

By Senator Gainer

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1 A bill to be entitled
2 An act relating to transportation; amending s.
3 316.545, F.S.; providing for the calculation of fines
4 for unlawful weight and load for a vehicle fueled by
5 natural gas; requiring the vehicle operator to present
6 a certain written certification upon request by a
7 weight inspector or law enforcement officer;
8 prescribing a maximum actual gross vehicle weight for
9 vehicles fueled by natural gas; providing a penalty;
10 providing applicability; amending s. 335.074, F.S.;
11 requiring bridges on public transportation facilities
12 to be inspected for certain purposes at regular
13 intervals as required by the Federal Highway
14 Administration; amending s. 337.11, F.S.; increasing
15 the allowable amount for contracts for construction
16 and maintenance that the Department of Transportation
17 may enter into, in certain circumstances, without
18 advertising and receiving competitive bids; amending
19 s. 338.227, F.S.; providing that certain bonds are not
20 required to be validated but may be validated at the
21 option of the Division of Bond Finance; providing
22 filing, notice, and service requirements for
23 complaints and circuit court orders concerning such
24 validation; amending s. 339.135, F.S.; providing an
25 additional exception related to the amendment of
26 adopted work programs when an emergency exists;
27 amending s. 339.2405, F.S.; replacing the Florida
28 Highway Beautification Council within the department
29 with the Florida Highway Beautification Grant Program;

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30 providing the purpose of the program; providing duties
31 of the department, including the establishment of
32 rules related to grant requests; conforming provisions
33 to changes made by the act; amending s. 343.52, F.S.;
34 defining the term "department"; amending s. 343.54,
35 F.S.; prohibiting the South Florida Regional
36 Transportation Authority from entering into,
37 extending, or renewing certain contracts or other
38 agreements without the department's prior review and
39 written approval if such contracts or agreements may
40 be funded with funds provided by the department;
41 amending s. 343.58, F.S.; prohibiting specified funds
42 provided to the authority by the department from being
43 committed by the authority without the prior review
44 and written approval by the department of the
45 authority's expenditures; deleting requirements
46 relating to notification by the authority to the
47 department of a proposed procurement or of a renewal
48 of any existing contract that will rely on state funds
49 for payment; requiring the authority to promptly
50 provide the department any documentation or
51 information, in addition to the proposed annual
52 budget, which is required by the department for its
53 evaluation of the proposed uses of state funds;
54 prohibiting certain funding from being provided to the
55 authority by the department until the authority
56 terminates a Notice of Intent of Contract Award for a
57 specified request for proposal; requiring the
58 authority, before entering into a new contract for the

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59 services that were the subject of such request for
60 proposal, to obtain the department's written approval
61 of all terms and conditions of the new procurement and
62 contract for such services; amending s. 215.82, F.S.;
63 conforming a provision to changes made by the act;
64 amending s. 343.53, F.S.; conforming a cross-
65 reference; providing an effective date.
66

67 Be It Enacted by the Legislature of the State of Florida:
68

69 Section 1. Present paragraphs (c) and (d) of subsection (3)
70 of section 316.545, Florida Statutes, are redesignated as
71 paragraphs (d) and (e), respectively, and a new paragraph (c) is
72 added to that subsection, to read:

73 316.545 Weight and load unlawful; special fuel and motor
74 fuel tax enforcement; inspection; penalty; review.—

75 (3)

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

87 2. Notwithstanding any other provision of this subsection,

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88 the actual gross vehicle weight for vehicles fueled by natural
89 gas may not exceed 82,000 pounds. If the actual gross vehicle
90 weight exceeds 82,000 pounds, the penalty shall be assessed as
91 provided in paragraph (a).

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

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

96 335.074 Safety inspection of bridges.-

97 (2) At regular intervals as required by the Federal Highway
98 Administration ~~not to exceed 2 years~~, each bridge on a public
99 transportation facility shall be inspected for structural
100 soundness and safety for the passage of traffic on such bridge.
101 The thoroughness with which bridges are to be inspected shall
102 depend on such factors as age, traffic characteristics, state of
103 maintenance, and known deficiencies. The governmental entity
104 having maintenance responsibility for any such bridge shall be
105 responsible for having inspections performed and reports
106 prepared in accordance with the provisions contained herein.

107 Section 3. Paragraph (c) of subsection (6) of section
108 337.11, Florida Statutes, is amended to read:

109 337.11 Contracting authority of department; bids; emergency
110 repairs, supplemental agreements, and change orders; combined
111 design and construction contracts; progress payments; records;
112 requirements of vehicle registration.-

113 (6)

114 (c) When the department determines that it is in the best
115 interest of the public for reasons of public concern, economy,
116 improved operations, or safety, and only for contracts for

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117 construction and maintenance which do not exceed \$250,000 when
118 circumstances dictate rapid completion of the work, the
119 department may, ~~up to the amount of \$120,000,~~ enter into
120 contracts ~~for construction and maintenance~~ without advertising
121 and receiving competitive bids. The department may enter into
122 such contracts only upon a determination that the work is
123 necessary for one of the following reasons:

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

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

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

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

141 Section 4. Subsection (5) is added to section 338.227,
142 Florida Statutes, to read:

143 338.227 Turnpike revenue bonds.—

144 (5) Notwithstanding s. 215.82, bonds issued pursuant to
145 this section are not required to be validated pursuant to

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146 chapter 75 but may be validated at the option of the Division of
147 Bond Finance. Any complaint about such validation must be filed
148 in the circuit court of the county in which the seat of state
149 government is situated, and the clerk shall publish the notice
150 as required by s. 75.06 only in the county in which the
151 complaint is filed. The complaint and order of the circuit court
152 must be served on the state attorney of the circuit in which the
153 action is pending.

154 Section 5. Paragraph (e) of subsection (7) of section
155 339.135, Florida Statutes, is amended to read:

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

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

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

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175 certification by the comptroller of the department that there
176 are sufficient funds available pursuant to the 36-month cash
177 forecast and applicable statutes.

178 Section 6. Section 339.2405, Florida Statutes, is amended
179 to read:

180 339.2405 Florida Highway Beautification Grant Program
181 Council.-

182 (1) There is created within the Department of
183 Transportation the Florida Highway Beautification Grant Program
184 for the purpose of awarding grants to local governmental
185 entities for beautification of roads on the State Highway System
186 as provided in subsections (3) and (4). The department shall
187 Council. It shall consist of seven members appointed by the
188 Governor. All appointed members must be residents of this state.
189 One member must be a licensed landscape architect, one member
190 must be a representative of the Florida Federation of Garden
191 Clubs, Inc., one member must be a representative of the Florida
192 Nurserymen and Growers Association, one member must be a
193 representative of the department as designated by the head of
194 the department, one member must be a representative of the
195 Department of Agriculture and Consumer Services, and two members
196 must be private citizens. The members of the council shall serve
197 at the pleasure of the Governor.

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

200 ~~(3) The council shall meet no less than semiannually at the~~
201 ~~call of the chair or, in the chair's absence or incapacity, at~~
202 ~~the call of the head of the department. Four members shall~~
203 ~~constitute a quorum for the purpose of exercising all of the~~

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204 ~~powers of the council. A vote of the majority of the members~~
205 ~~present shall be sufficient for all actions of the council.~~

206 ~~(4) The council members shall serve without pay but shall~~
207 ~~be entitled to per diem and travel expenses pursuant to s.~~
208 ~~112.061.~~

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

214 ~~(6) The council may prescribe, amend, and repeal bylaws~~
215 ~~governing the manner in which the business of the council is~~
216 ~~conducted.~~

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

218 ~~(a)1.~~ Provide information to local governments and local
219 highway beautification councils regarding the state highway
220 beautification grants program.

221 ~~(b)2.~~ Accept grant requests from local governments.

222 ~~(c)3.~~ Review grant requests for compliance with department
223 ~~council~~ rules.

224 ~~(d)4.~~ Establish rules for evaluating and prioritizing the
225 grant requests. The rules must include, but are not limited to,
226 an examination of each grant's aesthetic value, cost-
227 effectiveness, level of local support, feasibility of
228 installation and maintenance, and compliance with state and
229 federal regulations. Rules adopted by the department council
230 which it uses to evaluate grant applications must take into
231 consideration the contributions made by the highway
232 beautification project in preventing litter.

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233 (e)~~5.~~ Maintain a prioritized list of approved grant
 234 requests. The list must include recommended funding levels for
 235 each request and, if staged implementation is appropriate,
 236 funding requirements for each stage shall be provided.

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

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

246 ~~(8) The head of the department shall provide from existing~~
 247 ~~personnel such staff support services to the council as are~~
 248 ~~necessary to enable the council to fulfill its duties and~~
 249 ~~responsibilities.~~

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

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

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

280 ~~(12) The council shall annually submit to the head of the~~
281 ~~Department of Transportation a proposal recommending the level~~
282 ~~of grant funding.~~

283 Section 7. Section 343.52, Florida Statutes, is reordered
284 and amended to read:

285 343.52 Definitions.—As used in this part, the term:

286 (2)~~(1)~~ "Authority" means the South Florida Regional
287 Transportation Authority.

288 (3)~~(2)~~ "Board" means the governing body of the authority.

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

290 (1)~~(3)~~ "Area served" means Miami-Dade, Broward, and Palm

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291 Beach Counties. However, this area may be expanded by mutual
292 consent of the authority and the board of county commissioners
293 of Monroe County. The authority may not expand into any
294 additional counties without the department's prior written
295 approval.

296 (8)~~(4)~~ "Transit system" means a system used for the
297 transportation of people and goods by means of, without
298 limitation, a street railway, an elevated railway having a fixed
299 guideway, a commuter railroad, a subway, motor vehicles, or
300 motor buses, and includes a complete system of tracks, stations,
301 and rolling stock necessary to effectuate passenger service to
302 or from the surrounding regional municipalities.

303 (7)~~(5)~~ "Transit facilities" means property, avenues of
304 access, equipment, or buildings built and installed in Miami-
305 Dade, Broward, and Palm Beach Counties which are required to
306 support a transit system.

307 (6)~~(6)~~ "Member" means the individuals constituting the
308 board.

309 (5)~~(7)~~ "Feeder transit services" means a transit system
310 that transports passengers to or from stations within or across
311 counties.

312 Section 8. Present subsections (4) and (5) of section
313 343.54, Florida Statutes, are redesignated as subsections (5)
314 and (6), respectively, and a new subsection (4) is added to that
315 section, to read:

316 343.54 Powers and duties.—

317 (4) Notwithstanding any other provision of this part, the
318 authority may not enter into, extend, or renew any contract or
319 other agreement under this part without the department's prior

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320 review and written approval of the authority's proposed
321 expenditures if such contract or agreement may be funded, in
322 whole or in part, with funds provided by the department.

323 Section 9. Paragraph (c) of subsection (4) of section
324 343.58, Florida Statutes, is amended, and paragraph (e) is added
325 to that subsection, to read:

326 343.58 County funding for the South Florida Regional
327 Transportation Authority.—

328 (4) Notwithstanding any other provision of law to the
329 contrary and effective July 1, 2010, until as provided in
330 paragraph (d), the department shall transfer annually from the
331 State Transportation Trust Fund to the South Florida Regional
332 Transportation Authority the amounts specified in subparagraph
333 (a)1. or subparagraph (a)2.

334 (c)1. Funds provided to the authority by the department
335 under this subsection may not be committed by the authority
336 without the prior review and written approval by ~~of~~ the
337 department of the authority's expenditures, ~~which may not be~~
338 ~~unreasonably withheld. At least 90 days before advertising any~~
339 ~~procurement or renewing any existing contract that will rely on~~
340 ~~state funds for payment, the authority shall notify the~~
341 ~~department of the proposed procurement or renewal and the~~
342 ~~proposed terms thereof. If the department, within 60 days after~~
343 ~~receipt of notice, objects in writing to the proposed~~
344 ~~procurement or renewal, specifying its reasons for objection,~~
345 ~~the authority may not proceed with the proposed procurement or~~
346 ~~renewal. Failure of the department to object in writing within~~
347 ~~60 days after notice shall be deemed consent. This requirement~~
348 ~~does not impair or cause the authority to cancel contracts that~~

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349 ~~exist as of June 30, 2012.~~

350 2. To enable the department to evaluate the authority's
351 proposed uses of state funds, the authority shall annually
352 provide the department with its proposed budget for the
353 following authority fiscal year and shall promptly provide the
354 department with any additional documentation or information
355 required by the department for its evaluation of the proposed
356 uses of the state funds.

357 (e) Funding may not be provided to the authority by the
358 department under this subsection until the authority withdraws,
359 Cancels, or otherwise terminates the authority's Notice of
360 Intent of Contract Award for Request for Proposal 16-010
361 "Operating Services," approved by the authority's board on
362 January 27, 2017. Before entering into a new contract for the
363 services that were the subject of the Request for Proposal 16-
364 010, the authority must obtain the department's written approval
365 of all terms and conditions of a new procurement and contract
366 for the services that were the subject of such request for
367 proposal to ensure that the authority has sufficient revenues to
368 fund the contract.

369 Section 10. Subsection (2) of section 215.82, Florida
370 Statutes, is amended to read:

371 215.82 Validation; when required.—

372 (2) Any bonds issued pursuant to this act which are
373 validated shall be validated in the manner provided by chapter
374 75. In actions to validate bonds to be issued in the name of the
375 State Board of Education under s. 9(a) and (d), Art. XII of the
376 State Constitution and bonds to be issued pursuant to chapter
377 259, the Land Conservation Program, the complaint shall be filed

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378 in the circuit court of the county where the seat of state
379 government is situated, the notice required to be published by
380 s. 75.06 shall be published only in the county where the
381 complaint is filed, and the complaint and order of the circuit
382 court shall be served only on the state attorney of the circuit
383 in which the action is pending. In any action to validate bonds
384 issued pursuant to s. 1010.62 or issued pursuant to s. 9(a)(1),
385 Art. XII of the State Constitution or issued pursuant to s.
386 215.605 ~~or s. 338.227~~, the complaint shall be filed in the
387 circuit court of the county where the seat of state government
388 is situated, the notice required to be published by s. 75.06
389 shall be published in a newspaper of general circulation in the
390 county where the complaint is filed and in two other newspapers
391 of general circulation in the state, and the complaint and order
392 of the circuit court shall be served only on the state attorney
393 of the circuit in which the action is pending; provided,
394 however, that if publication of notice pursuant to this section
395 would require publication in more newspapers than would
396 publication pursuant to s. 75.06, such publication shall be made
397 pursuant to s. 75.06.

398 Section 11. Paragraph (d) of subsection (2) of section
399 343.53, Florida Statutes, is amended to read:

400 343.53 South Florida Regional Transportation Authority.—

401 (2) The governing board of the authority shall consist of
402 10 voting members, as follows:

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

406 1. The county commission of the county shall elect a

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407 commissioner as that commission's representative on the board.
408 The commissioner must be a member of the county commission when
409 elected and for the full extent of his or her term.

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

413 Section 12. This act shall take effect July 1, 2017.