interest earnings from the escrow account
25 shall remain with the Department of Transportation.

26 (b) Each transportation authority established under
27 chapter 348 or chapter 349 that chooses to participate in this
28 program shall create an escrow account within its financial
29 structure and deposit funds in it to pay for the environmental
30 mitigation phase of projects budgeted for the current fiscal
31 year. The escrow account will be maintained by the authority

1 for the benefit of the Department of Environmental Protection
2 and the water management districts. Any interest earnings from
3 the escrow account shall remain with the authority.

4 (c) The Department of Environmental Protection or
5 water management districts may request a transfer of funds
6 from an ~~the~~ escrow account no sooner than 30 days prior to the
7 date the funds are needed to pay for activities associated
8 with development or implementation of the approved mitigation
9 plan described in subsection (4) for the current fiscal year,
10 including, but not limited to, design, engineering,
11 production, and staff support. Actual conceptual plan
12 preparation costs incurred before plan approval may be
13 submitted to the Department of Transportation, or the
14 appropriate transportation authority, and the Department of
15 Environmental Protection by November 1 of each year with the
16 plan. The conceptual plan preparation costs of each water
17 management district will be paid based on the amount approved
18 on the mitigation plan and allocated to the current fiscal
19 year projects identified by the water management district.
20 The amount transferred to the escrow accounts ~~account~~ each
21 year by the Department of Transportation and participating
22 transportation authorities established pursuant to chapter 348
23 or chapter 349 shall correspond to a cost per acre of \$75,000
24 multiplied by the projected acres of impact identified in the
25 inventory described in subsection (2). However, the \$75,000
26 cost per acre does not constitute an admission against
27 interest by the state or its subdivisions nor is the cost
28 admissible as evidence of full compensation for any property
29 acquired by eminent domain or through inverse condemnation.
30 Each July 1, the cost per acre shall be adjusted by the
31 percentage change in the average of the Consumer Price Index

1 issued by the United States Department of Labor for the most
2 recent 12-month period ending September 30, compared to the
3 base year average, which is the average for the 12-month
4 period ending September 30, 1996. At the end of each year,
5 the projected acreage of impact shall be reconciled with the
6 acreage of impact of projects as permitted, including permit
7 modifications, pursuant to this part and s. 404 of the Clean
8 Water Act, 33 U.S.C. s. 1344. The subject year's transfer of
9 funds shall be adjusted accordingly to reflect the
10 overtransfer or undertransfer of funds from the preceding
11 year. The Department of Transportation and participating
12 transportation authorities established pursuant to chapter 348
13 or chapter 349 are ~~is~~ authorized to transfer such funds from
14 the escrow account to the Department of Environmental
15 Protection and the water management districts to carry out the
16 mitigation programs.

17 (4) Prior to December 1 of each year, each water
18 management district, in consultation with the Department of
19 Environmental Protection, the United States Army Corps of
20 Engineers, the Department of Transportation, transportation
21 authorities established pursuant to chapter 348 or chapter
22 349, and other appropriate federal, state, and local
23 governments, and other interested parties, including entities
24 operating mitigation banks, shall develop a plan for the
25 primary purpose of complying with the mitigation requirements
26 adopted pursuant to this part and 33 U.S.C. s. 1344. This
27 plan shall also address significant invasive plant problems
28 within wetlands and other surface waters. In developing such
29 plans, the districts shall utilize sound ecosystem management
30 practices to address significant water resource needs and
31 shall focus on activities of the Department of Environmental

1 Protection and the water management districts, such as surface
2 water improvement and management (SWIM) waterbodies and lands
3 identified for potential acquisition for preservation,
4 restoration, and enhancement, to the extent that such
5 activities comply with the mitigation requirements adopted
6 under this part and 33 U.S.C. s. 1344. In determining the
7 activities to be included in such plans, the districts shall
8 also consider the purchase of credits from public or private
9 mitigation banks permitted under s. 373.4136 and associated
10 federal authorization and shall include such purchase as a
11 part of the mitigation plan when such purchase would offset
12 the impact of the transportation project, provide equal
13 benefits to the water resources than other mitigation options
14 being considered, and provide the most cost-effective
15 mitigation option. The mitigation plan shall be preliminarily
16 approved by the water management district governing board and
17 shall be submitted to the secretary of the Department of
18 Environmental Protection for review and final approval. The
19 preliminary approval by the water management district
20 governing board does not constitute a decision that affects
21 substantial interests as provided by s. 120.569. At least 30
22 days prior to preliminary approval, the water management
23 district shall provide a copy of the draft mitigation plan to
24 any person who has requested a copy.

25 (a) For each transportation project with a funding
26 request for the next fiscal year, the mitigation plan must
27 include a brief explanation of why a mitigation bank was or
28 was not chosen as a mitigation option, including an estimation
29 of identifiable costs of the mitigation bank and nonbank
30 options to the extent practicable.

31

1 (b) Specific projects may be excluded from the
2 mitigation plan and shall not be subject to this section upon
3 the agreement of the Department of Transportation, a
4 transportation authority, if applicable,the Department of
5 Environmental Protection, and the appropriate water management
6 district that the inclusion of such projects would hamper the
7 efficiency or timeliness of the mitigation planning and
8 permitting process, or the Department of Environmental
9 Protection and the water management district are unable to
10 identify mitigation that would offset the impacts of the
11 project.

12 (c) Surface water improvement and management or
13 invasive plant control projects undertaken using the \$12
14 million advance transferred from the Department of
15 Transportation to the Department of Environmental Protection
16 in fiscal year 1996-1997 which meet the requirements for
17 mitigation under this part and 33 U.S.C. s. 1344 shall remain
18 available for mitigation until the \$12 million is fully
19 credited up to and including fiscal year 2004-2005. When these
20 projects are used as mitigation, the \$12 million advance shall
21 be reduced by \$75,000 per acre of impact mitigated. For any
22 fiscal year through and including fiscal year 2004-2005, to
23 the extent the cost of developing and implementing the
24 mitigation plans is less than the amount transferred pursuant
25 to subsection (3), the difference shall be credited towards
26 the \$12 million advance. Except as provided in this paragraph,
27 any funds not directed to implement the mitigation plan
28 should, to the greatest extent possible, be directed to fund
29 invasive plant control within wetlands and other surface
30 waters.

31

1 (5) The water management district shall be responsible
2 for ensuring that mitigation requirements pursuant to 33
3 U.S.C. s. 1344 are met for the impacts identified in the
4 inventory described in subsection (2), by implementation of
5 the approved plan described in subsection (4) to the extent
6 funding is provided by the Department of Transportation or a
7 transportation authority established pursuant to chapter 348
8 or chapter 349, if applicable. During the federal permitting
9 process, the water management district may deviate from the
10 approved mitigation plan in order to comply with federal
11 permitting requirements.

12 (6) The mitigation plans ~~plan~~ shall be updated
13 annually to reflect the most current Department of
14 Transportation work program and project list of a
15 transportation authority established pursuant to chapter 348
16 or chapter 349, if applicable,and may be amended throughout
17 the year to anticipate schedule changes or additional projects
18 which may arise. Each update and amendment of the mitigation
19 plan shall be submitted to the secretary of the Department of
20 Environmental Protection for approval. However, such approval
21 shall not be applicable to a deviation as described in
22 subsection (5).

23 (8) This section shall not be construed to eliminate
24 the need for the Department of Transportation or a
25 transportation authority established pursuant to chapter 348
26 or chapter 349 to comply with the requirement to implement
27 practicable design modifications, including realignment of
28 transportation projects, to reduce or eliminate the impacts of
29 its transportation projects on wetlands and other surface
30 waters as required by rules adopted pursuant to this part, or
31 to diminish the authority under this part to regulate other

1 impacts, including water quantity or water quality impacts, or
2 impacts regulated under this part that are not identified in
3 the inventory described in subsection (2).

4 (9) The process for environmental mitigation for the
5 impact of transportation projects under this section shall be
6 available to an expressway, bridge, or transportation
7 authority established under chapters 348 and 349. Use of this
8 process may be initiated by an authority depositing the
9 requisite funds into an escrow account set up by the authority
10 and filing an environmental impact inventory with the
11 appropriate water management district. An authority that
12 initiates the environmental mitigation process established by
13 the section shall comply with subsection (6) by timely
14 providing the appropriate water management district and the
15 Department of Environmental Protection with the requisite work
16 program information. A water management district may draw down
17 funds from the escrow account in the manner and on the bases
18 provided in subsection (5).

19 Section 58. Section 348.0012, Florida Statutes, is
20 amended to read:

21 348.0012 Exemptions from applicability.--The Florida
22 Expressway Authority Act does not apply:

23 (1) ~~To in a county in which~~ an expressway authority
24 that has been created pursuant to parts II-IX of this chapter;
25 or

26 (2) To a transportation authority created pursuant to
27 chapter 349.

28 Section 59. Section 348.7543, Florida Statutes, is
29 amended to read:

30 348.7543 Improvements, bond financing authority
31 for.--Pursuant to s. 11(e), Art. VII of the State

1 Constitution, the Legislature hereby approves for bond
2 financing by the Orlando-Orange County Expressway Authority
3 the cost of acquiring, constructing, equipping, improving, or
4 refurbishing any expressway system, including improvements to
5 toll collection facilities, interchanges future extensions and
6 additions, necessary approaches, roads, bridges and avenues of
7 access to the legislatively approved expressway system, and
8 any other facility appurtenant, necessary, or incidental to
9 the ~~approved~~ system as deemed desirable and proper by the
10 authority under s. 348.754(1)(b). Subject to terms and
11 conditions of applicable revenue bond resolutions and
12 covenants, such ~~costs financing~~ may be finances in whole or in
13 part by revenue bonds issued under s. 348.755(1)(a) or (b)
14 whether currently issued, issued in the future, or by a
15 combination of such bonds.

16 Section 60. Section 348.7544, Florida Statutes, is
17 amended to read:

18 348.7544 Northwest Beltway Part A, construction
19 authorized; financing.--Notwithstanding s. 338.2275, the
20 Orlando-Orange County Expressway Authority is hereby
21 authorized to construct, finance, operate, own, and maintain
22 that portion of the Western Beltway known as the Northwest
23 Beltway Part A, extending from Florida's Turnpike near Ocoee
24 north to U.S. 441 near Apopka, as part of the authority's
25 20-year capital projects plan. This project may be financed
26 with any funds available to the authority for such purpose or
27 revenue bonds issued by the Division of Bond Finance of the
28 State Board of Administration on behalf of the authority
29 pursuant to s. 11, Art. VII of the State Constitution and the
30 State Bond Act, ss. 215.57-215.83. This project may be
31

1 refinanced with bonds issued by the authority under s.
2 348.755(1)(d).

3 Section 61. Section 348.7545, Florida Statutes, is
4 amended to read:

5 348.7545 Western Beltway Part C, construction
6 authorized; financing.--Notwithstanding s. 338.2275, the
7 Orlando-Orange County Expressway Authority is authorized to
8 exercise its condemnation powers, construct, finance, operate,
9 own, and maintain that portion of the Western Beltway known as
10 the Western Beltway Part C, extending from Florida's Turnpike
11 near Ocoee in Orange County southerly through Orange and
12 Osceola Counties to an interchange with I-4 near the
13 Osceola-Polk County line, as part of the authority's 20-year
14 capital projects plan. This project may be financed with any
15 funds available to the authority for such purpose or revenue
16 bonds issued by the Division of Bond Finance of the State
17 Board of Administration on behalf of the authority pursuant to
18 s. 11, Art. VII of the State Constitution and the State Bond
19 Act, ss. 215.57-215.83. This project may be refinanced with
20 bonds issued under s. 348.755(1)(d).

21 Section 62. Subsection (1) of section 348.755, Florida
22 Statutes, is amended to read:

23 348.755 Bonds of the authority.--

24 (1)(a) Bonds may be issued on behalf of the authority
25 under the State Bond Act.~~The bonds of the authority issued~~
26 ~~pursuant to the provisions of this part,~~

27 (b) Alternatively, the authority may issue its own
28 bonds under the provisions of this part at such times and in
29 principle amount as, in the opinion of the authority, is
30 necessary to provide sufficient moneys for achieving its
31

1 purpose; however, such bonds shall not pledge the full faith
2 and credit of the state.

3 (c) Bonds issued by the authority under paragraph (a)
4 and paragraph (b), whether on original issuance or on
5 refunding, shall be authorized by resolution of the members
6 thereof and may be either term or serial bonds, shall bear
7 such date or dates, mature at such time or times, not
8 exceeding 40 years from their respective dates, bear interest
9 at such rate or rates, payable semiannually, be in such
10 denominations, be in such form, either coupon or fully
11 registered, shall carry such registration, exchangeability and
12 interchangeability privileges, be payable in such medium of
13 payment and at such place or places, be subject to such terms
14 of redemption and be entitled to such priorities on the
15 revenues, rates, fees, rentals or other charges or receipts of
16 the authority including the Orange County gasoline tax funds
17 received by the authority pursuant to the terms of any
18 lease-purchase agreement between the authority and the
19 department, as such resolution or any resolution subsequent
20 thereto may provide. The bonds shall be executed either by
21 manual or facsimile signature by such officers as the
22 authority shall determine, provided that such bonds shall bear
23 at least one signature which is manually executed thereon, and
24 the coupons attached to such bonds shall bear the facsimile
25 signature or signatures of such officer or officers as shall
26 be designated by the authority and shall have the seal of the
27 authority affixed, imprinted, reproduced or lithographed
28 thereon, all as may be prescribed in such resolution or
29 resolutions.

30 (d)(b) Bonds issued under paragraph (a) or paragraph
31 (b) said bonds shall be sold at public sale in the manner

1 provided by the State Bond Act. However, if the authority
2 shall, by official action at a public meeting, determine that
3 a negotiated sale of such ~~the~~ bonds is in the best interest of
4 the authority, the authority may negotiate the ~~for~~ sale of
5 such ~~the~~ bonds with the underwriter or underwriters designated
6 by the authority and the Division of Bond Finance of the State
7 Board of Administration with respect to bonds issued under
8 paragraph (a) or the authority with respect to bonds issued
9 under paragraph (b). The authority's determination to
10 negotiate the sale of such bonds may be based, in part, upon
11 the written advice of its financial advisor. Pending the
12 preparation of definitive bonds, interim certificates may be
13 issued to the purchaser or purchasers of such bonds and may
14 contain such terms and conditions as the authority may
15 determine.

16 (e) The authority may issue bonds under paragraph (b)
17 to refund any bonds previously issued regardless of whether
18 the bonds being refunded were issued by the authority under
19 this chapter or on behalf of the authority under the State
20 Bond Act.

21 Section 63. Subsection (2) of section 348.765, Florida
22 Statutes, is amended to read:

23 348.765 This part complete and additional authority.--

24 (2) This part shall not be deemed to repeal, rescind,
25 or modify any other law or laws relating to said State Board
26 of Administration, said Department of Transportation, or the
27 Division of Bond Finance of the State Board of Administration,
28 but shall be deemed to and shall supersede such other law or
29 laws as are inconsistent with the provisions of this part,
30 including, but not limited to, s. 215.821.

31

1 Section 64. Subsection (13) is added to section
2 475.011, Florida Statutes, to read:

3 475.011 Exemptions.--This part does not apply to:

4 (13) Any firm that is under contract with a state or
5 local governmental entity to provide right-of-way acquisition
6 services for property subject to condemnation, or any employee
7 of such a firm, if the compensation for such services is not
8 based upon the value of the property acquired.

9 Section 65. Subsection (2) of section 479.15, Florida
10 Statutes, is amended to read:

11 479.15 Harmony of regulations.--

12 (2) A municipality, county, local zoning authority, or
13 other local governmental entity may not remove, or cause to be
14 removed, any lawfully erected sign along any portion of the
15 interstate or federal-aid primary highway system without first
16 paying just compensation for such removal. A local
17 governmental entity may not cause in any way the alteration of
18 any lawfully erected sign located along any portion of the
19 interstate or federal-aid primary highway system without
20 payment of just compensation if such alteration constitutes a
21 taking under state law. The municipality, county, local zoning
22 authority, or other local government entity promulgating
23 requirements for such alteration must be responsible for
24 payment of just compensation to the sign owner if such
25 alteration constitutes a taking under state law. This
26 subsection applies only to a lawfully erected sign the subject
27 matter of which relates to premises other than the premises on
28 which it is located or to merchandise, services, activities,
29 or entertainment not sold, produced, manufactured, or
30 furnished on the premises on which the sign is located. For
31 the purposes of this subsection, the term "federal-aid primary

1 highway system" means the federal-aid primary highway system
2 in existence on June 1, 1991, and any highway that was not on
3 such system but that is, or later becomes, a part of the
4 National Highway System.This subsection shall not be
5 interpreted as explicit or implicit legislative recognition
6 that alterations do or do not constitute a taking under state
7 law.

8 Section 66. Section 479.25, Florida Statutes, is
9 created to read:

10 479.25 Application of chapter.--Nothing in this
11 chapter shall prevent a governmental entity from entering into
12 an agreement allowing the height above ground level of a
13 lawfully erected sign to be increased at its permitted
14 location if a noise attenuation barrier, visibility screen, or
15 other highway improvement has been erected in such a way as to
16 screen or block visibility of such a sign; however, for
17 nonconforming signs located on the federal-aid primary highway
18 system, as such system existed on June 1, 1991, and on any
19 highway that was not on such system but that is, or later
20 becomes, a part of the National Highway System, such agreement
21 must be approved by the Federal Highway Administration. Any
22 increase in height permitted under this section shall only be
23 that which is required to achieve the same degree of
24 visibility from the right-of-way that the sign had prior to
25 the construction of the noise attenuation barrier, visibility
26 screen, or other highway improvement.

27 Section 67. Section 70.20, Florida Statutes, is
28 created to read:

29 70.20 Balancing of interests.--It is a policy of this
30 state to encourage municipalities, counties, and other
31 governmental entities and sign owners to enter into relocation

1 and reconstruction agreements that allow governmental entities
2 to undertake public projects and accomplish public goals
3 without the expenditure of public funds, while allowing the
4 continued maintenance of private investment in signage as a
5 medium of commercial and noncommercial communication.

6 (1) Municipalities, counties, and all other
7 governmental entities are specifically empowered to enter into
8 relocation and reconstruction agreements on whatever terms are
9 agreeable to the sign owner and the municipality, county, or
10 other governmental entity involved and to provide for
11 relocation and reconstruction of signs by agreement,
12 ordinance, or resolution. As used in this section, the term
13 "relocation and reconstruction agreement" means a consensual,
14 contractual agreement between a sign owner and municipality,
15 county, or other governmental entity for either the
16 reconstruction of an existing sign or removal of a sign and
17 the construction of a new sign to substitute for the sign
18 removed.

19 (2) Except as otherwise provided in this section, no
20 municipality, county, or other governmental entity may remove,
21 or cause to be removed, any lawfully erected sign along any
22 portion of the interstate, federal-aid primary or other
23 highway system, or any other road, without first paying just
24 compensation for such removal as determined by agreement
25 between the parties or through eminent domain proceedings.
26 Except as otherwise provided in this section, no municipality,
27 county, or other governmental entity may cause in any way the
28 alteration of any lawfully erected sign located along any
29 portion of the interstate, federal-aid primary or other
30 highway system, or any other road, without first paying just
31 compensation for such alteration as determined by agreement

1 between the parties or through eminent domain proceedings. The
2 provisions of this act shall not apply to any ordinance if the
3 owner has, by written agreement, waived all right to challenge
4 the validity, constitutionality, and enforceability of the
5 ordinance.

6 (3) If a municipality, county, or other governmental
7 entity undertakes a public project or public goal requiring
8 alteration or removal of any lawfully erected sign, the
9 municipality, county, or other governmental entity shall
10 notify the owner of the affected sign in writing of the public
11 project or goal and of the intention of the municipality,
12 county, or other governmental entity to seek such alteration
13 or removal. Within 30 days after receipt of the notice, the
14 owner of the sign and the municipality, county, or other
15 governmental entity shall attempt to meet for purposes of
16 negotiating and executing a relocation and reconstruction
17 agreement provided for in subsection (1).

18 (4) If the parties fail to enter into a relocation and
19 reconstruction agreement within 120 days after the initial
20 notification by the municipality, county, or other
21 governmental entity, either party may request mandatory
22 nonbinding arbitration to resolve the disagreements among the
23 parties. Each party shall select an arbitrator, and the
24 individuals so selected shall choose a third arbitrator. The
25 three arbitrators shall constitute the panel that shall
26 arbitrate the dispute between the parties and at the
27 conclusion of the proceedings shall present to the parties a
28 proposed relocation and reconstruction agreement that the
29 panel believes equitably balances the rights, interests,
30 obligations, and reasonable expectations of the parties. If
31 the municipality, county, or other governmental entity and the

1 sign owner accept the proposed relocation and reconstruction
2 agreement, the municipality, county, or other governmental
3 entity and sign owner shall each pay its respective costs of
4 arbitration and shall pay one-half of the costs of the
5 arbitration panel, unless the parties otherwise agree.

6 (5) If the parties do not enter into a relocation and
7 reconstruction agreement, the municipality, county, or other
8 governmental entity may proceed with the public project or
9 purpose and the alteration or removal of the sign only after
10 first paying just compensation for such alteration or removal
11 as determined by agreement between the parties or through
12 eminent domain proceedings.

13 (6) The requirement by a municipality, county, or
14 other governmental entity that a lawfully erected sign be
15 removed or altered as a condition precedent to the issuance or
16 continued effectiveness of a development order constitutes a
17 compelled removal that is prohibited without prior payment of
18 just compensation under subsection (2). This subsection does
19 not apply when the owner of the land on which the sign is
20 located is seeking to have the property redesignated on the
21 future land use map of the applicable comprehensive plan for
22 exclusively single-family residential use.

23 (7) The requirement by a municipality, county, or
24 other governmental entity that a lawfully erected sign be
25 altered or removed from the premises upon which it is located
26 incident to the voluntary acquisition of such property by a
27 municipality, county, or other governmental entity constitutes
28 a compelled removal that is prohibited without payment of just
29 compensation under subsection (2).

30 (8) Nothing in this section shall prevent a
31 municipality, county, or other governmental entity from

1 acquiring a lawfully erected sign through eminent domain or
2 from prospectively regulating the placement, size, height, or
3 other aspects of new signs within such entity's jurisdiction,
4 including the prohibition of new signs, unless otherwise
5 authorized pursuant to this section. Nothing in this section
6 shall impair any ordinance or provision of any ordinance not
7 inconsistent with this section, nor shall this section create
8 any new rights for any party other than the owner of a sign,
9 the owner of the land upon which it is located, or a
10 municipality, county, or other governmental entity as
11 expressed in this section.

12 (9) This section applies only to a lawfully erected
13 sign the subject matter of which relates to premises other
14 than the premises on which it is located or to merchandise,
15 services, activities, or entertainment not sold, produced,
16 manufactured, or furnished on the premises on which the sign
17 is located.

18 (10) This section does not apply to any actions taken
19 by the Department of Transportation which relate to the
20 operation, maintenance, or expansion of transportation
21 facilities, and this section does not affect existing law
22 regarding eminent domain relating to the Department of
23 Transportation.

24 (11) Nothing in this act shall impair or affect any
25 written agreement existing prior to the effective date of this
26 legislation, including but not limited to any settlement
27 agreements reliant upon the legality or enforceability of
28 local ordinances. The provisions of this act shall not apply
29 to any dispute between a municipality or county and a sign
30 owner where the amortization period has expired and judicial
31 proceedings were commenced on or before May 1, 1997, to

1 determine the rights, interests, obligations and reasonable
2 expectations of the parties to the dispute, nor shall the
3 provisions of this act apply to any signs that are required to
4 be removed by a date certain in areas designated by local
5 ordinance as "view corridors" if the local ordinance creating
6 the "view corridors" was enacted in part to effectuate a
7 consensual agreement between the local government and two or
8 more sign owners prior to the effective date of this act.

9 (12) The provisions of this act shall not apply until
10 July 1, 2002, to any dispute between a municipality or county
11 and a sign owner where the amortization period has expired and
12 judicial proceedings are pending and the dispute is not
13 otherwise exempt by subsection (11). Effective upon this act
14 becoming a law, the Office of Program Policy Analysis and
15 Governmental Accountability, in consultation with the
16 Legislative Committee on Intergovernmental Relations, shall
17 conduct a study on the valuation of offsite signs, and develop
18 a methodology of providing just compensation, through cash
19 payment or any other constitutional method, for the removal or
20 alteration of offsite signs. OPPAGA shall complete the study
21 by December 31, 2001, and shall report the results of the
22 study to the Legislature.

23 Section 68. Paragraph (b) of subsection (1) of section
24 496.425, Florida Statutes, is amended to read:

25 496.425 Solicitation of funds within public
26 transportation facilities.--

27 (b) "Facility" means any public transportation
28 facility, including, but not limited to, railroad stations,
29 bus stations, ship ports, ferry terminals, or ~~roadside welcome~~
30 ~~stations, highway service plazas, airports served by scheduled~~
31 ~~passenger service, or highway rest stations.~~

1 Section 69. Section 496.4256, Florida Statutes, is
2 created to read:

3 496.4256 Public transportation facilities not required
4 to grant permit or access.--A governmental entity or authority
5 that owns or operates welcome centers, wayside parks, service
6 plazas, or rest areas on the State Highway System as defined
7 in chapter 335 may not be required to issue a permit or to
8 grant any person access to such public transportation
9 facilities for the purpose of soliciting funds.

10 Section 70. This act shall take effect upon becoming a
11 law.

1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 SB 2056

4 The CS:

5 Deletes unnecessary instructions on the Secretary's
6 responsibilities and to whom the Secretary may delegate, the
7 tasks assigned to other DOT officers and supervisors, and
8 obsolete references in general.

9 Provides transportation facilities designated as part of the
10 Florida Intrastate Highway System needed to serve new
11 development must be in place or under actual construction no
12 more than 5 years after issuance by the local government of a
13 certificate of occupancy or its functional equivalent.

14 Removes the exemption for Community Improvement Authorities
15 from s. 287.055, F.S., (the Competitive Negotiation Act) for
16 professional architectural, engineering, landscape
17 architectural, or land surveying services, or for the
18 procurement of design-build contracts.

19 Raises the threshold amounts for a "continuing contract" for
20 projects in which construction costs do not exceed \$1 million
21 (from \$500,000), for study activity when the fee for such
22 professional service does not exceed \$50,000 (from \$25,000.)

23 Provides all moneys derived from the Florida Seaport
24 Transportation and Economic Development Program must be
25 expended in accordance with s. 287.057 (providing regulations
26 for the procurement of commodities or contractual services),
27 and 287.055 (the "Consultants' Competitive Negotiation Act").
28 Further the exemption for seaports subject to competitive
29 negotiation requirements of a local governing body is
30 repealed.

31 Authorizes seaports to expend funds for promotional activities
such as meals, hospitality, and entertainment of persons in
the interest of promoting and engendering goodwill. Includes
off-airport noise mitigation projects in the definition of an
"airport or aviation development project" or "development
project."

Provides an exemption from the Development of Regional Impact
for airports or airport-related or aviation-related
development, and petroleum storage facility.

Establishes within the FDOT the Safe Paths to Schools Program
to consider the planning and construction of bicycle and
pedestrian way to provide safe transportation for children
from neighborhoods to schools, to parks, and to the state's
greenway and trails system. toward its port facilities.

Provides for public-private transportation facilities.

Provides the turnpike will no longer be the eighth FDOT
district, lead by a district secretary, but will be the
turnpike enterprise, lead by an executive director. The
section is amended to provide the responsibility for the

1 | turnpike system will be delegated by the FDOT secretary to the
2 | executive director of the turnpike enterprise. The Secretary
3 | is authorized to exempt the turnpike enterprise from FDOT
4 | rules and authorize the turnpike enterprise to employ
5 | procurement methods available to the private sector. Redefines
6 | economic feasibility for turnpike project as well as other
7 | streamlining provisions.

8 | Provides, effective January 1, 2004, any county with a
9 | population of 50,000 or more that dedicates at least 50
10 | percent or more of the proceeds from the county's one-cent
11 | local option sales tax to improvements to the state
12 | transportation system, or to local projects that directly
13 | upgrade the state transportation system will receive funds
14 | from FDOT which average the amount received from the FDOT over
15 | the previous ten-year period.

16 | Increases the total amount project agreements may not exceed
17 | from \$100 million to \$150 million for local contributions to
18 | projects outside of the work program.

19 | Increases the total amount project agreements may not exceed
20 | from \$100 million to \$150 million for local contributions to
21 | projects outside of the work program.

22 | Provides the first 5 years of the adopted work program for
23 | facilities designated as part of the Florida Intrastate
24 | Highway System is a commitment of the state.

25 | Revises the Transportation Outreach Program advisory council
26 | membership, and requires the council to develop a