

By the Committee on Transportation and Senator Webster

306-1820-99

1 A bill to be entitled
2 An act relating to the Department of
3 Transportation; amending ss. 20.23, 206.46,
4 288.9607, 337.29, 337.407, 338.22, 338.221,
5 338.223, 338.225, 338.227, 338.228, 338.229,
6 338.231, 338.232, 338.239, 339.08, 339.175,
7 339.241, 341.3333, 348.0005, 348.0009, 348.248,
8 348.948, 349.05, 479.01, F.S.; conforming
9 cross-references; creating s. 215.616, F.S.;
10 authorizing bonding of federal aid; repealing
11 s. 234.112, F.S., relating to school bus stops;
12 repealing s. 335.165, F.S., relating to welcome
13 stations; repealing section 137 of chapter
14 96-320, Laws of Florida, relating to certain
15 uncollectible debts owned by a local government
16 for utility relocation cost reimbursements;
17 repealing s. 339.091, F.S., relating to a
18 declaration of legislative intent; repealing s.
19 339.145, F.S., relating to certain expenditures
20 in the Working Capital Trust Fund; repealing s.
21 339.147, F.S., relating to certain audits by
22 the Auditor General; amending ss. 311.09,
23 331.303, 331.305, 331.308, 331.331, 334.03,
24 335.074, 335.182, 335.188, 336.044, 337.015,
25 337.139, 339.2405, 341.051, 341.352, 343.64,
26 343.74, 378.411, 427.012, 427.013, 951.05,
27 F.S.; deleting obsolete provisions, and, where
28 appropriate, clarifying provisions; reenacting
29 ss. 336.01, 338.222, 339.135(7)(e), 341.321(1),
30 F.S., relating to designation of county road
31 system, acquisition or construction or

1 operation of turnpike projects, amendment of
2 the adopted work program, and legislative
3 findings and intent regarding development of
4 high-speed rail transportation system;
5 providing an effective date.
6

7 Be It Enacted by the Legislature of the State of Florida:
8

9 Section 1. Paragraph (d) of subsection (3) of section
10 20.23, Florida Statutes, 1998 Supplement, is amended to read:

11 20.23 Department of Transportation.--There is created
12 a Department of Transportation which shall be a decentralized
13 agency.

14 (3)

15 (d)1. Policy, program, or operations offices shall be
16 established within the central office for the purposes of:

17 a. Developing policy and procedures and monitoring
18 performance to ensure compliance with these policies and
19 procedures;

20 b. Performing statewide activities which it is more
21 cost-effective to perform in a central location;

22 c. Assessing and ensuring the accuracy of information
23 within the department's financial management information
24 systems; and

25 d. Performing other activities of a statewide nature.

26 2. The following offices are established and shall be
27 headed by a manager, each of whom shall be appointed by and
28 serve at the pleasure of the secretary. The positions shall be
29 classified at a level equal to a division director:

30 a. The Office of Administration;

31 b. The Office of Policy Planning;

1 c. The Office of Design;
2 d. The Office of Construction;
3 e. The Office of Right-of-Way;
4 f. The Office of Toll Operations; and
5 g. The Office of Information Systems.
6 3. Other offices may be established in accordance with
7 s. 20.04(7)~~(6)~~. The heads of such offices are exempt from part
8 II of chapter 110. No office or organization shall be created
9 at a level equal to or higher than a division without specific
10 legislative authority.

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

13 206.46 State Transportation Trust Fund.--

14 (4) The department may authorize the investment of the
15 earnings accrued and collected upon the investment of the
16 minimum balance of funds required to be maintained in the
17 State Transportation Trust Fund pursuant to s.
18 339.135(6)(b)~~(7)(b)~~. Such investment shall be limited as
19 provided in s. 288.9607(7).

20 Section 3. Section 215.616, Florida Statutes, is
21 created to read:

22 215.616 State bonds for federal aid highway
23 construction.--

24 (1) Upon the request of the Department of
25 Transportation, the Division of Bond Finance is authorized
26 pursuant to s. 11, Art. VII of the State Constitution and the
27 State Bond Act to issue revenue bonds, for and on behalf of
28 the Department of Transportation, for the purpose of financing
29 or refinancing the construction, reconstruction, and
30 improvement of projects that are eligible to receive
31 federal-aid highway funds.

1 (2) Any bonds issued pursuant to this section shall be
2 payable primarily from a prior and superior claim on all
3 federal highway aid reimbursements received each year with
4 respect to federal-aid projects undertaken in accordance with
5 the provisions of Title 23 of the United States Code.

6 (3) The term of the bonds shall not exceed a term of
7 12 years. Prior to the issuance of bonds, the Department of
8 Transportation shall determine that annual debt service on all
9 bonds issued pursuant to this section does not exceed 10
10 percent of annual apportionments to the department for federal
11 highway aid in accordance with the provisions of Title 23 of
12 the United States Code.

13 (4) The bonds issued under this section shall not
14 constitute a debt or general obligation of the state or a
15 pledge of the full faith and credit or taxing power of the
16 state. The bonds shall be secured by and are payable from the
17 revenues pledged in accordance with this section and the
18 resolution authorizing their issuance.

19 (5) The state does covenant with the holders of bonds
20 issued under this section that it will not repeal, impair, or
21 amend this section in any manner which will materially and
22 adversely affect the rights of bondholders as long as the
23 bonds authorized by this section are outstanding.

24 (6) Any complaint for such validation of bonds issued
25 pursuant to this section shall be filed in the circuit court
26 of the county where the seat of state government is situated,
27 the notice required to be published by s. 75.06 shall be
28 published only in the county where the complaint is filed, and
29 the complaint and order of the circuit court shall be served
30 only on the state attorney of the circuit in which the action
31 is pending.

1 Section 4. Section 234.112, Florida Statutes, is
2 repealed.

3 Section 5. Paragraph (a) of subsection (7) of section
4 288.9607, Florida Statutes, is amended to read:

5 288.9607 Guaranty of bond issues.--

6 (7)(a) The corporation is authorized to enter into an
7 investment agreement with the Department of Transportation and
8 the State Board of Administration concerning the investment of
9 the earnings accrued and collected upon the investment of the
10 minimum balance of funds required to be maintained in the
11 State Transportation Trust Fund pursuant to s.

12 339.135(6)(b)~~(7)(b)~~. Such investment shall be limited as
13 follows:

14 1. Not more than \$4 million of the investment earnings
15 earned on the investment of the minimum balance of the State
16 Transportation Trust Fund in a fiscal year shall be at risk at
17 any time on one or more bonds or series of bonds issued by the
18 corporation.

19 2. The investment earnings shall not be used to
20 guarantee any bonds issued after June 30, 1998, and in no
21 event shall the investment earnings be used to guarantee any
22 bond issued for a maturity longer than 15 years.

23 3. The corporation shall pay a reasonable fee, set by
24 the State Board of Administration, in return for the
25 investment of such funds. The fee shall not be less than the
26 comparable rate for similar investments in terms of size and
27 risk.

28 4. The proceeds of bonds, or portions thereof, issued
29 by the corporation for which a guaranty has been or will be
30 issued pursuant to s. 288.9606, s. 288.9608, or this section
31 used to make loans to any one person, including any related

1 interests, as defined in s. 658.48, of such person, shall not
2 exceed 20 percent of the principal of all such outstanding
3 bonds of the corporation issued prior to the first composite
4 bond issue of the corporation, or December 31, 1995, whichever
5 comes first, and shall not exceed 15 percent of the principal
6 of all such outstanding bonds of the corporation issued
7 thereafter, in each case determined as of the date of issuance
8 of the bonds for which such determination is being made and
9 taking into account the principal amount of such bonds to be
10 issued. The provisions of this subparagraph shall not apply
11 when the total amount of all such outstanding bonds issued by
12 the corporation is less than \$10 million. For the purpose of
13 calculating the limits imposed by the provisions of this
14 subparagraph, the first \$10 million of bonds issued by the
15 corporation shall be taken into account.

16 5. The corporation shall establish a debt service
17 reserve account which contains not less than 6 months' debt
18 service reserves from the proceeds of the sale of any bonds,
19 or portions thereof, guaranteed by the corporation.

20 6. The corporation shall establish an account known as
21 the Revenue Bond Guaranty Reserve Account, the Guaranty Fund.
22 The corporation shall deposit a sum of money or other cash
23 equivalents into this fund and maintain a balance of money or
24 cash equivalents in this fund, from sources other than the
25 investment of earnings accrued and collected upon the
26 investment of the minimum balance of funds required to be
27 maintained in the State Transportation Trust Fund, not less
28 than a sum equal to 1 year of maximum debt service on all
29 outstanding bonds, or portions thereof, of the corporation for
30 which a guaranty has been issued pursuant to ss. 288.9606,
31 288.9607, and 288.9608. In the event the corporation fails to

1 maintain the balance required pursuant to this subparagraph
2 for any reason other than a default on a bond issue of the
3 corporation guaranteed pursuant to this section or because of
4 the use by the corporation of any such funds to pay insurance,
5 maintenance, or other costs which may be required for the
6 preservation of any project or other collateral security for
7 any bond issued by the corporation, or to otherwise protect
8 the Revenue Bond Guaranty Reserve Account from loss while the
9 applicant is in default on amortization payments, or to
10 minimize losses to the reserve account in each case in such
11 manner as may be deemed necessary or advisable by the
12 corporation, the corporation shall immediately notify the
13 Department of Transportation of such deficiency. Any
14 supplemental funding authorized by an investment agreement
15 entered into with the Department of Transportation and the
16 State Board of Administration concerning the use of investment
17 earnings of the minimum balance of funds is void unless such
18 deficiency of funds is cured by the corporation within 90 days
19 after the corporation has notified the Department of
20 Transportation of such deficiency.

21 Section 6. Subsection (3) of section 311.09, Florida
22 Statutes, is amended to read:

23 311.09 Florida Seaport Transportation and Economic
24 Development Council.--

25 (3) The council shall prepare a 5-year Florida Seaport
26 Mission Plan defining the goals and objectives of the council
27 concerning the development of port facilities and an
28 intermodal transportation system consistent with the goals of
29 the Florida Transportation Plan developed pursuant to s.
30 339.155. The Florida Seaport Mission Plan shall include
31 specific recommendations for the construction of

1 transportation facilities connecting any port to another
2 transportation mode and for the efficient, cost-effective
3 development of transportation facilities or port facilities
4 for the purpose of enhancing international trade, promoting
5 cargo flow, increasing cruise passenger movements, increasing
6 port revenues, and providing economic benefits to the state.
7 The council shall update the 5-year Florida Seaport Mission
8 Plan annually and shall submit the plan no later than February
9 1 of each year to the President of the Senate; the Speaker of
10 the House of Representatives; the Office of Tourism, Trade,
11 and Economic Development; the Department of Transportation;
12 and the Department of Community Affairs. The council shall
13 develop programs, based on an examination of existing programs
14 in Florida and other states, for the training of minorities
15 and secondary school students in job skills associated with
16 employment opportunities in the maritime industry, and report
17 on progress and recommendations for further action to the
18 President of the Senate and the Speaker of the House of
19 Representatives annually, ~~beginning no later than February 1,~~
20 ~~1991.~~

21 Section 7. Subsection (16) of section 331.303, Florida
22 Statutes, is amended to read:

23 331.303 Definitions.--

24 (16) "Project" means any development, improvement,
25 property, launch, utility, facility, system, works, road,
26 sidewalk, enterprise, service, or convenience, which may
27 include coordination with Enterprise Florida, Inc. ~~the Florida~~
28 ~~High Technology and Industry Council~~, the Board of Regents,
29 and the Space Research Foundation; any rocket, capsule,
30 module, launch facility, assembly facility, operations or
31 control facility, tracking facility, administrative facility,

1 or any other type of space-related transportation vehicle,
2 station, or facility; any type of equipment or instrument to
3 be used or useful in connection with any of the foregoing; any
4 type of intellectual property and intellectual property
5 protection in connection with any of the foregoing including,
6 without limitation, any patent, copyright, trademark, and
7 service mark for, among other things, computer software; any
8 water, wastewater, gas, or electric utility system, plant, or
9 distribution or collection system; any small business
10 incubator initiative, including any startup aerospace company,
11 research and development company, research and development
12 facility, storage facility, and consulting service; or any
13 tourism initiative, including any space experience attraction,
14 space-launch-related activity, and space museum sponsored or
15 promoted by the authority.

16 Section 8. Subsections (1), (4), and (21) of section
17 331.305, Florida Statutes, are amended to read:

18 331.305 Powers of the authority.--The authority shall
19 have the power to:

20 (1) Exercise all powers granted to corporations under
21 the Florida Business ~~General~~ Corporation Act, chapter 607.

22 (4) Review and make recommendations with respect to a
23 strategy to guide and facilitate the future of space-related
24 educational and commercial development. The authority shall
25 in coordination with the Federal Government, private industry,
26 and Florida universities develop a business plan which shall
27 address the expansion of Spaceport Florida locations, space
28 launch capacity, spaceport projects, and complementary
29 activities, which shall include, but not be limited to, a
30 detailed analysis of:

31 (a) The authority and the commercial space industry.

1 (b) Products, services description--potential,
2 technologies, skills.

3 (c) Market research and evaluation--customers,
4 competition, economics.

5 (d) Marketing plan and strategy.

6 (e) Design and development plan--tasks, difficulties,
7 costs.

8 (f) Manufacturing locations, facilities, and
9 operations plan.

10 (g) Management organization--roles and
11 responsibilities.

12 (h) Overall schedule (monthly).

13 (i) Important risks, assumptions, and problems.

14 (j) Community impact--economic, human development,
15 community development.

16 (k) Financial plan (monthly for first year; quarterly
17 for next 3 years).

18 (l) Proposed authority offering--financing,
19 capitalization, use of funds.

20

21 ~~A final report containing the recommendations and business~~
22 ~~plan of the authority shall be completed and submitted prior~~
23 ~~to the 1990 Regular Session of the Legislature, along with any~~
24 ~~proposed statutory changes and related legislative budget~~
25 ~~requests required to implement the business plan, to the~~
26 ~~Governor, the President of the Senate, the Speaker of the~~
27 ~~House of Representatives, the minority leader of the Senate,~~
28 ~~and the minority leader of the House of Representatives.~~

29 (21) Issue revenue bonds, assessment bonds, or any
30 other bonds or obligations authorized by the provisions of
31 this act or any other law, or any combination of the

1 foregoing, and pay all or part of the cost of the acquisition,
2 construction, reconstruction, extension, repair, improvement,
3 or maintenance of any project or combination of projects,
4 including payloads and space flight hardware, and equipment
5 for research, development, and educational activities, to
6 provide for any facility, service, or other activity of the
7 authority, and provide for the retirement or refunding of any
8 bonds or obligations of the authority, or for any combination
9 of the foregoing purposes. ~~Until December 31, 1994, bonds,~~
10 ~~other than conduit bonds, issued under the authority contained~~
11 ~~in this act shall not exceed a total of \$500 million and must~~
12 ~~first be approved by a majority of the members of the Governor~~
13 ~~and Cabinet.~~ The authority must provide 14 days' notice to
14 the presiding officers and appropriations chairs of both
15 houses of the Legislature prior to presenting a bond proposal
16 to the Governor and Cabinet. If either presiding officer or
17 appropriations chair objects to the bonding proposal within
18 the 14-day-notice period, the bond issuance may be approved
19 only by a vote of two-thirds of the members of the Governor
20 and Cabinet.

21 Section 9. Subsection (2) of section 331.308, Florida
22 Statutes, is amended to read:

23 331.308 Board of supervisors.--

24 (2) Initially, the Governor shall appoint four regular
25 members for terms of 3 years or until successors are appointed
26 and qualified and three regular members for terms of 4 years
27 or until successors are appointed and qualified. Thereafter,
28 each such member shall serve a term of 4 years or until a
29 successor is appointed and qualified. The term of each such
30 member shall be construed to commence on the date of
31 appointment and to terminate on June 30 of the year of the end

1 of the term. ~~The terms for such members initially appointed~~
2 ~~shall be construed to include the time between initial~~
3 ~~appointment and June 30, 1992, for those appointed for 3-year~~
4 ~~terms, and June 30, 1993, for those appointed for 4-year~~
5 ~~terms. No such member shall be allowed to serve an initial~~
6 ~~3-year term or fill any vacancy for the remainder of a term~~
7 ~~for less than 4 years.~~ Appointment to the board shall not
8 preclude any such member from holding any other private or
9 public position.

10 Section 10. Subsection (1) of section 331.331, Florida
11 Statutes, is amended to read:

12 331.331 Revenue bonds.--

13 (1) Revenue bonds issued by the authority shall not be
14 deemed revenue bonds issued by the state or its agencies for
15 purposes of s. 11, Art. VII of the State Constitution and ss.
16 215.57-215.83. ~~However, until December 31, 1994, the power of~~
17 ~~the authority to issue revenue bonds shall be limited as~~
18 ~~provided in s. 331.305.~~ The authority shall include in its
19 annual report to the Governor and Legislature, as provided in
20 s. 331.310, a summary of the status of existing and proposed
21 bonding projects.

22 Section 11. Paragraph (d) of subsection (25) of
23 section 334.03, Florida Statutes, is amended to read:

24 334.03 Definitions.--When used in the Florida
25 Transportation Code, the term:

26 (25) "State Highway System" means the following, which
27 shall be facilities to which access is regulated:

28 (d) The urban minor arterial mileage on the existing
29 State Highway System as of July 1, 1987, plus additional
30 mileage to comply with the 2-percent requirement as described
31

1 below. ~~These urban minor arterial routes shall be selected in~~
2 ~~accordance with s. 335.04(1)(a) and (b).~~

3
4 However, not less than 2 percent of the public road mileage of
5 each urbanized area on record as of June 30, 1986, shall be
6 included as minor arterials in the State Highway System.

7 Urbanized areas not meeting the foregoing minimum requirement
8 shall have transferred to the State Highway System additional
9 minor arterials of the highest significance in which case the
10 total minor arterials in the State Highway System from any
11 urbanized area shall not exceed 2.5 percent of that area's
12 total public urban road mileage.

13 Section 12. Subsection (5) of section 335.074, Florida
14 Statutes, is amended to read:

15 335.074 Safety inspection of bridges.--

16 ~~(5) The department shall prepare a report of its~~
17 ~~findings with respect to each such bridge or other structure~~
18 ~~whereon significant structural deficiencies were discovered~~
19 ~~and transmit a summary of the findings as part of the report~~
20 ~~required in s. 334.046(3).~~

21 Section 13. Section 335.165, Florida Statutes, is
22 repealed.

23 Section 14. Subsection (2) of section 335.182, Florida
24 Statutes, is amended to read:

25 335.182 Regulation of connections to roads on State
26 Highway System; definitions.--

27 (2) The department shall, ~~no later than July 1, 1989,~~
28 adopt, by rule, administrative procedures for its issuance and
29 modification of access permits, closing of unpermitted
30 connections, and revocation of permits in accordance with this
31 act.

1 Section 15. Paragraphs (a) and (e) of subsection (3)
2 of section 335.188, Florida Statutes, are amended to read:

3 335.188 Access management standards; access control
4 classification system; criteria.--

5 (3) The control classification system shall be
6 developed consistent with the following:

7 (a) The department shall, ~~no later than July 1, 1990,~~
8 adopt rules setting forth procedures governing the
9 implementation of the access control classification system
10 required by this act. The rule shall provide for input from
11 the entities described in paragraph (b) as well as for public
12 meetings to discuss the access control classification system.
13 Nothing in this act affects the validity of the department's
14 existing or subsequently adopted rules concerning access to
15 the State Highway System. Such rules shall remain in effect
16 until repealed or replaced by the rules required by this act.

17 (e) An access control category shall be assigned to
18 each segment of the State Highway System ~~by July 1, 1993.~~

19 Section 16. Section 336.01, Florida Statutes, is
20 reenacted to read:

21 336.01 Designation of county road system.--The county
22 road system shall be as defined in s. 334.03(8).

23 Section 17. Subsection (2) of section 336.044, Florida
24 Statutes, is amended to read:

25 336.044 Use of recyclable materials in construction.--

26 (2) The Legislature declares it to be in the public
27 interest to find alternative ways to use certain recyclable
28 materials that currently are part of the solid waste stream
29 and that contribute to problems of declining space in
30 landfills. To determine the feasibility of using certain
31 recyclable materials for paving materials, the department may

1 ~~shall before January 1, 1990, undertake, as part of its~~
2 ~~currently scheduled projects, demonstration projects using the~~
3 following materials in road construction:

4 (a) Ground rubber from automobile tires in road
5 resurfacing or subbase materials for roads;

6 (b) Ash residue from coal combustion byproducts for
7 concrete and ash residue from waste incineration facilities
8 and oil combustion byproducts for subbase material;

9 (c) Recycled mixed-plastic material for guardrail
10 posts or right-of-way fence posts;

11 (d) Construction steel, including reinforcing rods and
12 I-beams, manufactured from scrap metals disposed of in the
13 state; and

14 (e) Glass, and glass aggregates.
15

16 ~~Within 1 year after the conclusion of the demonstration~~
17 ~~projects the department shall report to the Governor and the~~
18 ~~Legislature on the maximum percentage of each recyclable~~
19 ~~material that can be effectively utilized in road construction~~
20 ~~projects. Concurrent with the submission of the report the~~
21 ~~department shall review and modify its standard road and~~
22 ~~bridge construction specifications to allow and encourage the~~
23 ~~use of recyclable materials consistent with the findings of~~
24 ~~the demonstration projects.~~

25 Section 18. Subsection (7) of section 337.015, Florida
26 Statutes, is amended to read:

27 337.015 Administration of public
28 contracts.--Recognizing that the inefficient and ineffective
29 administration of public contracts inconveniences the
30 traveling public, increases costs to taxpayers, and interferes
31

1 with commerce, the Legislature hereby determines and declares
2 that:

3 ~~(7) The department in its annual report required in s.~~
4 ~~334.22(2) shall report how the department complied with this~~
5 ~~section for the preceding fiscal year.~~

6 Section 19. Section 337.139, Florida Statutes, is
7 amended to read:

8 337.139 Efforts to encourage awarding contracts to
9 disadvantaged business enterprises.--In implementing chapter
10 90-136, Laws of Florida, the Department of Transportation
11 shall institute procedures to encourage the awarding of
12 contracts for professional services and construction to
13 disadvantaged business enterprises. For the purposes of this
14 section, the term "disadvantaged business enterprise" means a
15 small business concern certified by the Department of
16 Transportation to be owned and controlled by socially and
17 economically disadvantaged individuals as defined by the
18 Surface Transportation and Uniform Relocation Act of 1987.
19 The Department of Transportation shall develop and implement
20 activities to encourage the participation of disadvantaged
21 business enterprises in the contracting process ~~and shall~~
22 ~~report to the Legislature prior to January 1, 1991, on its~~
23 ~~efforts to increase disadvantaged business participation.~~

24 Such efforts may include:

25 (1) Presolicitation or prebid meetings for the purpose
26 of informing disadvantaged business enterprises of contracting
27 opportunities.

28 (2) Written notice to disadvantaged business
29 enterprises of contract opportunities for commodities or
30 contractual and construction services which the disadvantaged
31 business provides.

1 (3) Provision of adequate information to disadvantaged
2 business enterprises about the plans, specifications, and
3 requirements of contracts or the availability of jobs.

4 (4) Breaking large contracts into several
5 single-purpose contracts of a size which may be obtained by
6 certified disadvantaged business enterprises.

7 Section 20. Subsection (3) of section 337.29, Florida
8 Statutes, is amended to read:

9 337.29 Vesting of title to roads; liability for
10 torts.--

11 (3) Title to all roads transferred in accordance with
12 the provisions of s. 335.0415 ~~335.04~~ shall be in the
13 governmental entity to which such roads have been transferred,
14 upon the recording of a right-of-way map by the appropriate
15 governmental entity in the public land records of the county
16 or counties in which such rights-of-way are located. To the
17 extent that sovereign immunity has been waived, liability for
18 torts shall be in the governmental entity having operation and
19 maintenance responsibility as provided in s. 335.0415
20 ~~335.04(2)~~. Except as otherwise provided by law, a
21 municipality shall have the same governmental, corporate, and
22 proprietary powers with relation to any public road or
23 right-of-way within the municipality which has been
24 transferred to another governmental entity pursuant to s.
25 335.0415 ~~335.04~~ that the municipality has with relation to
26 other public roads and rights-of-way within the municipality.

27 Section 21. Section 137 of chapter 96-320, Laws of
28 Florida, is repealed.

29 Section 22. Subsection (2) of section 337.407, Florida
30 Statutes, is amended to read:

31

1 337.407 Regulation of signs and lights within
2 rights-of-way.--

3 (2) The department has the authority to direct removal
4 of any sign erected in violation of subsection (1) paragraph
5 (a), in accordance with the provisions of chapter 479.

6 Section 23. Section 338.22, Florida Statutes, is
7 amended to read:

8 338.22 Florida Turnpike Law; short title.--Sections
9 338.22-338.241 ~~338.22-338.244~~ may be cited as the "Florida
10 Turnpike Law."

11 Section 24. Section 338.221, Florida Statutes, is
12 amended to read:

13 338.221 Definitions of terms used in ss.
14 338.22-338.241 ~~338.22-338.244~~.--As used in ss. 338.22-338.241
15 ~~338.22-338.244~~, the following words and terms have the
16 following meanings, unless the context indicates another or
17 different meaning or intent:

18 (1) "Bonds" or "revenue bonds" means notes, bonds,
19 refunding bonds or other evidences of indebtedness or
20 obligations, in either temporary or definitive form, issued by
21 the Division of Bond Finance on behalf of the department and
22 authorized under the provisions of ss. 338.22-338.241
23 ~~338.22-338.244~~ and the State Bond Act.

24 (2) "Cost," as applied to a turnpike project, includes
25 the cost of acquisition of all land, rights-of-way, property,
26 easements, and interests acquired by the department for
27 turnpike project construction; the cost of such construction;
28 the cost of all machinery and equipment, financing charges,
29 fees, and expenses related to the financing; establishment of
30 reserves to secure bonds; interest prior to and during
31 construction and for such period after completion of

1 construction as shall be determined by the department; the
2 cost of traffic estimates and of engineering and legal
3 expenses, plans, specifications, surveys, estimates of cost
4 and revenues; other expenses necessary or incident to
5 determining the feasibility or practicability of acquiring or
6 constructing any such turnpike project; administrative
7 expenses; and such other expenses as may be necessary or
8 incident to the acquisition or construction of a turnpike
9 project, the financing of such acquisition or construction,
10 and the placing of the turnpike project in operation.

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

15 (4) "Owner" includes any person or any governmental
16 entity that has title to, or an interest in, any property,
17 right, easement, or interest authorized to be acquired
18 pursuant to ss. 338.22-338.241 ~~338.22-338.244~~.

19 (5) "Revenues" means all tolls, charges, rentals,
20 gifts, grants, moneys, and other funds coming into the
21 possession, or under the control, of the department by virtue
22 of the provisions hereof, except the proceeds from the sale of
23 bonds issued under ss. 338.22-338.241 ~~338.22-338.244~~.

24 (6) "Turnpike system" means those limited access toll
25 highways and associated feeder roads and other structures,
26 appurtenances, or rights previously designated, acquired, or
27 constructed pursuant to the Florida Turnpike Law and such
28 other additional turnpike projects as may be acquired or
29 constructed as approved by the Legislature.

30 (7) "Turnpike improvement" means any betterment
31 necessary or desirable for the operation of the turnpike

1 system, including, but not limited to, widenings, the addition
2 of interchanges to the existing turnpike system, resurfacings,
3 toll plazas, machinery, and equipment.

4 (8) "Economically feasible" means:

5 (a) For a proposed turnpike project, that, as
6 determined by the department before the issuance of revenue
7 bonds for the project, the estimated net revenues of the
8 proposed turnpike project, excluding feeder roads and turnpike
9 improvements, will be sufficient to pay at least 50 percent of
10 the debt service on the bonds by the end of the 5th year of
11 operation and to pay at least 100 percent of the debt service
12 on the bonds by the end of the 15th year of operation. In
13 implementing this paragraph, up to 50 percent of the adopted
14 work program costs of the project may be funded from turnpike
15 revenues.

16 (b) For turnpike projects, except for feeder roads and
17 turnpike improvements, financed from revenues of the turnpike
18 system, such project, or such group of projects, originally
19 financed from revenues of the turnpike system, that the
20 project is expected to generate sufficient revenues to
21 amortize project costs within 15 years of opening to traffic.

22
23 This subsection does not prohibit the pledging of revenues
24 from the entire turnpike system to bonds issued to finance or
25 refinance a turnpike project or group of turnpike projects.

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

31

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

4 Section 25. Section 338.222, Florida Statutes, is
5 reenacted to read:

6 338.222 Department of Transportation sole governmental
7 entity to acquire, construct, or operate turnpike projects;
8 exception.--

9 (1) No governmental entity other than the department
10 may acquire, construct, maintain, or operate the turnpike
11 system subsequent to the enactment of this law, except upon
12 specific authorization of the Legislature.

13 (2) The department may contract with any local
14 governmental entity as defined in s. 334.03(14) for the
15 design, right-of-way acquisition, or construction of any
16 turnpike project which the Legislature has approved. Local
17 governmental entities may negotiate with the department for
18 the design, right-of-way acquisition, and construction of any
19 section of the turnpike project within areas of their
20 respective jurisdictions or within counties with which they
21 have interlocal agreements.

22 Section 26. Section 338.223, Florida Statutes, is
23 reenacted and amended to read:

24 338.223 Proposed turnpike projects.--

25 (1)(a) Any proposed project to be constructed or
26 acquired as part of the turnpike system and any turnpike
27 improvement shall be included in the tentative work program.
28 No proposed project or group of proposed projects shall be
29 added to the turnpike system unless such project or projects
30 are determined to be economically feasible and a statement of
31 environmental feasibility has been completed for such project

1 or projects and such projects are determined to be consistent,
2 to the maximum extent feasible, with approved local government
3 comprehensive plans of the local governments in which such
4 projects are located. The department may authorize engineering
5 studies, traffic studies, environmental studies, and other
6 expert studies of the location, costs, economic feasibility,
7 and practicality of proposed turnpike projects throughout the
8 state and may proceed with the design phase of such projects.
9 The department shall not request legislative approval of a
10 proposed turnpike project until the design phase of that
11 project is at least 60 percent complete. If a proposed
12 project or group of proposed projects is found to be
13 economically feasible, consistent, to the maximum extent
14 feasible, with approved local government comprehensive plans
15 of the local governments in which such projects are located,
16 and a favorable statement of environmental feasibility has
17 been completed, the department, with the approval of the
18 Legislature, shall, after the receipt of all necessary
19 permits, construct, maintain, and operate such turnpike
20 projects.

21 (b) Any proposed turnpike project or improvement shall
22 be developed in accordance with the Florida Transportation
23 Plan and the work program pursuant to s. 339.135. Turnpike
24 projects that add capacity, alter access, affect feeder roads,
25 or affect the operation of the local transportation system
26 shall be included in the transportation improvement plan of
27 the affected metropolitan planning organization. If such
28 turnpike project does not fall within the jurisdiction of a
29 metropolitan planning organization, the department shall
30 notify the affected county and provide for public hearings in
31 accordance with s. 339.155(6)(c).

1 (c) Prior to requesting legislative approval of a
2 proposed turnpike project, the environmental feasibility of
3 the proposed project shall be reviewed by the Department of
4 Environmental Protection. The department shall submit its
5 Project Development and Environmental Report to the Department
6 of Environmental Protection, along with a draft copy of a
7 public notice. Within 14 days of receipt of the draft public
8 notice, the Department of Environmental Protection shall
9 return the draft public notice to the Department of
10 Transportation with an approval of the language or
11 modifications to the language. Upon receipt of the approved or
12 modified draft, or if no comments are provided within 14 days,
13 the Department of Transportation shall publish the notice in a
14 newspaper to provide a 30-day public comment period. The
15 headline of the required notice shall be in a type no smaller
16 than 18 point. The notice shall be placed in that portion of
17 the newspaper where legal notices appear. The notice shall be
18 published in a newspaper of general circulation in the county
19 or counties of general interest and readership in the
20 community as provided in s. 50.031, not one of limited subject
21 matter. Whenever possible, the notice shall appear in a
22 newspaper that is published at least 5 days a week. The notice
23 shall include, but is not limited to, the following
24 information:

25 1. The purpose of the notice is to provide for a
26 30-day period for written public comments on the environmental
27 impacts of a proposed turnpike project.

28 2. The name and description of the project, along with
29 a geographic location map clearly indicating the area where
30 the proposed project will be located.

31

1 3. The address where such comments must be sent and
2 the date such comments are due.

3
4 After a review of the department's report and any public
5 comments, the Department of Environmental Protection shall
6 submit a statement of environmental feasibility to the
7 department within 30 days after the date on which public
8 comments are due. The notice and the statement of
9 environmental feasibility shall not give rise to any rights to
10 a hearing or other rights or remedies provided pursuant to
11 chapter 120 or chapter 403, and shall not bind the Department
12 of Environmental Protection in any subsequent environmental
13 permit review.

14 (2)(a) Subject to the provisions of s. 338.228, the
15 department is authorized to expend, out of any funds available
16 for the purpose, such moneys as may be necessary for studies,
17 preliminary engineering, construction, right-of-way
18 acquisition, and construction engineering inspection of any
19 turnpike project and is authorized to use its engineering and
20 other resources for such purposes.

21 (b) In accordance with the legislative intent
22 expressed in s. 337.273, the department may acquire lands and
23 property before making a final determination of the economic
24 feasibility of a project. The cost of advance acquisition of
25 right-of-way may be paid from bonds issued under s. 337.276 or
26 from turnpike revenues.

27 (3) All obligations and expenses incurred by the
28 department under this section shall be paid by the department
29 and charged to the appropriate turnpike project. The
30 department shall keep proper records and accounts showing each
31 amount that is so charged. All obligations and expenses so

1 incurred shall be treated as part of the cost of such project
2 and shall be reimbursed to the department out of turnpike
3 revenues or out of the bonds authorized under ss.
4 338.22-338.241 ~~338.22-338.244~~ except when such reimbursement
5 is prohibited by state or federal law.

6 (4) The department is authorized, with the approval of
7 the Legislature, to use federal and state transportation funds
8 to lend or pay a portion of the operating, maintenance, and
9 capital costs of turnpike projects. Federal and state
10 transportation funds included in an adopted work program, or
11 the General Appropriations Act, for a turnpike project do not
12 have to be reimbursed to the State Transportation Trust Fund,
13 or used in determining the economic feasibility of the
14 proposed project. For operating and maintenance loans, the
15 maximum net loan amount in any fiscal year shall not exceed
16 0.5 percent of state transportation tax revenues for that
17 fiscal year.

18 Section 27. Section 338.225, Florida Statutes, is
19 amended to read:

20 338.225 Taking of public road for feeder road.--Before
21 taking over any existing public road for maintenance and
22 operation as a feeder road, the department shall obtain the
23 consent of the governmental entity then exercising
24 jurisdiction over the road, which governmental entity is
25 authorized to give such consent by resolution. Each feeder
26 road or portion of a feeder road acquired, constructed, or
27 taken over under this section for maintenance and operation
28 shall, for all purposes of ss. 338.22-338.241 ~~338.22-338.244~~,
29 be deemed to constitute a part of the turnpike system, except
30 that no toll shall be charged for transit between points on
31 such feeder road.

1 Section 28. Subsection (2) of section 338.227, Florida
2 Statutes, is amended to read:

3 338.227 Turnpike revenue bonds.--

4 (2) The proceeds of the bonds of each issue shall be
5 used solely for the payment of the cost of the turnpike
6 projects for which such bonds shall have been issued, except
7 as provided in the State Bond Act. Such proceeds shall be
8 disbursed and used as provided by ss. 338.22-338.241
9 ~~338.22-338.244~~ and in such manner and under such restrictions,
10 if any, as the Division of Bond Finance may provide in the
11 resolution authorizing the issuance of such bonds or in the
12 trust agreement hereinafter mentioned securing the same. All
13 revenues and bond proceeds from the turnpike system received
14 by the department pursuant to ss. 338.22-338.241
15 ~~338.22-338.244~~, the Florida Turnpike Law, shall be used only
16 for the cost of turnpike projects and turnpike improvements
17 and for the administration, operation, maintenance, and
18 financing of the turnpike system. No revenues or bond proceeds
19 from the turnpike system shall be spent for the operation,
20 maintenance, construction, or financing of any project which
21 is not part of the turnpike system.

22 Section 29. Section 338.228, Florida Statutes, is
23 amended to read:

24 338.228 Bonds not debts or pledges of credit of
25 state.--Turnpike revenue bonds issued under the provisions of
26 ss. 338.22-338.241 ~~338.22-338.244~~ are not debts of the state
27 or pledges of the faith and credit of the state. Such bonds
28 are payable exclusively from revenues pledged for their
29 payment. All such bonds shall contain a statement on their
30 face that the state is not obligated to pay the same or the
31 interest thereon, except from the revenues pledged for their

1 payment, and that the faith and credit of the state is not
2 pledged to the payment of the principal or interest of such
3 bonds. The issuance of turnpike revenue bonds under the
4 provisions of ss. 338.22-338.241 ~~338.22-338.244~~ does not
5 directly, indirectly, or contingently obligate the state to
6 levy or to pledge any form of taxation whatsoever, or to make
7 any appropriation for their payment. Except as provided in
8 ss. 338.001, 338.223, and 338.2275, no state funds shall be
9 used on any turnpike project or to pay the principal or
10 interest of any bonds issued to finance or refinance any
11 portion of the turnpike system, and all such bonds shall
12 contain a statement on their face to this effect.

13 Section 30. Section 338.229, Florida Statutes, is
14 amended to read:

15 338.229 Pledge to bondholders not to restrict certain
16 rights of department.--The state does pledge to, and agree
17 with, the holders of the bonds issued pursuant to ss.
18 338.22-338.241 ~~338.22-338.244~~ that the state will not limit or
19 restrict the rights vested in the department to construct,
20 reconstruct, maintain, and operate any turnpike project as
21 defined in ss. 338.22-338.241 ~~338.22-338.244~~ or to establish
22 and collect such tolls or other charges as may be convenient
23 or necessary to produce sufficient revenues to meet the
24 expenses of maintenance and operation of the turnpike system
25 and to fulfill the terms of any agreements made with the
26 holders of bonds authorized by this act and that the state
27 will not in any way impair the rights or remedies of the
28 holders of such bonds until the bonds, together with interest
29 on the bonds, are fully paid and discharged.

30 Section 31. Subsections (6) and (7) of section
31 338.231, Florida Statutes, are amended to read:

1 338.231 Turnpike tolls, fixing; pledge of tolls and
2 other revenues.--The department shall at all times fix,
3 adjust, charge, and collect such tolls for the use of the
4 turnpike system as are required in order to provide a fund
5 sufficient with other revenues of the turnpike system to pay
6 the cost of maintaining, improving, repairing, and operating
7 such turnpike system; to pay the principal of and interest on
8 all bonds issued to finance or refinance any portion of the
9 turnpike system as the same become due and payable; and to
10 create reserves for all such purposes.

11 (6) In each fiscal year while any of the bonds of the
12 Broward County Expressway Authority series 1984 and series
13 1986-A remain outstanding, the department is authorized to
14 pledge revenues from the turnpike system to the payment of
15 principal and interest of such series of bonds, the repayment
16 of Broward County gasoline tax funds as provided in s.
17 338.2275(3)~~(4)~~, and the operation and maintenance expenses of
18 the Sawgrass Expressway, to the extent gross toll revenues of
19 the Sawgrass Expressway are insufficient to make such
20 payments. The terms of an agreement relative to the pledge of
21 turnpike system revenue will be negotiated with the parties of
22 the 1984 and 1986 Broward County Expressway Authority
23 lease-purchase agreements, and subject to the covenants of
24 those agreements. The agreement shall establish that the
25 Sawgrass Expressway shall be subject to the planning,
26 management, and operating control of the department limited
27 only by the terms of the lease-purchase agreements. The
28 department shall provide for the payment of operation and
29 maintenance expenses of the Sawgrass Expressway until such
30 agreement is in effect. This pledge of turnpike system
31 revenues shall be subordinate to the debt service requirements

1 of any future issue of turnpike bonds, the payment of turnpike
2 system operation and maintenance expenses, and subject to
3 provisions of any subsequent resolution or trust indenture
4 relating to the issuance of such turnpike bonds.

5 (7) The use and disposition of revenues pledged to
6 bonds are subject to the provisions of ss. 338.22-338.241
7 ~~338.22-338.244~~ and such regulations as the resolution
8 authorizing the issuance of such bonds or such trust agreement
9 may provide.

10 Section 32. Section 338.232, Florida Statutes, is
11 amended to read:

12 338.232 Continuation of tolls upon provision for
13 payment of bondholders and assumption of maintenance by
14 department.--When all revenue bonds issued under the
15 provisions of ss. 338.22-338.241 ~~338.22-338.244~~ in connection
16 with the turnpike system and the interest on the bonds have
17 been paid, or an amount sufficient to provide for the payment
18 of all such bonds and the interest on the bonds to the
19 maturity of the bonds, or such earlier date on which the bonds
20 may be called, has been set aside in trust for the benefit of
21 the bondholders, the department may assume the maintenance of
22 the turnpike system as part of the State Highway System,
23 except that the turnpike system shall remain subject to
24 sufficient tolls to pay the cost of the maintenance, repair,
25 improvement, and operation of the system and the construction
26 of turnpike projects.

27 Section 33. Section 338.239, Florida Statutes, is
28 amended to read:

29 338.239 Traffic control on the turnpike system.--

30 (1) The department is authorized to adopt rules with
31 respect to the use of the turnpike system, which rules must

1 relate to vehicular speeds, loads and dimensions, safety
2 devices, rules of the road, and other matters necessary to
3 carry out the purposes of ss. 338.22-338.241 ~~338.22-338.244~~.
4 Insofar as these rules may be inconsistent with the provisions
5 of chapter 316, the rules control. A violation of these rules
6 must be punished pursuant to chapters 316 and 318.

7 (2) Members of the Florida Highway Patrol are vested
8 with the power, and charged with the duty, to enforce the
9 rules of the department. Expenses incurred by the Florida
10 Highway Patrol in carrying out its powers and duties under ss.
11 338.22-338.241 ~~338.22-338.244~~ may be treated as a part of the
12 cost of the operation of the turnpike system, and the
13 Department of Highway Safety and Motor Vehicles shall be
14 reimbursed by the Department of Transportation for such
15 expenses incurred on the turnpike mainline, which is that part
16 of the turnpike system extending from the southern terminus in
17 Florida City to the northern terminus in Wildwood including
18 all contiguous sections.

19 Section 34. Subsection (4) of section 339.08, Florida
20 Statutes, is amended to read:

21 339.08 Use of moneys in State Transportation Trust
22 Fund.--

23 (4) The department may authorize the investment of the
24 earnings accrued and collected upon the investment of the
25 minimum balance of funds required to be maintained in the
26 State Transportation Trust Fund pursuant to s. 339.135(6)(b)
27 ~~(7)(b)~~. Such investment shall be limited as provided in s.
28 288.9607(7).

29 Section 35. Section 339.091, Florida Statutes, is
30 repealed.

31

1 Section 36. Paragraph (e) of subsection (7) of section
2 339.135, Florida Statutes, is reenacted to read:

3 339.135 Work program; legislative budget request;
4 definitions; preparation, adoption, execution, and
5 amendment.--

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

7 (e) Notwithstanding the requirements in paragraph (d)
8 and ss. 216.177(2) and 216.351, the secretary may request the
9 Executive Office of the Governor to amend the adopted work
10 program when an emergency exists, as defined in s. 252.34(3),
11 and the emergency relates to the repair or rehabilitation of
12 any state transportation facility. The Executive Office of
13 the Governor may approve the amendment to the adopted work
14 program and amend that portion of the department's approved
15 budget in the event that the delay incident to the
16 notification requirements in paragraph (d) would be
17 detrimental to the interests of the state. However, the
18 department shall immediately notify the parties specified in
19 paragraph (d) and shall provide such parties written
20 justification for the emergency action within 7 days of the
21 approval by the Executive Office of the Governor of the
22 amendment to the adopted work program and the department's
23 budget. In no event may the adopted work program be amended
24 under the provisions of this subsection without the
25 certification by the comptroller of the department that there
26 are sufficient funds available pursuant to the 36-month cash
27 forecast and applicable statutes.

28 Section 37. Sections 339.145 and 339.147, Florida
29 Statutes, are repealed.

1 Section 38. Paragraph (a) of subsection (10) of
2 section 339.175, Florida Statutes, 1998 Supplement, is amended
3 to read:

4 339.175 Metropolitan planning organization.--It is the
5 intent of the Legislature to encourage and promote the
6 development of transportation systems embracing various modes
7 of transportation in a manner that will maximize the mobility
8 of people and goods within and through urbanized areas of this
9 state and minimize, to the maximum extent feasible, and
10 together with applicable regulatory government agencies,
11 transportation-related fuel consumption and air pollution. To
12 accomplish these objectives, metropolitan planning
13 organizations, referred to in this section as M.P.O.'s, shall
14 develop, in cooperation with the state, transportation plans
15 and programs for metropolitan areas. Such plans and programs
16 must provide for the development of transportation facilities
17 that will function as an intermodal transportation system for
18 the metropolitan area. The process for developing such plans
19 and programs shall be continuing, cooperative, and
20 comprehensive, to the degree appropriate, based on the
21 complexity of the transportation problems.

22 (10) METROPOLITAN PLANNING ORGANIZATION ADVISORY
23 COUNCIL.--

24 (a) A Metropolitan Planning Organization Advisory
25 Council is created to augment, and not supplant, the role of
26 the individual M.P.O.'s in the cooperative transportation
27 planning process described in this section ~~s. 339.155(5)~~.

28 Section 39. Paragraph (a) of subsection (7) of section
29 339.2405, Florida Statutes, is amended to read:

30 339.2405 Florida Highway Beautification Council.--

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

1 1. Provide information to local governments and local
2 highway beautification councils regarding the state highway
3 beautification grants program.

4 2. Accept grant requests from local governments.

5 3. Review grant requests for compliance with council
6 rules.

7 4. Establish rules for evaluating and prioritizing the
8 grant requests. The rules must include, but are not limited
9 to, an examination of each grant's aesthetic value,
10 cost-effectiveness, level of local support, feasibility of
11 installation and maintenance, and compliance with state and
12 federal regulations. Rules adopted by the council which it
13 uses to evaluate grant applications must take into
14 consideration the contributions made by the highway
15 beautification project in preventing litter.

16 5. Maintain a prioritized list of approved grant
17 requests. The list must include recommended funding levels
18 for each request and, if staged implementation is appropriate,
19 funding requirements for each stage shall be provided.

20 6. Assess the feasibility of planting and maintaining
21 indigenous wildflowers and plants, instead of sod
22 groundcovers, along the rights-of-way of state roads and
23 highways. In making such assessment, the council shall
24 utilize data from other states which include indigenous
25 wildflower and plant species in their highway vegetative
26 management systems. ~~The council shall complete its assessment~~
27 ~~and present a report to the head of the department by July 1,~~
28 ~~1988.~~

29 Section 40. Paragraph (g) of subsection (2) of section
30 339.241, Florida Statutes, is amended to read:

31 339.241 Florida Junkyard Control Law.--

1 (2) DEFINITIONS.--Wherever used or referred to in this
2 section, unless a different meaning clearly appears from the
3 context, the term:

4 (g) "Junk," "junkyard," and "scrap metal processing
5 facility" mean the same as defined in 23 U.S.C. s. 136
6 ~~described in s. 205.371(1)(a), (b), and (e).~~

7 Section 41. Section 341.051, Florida Statutes, is
8 amended to read:

9 341.051 Administration and financing of public transit
10 programs and projects.--

11 (1) FEDERAL AID.--

12 (a) The department is authorized to receive federal
13 grants or apportionments for public transit projects in this
14 state.

15 (b) Local governmental entities are authorized to
16 receive federal grants or apportionments for public transit
17 and commuter assistance projects. In addition, the provisions
18 of s. 337.403 notwithstanding, if the relocation of utility
19 facilities is necessitated by the construction of a
20 fixed-guideway public transit project and the utilities
21 relocation is approved as a part of the project by a
22 participating federal agency (if eligible for federal matching
23 reimbursement), then any county chartered under s. 6(e), Art.
24 VIII of the State Constitution shall pay at least 50 percent
25 of the nonfederal share of the cost attributable to such
26 relocation after deducting therefrom any increase in the value
27 of the new facility and any salvage value derived from the old
28 facility. The balance of the nonfederal share shall be paid
29 by the utility.

30 (2) PUBLIC TRANSIT PLAN.--

31

1 (a) The department shall prepare a public transit plan
2 which shall be included in the tentative work program of the
3 department prepared pursuant to s. 339.135(4). The provisions
4 of s. 339.135 apply to public transit projects in the same
5 manner that they apply to other transportation facility
6 construction projects. Any planned department participation
7 shall be in accordance with subsection (5).

8 (b) The public transit plan shall be consistent with
9 the local plans developed in accordance with the comprehensive
10 transportation planning process. Projects that involve funds
11 administered by the department, and that will be undertaken
12 and implemented by another public agency, shall be included in
13 the public transit plan upon the request of that public
14 agency, providing such project is eligible under the
15 requirements established herein and subject to estimated
16 availability of funds. Projects so included in the plan shall
17 not be altered or removed from priority status without notice
18 to the public agency or local governmental entities involved.

19 (3) APPROPRIATION REQUESTS.--

20 (a) Public transit funds shall be requested on the
21 basis of the funding required for the public transit plan.
22 Appropriation requests shall identify each public transit
23 project calling for a state expenditure of \$500,000 or more.

24 (b) Public transit service development projects and
25 transit corridor projects shall be individually identified in
26 the appropriation request by the department. Such request
27 shall show a breakdown of funds showing capital and operating
28 expense.

29 (c) Unless otherwise authorized by the Legislature,
30 the department is prohibited from entering into any agreement
31 or contract for a public transit project which would result in

1 the ultimate expenditure or commitment of state funds in
2 excess of \$5 million.

3 (4) PROJECT ELIGIBILITY.--

4 (a) Any project that is necessary to meet the program
5 objectives enumerated in s. 341.041, that conforms to the
6 provisions of this section, and that is contained in the local
7 transportation improvement program and the adopted work
8 program of the department is eligible for the expenditure of
9 state funds for transit purposes.

10 1. The project shall be a project for service or
11 transportation facilities provided by the department under the
12 provisions of this act, a public transit capital project, a
13 commuter assistance project, a public transit service
14 development project, or a transit corridor project.

15 2. The project must be approved by the department as
16 being consistent with the criteria established pursuant to the
17 provisions of this act.

18 (b) Such expenditures shall be in accordance with the
19 fund participation rates and the criteria established in this
20 section for project development and implementation, and are
21 subject to approval by the department as being consistent with
22 the Florida Transportation Plan and regional transportation
23 goals and objectives.

24 (c) Unless otherwise authorized by the Legislature,
25 the department is prohibited from entering into any agreement
26 or contract for a public transit project which would result in
27 the ultimate expenditure or commitment of state funds in
28 excess of \$5 million.

29 (5) FUND PARTICIPATION; CAPITAL ASSISTANCE.--

30 (a) The department may fund up to 50 percent of the
31 nonfederal share of the costs, not to exceed the local share,

1 of any eligible public transit capital project or commuter
2 assistance project that is local in scope; except, however,
3 that departmental participation in the final design,
4 right-of-way acquisition, and construction phases of an
5 individual fixed-guideway project which is not approved for
6 federal funding shall not exceed an amount equal to 12.5
7 percent of the total cost of each phase.

8 (b) The Department of Transportation shall develop a
9 major capital investment policy which shall include policy
10 criteria and guidelines for the expenditure or commitment of
11 state funds for public transit capital projects. The policy
12 shall include the following:

13 1. Methods to be used to determine consistency of a
14 transit project with the approved local government
15 comprehensive plans of the units of local government in which
16 the project is located.

17 2. Methods for evaluating the level of local
18 commitment to a transit project, which is to be demonstrated
19 through system planning and the development of a feasible plan
20 to fund operating cost through fares, value capture techniques
21 such as joint development and special districts, or other
22 local funding mechanisms.

23 3. Methods for evaluating alternative transit systems
24 including an analysis of technology and alternative methods
25 for providing transit services in the corridor.

26
27 ~~The department shall present such investment policy to both~~
28 ~~the Senate Transportation Committee and the House Public~~
29 ~~Transportation Committee along with recommended legislation by~~
30 ~~March 1, 1991.~~

31

1 (c) The department is authorized to fund up to 100
2 percent of the cost of any eligible transit capital project or
3 commuter assistance project that is statewide in scope or
4 involves more than one county where no other governmental
5 entity or appropriate jurisdiction exists.

6 (d) The department is authorized to advance up to 80
7 percent of the capital cost of any eligible project that will
8 assist Florida's transit systems in becoming fiscally
9 self-sufficient. Such advances shall be reimbursed to the
10 department on an appropriate schedule not to exceed 5 years
11 after the date of provision of the advances.

12 (e) The department is authorized to fund up to 100
13 percent of the capital and net operating costs of statewide
14 transit service development projects or transit corridor
15 projects. All transit service development projects shall be
16 specifically identified by way of a departmental appropriation
17 request, and transit corridor projects shall be identified as
18 part of the planned improvements on each transportation
19 corridor designated by the department. The project
20 objectives, the assigned operational and financial
21 responsibilities, the timeframe required to develop the
22 required service, and the criteria by which the success of the
23 project will be judged shall be documented by the department
24 for each such transit service development project or transit
25 corridor project.

26 (f) The department is authorized to fund up to 50
27 percent of the capital and net operating costs of transit
28 service development projects that are local in scope and that
29 will improve system efficiencies, ridership, or revenues. All
30 such projects shall be identified in the appropriation request
31 of the department through a specific program of projects, as

1 provided for in s. 341.041, that is selectively applied in the
2 following functional areas and is subject to the specified
3 times of duration:

4 1. Improving system operations, including, but not
5 limited to, realigning route structures, increasing system
6 average speed, decreasing deadhead mileage, expanding area
7 coverage, and improving schedule adherence, for a period of up
8 to 3 years;

9 2. Improving system maintenance procedures, including,
10 but not limited to, effective preventive maintenance programs,
11 improved mechanics training programs, decreasing service
12 repair calls, decreasing parts inventory requirements, and
13 decreasing equipment downtime, for a period of up to 3 years;

14 3. Improving marketing and consumer information
15 programs, including, but not limited to, automated information
16 services, organized advertising and promotion programs, and
17 signing of designated stops, for a period of up to 2 years;
18 and

19 4. Improving technology involved in overall
20 operations, including, but not limited to, transit equipment,
21 fare collection techniques, electronic data processing
22 applications, and bus locators, for a period of up to 2 years.

23
24 For purposes of this section, the term "net operating costs"
25 means all operating costs of a project less any federal funds,
26 fares, or other sources of income to the project.

27 Section 42. Subsection (1) of section 341.321, Florida
28 Statutes, is reenacted to read:

29 341.321 Development of high-speed rail transportation
30 system; legislative findings, policy, purpose, and intent.--

31

1 (1) The intent of ss. 341.3201-341.386 is to further
2 and advance the goals and purposes of the 1984 High Speed Rail
3 Transportation Commission Act; to ensure a harmonious
4 relationship between that act and the various growth
5 management laws enacted by the Legislature including the Local
6 Government Comprehensive Planning and Land Development
7 Regulation Act, ss. 163.3161-163.3215, the Florida State
8 Comprehensive Planning Act of 1972, as amended, ss.
9 186.001-186.031, the Florida Regional Planning Council Act,
10 ss. 186.501-186.513, and the State Comprehensive Plan, chapter
11 187; to promote the implementation of these acts in an
12 effective manner; and to encourage and enhance the
13 establishment of a high-speed rail transportation system
14 connecting the major urban areas of the state as expeditiously
15 as is economically feasible. Furthermore, it is the intent of
16 the Legislature that any high-speed rail line and transit
17 station be consistent to the maximum extent feasible with
18 local comprehensive plans, and that any other development
19 associated with the rail line and transit station shall
20 ultimately be consistent with comprehensive plans. The
21 Legislature therefore reaffirms these enactments and further
22 finds:

23 (a) That the implementation of a high-speed rail
24 transportation system in the state will result in overall
25 social and environmental benefits, improvements in ambient air
26 quality, better protection of water quality, greater
27 preservation of wildlife habitat, less use of open space, and
28 enhanced conservation of natural resources and energy.

29 (b) That a high-speed rail transportation system, when
30 used in conjunction with sound land use planning, becomes a
31 vigorous force in achieving growth management goals and in

1 encouraging the use of public transportation to augment and
2 implement land use and growth management goals and objectives.

3 (c) That urban and social benefits include
4 revitalization of blighted or economically depressed areas,
5 the redirection of growth in a carefully and comprehensively
6 planned manner, and the creation of numerous employment
7 opportunities within inner-city areas.

8 (d) That transportation benefits include improved
9 travel times and more reliable travel, hence increased
10 productivity. High-speed rail is far safer than other modes of
11 transportation and, therefore, travel-related deaths and
12 injuries can be reduced, and millions of dollars can be saved
13 from avoided accidents.

14 Section 43. Subsection (2) of section 341.3333,
15 Florida Statutes, is amended to read:

16 341.3333 Application for franchise; confidentiality of
17 application and trade secrets.--

18 (2) Each applicant, in response to the request for
19 proposals, shall file its application with the department at
20 the location and within the time and date limitations
21 specified in the request for proposals. Applications filed
22 before the deadline shall be kept sealed by the department
23 until the time and date specified for opening. Such sealed
24 applications shall be confidential and exempt from the
25 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
26 Constitution until such time as the department provides notice
27 of a decision or intended decision pursuant to s. 120.57(3)(a)
28 or until 10 days after application opening, whichever is
29 earlier. Thereafter, the applications are public. However,
30 the applicant may segregate the trade secret portions of the
31 application and request that the department maintain those

1 portions as confidential and exempt from the provisions of s.
2 119.07(1) and s. 24(a), Art. I of the State Constitution. Upon
3 award of a franchise, the franchisee may segregate portions of
4 materials required to be submitted by the department and
5 request that the department maintain those portions as
6 confidential and exempt from the provisions of s. 119.07(1)
7 and s. 24(a), Art. I of the State Constitution. Such portions
8 designated by an applicant or by the franchisee shall remain
9 confidential and exempt from the provisions of s. 119.07(1)
10 only if the department finds that the information satisfies
11 the criteria established in s. 119.15(4)(b)3.~~119.14(4)(b)3.~~

12 Section 44. Paragraphs (a) and (c) of subsection (2)
13 of section 341.352, Florida Statutes, are amended to read:

14 341.352 Certification hearing.--

15 (2)(a) The parties to the certification proceeding
16 are:

17 1. The franchisee.

18 ~~2. The Department of Commerce.~~

19 2.3. The Department of Environmental Protection.

20 3.4. The Department of Transportation.

21 4.5. The Department of Community Affairs.

22 5.6. The Game and Fresh Water Fish Commission.

23 6.7. Each water management district.

24 7.8. Each local government.

25 8.9. Each regional planning council.

26 9.10. Each metropolitan planning organization.

27 (c) Notwithstanding the provisions of chapter 120 to
28 the contrary, after the filing with the administrative law
29 judge of a notice of intent to be a party by an agency or
30 corporation or association described in subparagraph 1. or
31 subparagraph 2., or a petition for intervention by a person

1 described in subparagraph 3., no later than 30 days prior to
2 the date set for the certification hearing, any of the
3 following entities also shall be a party to the proceeding:

4 1. Any state agency not listed in paragraph (a), as to
5 matters within its jurisdiction.

6 2. Any domestic nonprofit corporation or association
7 that is formed, in whole or in part, to promote conservation
8 of natural beauty; to protect the environment, personal
9 health, or other biological values; to preserve historical
10 sites; to promote consumer interests; to represent labor,
11 commercial, or industrial groups; to promote economic
12 development; or to promote the orderly development, or
13 maintain the residential integrity, of the area in which the
14 proposed high-speed rail transportation system is to be
15 located.

16 3. Any person whose substantial interests are affected
17 and being determined by the proceeding.

18 Section 45. Subsection (3) of section 343.64, Florida
19 Statutes, 1998 Supplement, is amended to read:

20 343.64 Powers and duties.--

21 (3) The authority shall, ~~by February 1, 1993,~~ develop
22 and adopt a plan for the development of the Central Florida
23 Commuter Rail. Such plan shall address the authority's plan
24 for the development of public and private revenue sources,
25 funding of capital and operating costs, the service to be
26 provided, and the extent to which counties within the area of
27 operation of the authority are to be served. The plan shall
28 be reviewed and updated annually. The plan shall be
29 consistent, to the maximum extent feasible, with the approved
30 local government comprehensive plans of the units of local
31 government served by the authority.

1 Section 46. Subsection (3) of section 343.74, Florida
2 Statutes, is amended to read:

3 343.74 Powers and duties.--

4 (3) The authority shall, ~~by February 1, 1992,~~ develop
5 and adopt a plan for the development of the Tampa Bay Commuter
6 Rail or Commuter Ferry Service. Such plan shall address the
7 authority's plan for the development of public and private
8 revenue sources, funding of operating and capital costs, the
9 service to be provided and the extent to which counties within
10 the authority are to be served. The plan shall be reviewed and
11 updated annually. Such plan shall be consistent, to the
12 maximum extent feasible, with the approved local government
13 comprehensive plan of the units of local government served by
14 the authority.

15 Section 47. Paragraph (c) of subsection (2) of section
16 348.0005, Florida Statutes, is amended to read:

17 348.0005 Bonds.--

18 (2)

19 (c) Said bonds shall be sold by the authority at
20 public sale by competitive bid. However, if the authority,
21 after receipt of a written recommendation from a financial
22 adviser, shall determine by official action after public
23 hearing by a two-thirds vote of all voting members of the
24 authority that a negotiated sale of the bonds is in the best
25 interest of the authority, the authority may negotiate for
26 sale of the bonds with the underwriter or underwriters
27 designated by the authority and the county in which the
28 authority exists. The authority shall provide specific
29 findings in a resolution as to the reasons requiring the
30 negotiated sale, which resolution shall incorporate and have
31

1 attached thereto the written recommendation of the financial
2 adviser required by this subsection~~(4)~~.

3 Section 48. Section 348.0009, Florida Statutes, is
4 amended to read:

5 348.0009 Cooperation with other units, boards,
6 agencies, and individuals.--Express authority and power is
7 given and granted to any county, municipality, drainage
8 district, road and bridge district, school district, or other
9 political subdivision, board, commission, or individual in or
10 of this state to enter into contracts, leases, conveyances, or
11 other agreements within the provisions and purposes of the
12 Florida Expressway Authority Act with an authority. An
13 authority may enter into contracts, leases, conveyances, and
14 other agreements, to the extent consistent with chapters 334,
15 335, 338, and 339, ~~and 340~~, and other provisions of the laws
16 of the state and with 23 U.S.C. ss. 101 et seq., with any
17 political subdivision, agency, or instrumentality of the state
18 and any and all federal agencies, corporations, and
19 individuals, for the purpose of carrying out the provisions of
20 the Florida Expressway Authority Act.

21 Section 49. Section 348.248, Florida Statutes, is
22 amended to read:

23 348.248 Cooperation with other units, boards,
24 agencies, and individuals.--Express authority and power is
25 given and granted to any county, municipality, drainage
26 district, road and bridge district, school district, or other
27 political subdivision, board, commission, or individual in or
28 of this state to make and enter into contracts, leases,
29 conveyances, or other agreements within the provisions and
30 purposes of this part with the authority. The authority is
31 expressly authorized to make and enter into contracts, leases,

1 conveyances, and other agreements, to the extent consistent
2 with chapters 334, 335, 338, and 339,~~and 340~~ and other
3 provisions of the laws of this state and with 23 U.S.C. ss.
4 101 et seq., with any political subdivision, agency, or
5 instrumentality of this state and any and all federal
6 agencies, corporations, and individuals, for the purpose of
7 carrying out the provisions of this part.

8 Section 50. Section 348.948, Florida Statutes, is
9 amended to read:

10 348.948 Cooperation with other units, boards,
11 agencies, and individuals.--Express authority and power is
12 given and granted to any county, municipality, drainage
13 district, road and bridge district, school district, or other
14 political subdivision, board, commission, or individual in or
15 of this state to make and enter into contracts, leases,
16 conveyances, or other agreements within the provisions and
17 purposes of this part with the authority. The authority is
18 expressly authorized to make and enter into contracts, leases,
19 conveyances, and other agreements, to the extent consistent
20 with chapters 334, 335, 338, and 339,~~and 340~~ and other
21 provisions of the laws of this state and with 23 U.S.C. ss.
22 101 et seq., with any political subdivision, agency, or
23 instrumentality of this state and any and all federal
24 agencies, corporations, and individuals, for the purpose of
25 carrying out the provisions of this part.

26 Section 51. Subsection (3) of section 349.05, Florida
27 Statutes, is amended to read:

28 349.05 Bonds of the authority.--

29 (3) The authority may employ fiscal agents as provided
30 by this chapter or the State Board of Administration may, upon
31 request by the authority, act as fiscal agent for the

1 authority in the issuance of any bonds that may be issued
2 pursuant to this chapter part, and the State Board of
3 Administration may, upon request by the authority, take over
4 the management, control, administration, custody, and payment
5 of any or all debt services or funds or assets now or
6 hereafter available for any bonds issued pursuant to this
7 chapter part. The authority may enter into deeds of trust,
8 indentures, or other agreements with its fiscal agent, or with
9 any bank or trust company within or without the state, as
10 security for such bonds, and may, under such agreements,
11 assign and pledge all or any of the revenues, rates, fees,
12 rentals, or other charges or receipts of the authority,
13 including all or any portion of the Duval County gasoline tax
14 funds received by the authority pursuant to the terms of any
15 lease-purchase agreement between the authority and the
16 department, thereunder. Such deed of trust, indenture, or
17 other agreement, may contain such provisions as is customary
18 in such instruments or, as the authority may authorize,
19 including, but without limitation, provisions as to:
20 (a) The completion, improvement, operation, extension,
21 maintenance, repair, and lease of, or lease-purchase agreement
22 relating to, the Jacksonville Expressway System, and the
23 duties of the authority and others, including the department,
24 with reference thereto;
25 (b) The application of funds and the safeguarding of
26 funds on hand or on deposit;
27 (c) The rights and remedies of the trustee and the
28 holders of the bonds; and
29 (d) The terms and provisions of the bonds or the
30 resolutions authorizing the issuance of the same.
31

1 Section 52. Section 378.411, Florida Statutes, is
2 amended to read:

3 378.411 Certification to receive notices of intent to
4 mine, to review and to inspect for compliance.--

5 (1) By petition to the secretary, a local government
6 ~~or the Department of Transportation~~ may request certification
7 to receive notices of intent to mine, to review, and to
8 conduct compliance inspections.

9 (2) In deciding whether to grant certification to a
10 local government, the secretary shall determine whether the
11 following criteria are being met:

12 (a) The petitioning local government has adopted and
13 effectively implemented a local government comprehensive plan.

14 (b) The local government has adequate review
15 procedures and the financial and staffing resources necessary
16 to assume responsibility for adequate review and inspection.

17 (c) The local government has a record of effectively
18 reviewing, inspecting, and enforcing compliance with local
19 ordinances and state laws.

20 ~~(3) In deciding whether to grant certification to the~~
21 ~~Department of Transportation, the secretary shall request all~~
22 ~~information necessary to determine the capability of the~~
23 ~~Department of Transportation to meet the requirements of this~~
24 ~~part.~~

25 (3)~~(4)~~ In making his or her determination, the
26 secretary shall consult with the Department of Community
27 Affairs, the appropriate regional planning council, and the
28 appropriate water management district.

29 (4)~~(5)~~ The secretary shall evaluate the performance of
30 a local government ~~or the Department of Transportation~~ on a
31 regular basis to ensure compliance with this section. All or

1 part of the certification may be rescinded if the secretary
2 determines that the certification is not being carried out
3 pursuant to the requirements of this part.

4 (5)~~(6)~~ The department shall establish the
5 certification procedure by rule.

6 Section 53. Paragraph (b) of subsection (1) of section
7 427.012, Florida Statutes, is amended to read:

8 427.012 The Commission for the Transportation
9 Disadvantaged.--There is created the Commission for the
10 Transportation Disadvantaged in the Department of
11 Transportation.

12 (1) The commission shall consist of the following
13 members:

14 (b) The secretary of the Department of Children and
15 Family Health and Rehabilitative Services or the secretary's
16 designee.

17 Section 54. Subsection (16) of section 427.013,
18 Florida Statutes, 1998 Supplement, is amended to read:

19 427.013 The Commission for the Transportation
20 Disadvantaged; purpose and responsibilities.--The purpose of
21 the commission is to accomplish the coordination of
22 transportation services provided to the transportation
23 disadvantaged. The goal of this coordination shall be to
24 assure the cost-effective provision of transportation by
25 qualified community transportation coordinators or
26 transportation operators for the transportation disadvantaged
27 without any bias or presumption in favor of multioperator
28 systems or not-for-profit transportation operators over single
29 operator systems or for-profit transportation operators. In
30 carrying out this purpose, the commission shall:

31

1 (16) Review and approve memorandums of agreement for
2 the provision ~~provisions~~ of coordinated transportation
3 services.

4 Section 55. Subsection (23) of section 479.01, Florida
5 Statutes, is amended, and subsection (24) of that section is
6 reenacted, to read:

7 479.01 Definitions.--As used in this chapter, the
8 term:

9 (23) "Unzoned commercial or industrial area" means an
10 area within 660 feet of the nearest edge of the right-of-way
11 of the interstate or federal-aid primary system where the land
12 use is not covered by a future land use map or zoning
13 regulation pursuant to subsection (3) ~~(2)~~, in which there are
14 located three or more separate and distinct industrial or
15 commercial uses located within a 1,600-foot radius of each
16 other and generally recognized as commercial or industrial by
17 zoning authorities in this state. Certain activities,
18 including, but not limited to, the following, may not be so
19 recognized:

20 (a) Signs.

21 (b) Agricultural, forestry, ranching, grazing,
22 farming, and related activities, including, but not limited
23 to, wayside fresh produce stands.

24 (c) Transient or temporary activities.

25 (d) Activities not visible from the main-traveled way.

26 (e) Activities conducted more than 660 feet from the
27 nearest edge of the right-of-way.

28 (f) Activities conducted in a building principally
29 used as a residence.

30 (g) Railroad tracks and minor sidings.

31

1 (24) "Urban area" has the same meaning as defined in
2 s. 334.03(32).

3 Section 56. Section 951.05, Florida Statutes, is
4 amended to read:

5 951.05 Working county prisoners on roads and bridges
6 or other public works of the county; hiring out to another
7 county.--The board of county commissioners of the several
8 counties may require all county prisoners under sentence
9 confined in the jail of their respective counties for any
10 offense to labor upon the public roads, bridges, farms, or
11 other public works owned and operated by the county, or on
12 other projects for which the governing body of the county
13 could otherwise lawfully expend public funds and which it
14 determines to be necessary for the health, safety, and welfare
15 of the county, or in the event the county commissioners of any
16 county deem it to the best interest of their county, they may
17 hire out their prisoners to any other county in the state to
18 be worked upon the public roads, bridges, or other public
19 works of that county, or on other projects for which the
20 governing body of that county could otherwise lawfully expend
21 public funds and which it determines to be necessary for the
22 health, safety, and welfare of that county, or they may, upon
23 such terms as may be agreed upon between themselves and ~~the~~
24 ~~Division of Road Operations~~ of the Department of
25 Transportation, lease or let said prisoners to the department
26 ~~division~~ instead of keeping them in the county jail where they
27 are sentenced. The money derived from the hire of such
28 prisoners shall be paid to the county hiring out such
29 prisoners and placed to the credit of the fine and forfeiture
30 fund of the county.

31 Section 57. This act shall take effect July 1, 1999.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
sb 1314

The CS authorizes the Florida Department of Transportation to use future federal funds to bond projects for Federal Aid Highway Construction.