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HOUSE OF REPRESENTATIVES

COUNCIL FOR READY INFRASTRUCTURE ANALYSIS

BILL #: CS/HB 757

RELATING TO: Transportation

SPONSOR(S): Council for Ready Infrastructure and Representative(s) Russell & others

TIED BILL(S):

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

(1) TRANSPORTATION YEAS 12 NAYS 1
(2) TRANSPORTATION & ECONOMIC DEVELOPMENT COMMITTEE YEAS 15 NAYS 0
(3) COUNCIL FOR READY INFRASTRUCTURE YEAS 14 NAYS 0
(4)
(5)

I. SUMMARY:

CS/HB 757 is an omnibus bill that addresses a number of transportation-related issues, including:

- Any contractor who is pre-qualified by the Department of Transportation (DOT) and eligible to bid on DOT projects to perform certain work also would be pre-qualified to obtain bid documents and to submit a bid on similar types of projects for any local government or expressway authority.
- Obsolete responsibilities and outmoded chain-of-command structures within the Department of Transportation (DOT) are deleted or streamlined.
- Requirements that Community Improvement Districts and Florida's public seaports use the competitive negotiation provisions in chapter 287, F.S., when hiring architects and other design professionals, are reinstated.
- Expressway authorities would have the same ability as DOT to set aside funds in special accounts, for use by the water management districts or the Department of Environmental Protection to mitigate adverse impacts on wetlands caused by expressway projects.
- Airports whose master plans are incorporated into local government comprehensive plans would be exempt from Development of Regional Impact review for expansions or construction.
- A preliminary framework for Florida seaports to participate in a proposed federal revolving loan fund program would be established.
- Charitable solicitation would be banned at DOT rest areas, roadside welcome stations, and toll service plazas.
- Design-build contract language created for DOT during Special Session 2001-B is updated to better reflect the agency's and industry's needs.
- The uses for which State Infrastructure Bank funds can be used are expanded.
- Sovereign immunity would be extended to operators and security providers with the Tri-County Rail system.
- Pursuant to the "Dori Slosberg Act," local governments may collect up to $3 in additional civil penalties from traffic violators to help pay for traffic education classes in schools.

Many of the substantive issues in CS/HB 757 were part of CS/CS/HB 1053, 3rd Engrossed, which was the 2000 Session's transportation package. That bill passed the Legislature, but was vetoed by the Governor.

CS/HB 757 has an indeterminate, but likely minimal impact on state funding.

Except where expressly different, CS/HB 757 takes effect July 1, 2002.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

1.	Less Government	Yes [X]	No [x]	N/A []
2.	Lower Taxes	Yes []	No []	N/A [x]
3.	Individual Freedom	Yes []	No []	N/A [x]
4.	Personal Responsibility	Yes []	No []	N/A [x]
5.	Family Empowerment	Yes []	No []	N/A [x]

For any principle that received a "no" above, please explain:

HB 757 supports the principle of less government by eliminating unnecessary or obsolete rulemaking. The bill contradicts the principle of less government by requiring counties, cities and expressway or bridge authorities to consider DOT-pre-qualified construction contractors for their local transportation projects, except in a narrow circumstance.

B. PRESENT SITUATION:

Because of the comprehensive nature of the changes in this bill, the "Present Situation" relating to each issue is set out in the "Section-By-Section Analysis."

C. EFFECT OF PROPOSED CHANGES:

Because of the comprehensive nature of the changes in this bill, the "Effect of Proposed Changes" relating to each issue is set out in the "Section-By-Section Analysis."

D. SECTION-BY-SECTION ANALYSIS:

Sections 1 and 4: DOT reorganization
Present Situation:
The Department of Transportation has one of the most detailed statutory descriptions of any state agency, in terms of internal organization, the duties and responsibilities of agency officers, and DOT reporting requirements. DOT staff say there are no plans to reorganize the agency, but as staffing and other changes occur through outsourcing efforts and efficiencies, amending s. 20.23, F.S., provides the Secretary the flexibility needed to address these changes

Effect of Proposed Changes:
The bill heavily amends s. 20.23, F.S., deleting unnecessary instructions on the Secretary's responsibilities and to whom the Secretary may delegate, the tasks assigned to other DOT officers and supervisors, and obsolete references in general.

Section 2 of the bill corrects cross-references in s. 110.205, F.S., necessary because of the changes in s. 20.23, F.S.

Sections 2 and 3: Business damages
Present situation:
Chapters 73 and 74, F.S., provide for eminent domain and proceedings supplemental to eminent

domain, respectively. Chapter 73, F.S., specifies the requirements for filing a petition for eminent domain and issuance of a summons or other notification to property owners by the clerk of the court.

In 1999, the Legislature amended s. 73.071(3), F.S., to change the number of years in which a business must have been in existence in order to be eligible for business damages resulting from property taken by the state or local governments in eminent domain actions associated with right-of-way acquisition. Chapter 99-385, Laws of Florida, provides that the language changing the time period from 5 years to 4 years is repealed, effective January 1, 2003. In addition, section 59 of that chapter law provides that the change from five years to four years is effective January 1, 2000.

Effect of Proposed Changes:
CS/HB 757 extends by two years the current January 1, 2003 sunset date of the four-year period required for a standing business to be eligible to receive business damages where a governmental entity exercises the power of eminent domain to partially take a parcel of property for the purpose of right-of-way acquisition. On or after January 1, 2005, a business must be of more than five years' standing in order to qualify for business damages.

It also repeals section 59 of chapter 99-395, Laws of Florida.

Sections 5, 20, 21 and 22: Airport issues
Present Situation:
The Federal Aviation Administration is the prime regulator of airports, airlines and aircraft. Chapter 330, F.S., governs the state regulation of public and private airports. DOT's general responsibilities include licensing and inspecting public and private airports; reviewing airport siting plans; and providing funds for expansion or improvements. Florida has 20 commercial service airports, a total of 131 public airports, and in excess of 230 privately operated airports, airparks, heliports and seaplane landing areas

DOT budgets about $90 million a year in aviation grants for capital improvement projects. After the September 11, 2001, terrorist attacks revealed a need for security improvements at airports, the Florida Airport Managers Association and others asked the Legislature to relax the statutory requirements for the state aviation grants, so that airports could use the funds for security-related purposes. The Legislature agreed, and amended s. 332.007, F.S., to allow airports to request from DOT flexibility in their state aviation grant funds, until June 30, 2003. These requests must be reviewed and approved by DOT, and the Legislature must be informed of any approved requests.

Besides state and federal transportation regulations, there are state growth-management regulations that airport projects must follow. Airports are among the types of developments that must go through a "development of regional impact" (DRI) review prior to being built or expanded, pursuant to ss. 380.06 and 380.0651, F.S. The DRI review process allows the Department of Community Affairs and regional boards to scrutinize an eligible project's impact on the health, safety and welfare of the citizenry, and to determine if it is consistent with the area's approved land-uses and comprehensive plans.

Effect of Proposed Changes:
Sections 5 and 22 of CS/HB 757 help create better links between airport and community planning. Section 5 amends s. 163.3177, F.S., to specify that if a local government has integrated into its comprehensive plan an airport master plan, and has addressed a number of growth-management related issues, such as land-use compatibility and availability of public facilities, then the airport is exempt from DRI review. Section 22 requires airports to send to "affected local governments" copies of master plan amendments and updates, funding requests, permit applications, and other

documentation. "Affected local government" is defined as any city or county having jurisdiction over an airport and any city or county located within 2 miles of the boundaries of the land subject to the airport master plan.

Section 20 of the bill amends s. 332.004(4), F.S., broadening the definition of "airport or aviation development project" to include off-airport noise mitigation projects as eligible for state funding. These off-site mitigation projects, such as installing noise-buffering insulation in homes around airports, are less expensive than buying out the homeowners. DOT funds have been spent for these type projects in the past, and the agency wanted to ensure that such expenditures are clearly legal.

Section 21 of the bill extends the airport funding flexibility another year, to June 30, 2004, because the airports are still waiting for the extent of federal security guidelines and availability of federal funding.

Finally, Section 21 also extends until September 18, 2008, the due date of $1.5 million that DOT loaned the Orlando-Sanford Airport Authority in 1992 to finance an expansion of its terminal.

Sections 6, 9 and 10: Consultant Competitive Negotiation Act

Present Situation:
Chapter 287, F.S., regulates the bidding, negotiation for, and procurement of goods and services by public agencies. In addition, it specifies circumstances where some activities don't have to be competitively bid, or even re-bid every year.

Section 287.055, F.S., the "Consultants' Competitive Negotiation Act," (or CCNA) was created by the Legislature in 1975 to address the special circumstances faced by agencies in the hiring of engineers, architects, surveyors and other consultants. The law requires agencies to publicly notice projects for which they need consultant services, and to select at least three pre-certified firms, among those that submit proposals. Agencies are required to negotiate first with the top-ranked firm, and if they can't come to terms, then negotiate with the next firm.

During the 2000 legislative session, CS/SB 2346, 2nd Engrossed, became law. It created s. 189.441, F.S., which allowed Community Improvement Districts to develop their own competitive bidding processes, outside of chapter 287, F.S. In part, the Legislature's intent was for the bill to promote the activities of these special districts. Proponents of the legislation now say they did not intend to exempt Community Improvement Districts from s. 287.055, F.S.

Another CCNA glitch occurred with the passage of CS/SB 772, 1st engrossed, last session. Language from a different Senate bill related to seaports specifically required the Florida Seaport Transportation and Economic Development Council to utilize chapter 287.057, F.S., for procurement of goods and contractual services. Most of this language was amended to CS/SB 772, 1st Engrossed, as well as a provision that seaports subject to the competitive bid requirements of local governments were exempt from the CCNA, s. 287.055, F.S. After CS/SB 772, 1st Engrossed, became law, proponents determined that the exemption was an internal inconsistency, since the CCNA also applies to local governments.

Effect of Proposed Changes:
The two "glitches" discussed above is corrected by the bill. Sections 189.441 and 311.09, F.S., are amended to require compliance with the CCNA.

In addition, s. 287.055, F.S., is amended to raise the threshold amount that triggers when a continuing contract must be re-bid. Under the bill, no rebidding of professional service continuing contracts is required for projects in which the construction costs do not exceed $1 million, nor for

studies to be performed by a professional-service continuing contract that does not exceed $50,000. These amounts are double the current statutory thresholds. Proponents say the increased thresholds are necessary because the costs of doing business have grown in recent years.

Sections 7, 36, 37 and 38: Obsolete state requirements for transit planning
Present Situation:
DOT's Transit Office administers federal and state transit grants; monitors compliance with transit regulations; and provides planning and technical assistance to Florida's transit agencies and communities. The federal government heavily regulates public bus systems and other public transit, and states must comply with those regulations in order to receive federal funds. However, Florida statutes include requirements, such as for transit investment policies, that have either been superseded by federal law or are unnecessary because of federal changes.

Effect of Proposed Changes:
Section 16 deletes references in s. 341.051(5), F.S., to DOT developing a major capital investment policy and methodology for funding public transit projects that receive federal dollars. DOT must use already-established federal guidelines.

Sections 4, 15 and 17 are cross-reference corrections, deleting references to DOT's "major capital investment policy" for public transit.

Sections 8, 26, 27 and 30: Contractor bidding on local government/expressway projects
Present Situation:
The basic process for counties, municipalities, special districts and other political subdivisions of the state to award contracts for construction projects is described in s. 255.20, F.S., and elsewhere in statute. Typically, any construction project with a cost in excess of $200,000, and any electrical project costing more than $50,000, must be competitively awarded. However, s. 255.20, F.S., lists 10 types of projects where a competitive award is not required, such as emergency repair of facilities damaged by hurricanes, riots, or other "sudden unexpected turn of events."

Section 255.20, F.S., also includes a basic definition and framework for the competitive award process, but allows local governmental entities to establish specific procedures for conducting the process. This has resulted in differences among counties, cities, and other local governmental entities in bidding and contractor qualification requirements.

Sections 336.41 and 336.44, F.S., more specifically relate to county road contracting. Each county is required to competitively bid transportation projects, except in emergency situations and for projects that either don't exceed $250,000 or 5 percent of the county's share of the 2-cents-gallon constitutional fuel tax, whichever is greater.

Section 337.14, F.S., details DOT's contractor certification process. All contractors who wish to bid on transportation projects costing in excess of $250,000 must meet DOT qualifications and be certified.

Effect of Proposed Changes:
Section 255.20 (1)(a) is amended to add an eleventh exemption -- projects subject to chapter 336, F.S., County Road System -- from the provisions that set competitive bidding thresholds and allow local-government variations in the competitive award process. In effect, any contractor who is pre-qualified by DOT and eligible to bid on DOT projects to perform certain work also would be pre-qualified to obtain bid documents and to submit a bid on those same types of projects for any local government or expressway authority. A local government entity would be able to disqualify a

prospective bidder who is at least 10 percent behind on another construction project for that same entity. Sections 336.41 and 337.14, F.S., are similarly amended.

Sections 11 and 12: Seaport revolving loan fund
Current situation:
Florida seaport officials have been told federal legislation may be proposed to establish a revolving loan fund for public seaports, potentially for security improvements. If modeled after other revolving loan programs, federal funds could be drawn down by a state and/or local match (possibly of 25 percent), with the proceeds to be used as low-interest, or even no-interest, loans for eligible port projects. The loan repayments would be recycled as new loans to other ports. No such legislation has officially been filed, although there is draft legislation creating a loan guarantee program.

Effect of Proposed Changes:
In an effort to be able to access federal revolving loan funds if they become available during the federal fiscal year that begins Oct.1, 2002, Florida seaport officials have asked the Legislature to create a framework for the Florida Ports Financing Commission to participate.

CS/HB 757 allows the council to manage the program and award loans, subject to oversight by the Florida Seaport Transportation and Economic Development Council, and subject to compliance with all federal and state regulations. The Legislature must receive an annual report on the program's operations and review the program during the 2004 legislative session.

Sections 13 and 14: Electric Personal Assistive Mobility Devices and motorized scooters
Current Situation:
The definition of "motor vehicle" is "any self-propelled vehicle not operated upon rails or guideway, but not including any bicycle or moped," pursuant to s. 316.003, F.S. Because of this broad definition, questions have been raised as to whether this definition encompasses the ever-popular motorized scooters and even new transportation technologies, such as the "Electric Personal Assistive Mobility Device," or Segway.

Segways are not currently commercially available to the public, but are being tested by the U.S. Postal Service and other entities, and have received positive reviews.

Effect of Proposed Changes:
Section 316.003, F.S., is amended to specifically exempt motorized scooters and Electric Personal Assistive Mobility Devices from the definition of "motor vehicle." "Motorized scooter" and "Electric Personal Assistive Mobility Device" are defined.

Also, s. 316.2068, F.S., is created to explain what a Segway is and where it is to be used. For example, Segways can be operated on streets where the posted speed limit is a maximum 25 mph; on a marked bike path or on any road where a bike is allowed; at any intersection; and on sidewalks as long as the Segway rider yields to pedestrians. Segway operators under the age of 16 would have to wear bike helmets.

Sections 15 and 16: Overlength vehicles/Tarpaulin requirements
Current Situation:
Pursuant to s. 316.515, F.S., DOT currently regulates oversized – in length, height and width – vehicles. Special permits are available for oversized vehicles, including vehicles hauling a variety of agricultural products.

Section 316.520, F.S., also requires vehicles to be constructed or loaded in such a way as to prevent their loads from falling out in traffic, and if necessary, certain cargo must be covered with close-fitting tarpaulin or other restraining devices.

<u>Effect of Proposed Changes:</u>
Section 316.515, F.S., is amended to add cotton to the agricultural products that can be hauled in an oversized vehicle, and to clarify that DOT may issue overlength permits for cotton module movers that are greater than 50 feet but no more than 55 feet in overall length.

The bill also exempts from the tarpaulin requirement vehicles carrying agricultural products locally from a harvest site, or to or from a far, on roads where the posted speed limit is 65 mph or less, and the distance on public roads is less than 20 miles.

Section 17: Illegal transportation of motor fuels
<u>Current Situation:</u>
According to the petroleum industry, there has been a recent problem, particularly in Southeast Florida, with sale of motor fuel that has been illegally obtained. Persons fraudulently obtain fuel from a gas station, often by using a stolen or duplicate credit card, and convey the gas into an inappropriate container on the vehicle. These containers often hold hundreds of gallons of fuel. The stolen gas is then sold from the vehicle at another location, typically an industrial area.

There are many existing laws dealing with transportation of fuel.

Chapter 206, F.S., requires persons transporting fuel to be licensed as a carrier and provides for various record keeping requirements. Section 206.20, F.S., provides that every person transporting motor fuel over public highways must have in their possession proof of sale and payment of taxes for the fuel on board the vehicle, except when less than 5 gallons of fuel is being transported for emergency purposes. A violation is a misdemeanor of the first degree. Section 206.205, F.S., provides that any vehicle found to be transporting fuel for the purpose of illegally evading any fuel tax may be forfeited, and transporting fuel without being licensed as a carrier is a misdemeanor of the first degree.

Chapters 525 and 526, F.S., address requirements for the sale of motor fuel, including inspection of retail motor fuel storage tanks, proper labeling of fuels, deceptive sales practices, and other requirements directed toward ensuring safe operation and fair competition among legitimate businesses.

Sections 817.57-817.685, F.S. (the "State Credit Card Crime Act") addresses and provides penalties for various forms of credit card fraud. Credit card crimes which are misdemeanors of the first degree include theft by credit card which was lost, buying or selling credit cards, and false statements on credit card applications. Credit card crimes which are a third degree felony include forging a signature on a credit card, use of a scanning device or re-encoder to defraud, and illegal possession of credit card making equipment.

Title 49, Code of Federal Regulations, Part 173 provides general requirements for commercial truck shipments and packaging. All commercial fuel carriers must meet federal safety requirements; however, fuel containers holding 8 gallons or less are exempt from federal requirements.

<u>Effect of Proposed Changes:</u>
CS/HB 757 creates s. 316.80, F.S., which provides that it is unlawful to possess any device for the transportation of motor or diesel fuel which does not conform to federal requirements for such fuel transportation devices. Violators are guilty of a felony of the third degree, punishable by up to five years in prison and a $5,000 fine, and also will lose their driver's licenses.

If the violator purchases or attempts to purchase fuel by using a fraudulent credit card, credit card account number, or by using unauthorized access to any computer network, the violation is also a felony of the third degree.

The bill further provides that all conveyances or vehicles, fuel tanks, related fuel, and other equipment used to transport fuel in violation of federal requirements is subject to seizure and forfeiture. The seizing law enforcement agency must remove and reclaim, recycle, or dispose of all associated fuel, and all fuel tanks and other equipment used in this violation must be destroyed, except the conveyance or vehicle.

Any person convicted of a violation of this law is responsible for all reasonable costs incurred by the investigating law enforcement agency, including towing and storage of the conveyance or vehicle, removal and disposal of the fuel, and storage and destruction of all fuel tanks and other equipment described and used in violation of the law. Any person convicted of a violation of this law would also be responsible for restitution to the fuel vendor for any fuel unlawfully obtained.

Sections 18 and 19: New license plates

Current Situation:

Section 320.08053, F.S., establishes requirements for the creation of specialty license plates. An organization that seeks the establishment of a new specialty license plate must adhere to the following guidelines:

- Submit the results of a scientific sample survey of Florida motor vehicle owners that indicates at least 15,000 motor vehicle owners intend to purchase the proposed specialty license plate at the increased costs.
- Submit an application fee, not to exceed $60,000, to defray the Department' of Highway Safety and Motor Vehicle's (DHSMV's) cost for reviewing the application and developing the specialty license plate, if authorized.
- Submit a marketing strategy outlining both the short and long term marketing plans and a financial analysis outlining the anticipated revenue and the planned expenditures of the requested specialty license plate.

The required documentation and fees must be submitted at least 90 days before the convening of the regular session of the Legislature. If a specialty license plate is approved by law, the organization must submit a proposed art design for the specialty plate to the DHSMV no later than 60 days after the act becomes a law. If the specialty license plate is not approved by the Legislature, then the application fee shall be refunded to the requesting organization.

Section 320.08056, F.S., provides that the DHSMV is responsible for developing the specialty license plates and must begin production and distribution within one year after approval of the specialty license plate by the Legislature. The DHSMV shall annually retain the first proceeds derived from the annual use fees collected in an amount sufficient to defray each specialty plate's pro rata share of the agency's costs directly related to issuing the specialty license plate.

According to the DHSMV, the organizations supporting the Florida Firefighters license plate and Police Benevolent Association license plates have not met the requirements contained in s. 320.08053, F.S.

Effect of Proposed Changes:

CS/HB 757 directs the Department of Highway Safety and Motor Vehicles to develop two new specialty license plates: (1) the Florida Firefighters license plate and (2) the Police Benevolent

Association license plate. In addition to applicable motor vehicle taxes and fees, a $20 annual use fee will be charged for each of these new specialty license plates. In the case of the Florida Firefighters license plate, net annual use fees are to be distributed to the Florida Firefighters Charities, Inc. In the case of the Police Benevolent Association license plate, net annual use fees are to be distributed to the Florida Police Benevolent Association Heart Fund, Inc. The CS also extends the existing exemption from the specialty license plate requirements for state and independent universities to October 1, 2002.

Sections 23 and 33: DOT's powers and duties

Current Situation:
DOT's powers and duties are listed in s. 334.044, F.S. Among its responsibilities is the ability to purchase, lease, or otherwise acquire promotional or educational materials on traffic and train safety awareness, commercial motor vehicle safety, and alternatives to single-occupant vehicle travel.

DOT also is authorized to regulate and prescribe conditions for the transfer of storm water to state right-of-way because of development of, or other manmade changes to, adjacent properties. Pursuant to s. 334.044(15), F.S., DOT is authorized to adopt rules for issuing storm water management permits. However, the section also directs DOT to accept storm water permits from the water management districts, the Department of Environmental Protection, or local governments, provided those permits are based on requirements equal to, or even more stringent than, DOT's requirements. Situations have arisen where a water management district's permit criteria were not equal to or more than stringent than DOT's criteria, yet still would have accomplished the goal of protection of state right-of-way.

In addition, s. 339.08, F.S., details how DOT must spend its annual legislative appropriations from the State Transportation Trust Fund, directs DOT to implement rules that further elaborate on its spending powers.

Effect of Proposed Changes:
Section 344.044(5), F.S., is amended to include "scenic roads" among the topics for which DOT can purchase promotional materials.

Also, subsection (15) is amended to allow DOT to delegate storm water permitting to a water management district or other entity, provided that the permit is based on requirements, as determined by DOT, that ensure the safety and integrity of transportation facilities being affected by the runoff.

Finally, s. 339.08, F.S., is amended to delete the requirement that DOT promulgate rules on how it should spend its legislative appropriations. The agency contends such a rule is unnecessary, because it has to spend its funds the way the Legislature directs it in the annual General Appropriations Act.

Section 24: Landscape architects

Current Situation:
Section 334.175, F.S., requires that all design plans and surveys prepared by or for DOT shall be signed, sealed, and certified by the professional engineer, surveyor, or architect responsible for that particular applicable phase of the transportation project.

Effect of Proposed Changes:
CS/HB 757 amends s. 334.175, F.S., to add landscape architects to the list of design professionals who must sign, seal, and certify the applicable DOT project phases.

Section 25: Safe Paths to Schools

Current Situation:

Section 335.065, F.S., directs DOT to establish bicycle and pedestrian pathways in conjunction with its state transportation projects, with special emphasis on projects in or within 1 mile of an urban area. DOT is authorized to set construction standards for these paths, and to implement uniform signage. The current law also directs DOT and the Department of Environmental Protection to establish a statewide, integrated system of bicycle and pedestrian paths. The statute does list circumstances when bike or pedestrian pathways aren't required to be established, such as where there is an absence of need or the cost would be prohibitive.

During the 2000 and 2001 legislative sessions, proposals to create a DOT-funded "Safe Paths to Schools" Program were discussed, but did not become law.

Effect of Proposed Changes:

The bill creates s. 335.066, F.S., the "Safe Paths to Schools Program." DOT is directed to consider the planning and construction of bicycle and pedestrian paths to provide safe passageways for children from their neighborhoods to their schools, local parks, and public greenways and trails. DOT is allowed to create a grant program to fund these types of projects, and to adopt rules to administer the new program. However, DOT is not specifically directed to allocate funds for the new program.

Sections 28 and 29: Design-Build Contracts

Current Situation:

Chapter 337, F.S., describes DOT's contracting and acquisition processes. In particular, s.337.107, F.S., gives DOT the authority to enter into contracts, using state procurement guidelines, to purchase right-of-way or related services for transportation corridors and facilities. Section 337.11, F.S., governs DOT's overall contracting authority; one of its provisions prohibits the advertisement of bids and the publication of bid notices for projects until title to the affected right-of-way has either been vested in DOT or a local government, and all railroad crossing and utility agreements have been executed.

Traditionally, individual phases of a transportation project are separately bid and awarded. Florida's DOT is among a handful of state transportation agencies that are awarding contracts to one provider who agrees to perform multiple project tasks. In Florida, these are called "design-build contracts," because the bidders agree to design and build the entire project. DOT is examining the feasibility of expanding this type of contract to include even more activities, but lacks specific statutory authority, pursuant to s. 337.11(7)(a), F.S., to combine more than the design and construction phases of buildings (including rest areas and weight stations), a major bridge, or a railroad corridor. In fiscal year 2000-2001, DOT has programmed in its budget to spend $349.4 million on design-build projects, primarily to widen or replace bridges.

When Florida's economy contracted after the September 11, 2002, terrorist attacks, Governor Bush drafted an economic stimulus plan. Fast-tracking DOT projects was an integral part of this stimulus plan. CS/SB 48-B (chapter 2001-349, Laws of Florida) was passed to address this issue. It amended state law to allow DOT to enter into design-build contracts before all of the necessary right-of-way has been acquired and vested in the state or a local government, and before all easements, railroad crossing, or utility agreements have been executed. Project engineering and design could begin, even though all of the right-of-way necessary to build the project hadn't been acquired. However, project construction still could not commence until all of the necessary rights-of-way have been vested, and other necessary agreements executed. Right-of-way services was included as eligible for design-build contracts.

Because of uncertainty with the long-term impact of design-build contracts, particularly on small contracting firms, the Legislature decided to repeal certain elements of the new law. For example, right-of-way services as part of design-build contracts will be repealed July 1, 2003.

Effect of Proposed Changes:
CS/HB 757 extends until July 1, 2005, the ability to include right-of-services in design-build contracts. It also adds limited-access facilities, such as toll lanes, to those projects eligible for design-build contracts.

Section 31: Utility easements on public right-of-way
Current situation:
DOT or a local government, where applicable, has the authority to allow utilities the use of public right-of-way. Pursuant to s. 337.401, F.S., no utility shall be installed, located or relocated on a public right-of-way unless authorized by a permit issued by the entity owning the right-of-way. By practice, DOT also enters into utility relocation schedules and relocation agreement, which it treats like a utility permit, but this has raised legal issues.

Effect of Proposed Changes:
Section 337.401(2), F.S., is amended to allow DOT and a utility to execute a utility relocation schedule or relocation agreement in lieu of a permit, for activities on state-owned rights-of-way or rail corridors. This is expected to expedite the process and clear up legal confusion over whether a permit overrides a relocation schedule or agreement.

Section 32: Regulation of signage on light poles
Current Situation:
Concerns about safety and commercial use of public property led, many years ago, to passage of section 337.408, F.S., which regulates the placement, size and advertisers' use of bus benches, bus transit shelters, and trash barrels and other "waste receptacles" situated on public rights-of-way. These public rights-of-way may be owned by the state or by local government.

More recently, similar concerns have been raised about excess signage on street light poles.

Effect of Proposed Changes:
Section 337.408, F.S. is amended to add street light poles to those roadside structures that are regulated by DOT and local governments. Public service messages and advertising may be attached to these poles, as specified by local ordinance if the poles are on county or city right-of-way, or by DOT rules if along the State Highway System. No advertising on street light poles may be erected along the Interstate Highway System or National Highway System.

Section 34: Local government compensation/preference for grants
Current situation:
Section 339.12, F.S., guides DOT on the acceptance of monetary aid and contributions from federal, local and other governmental entities. There are different accounting processes for handling a situation where a local government is advancing money to DOT in order to expedite a state road project of community importance, and where a local government agrees to expend its own funds and perform the work. In the latter example, local governments are reimbursed their actual costs, pursuant to s. 339.12(5), F.S.

Effect of Proposed Changes:
Section 339.12(5), F.S., is amended so that the words "compensation" and "compensate" replace, where appropriate, the words "reimbursement" and "reimburse." Agency accountants have said the changes more accurately reflect the agency's financial and administrative processes.

CS/HB 757 also adds a new subsection (10) to s. 339.12, F.S., to provide that any county with more than 50,000 residents; which levies the full 6 cents of local-option fuel taxes on gasoline and diesel pursuant to ss. 206.41(1)(e) and 206.87(1)(c), F.S.: and which dedicates at least 35 percent of its discretionary sales surtaxes, levied pursuant to s. 212.055, F.S., to improving the State Transportation System or to local projects that directly upgrade the state system shall be given preference for receiving any transportation grant for which the county applies.

This provision does not apply to loans or non-highway grant programs operated by DOT.

According a DOT analysis, 24 counties potentially are eligible for DOT preference under the amendment. As with the original bill, it is unknown which counties actually qualify without surveying them to determine how they spend their discretionary sales surtax revenues. The potentially eligible counties are: Alachua, Bay, Charlotte, Clay, Columbia, Duval, Escambia, Hernando, Highlands, Hillsborough, Indian River, Lake, Leon, Miami-Dade, Monroe, Nassau, Osceola, Pinellas, St. Lucie, Santa Rosa, Sarasota, Seminole, Sumter and Volusia.

Section 35: State Infrastructure Bank

Current Situation:

Created in 2000 as part of the Mobility 2000 initiative, the State Infrastructure Bank (SIB) provides loans to help fund transportation projects that are on the State Highway System or which provides greater mobility on the state transportation system, and which otherwise may be delayed or not built.

The loans would be repaid from revenues generated by the project such as a toll road or other pledged resources. The repayments would be then re-loaned to fund additional transportation projects. SIB was guaranteed $150 million over three years.

Effect of Proposed Changes:

CS/HB 757 expands the uses for which SIB loans can be used to include intermodal projects, and includes in the application selection criteria the extent to which a project will provide connectivity to the State Highway System, and airports, seaports, rail facilities and other transportation terminals.

Section 39: Promotion of Maglev technology

Current Situation:

Se. 341.501, F.S., allows DOT to enter into join project agreements with private or public entities or consortia to fund research, development and demonstration of high-technology transportation systems, such as magnetic levitation technology, or Maglev.

Maglev is a system in which the vehicle runs levitated from the guideway (corresponding to the rail tracks of conventional railways) by using electromagnetic forces between superconducting magnets on board the vehicle and coils on the ground. Trains using this technology theoretically can achieve speeds of 200 mph; several are in the testing stages, and none are in commercial operation.

Effect of Proposed Changes:

CS/HB 757 amends s. 341.501, F.S., to allow the DOT to match not only federal aid, or funds from other states or jurisdictions, to further high-speed rail technology, such as Maglev. To be eligible for the state funding, the project must be located within Florida.

Section 40: Miami-Dade County Expressway Authority

Present Situation:

Chapter 348, F.S., deals with the creation and regulation of expressway authorities. Part I of the chapter, created by the Legislature in 1990, specifies the process for a county or counties to create and operate an expressway authority, including appointment of members. Parts II through IX refer

to specific expressway authorities that were legislatively created. But other than the requirement that all the voting members of an authority must live in the county served by the expressway, no other qualifications for authority members are listed in statute.

Effect of Proposed Changes:
The bill amends s. 348.0003(2)(d), F.S., to give a charter county, as defined by s. 125.011(1), F.S., the authority to establish qualifications, terms of office, and the obligations and rights of appointees to an expressway authority within its jurisdiction. Although there are several charter counties in Florida, only Miami-Dade County meets all of the conditions relevant to the section being amended. So, only the Dade County Expressway Authority will be impacted by the law change.

Section 41: Expressway Authority powers
Current Situation:
Nine expressway authorities have been specifically created in Florida law, although several other local road or bridge authorities operate under the general auspices of Part I of Chapter 348, F.S. The extent of the powers and duties of each expressway authority is slightly different, but they are guided in principle by the provisions of Chapter 348. Expressway authorities can acquire land, levy tolls, either sell bonds on their own or through the State Division of Bond Finance (depending on the particular expressway authority), and borrow money, for the purposes of their operations.

Effect of Proposed Changes:
Section 348.0008, F.S., is amended to allow expressway authorities can acquire less-than-fee rights to land, as state agencies can, and are allowed to enter private properties to access their lands and facilities, or to perform surveys and environmental audits. Such access shall not be deemed to be illegal trespass.

If the expressway authority staff or agents damage private property while conducting these activities, the expressway authority is liable to reimburse the private landowner for the actual damage.

Sections 42 and 43: Tampa-Hillsborough Expressway Authority
Current Situation:
In 1997 the Tampa-Hillsborough Expressway Authority was authorized to issue revenue bonds to finance and refinance certain projects. These revenue bonds are not backed by the full faith and credit of the State of Florida. In addition to existing facilities, the authority was authorized to issue bonds to finance Brandon area feeder roads, capitol improvements to the expressway system including the toll collection equipment, and the widening of the Lee Roy Selmon Crosstown Expressway System.

Specific projects by the Tampa-Hillsborough County Expressway Authority must be approved by the Legislature, by amending s. 348.565, F.S.

Effect of Proposed Changes:
CS/HB 757 bill adds the connector highway linking Lee Roy Selmon Crosstown Expressway to Interstate 4 to the list of projects that could be financed through the Tampa-Hillsborough County Expressway bonds. The Expressway Authority plans to sell $90 million to finance the project.

It also allows the Tampa-Hillsborough Expressway Authority to spend its bond proceeds on repairs and improvements to toll collection facilities, interchanges, and other infrastructure associated with the system.

Section 44: Wetlands Mitigation Requirements for expressway and bridge authorities

Current Situation:

Many DOT projects involve the dredging and filling of wetlands, Florida's environmental "kidneys" that filter surface water runoff before it is absorbed into the ground, help hold floodwaters, and provide natural habitat. Since the 1970s, the state's environmental agencies have required "mitigation" for damage done to wetlands by human development. Originally, this mitigation was either done on-site, or adjacent to the damaged area, by trying to create or restore a wetland area, or to leave existing green space untouched. But a wealth of biological studies in the early 1990s indicted that this piece-meal, project-by-project approach to mitigation was largely unsuccessful in restoring an ecosystem. Florida and other states began developing regional or basin approaches to mitigating for wetlands damage.

In 1996 the Legislature created s. 373.4137, F.S., detailing a process by which DOT could pay a per-acre sum of money to the Department of Environmental Protection (DEP) and the water management districts (WMDs) for their staffs to perform basin-wide mitigation to offset the adverse environmental impacts of road projects. Currently, DOT, DEP and the WMDs match up transportation projects with wetlands impacts, and develop environmental impact inventories for each WMD region of the state. Based on a current $80,000 per acre of impact cost, DOT makes quarterly deposits in a special escrow account within the State Transportation Trust Fund, and DEP can withdraw funds from it to pay for the mitigation projects within the basins overseen by each WMD. Much of the funds have been spent over the years to acquire and preserve lands from future development.

From DOT's perspective, this has proven to be a cost-effective and environmentally sound approach.

Effect of Proposed Changes:

Section 373.4137, F.S., is amended throughout to allow expressway authorities to utilize the process developed for DOT to pay mitigation funds into escrow accounts, managed by DEP, which finance WMD mitigation projects to offset the adverse environmental impacts of expressway projects.

Sections 45 and 46: Development issues

Current Situation:

One of the key elements of Florida's growth-management law is special review of large-scale projects that have the potential for regional impacts. Petroleum storage facilities, large commercial centers, and certain residential housing communities are among the types of developments that must go through a "development of regional impact" (DRI) review prior to being built or expanded, pursuant to ss. 380.06 and 380.0651, F.S. The DRI review process allows the Department of Community Affairs and regional boards to scrutinize an eligible project's impact on the health, safety and welfare of the citizenry, and to determine if it is consistent with the area's approved land-uses and comprehensive plans.

Each type of development has at least one numeric threshold, above which a DRI review is mandated. Examples of numeric thresholds that trigger a DRI review include: 10,000 permanent spectator seats in a stadium; an office park to be operated under common ownership that will encompass 30 or more acres; wholesaling operations, and recreational vehicle parks that will accommodate 500 or more parking spaces.

For example, auto wholesaling operations that want to provide parking for more than 2,500 motor vehicles or occupy sites greater than 320 acre must undergo DRI review.

<u>Effect of Proposed Changes:</u>
CS/HB 757 raises the DRI threshold for auto wholesaling operations from 320 acres to 640 acres.

Sections 47 and 48: Solicitation of funds at certain public transportation facilities
<u>Current situation</u>:
Chapter 496, F.S., regulates solicitation of funds by charitable and other organizations. Section 496.425, F.S., contains specific regulations on solicitation of funds within airports, railroad and bus stations, ports, rest areas, and similar facilities. For example, a soliciting organization must obtain a permit from the entity responsible for the transportation facility.

Once common, fund-raisers and fund soliciting at highway rest areas and welcome stations have declined in recent years. This can be attributed to a number of reasons; among them security concerns and competition from the variety of soda and snack machines now on site.

<u>Effect of Proposed Changes</u>:
Section 496.425(1), F.S., is amended to delete highway rest areas, roadside welcome centers and highway service plazas from the types of transportation facilities where fund solicitation can occur. Also, s. 496.4256, F.S., is created, specifying that any governmental entity or authority that owns or operates welcome centers, wayside parks, service plazas, or rest areas on the state highway system are not required to issue a solicitation permit.

Section 49: Sovereign Immunity
<u>Current Situation</u>:
Chapter 728, F.S., includes a number of provisions on negligence, sovereign immunity, and release of liability.

Sovereign immunity means neither the state, its agencies, nor subdivisions shall be liable to pay a claim or a judgment by any one person which exceeds the sum of $100,000 or any claim or judgment, or portions thereof, which, when totaled with all other claims or judgments paid by the state or its agencies or subdivisions arising out of the same incident or occurrence, exceeds the sum of $200,000. However, a judgment or judgments may be claimed and rendered in excess of these amounts and may be settled and paid pursuant to this act up to $100,000 or $200,000, as the case may be; and that portion of the judgment that exceeds these amounts may be reported to the Legislature, which considers requests for additional amounts as claims bills.

Section 728.28, F.S., lists a number of entities or circumstances where sovereign immunity is applicable.

<u>Effect of Proposed Changes</u>:
Section 768.28, F.S., is amended to add that operators and security providers who are contracted by the Tri-County Commuter Rail Authority shall be considered agents of the state while acting within the scope of their contracted duties. As agents of the state, they are eligible for sovereign immunity protection in liability claims.

Section 50: Dori Slosberg Act
<u>Current Situation:</u>
Pursuant to s. 233.063, F.S., each school district must provide secondary school students with a course of study and instruction in the safe and lawful operation of a motor vehicle. In order to make these programs and instruction available to secondary students, the district school boards may use instructional personnel employed by the board, may contract with a commercial driving school licensed under the provisions of ch. 488, F.S., or may contract with an instructor certified under the provisions of ch. 488, F.S.

School districts earn funds for these programs on full-time equivalent students at the appropriate basic program cost factor, regardless of the method by which such courses are offered. The driver education programs are also funded by a levy of an additional $.50 per year to the driver's license fees prescribed in s. 322.21, F.S. The additional fee is placed in the General Revenue Fund.

District school boards prescribe standards for courses required under s. 233.063, F.S., and for instructional personnel directly employed by the boards. Certified instructors and licensed commercial driving schools are deemed sufficiently qualified, and are not required to meet any standards beyond those prescribed in ch. 488, F.S.

Effect of Proposed Changes:
The bill creates the "Dori Slosberg Act" which authorizes a county to require by ordinance the payment of a $3 surcharge on each civil traffic penalty to be collected by the clerk of the court. The bill specifies that the $3 surcharge may be collected at the direction of the county commission despite that s. 318.121, F.S., preempts to the state the addition of fees, fines, surcharges, or non-court costs to certain traffic penalties. All proceeds from the surcharge shall be used to fund driver education programs in public and non-public schools. The ordinance must provide that the board of county commissioners will administer the funds. In addition, the bill requires that the funds must be used for direct educational expenses, and not for administration.

Section 51: Crandon Boulevard
Current Situation:
Sections 267.061 and 267.074, F.S., outline the policy and criteria for designating, protecting and marking historic properties, including highways, in Florida. The Bureau of Historic Preservation, within the Department of State's Division of Historical Resources, manages this program. Many potential historic properties are recommended for designation via an application process established by the Division. However, state historic highways are designated by legislative action. Florida has at least 11 state historic highways that generally are protected from actions, such as unnecessary removal of adjacent trees, which would change the roads' character.

Crandon Boulevard is a historic residential road in Miami-Dade County with strict guidelines on the types of activities that can be conducted. Lately, neighbors have raised concerns about whether there is sufficient access for fire trucks, ambulances, and other emergency or public safety vehicles to be able to respond promptly to distress calls.

Effect of Proposed Changes:
Chapter 88-418, Laws of Florida, which designated Crandon Boulevard as a state historic highway, is amended to allow improvements to the street and its median, so to provide for "vehicular ingress and egress of governmental public safety vehicles."

Section 52: Specifies that except where otherwise provided, this act shall take effect July 1, 2002.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Indeterminate, but likely minimal.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Section 50 of the bill gives local governments the ability to assess up to an additional $3 civil penalty for traffic violators, with the proceeds to be used to fund traffic education in public and nonpublic schools. It is unknown how much money this voluntary provision will raise.

2. Expenditures:

Indeterminate. In two instances, however, expenditures may be reduced. Expressway authorities, for example, may save time and money in the wetlands permitting process and the eventual mitigation by giving environmental agencies, pursuant to Section 44, the funds to perform the restoration or mitigation of wetlands adversely impacted by expressway projects. And the Tri-County Commuter Rail Authority's potential liability expenditures could be reduced if the entity's operators and security providers become eligible for sovereign immunity under Section 48.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Indeterminate. Contractors prequalified with DOT would not incur the costs of obtaining project qualification with local governments, if Sections 8,26, 27 and 30 of the bill become law. Also, businesses engaged in advertising on street light poles could benefit financially from expanded use of these structures, pursuant to Section 32.

D. FISCAL COMMENTS:

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

The mandates provision is not applicable to an analysis of CS/HB 757 because the bill does not require cities or counties to expend funds, or to take actions requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

CS/HB 757 does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

CS/HB 757 does not reduce the percentage of a state tax shared with counties or municipalities in the aggregate.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

CS/HB 757 does not raise any constitutional issues.

B. RULE-MAKING AUTHORITY:

Section 33 deletes an unnecessary statutory grant of rulemaking for DOT.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On January 30, 2002, the Transportation Committee adopted nine amendments to HB 757. A brief description of the amendments follows:

-- Amendment #1: Extends the January 1, 2003, sunset date of the 4-year period required for a standing business to be eligible to receive business damages where a governmental entity exercises the power of eminent domain to partially take a parcel of property for the purpose of right-of-way acquisition until January 1, 2005. On or after January 1, 2005, a business must be of more than 5 years' standing in order to qualify for business damages.

-- Amendment #2: Establishes "Safe Paths to Schools" Program within DOT, which may create a grants program to fund local, regional, or state bike and pedestrian paths. There is no funding source for the grants, nor is DOT required to fund the program; the amendment simply creates a framework for the program in case future funding is identified.

-- Amendment #3: Removes the July 1, 2003, sunset of design-build flexibility with following caveats: (1) "enhancement projects" are not included, and (2) right-of-way services drop out as of July 1, 2005.

-- Substitute Amendment #4: Allows State Infrastructure Bank funds to be used for intermodal improvements.

-- Amendment # 5: Gives expressway authorities power to acquire less-than-fee interests in property, and to give them greater access to private property to do surveys, environmental assessments, or reach property they already own, without fear of being charged with trespassing. The expressway authorities would be liable to compensate the landowner for any damage caused by such access.

-- Amendment # 6: Creates s. 348.545, F.S., to give Tampa-Hillsborough County Expressway Authority ability to use bonds to pay for toll booths, interchanges or other facilities for the "approved system." Such funds may be from existing bond issues, future issues, or a combination of both.

-- Amendment # 7: Amends s. 348.565, F.S., to add a connector highway linking the Lee Roy Selmon Highway to I-4.

-- Amendment # 8: Makes it a 3rd-degree felony to transport motor or diesel fuel in tankers/trucks that don't conform to federal regulations, and makes it a 2nd-degree felony for persons to purchase motor fuel using a fake or stolen credit card or "SpeedPass" device. Violators have to reimburse the state for enforcement costs and for the stolen fuel. Vehicles are confiscated and may be destroyed.

-- Amendment #9: Creates "Dori Slosberg Act" allowing local governments to add up to a $3 surcharge on traffic tickets to pay for driver education.

The committee then voted 12-1 to report HB 757 as favorable. The amendments are traveling separately with the bill.

On February 19, 2002 the Transportation and Economic Development Appropriations adopted four amendments. The four amendments were as follows:

- Amendment 1 provides for airport offsite noise mitigation.
- Amendment 2 brings seaports under 287.055 the (CCNA) competitive consultants negotiation act.
- Amendment 3 gives preference to certain counties over 75,000 who levy an amount of local effort.
- Amendment 4 amends Ch 88-418, Laws of Florida to clarify what state funds can be spent for concerning improvements to Crandon Boulevard, a designated state Historic Highway. This will allow Key Biscayne to execute a median alteration for a new fire station on the scenic highway.

On February 26, 2002, the Ready Infrastructure Council adopted 14 amendments. They were:

#1: Adds distribution or transmission of electricity to the various utility-related activities that are NOT defined as "development" for the purposes of chapter 380, F.S.

#2: (1) Specifies that "Segways" (Electric Personal Assistive Mobility Devices) are NOT motor vehicles for the purposes of regulation under chapter 316, F.S. (2) Specifies vehicles may be operated: on streets where the posted speed limit is a max 25 mph; on a marked bike path, or on any road where a bicycle is allowed; at any intersection; and on any sidewalk as long as the rider yields to pedestrians. (3) Requires bike helmets for riders under 16 years old. (4) Permits DOT and any local government to prohibit Segways on any road, street or bike path under its jurisdiction.

#3: (1) Gives local governments the discretion to incorporate airport master plans into their comp plans. (2) Specifies content of the comp plan amendment that incorporates the airport master plan, which must address land-use issues, zoning compatibility, consistency with local traffic circulation plans, etc. (3) Specifies that development or expansion of an airport consistent with the adopted master plan and with the comp plan amendment shall not be a DRI .

#4: (1) Requires each public owned & operated, DOT-licensed airport to prepare an airport master plan. (2) Requires owner of airport to copy affected local governments with federal & state funding requests and certain other documents. Defines "affected local government" as any city or county having jurisdiction over the airport and any city or county located with 2 miles of the land subject to the airport master plan.

#5: Allows DOT to match, using state dollars, any federal funds or aid from other states available for MAGLEV projects. Specifies that to be eligible for the funding, the MAGLEV project must be located in Florida.

#6: Extends another year – to June 30, 2004, the flexibility of Florida airports to use their DOT infrastructure grants for security-related projects.

#7: Specifies that any municipality or county that receives more than 25% of its annual revenue, excluding grants, from traffic citations must remit to DHSMV all funds in excess of the 25%. The excess funds shall be evenly split between the Highway Safety Operating TF and the Brain & Spinal Cord Injury Rehabilitation TF.

#8: Doubles the acreage threshold – to 640 acres – that auto wholesalers have to exceed before triggering a DRI review.

#9: Exempts from regulation under chapter 316, F.S., "motorized scooters."

#10: Gives DOT the discretion to issue special overlength permits for agricultural trucks hauling cotton, as long as the trucks are not longer than 55 fee in overall length.

#11: Exempts from the requirement for tarpaulins covering and securing certain loads certain vehicles carrying agricultural products locally from a harvest site, or to or from a farm on roads where the posted speed limit is 65 mph or less and the distance to be driven in less than 20 miles.

#12: (1) Creates the Florida Firefighters license plate and the Police Benevolent Association license plate. (2) Specifies each costs $20. (3) Specifies that all the requirements for issuance must be met before the first plate is sold. (4) Proceeds from the Firefighters plate shall be distributed to the Florida Firefighters Charities, a 501(c)(3) corporation. (5) Proceeds from the PBA plate shall be distributed to the Florida PBA Heart Fund, Inc., also a 501(c)(3) corporation.

#13: (1) Should anticipated federal revolving loan funds become available this year, the Ports Financing Commission - the bonding arm of the FSTED Council - would be able to accept those funds and commence a loan program, pursuant to federal and state guidelines. (2) Clarifies FSTED oversight of the loan program. (3) Requires an annual report to the Governor and the Legislature, beginning January 1, 2004. (4) Requires a legislative review of the program in 2004 session.

#14: Adds "landscape architects" to the list of design professionals who must certify certain DOT projects.

The Council reported the bill as a committee substitute.

VII. SIGNATURES:

COMMITTEE ON TRANSPORTATION :

Prepared by:	Staff Director:
Joyce Pugh	Phillip B. Miller

AS REVISED BY THE COMMITTEE ON TRANSPORTATION & ECONOMIC DEVELOPMENT COMMITTEE:

Prepared by:	Staff Director:
Eliza Hawkins	Eliza Hawkins

AS FURTHER REVISED BY THE COUNCIL FOR READY INFRASTRUCTURE:

Prepared by:	Council Director:
C. Scott Jenkins	Thomas J. Randle