

Committee Substitute for Senate Bill No. 676

An act relating to transportation; amending s. 316.2952, F.S.; deleting a reference to an obsolete federal safety standard; amending ss. 322.212 and 338.2216, F.S.; correcting references; amending s. 338.165, F.S.; authorizing the refinancing of certain transportation facilities; amending s. 163.3177, F.S.; providing for certain airports to abandon development-of-regional impact orders; transportation facilities; amending ss. 20.23 and 110.205, F.S.; providing for the reorganization of the Department of Transportation; revising duties of the assistant secretaries; providing for additional offices; amending s. 120.52, F.S.; redefining the term "agency" for the purposes of the Administrative Procedure Act; amending s. 339.175, F.S.; providing authority for metropolitan planning organizations and political subdivisions to form separate legal or administrative entities for the purpose of coordinating regional transportation planning and development goals and purposes; specifying how the entity shall be created and operated; exempting the entity from the Administrative Procedure Act; amending s. 255.20, F.S.; providing for a presumption of prequalification for certain contractors; amending s. 316.1001, F.S.; providing for issuing citations for toll violations by first class mail; providing that mailing constitutes notification of such a violation; amending s. 316.302, F.S.; revising provisions for exemption from specified notification requirements for commercial motor vehicles carrying hazardous materials; incorporating specified federal regulations; updating regulations and rules applicable to certain commercial motor vehicle owners and drivers; specifying ownership identification requirements for certain commercial motor carriers; providing penalties for violation of such requirements; providing for compliance reviews; deleting obsolete references; requirements for identifying commercial vehicles; authorizing the department to conduct compliance reviews; amending s. 316.3025, F.S.; conforming references; providing for a civil penalty to be assessed for additional specified violations; providing penalties for commercial trucks found to be operating following an out-of-service order; amending s. 316.3026, F.S.; providing for the Office of Motor Carrier Compliance to enforce laws governing the operating authority of motor carriers; repealing s. 316.3027, F.S., relating to identification requirements of commercial vehicles; amending s. 316.515, F.S.; revising length limitations for certain commercial vehicles; amending s. 316.545, F.S.; providing for placement of a lien on a vehicle for failure to pay an out-of-service fine; deleting obsolete provisions; authorizing weight inspectors to detain a commercial vehicle under certain circumstances; repealing s. 316.610(3), F.S., relating to a commercial vehicle inspection program within the department which no longer exists; amending s. 316.640, F.S.; providing for authorization of traffic accident investigation officers; amending s. 316.650, F.S.; authorizing the transfer of toll violation citations via electronic means; amending s. 316.70, F.S.; authorizing the department to conduct compliance reviews of nonpublic sector buses;

amending s. 318.14, F.S.; revising the time period for paying certain civil penalties; amending s. 330.27, F.S.; revising definitions; amending s. 330.29, F.S.; revising duties of the Department of Transportation with respect to the regulation of airport sites and airports; requiring the department to establish requirements for airport site approval, licensure, and registration; requiring the department to establish and maintain a state aviation facility data system; amending s. 330.30, F.S.; revising provisions for airport site approval; revising provisions for airport licensing; providing for a private airport registration process; specifying requirements for such licensing and registration; deleting airport license fees; providing for expiration and revocation of such license or registration; revising provisions for exemption from such registration and licensing requirements; exempting described areas and facilities from such requirements; providing described private airports the option to be inspected and licensed by the department; amending s. 330.35, F.S.; revising provisions for airport zoning protection for public-use airports; amending s. 330.36, F.S.; providing for zoning requirements governing the landing of seaplanes; amending s. 288.075, F.S.; conforming provisions to changes made by the act; amending s. 331.303, F.S.; revising a definition; amending s. 331.308, F.S.; revising provisions relating to the board of supervisors for the Florida Space Authority; amending s. 331.367, F.S.; conforming provisions to changes made by the act; amending s. 331.368, F.S.; revising the membership of the board of directors for the Florida Space Research Institute; clarifying the authority of the Florida Space Research Institute; providing for the submission of an annual report to the Commissioner of Education; amending s. 331.401, F.S.; conforming provisions to changes made by the act; amending s. 331.403, F.S.; revising legislative findings and intent; amending s. 331.405, F.S.; defining the term “aerospace”; amending s. 331.407, F.S.; redesignating the Florida Commercial Space Finance Corporation as the Florida Aerospace Finance Corporation; conforming provisions to changes made by the act; providing that the Florida Aerospace Finance Corporation is not an agency for certain purposes; amending ss. 331.409 and 331.411, F.S.; conforming provisions to changes made by the act; amending s. 334.03, F.S.; defining “511 services” and “interactive voice response”; amending s. 334.044, F.S.; expanding the powers and duties of the department to include oversight of traveler information systems; amending s. 334.14, F.S.; revising the qualifications required for engineers employed by the department; creating s. 334.60, F.S.; requiring the department to be the lead agency in establishing and coordinating a 511 traveler information phone system; amending s. 336.467, F.S.; authorizing the department to acquire rights-of-way for other governmental entities; amending s. 337.14, F.S.; clarifying the contractor prequalification process; prohibiting a construction contractor from providing testing services; amending s. 337.18, F.S.; clarifying that surety bonds issued in favor of the department for construction and maintenance projects over a specified amount are governed by chapter 337, F.S.; removing certain limitations on contractor incentive payments;

amending s. 338.165, F.S.; authorizing the Division of Bond Finance to issue bonds at the department's request for certain facilities; amending s. 338.235, F.S.; authorizing the turnpike authority to secure products, business opportunities, and services by competitive solicitation; creating s. 339.61, F.S.; creating the Florida Strategic Intermodal System; providing legislative findings; creating s. 339.62, F.S.; providing the components of the Strategic Intermodal System; creating s. 339.63, F.S.; designating system facilities; creating s. 339.64, F.S.; providing for a needs assessment; providing for the Strategic Intermodal System plan; designating Mamie Langdale Memorial Bridge in Glades County; designating George Crady Bridge in Nassau and Duval Counties; designating Rodolfo Garcia Memorial Avenue; directing the Department of Transportation to erect suitable markers; defining statewide transportation corridors; amending s. 95.361, F.S.; providing for government acquisition of certain roads; providing procedures to contest such acquisition; repealing s. 339.12(10) as created by s. 83 of ch. 2002-20, Laws of Florida, and amended by s. 58 of ch. 2002-402, Laws of Florida, relating to grants for local governments; designating an official state aviation museum; amending s. 337.401, F.S.; allowing the department under certain circumstances to enter into permit-delegation agreements with other governmental entities for issuance of permits to use certain rights-of-way; amending s. 334.071, F.S.; requiring local government approval of any proposed road or bridge honorary designation; amending s. 335.02, F.S.; providing that local government regulations shall not apply to transportation facilities on the State Highway System; amending s. 332.007, F.S.; extending the time period of the department's authorization to fund certain security-related airport projects; providing an effective date.

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

Section 1. Subsection (2) of section 316.2952, Florida Statutes, is amended to read:

316.2952 Windshields; requirements; restrictions.—

(2) A person shall not operate any motor vehicle on any public highway, road, or street with any sign, sunscreening material, product, or covering attached to, or located in or upon, the windshield, except the following:

(a) A certificate or other paper required to be displayed by law.

(b) Sunscreening material along a strip at the top of the windshield, so long as such material is transparent and does not encroach upon the driver's direct forward viewing area as more particularly described and defined in Federal Motor Vehicle Safety Standards No. Nos. 205 and 128 as the AS/1 portion of the windshield.

(c) A device, issued by a governmental entity as defined in s. 334.03, or its designee, for the purpose of electronic toll payments.

Section 2. Subsection (1) of section 322.212, Florida Statutes, is amended to read:

322.212 Unauthorized possession of, and other unlawful acts in relation to, driver's license or identification card.—

(1) It is unlawful for any person to:

(a) Knowingly have in his or her possession or to display any blank, forged, stolen, fictitious, counterfeit, or unlawfully issued driver's license or identification card or any instrument in the similitude of a driver's license or identification card unless possession by such person has been duly authorized by the department;

(b) Knowingly have in his or her possession any instrument in the similitude of a driver's license issued by the department or its duly authorized agents or those of any state or jurisdiction issuing licenses recognized in this state for the operation of a motor vehicle;

(c) Knowingly have in his or her possession any instrument in the similitude of an identification card issued by the department or its duly authorized agents or those of any state or jurisdiction issuing identification cards recognized in this state for the purpose of indicating a person's true name and age; or

(d) Knowingly sell, manufacture, or deliver, or knowingly offer to sell, manufacture, or deliver, a blank, forged, stolen, fictitious, counterfeit, or unlawfully issued driver's license or identification card, or an instrument in the similitude of a driver's license or identification card, unless that person is authorized to do so by the department. A violation of this ~~section paragraph~~ may be investigated by any law enforcement agency, including the Division of Alcoholic Beverages and Tobacco.

The term "driver's license" includes a driver's license issued by the department or its agents or a driver's license issued by any state or jurisdiction that issues licenses recognized in this state for the operation of a motor vehicle. The term "identification card" includes any identification card issued by the department or its agents or any identification card issued by any state or jurisdiction that issues identification cards recognized in this state for the purpose of indicating a person's true name and age. This subsection does not prohibit a person from possessing or displaying another person's driver's license or identification card for a lawful purpose.

Section 3. Subsection (3) of section 338.165, Florida Statutes, is amended to read:

338.165 Continuation of tolls.—

(3) Notwithstanding any other law to the contrary, pursuant to s. 11, Art. VII of the State Constitution, and subject to the requirements of subsection (2), the Department of Transportation may request the Division of Bond Finance to issue bonds secured by toll revenues collected on the Alligator Alley, Sunshine Skyway Bridge, Beeline East Expressway, and Pinellas

Bayway to fund transportation projects located within the county or counties in which the facility is located and contained in the 1993-1994 Adopted Work Program or in any subsequent adopted work program of the department.

Section 4. Paragraph (b) of subsection (1) of section 338.2216, Florida Statutes, is amended to read:

338.2216 Florida Turnpike Enterprise; powers and authority.—

(1)

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

Section 5. Section 20.23, Florida Statutes, is amended to read:

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

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

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

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

~~2.—~~The secretary shall cause the annual department budget request, the Florida Transportation Plan, and the tentative work program to be prepared in accordance with all applicable laws and departmental policies and shall

~~submit the budget, plan, and program to the Florida Transportation Commission. The commission shall perform an in-depth evaluation of the budget, plan, and program for compliance with all applicable laws and departmental policies. If the commission determines that the budget, plan, or program is not in compliance with all applicable laws and departmental policies, it shall report its findings and recommendations regarding such noncompliance to the Legislature and the Governor.~~

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

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

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

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

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

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

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

(b) The commission shall have the primary functions to:

1. Recommend major transportation policies for the Governor's approval, and assure that approved policies and any revisions thereto are properly executed.

2. Periodically review the status of the state transportation system including highway, transit, rail, seaport, intermodal development, and aviation components of the system and recommend improvements therein to the Governor and the Legislature.

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

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

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

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

7. Recommend to the Governor and the Legislature improvements to the department's organization in order to streamline and optimize the efficiency of the department. In reviewing the department's organization, the commission shall determine if the current district organizational structure is responsive to Florida's changing economic and demographic development patterns. The initial report by the commission must be delivered to the Governor and Legislature by December 15, 2000, and each year thereafter, as appropriate. The commission may retain such experts as are reasonably necessary to effectuate this subparagraph, and the department shall pay the expenses of such experts.

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

1. The awarding of contracts.
2. The selection of a consultant or contractor or the prequalification of any individual consultant or contractor. However, the commission may recommend to the secretary standards and policies governing the procedure for selection and prequalification of consultants and contractors.
3. The selection of a route for a specific project.
4. The specific location of a transportation facility.
5. The acquisition of rights-of-way.

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

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

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

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

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

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

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

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

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

(h) The commission shall appoint an executive director and assistant executive director, who shall serve under the direction, supervision, and control of the commission. The executive director, with the consent of the commission, shall employ such staff as are necessary to perform adequately the functions of the commission, within budgetary limitations. All employees of the commission are exempt from part II of chapter 110 and shall serve at the pleasure of the commission. The salaries and benefits of all employees of the commission shall be set in accordance with the Selected Exempt Service; provided, however, that the commission shall have complete authority for fixing the salary of the executive director and assistant executive director.

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

~~(3)(a) The central office shall establish departmental policies, rules, procedures, and standards and shall monitor the implementation of such policies, rules, procedures, and standards in order to ensure uniform compliance and quality performance by the districts and central office units that implement transportation programs. Major transportation policy initiatives or revisions shall be submitted to the commission for review. The central office monitoring function shall be based on a plan that clearly specifies what areas will be monitored, activities and criteria used to measure compliance, and a feedback process that assures monitoring findings are reported and deficiencies corrected. The secretary is responsible for ensuring that a central office monitoring function is implemented, and that it functions properly. In conjunction with its monitoring function, the central office shall provide such training and administrative support to the districts as the department determines to be necessary to ensure that the department's programs are carried out in the most efficient and effective manner.~~

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

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

~~1. Assistant Secretary for Transportation Policy.—~~

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

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

~~c. Design of transportation facilities;~~

~~d. Construction of transportation facilities;~~

~~e. Acquisition and management of transportation rights-of-way; and~~

~~f. Administration of motor carrier compliance and safety.~~

~~2. Assistant Secretary for District Operations.—~~

~~a. Administration of the eight districts; and~~

~~b. Implementation of the decentralization of the department.~~

~~3. Assistant Secretary for Finance and Administration.—~~

~~a. Financial planning and management;~~

~~b. Information systems;~~

~~c. Accounting systems;~~

~~d. Administrative functions; and~~

~~e. Administration of toll operations.~~

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

~~a. Developing policy and procedures and monitoring performance to ensure compliance with these policies and procedures;~~

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

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

~~d. Performing other activities of a statewide nature.~~

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

~~1.a. The Office of Administration;~~

~~2.b. The Office of Policy Planning and Environmental Management;~~

~~3.e. The Office of Design;~~

~~4.d. The Office of Highway Operations;~~

~~5.e. The Office of Right-of-Way;~~

~~6.f. The Office of Toll Operations;~~

~~7.g. The Office of Information Systems; and~~

~~8.h. The Office of Motor Carrier Compliance;~~

~~9. The Office of Management and Budget;~~

~~10. The Office of Comptroller;~~

~~11. The Office of Construction;~~

12. The Office of Maintenance; and

13. The Office of Materials.

~~(d)3.~~ Other offices may be established in accordance with s. 20.04(7). The heads of such offices are exempt from part II of chapter 110. No office or organization shall be created at a level equal to or higher than a division without specific legislative authority.

~~4.—During the construction of a major transportation improvement project or as determined by the district secretary, the department may provide assistance to a business entity significantly impacted by the project if the entity is a for-profit entity that has been in business for 3 years prior to the beginning of construction and has direct or shared access to the transportation project being constructed. The assistance program shall be in the form of additional guarantees to assist the impacted business entity in receiving loans pursuant to Title 13 C.F.R. part 120. However, in no instance shall the combined guarantees be greater than 90 percent of the loan. The department shall adopt rules to implement this subparagraph.~~

~~(c) The Assistant Secretary for Finance and Administration must possess a broad knowledge of the administrative, financial, and technical aspects of a complete cost-accounting system, budget preparation and management, and management information systems. The Assistant Secretary for Finance and Administration must be a proven, effective manager with specialized skills in financial planning and management. The Assistant Secretary for Finance and Administration shall ensure that financial information is processed in a timely, accurate, and complete manner.~~

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

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

- ~~a.—Preparation of the work program;~~
- ~~b.—Preparation of the departmental budget; and~~
- ~~c.—Coordination of related policies and procedures.~~

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

~~(e)(g) The secretary shall may appoint an inspector general pursuant to s. 20.055 who shall be directly responsible to the secretary and shall serve at the pleasure of the secretary.~~

~~(h)1.—The secretary shall appoint an inspector general pursuant to s. 20.055. The inspector general may be organizationally located within an~~

~~other unit of the department for administrative purposes, but shall function independently and be directly responsible to the secretary pursuant to s. 20.055. The duties of the inspector general shall include, but are not restricted to, reviewing, evaluating, and reporting on the policies, plans, procedures, and accounting, financial, and other operations of the department and recommending changes for the improvement thereof, as well as performing audits of contracts and agreements between the department and private entities or other governmental entities. The inspector general shall give priority to reviewing major parts of the department's accounting system and central office monitoring function to determine whether such systems effectively ensure accountability and compliance with all laws, rules, policies, and procedures applicable to the operation of the department. The inspector general shall also give priority to assessing the department's management information systems as required by s. 282.318. The internal audit function shall use the necessary expertise, in particular, engineering, financial, and property appraising expertise, to independently evaluate the technical aspects of the department's operations. The inspector general shall have access at all times to any personnel, records, data, or other information of the department and shall determine the methods and procedures necessary to carry out his or her duties. The inspector general is responsible for audits of departmental operations and for audits of consultant contracts and agreements, and such audits shall be conducted in accordance with generally accepted governmental auditing standards. The inspector general shall annually perform a sufficient number of audits to determine the efficiency and effectiveness, as well as verify the accuracy of estimates and charges, of contracts executed by the department with private entities and other governmental entities. The inspector general has the sole responsibility for the contents of his or her reports, and a copy of each report containing his or her findings and recommendations shall be furnished directly to the secretary and the commission.~~

2.— In addition to the authority and responsibilities herein provided, the inspector general is required to report to the:

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

b.— Transportation Commission and the Legislature any actions by the secretary that prohibit the inspector general from initiating, carrying out, or completing any audit after the inspector general has decided to initiate, carry out, or complete such audit. The secretary shall, within 30 days after transmission of the report, set forth in a statement to the Transportation Commission and the Legislature the reasons for his or her actions.

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

2. ~~The comptroller is the chief financial officer of the department and must be a proven, effective administrator who by a combination of education and experience clearly possesses a broad knowledge of the administrative, financial, and technical aspects of a complex cost-accounting system. The comptroller must also have a working knowledge of generally accepted accounting principles. At a minimum, the comptroller must hold an active license to practice public accounting in Florida pursuant to chapter 473 or an active license to practice public accounting in any other state. In addition to the requirements of the Florida Fiscal Accounting Management Information System Act, the comptroller is responsible for the development, maintenance, and modification of an accounting system that will in a timely manner accurately reflect the revenues and expenditures of the department and that includes a cost-accounting system to properly identify, segregate, allocate, and report department costs. The comptroller shall supervise and direct preparation of a detailed 36-month forecast of cash and expenditures and is responsible for managing cash and determining cash requirements. The comptroller shall review all comparative cost studies that examine the cost-effectiveness and feasibility of contracting for services and operations performed by the department. The review must state that the study was prepared in accordance with generally accepted cost-accounting standards applied in a consistent manner using valid and accurate cost data.~~

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

- a. ~~The several appropriations available for the use of the department;~~
- b. ~~The specific amounts of each such appropriation budgeted by the department for each improvement or purpose;~~
- c. ~~The apportionment or division of all such appropriations among the several counties and districts, when such apportionment or division is made;~~
- d. ~~The amount or portion of each such apportionment against general contractual and other liabilities then created;~~
- e. ~~The amount expended and still to be expended in connection with each contractual and other obligation of the department;~~
- f. ~~The expense and operating costs of the various activities of the department;~~
- g. ~~The receipts accruing to the department and the distribution thereof;~~
- h. ~~The assets, investments, and liabilities of the department; and~~

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

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

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

(f)(j) ~~The secretary shall appoint a general counsel who shall be employed full time and shall be directly responsible to the secretary. The general counsel is responsible for all legal matters of the department. The department may employ as many attorneys as it deems necessary to advise and represent the department in all transportation matters.~~

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

(h)(4) ~~The secretary shall appoint a state transportation operations administrator highway engineer who shall report to the Assistant Secretary for Transportation Policy. The state highway engineer's responsibilities shall include, but are not limited to, design, construction, and maintenance of highway facilities; acquisition and management of transportation rights-of-way; traffic engineering; and materials testing. This position shall be classified at a level equal to a deputy assistant secretary.~~

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

(4)(a) ~~The operations of the department shall be organized into seven districts, each headed by a district secretary and a turnpike enterprise, headed by an executive director. The district secretaries and the turnpike executive director shall be registered professional engineers in accordance with the provisions of chapter 471 or, in lieu of professional engineer registration, a district secretary or turnpike executive director may hold an advanced degree in an appropriate related discipline, such as a Master of Business Administration. The district secretaries shall report to the Assistant Secretary for District Operations. The headquarters of the districts shall be located in Polk, Columbia, Washington, Broward, Volusia, Dade, and Hillsborough Counties. The headquarters of the turnpike enterprise shall be located in Orange County. In order to provide for efficient operations and to expedite the decisionmaking process, the department shall provide for maximum decentralization to the districts. However, before making a~~

~~decision to centralize or decentralize department operations, the department must first determine if the decision would be cost-effective and in the public's best interest. The department shall periodically evaluate such decisions to ensure that they are appropriate.~~

~~(b) The primary responsibility for the implementation of the department's transportation programs shall be delegated by the secretary to the district secretaries, and sufficient authority shall be vested in each district to ensure adequate control of the resources commensurate with the delegated responsibility. Each district secretary shall also be accountable for ensuring their district's quality of performance and compliance with all laws, rules, policies, and procedures related to the operation of the department.~~

~~(b)(e) Each district secretary may appoint a district director for transportation development, a district director for transportation operations, and a district director for transportation support or, until July 1, 2005, each district secretary may appoint a district director for planning and programming, a district director for production, and a district director for operations, and a district director for administration. These positions are exempt from part II of chapter 110.~~

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

~~(d)(e) The district director for the Fort Myers Urban Office of the Department of Transportation is responsible for developing the 5-year Transportation Plan for Charlotte, Collier, DeSoto, Glades, Hendry, and Lee Counties. The Fort Myers Urban Office also is responsible for providing policy, direction, local government coordination, and planning for those counties.~~

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

2. To facilitate the most efficient and effective management of the turnpike enterprise, including the use of best business practices employed by the private sector, the turnpike enterprise, except as provided in s. 287.055, shall be exempt from departmental policies, procedures, and standards, subject to the secretary having the authority to apply any such policies, procedures, and standards to the turnpike enterprise from time to time as deemed appropriate.

(5) Notwithstanding the provisions of s. 110.205, the Department of Management Services is authorized to exempt positions within the Department of Transportation which are comparable to positions within the Senior Management Service pursuant to s. 110.205(2)(j) or positions which are

comparable to positions in the Selected Exempt Service under s. 110.205(2)(m).

~~(6) To facilitate the efficient and effective management of the department in a businesslike manner, the department shall develop a system for the submission of monthly management reports to the Florida Transportation Commission and secretary from the district secretaries. The commission and the secretary shall determine which reports are required to fulfill their respective responsibilities under this section. A copy of each such report shall be submitted monthly to the appropriations and transportation committees of the Senate and the House of Representatives. Recommendations made by the Auditor General in his or her audits of the department that relate to management practices, systems, or reports shall be implemented in a timely manner. However, if the department determines that one or more of the recommendations should be altered or should not be implemented, it shall provide a written explanation of such determination to the Legislative Auditing Committee within 6 months after the date the recommendations were published.~~

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

- (a) Consultants can do the work at less cost than state employees;
- (b) State employees can do the work at less cost, but sufficient positions have not been approved by the Legislature as requested in the department's most recent legislative budget request;
- (c) The work requires specialized expertise, and it would not be economical for the state to acquire, and then maintain, the expertise after the work is done;
- (d) The workload is at a peak level, and it would not be economical to acquire, and then keep, extra personnel after the workload decreases; or
- (e) The use of such entities is clearly in the public's best interest.

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

Section 6. Paragraphs (j) and (m) of subsection (2) of section 110.205, Florida Statutes, are amended to read:

110.205 Career service; exemptions.—

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

- (j) The appointed secretaries, assistant secretaries, deputy secretaries, and deputy assistant secretaries of all departments; the executive directors, assistant executive directors, deputy executive directors, and deputy assistant executive directors of all departments; the directors of all divisions and those positions determined by the department to have managerial responsibilities comparable to such positions, which positions include, but are not

limited to, program directors, assistant program directors, district administrators, deputy district administrators, the Director of Central Operations Services of the Department of Children and Family Services, and the State Transportation Development Administrator ~~Highway Engineer~~, State Public Transportation and Modal Administrator, district secretaries, district directors of transportation development, transportation operations, transportation support planning and programming, production, and operations, and the managers of the offices specified in s. 20.23(3)(c) ~~(d)2~~, of the Department of Transportation. Unless otherwise fixed by law, the department shall set the salary and benefits of these positions in accordance with the rules of the Senior Management Service; and the county health department directors and county health department administrators of the Department of Health.

(m) All assistant division director, deputy division director, and bureau chief positions in any department, and those positions determined by the department to have managerial responsibilities comparable to such positions, which positions include, but are not limited to, positions in the Department of Health, the Department of Children and Family Services, and the Department of Corrections that are assigned primary duties of serving as the superintendent or assistant superintendent, or warden or assistant warden, of an institution; positions in the Department of Corrections that are assigned primary duties of serving as the circuit administrator or deputy circuit administrator; positions in the Department of Transportation that are assigned primary duties of serving as regional toll managers and managers of offices as defined in s. 20.23(3)(c) ~~(d)3~~, and (4)(d), and captains and majors of the Office of Motor Carrier Compliance; positions in the Department of Environmental Protection that are assigned the duty of an Environmental Administrator or program administrator; and positions in the Department of Health that are assigned the duties of Environmental Administrator, Assistant County Health Department Director, and County Health Department Financial Administrator. Unless otherwise fixed by law, the department shall set the salary and benefits of these positions in accordance with the rules established for the Selected Exempt Service.

Section 7. Subsection (1) of section 120.52, Florida Statutes, is amended to read:

120.52 Definitions.—As used in this act:

(1) “Agency” means:

(a) The Governor in the exercise of all executive powers other than those derived from the constitution.

(b) Each:

1. State officer and state department, and each departmental unit described in s. 20.04.

2. Authority, including a regional water supply authority.

3. Board.

4. Commission, including the Commission on Ethics and the Fish and Wildlife Conservation Commission when acting pursuant to statutory authority derived from the Legislature.

5. Regional planning agency.

6. Multicounty special district with a majority of its governing board comprised of nonelected persons.

7. Educational units.

8. Entity described in chapters 163, 373, 380, and 582 and s. 186.504.

(c) Each other unit of government in the state, including counties and municipalities, to the extent they are expressly made subject to this act by general or special law or existing judicial decisions.

This definition does not include any legal entity or agency created in whole or in part pursuant to chapter 361, part II, any metropolitan planning organization created pursuant to s. 339.175, any separate legal or administrative entity created pursuant to s. 339.175 of which a metropolitan planning organization is a member, an expressway authority pursuant to chapter 348, any legal or administrative entity created by an interlocal agreement pursuant to s. 163.01(7), unless any party to such agreement is otherwise an agency as defined in this subsection, or any multicounty special district with a majority of its governing board comprised of elected persons; however, this definition shall include a regional water supply authority.

Section 8. Paragraph (a) of subsection (1), paragraph (b) of subsection (2), and paragraph (h) of subsection (5) of section 339.175, Florida Statutes, are amended, and paragraph (i) is added to subsection (5) of that section to read:

339.175 Metropolitan planning organization.—It is the intent of the Legislature to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight within and through urbanized areas of this state while minimizing transportation-related fuel consumption and air pollution. To accomplish these objectives, metropolitan planning organizations, referred to in this section as M.P.O.'s, shall develop, in cooperation with the state and public transit operators, transportation plans and programs for metropolitan areas. The plans and programs for each metropolitan area must provide for the development and integrated management and operation of transportation systems and facilities, including pedestrian walkways and bicycle transportation facilities that will function as an intermodal transportation system for the metropolitan area, based upon the prevailing principles provided in s. 334.046(1). The process for developing such plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive, to the degree appropriate, based on the complexity of the transportation problems to be addressed.

(1) DESIGNATION.—

(a)1. An M.P.O. shall be designated for each urbanized area of the state; however, this does not require that an individual M.P.O. be designated for each such area. Such designation shall be accomplished by agreement between the Governor and units of general-purpose local government representing at least 75 percent of the population of the urbanized area; however, the unit of general-purpose local government that represents the central city or cities within the M.P.O. jurisdiction, as defined by the United States Bureau of the Census, must be a party to such agreement.

2. More than one M.P.O. may be designated within an existing metropolitan planning area only if the Governor and the existing M.P.O. determine that the size and complexity of the existing metropolitan planning area makes the designation of more than one M.P.O. for the area appropriate.

(2) VOTING MEMBERSHIP.—

(b) In metropolitan areas in which authorities or other agencies have been or may be created by law to perform transportation functions and are performing transportation functions that are not under the jurisdiction of a general purpose local government represented on the M.P.O., they shall be provided voting membership on the M.P.O. In all other M.P.O.'s where transportation authorities or agencies are to be represented by elected officials from general purpose local governments, the M.P.O. shall establish a process by which the collective interests of such authorities or other agencies are expressed and conveyed.

(5) POWERS, DUTIES, AND RESPONSIBILITIES.—The powers, privileges, and authority of an M.P.O. are those specified in this section or incorporated in an interlocal agreement authorized under s. 163.01. Each M.P.O. shall perform all acts required by federal or state laws or rules, now and subsequently applicable, which are necessary to qualify for federal aid. It is the intent of this section that each M.P.O. shall be involved in the planning and programming of transportation facilities, including, but not limited to, airports, intercity and high-speed rail lines, seaports, and intermodal facilities, to the extent permitted by state or federal law.

(h) A chair's coordinating committee is created, composed of the M.P.O.'s serving Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk, and Sarasota Counties. Any group of M.P.O.'s which has created a chair's coordinating committee as of the effective date of this act and is located within the same Department of Transportation District which is comprised of four adjacent M.P.O.'s must continue such committee as provided for in this section. Such committee must also include one representative from each M.P.O. contiguous to the geographic boundaries of the original committee. The committee must, at a minimum:

1. Coordinate transportation projects deemed to be regionally significant by the committee.

2. Review the impact of regionally significant land use decisions on the region.

3. Review all proposed regionally significant transportation projects in the respective transportation improvement programs which affect more than one of the M.P.O.'s represented on the committee.

4. Institute a conflict resolution process to address any conflict that may arise in the planning and programming of such regionally significant projects.

(i)1. The Legislature finds that the state's rapid growth in recent decades has caused many urbanized areas subject to M.P.O. jurisdiction to become contiguous to each other. As a result, various transportation projects may cross from the jurisdiction of one M.P.O. into the jurisdiction of another M.P.O. To more fully accomplish the purposes for which M.P.O.'s have been mandated, M.P.O.'s shall develop coordination mechanisms with one another to expand and improve transportation within the state. The appropriate method of coordination between M.P.O.'s shall vary depending upon the project involved and given local and regional needs. Consequently, it is appropriate to set forth a flexible methodology that can be used by M.P.O.'s to coordinate with other M.P.O.'s and appropriate political subdivisions as circumstances demand.

2. Any M.P.O. may join with any other M.P.O. or any individual political subdivision to coordinate activities or to achieve any federal or state transportation planning or development goals or purposes consistent with federal or state law. When an M.P.O. determines that it is appropriate to join with another M.P.O. or any political subdivision to coordinate activities, the M.P.O. or political subdivision shall enter into an interlocal agreement pursuant to s. 163.01, which, at a minimum, creates a separate legal or administrative entity to coordinate the transportation planning or development activities required to achieve the goal or purpose; provide the purpose for which the entity is created; provide the duration of the agreement and the entity, and specify how the agreement may be terminated, modified, or rescinded; describe the precise organization of the entity, including who has voting rights on the governing board, whether alternative voting members are provided for, how voting members are appointed, and what the relative voting strength is for each constituent M.P.O. or political subdivision; provide the manner in which the parties to the agreement will provide for the financial support of the entity and payment of costs and expenses of the entity; provide the manner in which funds may be paid to and disbursed from the entity; and provide how members of the entity will resolve disagreements regarding interpretation of the interlocal agreement or disputes relating to the operation of the entity. Such interlocal agreement shall become effective upon its recordation in the official public records of each county in which a member of the entity created by the interlocal agreement has a voting member. This paragraph does not require any M.P.O.'s to merge, combine, or otherwise join together as a single M.P.O.

Section 9. Paragraphs (a), (b), (c), (d), (e), (f), and (g) of subsection (1) of section 255.20, Florida Statutes, are redesignated as paragraphs (c), (d), (e), (f), (g), (h), and (i), respectively, and new paragraphs (a) and (b) are added to that subsection, to read:

255.20 Local bids and contracts for public construction works; specification of state-produced lumber.—

(1) A county, municipality, special district as defined in chapter 189, or other political subdivision of the state seeking to construct or improve a public building, structure, or other public construction works must competitively award to an appropriately licensed contractor each project that is estimated in accordance with generally accepted cost-accounting principles to have total construction project costs of more than \$200,000. For electrical work, local government must competitively award to an appropriately licensed contractor each project that is estimated in accordance with generally accepted cost-accounting principles to have a cost of more than \$50,000. As used in this section, the term “competitively award” means to award contracts based on the submission of sealed bids, proposals submitted in response to a request for proposal, proposals submitted in response to a request for qualifications, or proposals submitted for competitive negotiation. This subsection expressly allows contracts for construction management services, design/build contracts, continuation contracts based on unit prices, and any other contract arrangement with a private sector contractor permitted by any applicable municipal or county ordinance, by district resolution, or by state law. For purposes of this section, construction costs include the cost of all labor, except inmate labor, and include the cost of equipment and materials to be used in the construction of the project. Subject to the provisions of subsection (3), the county, municipality, special district, or other political subdivision may establish, by municipal or county ordinance or special district resolution, procedures for conducting the bidding process.

(a) Notwithstanding any other law to the contrary, a county, municipality, special district as defined in chapter 189, or other political subdivision of the state seeking to construct or improve bridges, roads, streets, highways, or railroads, and services incidental thereto, at costs in excess of \$250,000 may require that persons interested in performing work under contract first be certified or qualified to perform such work. Any contractor may be considered ineligible to bid by the governmental entity if the contractor is behind on completing an approved progress schedule for the governmental entity by 10 percent or more at the time of advertisement of the work. Any contractor prequalified and considered eligible by the Department of Transportation to bid to perform the type of work described under the contract shall be presumed to be qualified to perform the work described. The governmental entity may provide an appeal process to overcome that presumption with de novo review based on the record below to the circuit court.

(b) With respect to contractors not prequalified with the Department of Transportation, the governmental entity shall publish prequalification criteria and procedures prior to advertisement or notice of solicitation. Such publications shall include notice of a public hearing for comment on such criteria and procedures prior to adoption. The procedures shall provide for an appeal process within the authority for objections to the prequalification process with de novo review based on the record below to the circuit court within 30 days.

Section 10. Subsections (2) and (4) of section 316.1001, Florida Statutes, are amended to read:

316.1001 Payment of toll on toll facilities required; penalties.—

(2)(a) For the purpose of enforcing this section, any governmental entity, as defined in s. 334.03, that owns or operates a toll facility may, by rule or ordinance, authorize a toll enforcement officer to issue a uniform traffic citation for a violation of this section. Toll enforcement officer means the designee of a governmental entity whose sole authority is to enforce the payment of tolls. The governmental entity may designate toll enforcement officers pursuant to s. 316.640(1).

(b) A citation issued under this subsection may be issued by mailing the citation by first class mail, or by certified mail, return receipt requested, to the address of the registered owner of the motor vehicle involved in the violation. Mailing the citation to this address constitutes notification. In the case of joint ownership of a motor vehicle, the traffic citation must be mailed to the first name appearing on the registration, unless the first name appearing on the registration is a business organization, in which case the second name appearing on the registration may be used. A citation issued under this paragraph must be mailed to the registered owner of the motor vehicle involved in the violation within 14 days after the date of issuance of the violation. In addition to the citation, notification must be sent to the registered owner of the motor vehicle involved in the violation specifying remedies the remedy available under ss. 318.14(12) and s. 318.18(7).

(c) The owner of the motor vehicle involved in the violation is responsible and liable for payment of a citation issued for failure to pay a toll, unless the owner can establish the motor vehicle was, at the time of the violation, in the care, custody, or control of another person. In order to establish such facts, the owner of the motor vehicle is required, within 14 days after the date of issuance of the citation notification of the alleged violation, to furnish to the appropriate governmental entity an affidavit setting forth:

1. The name, address, date of birth, and, if known, the driver license number of the person who leased, rented, or otherwise had the care, custody, or control of the motor vehicle at the time of the alleged violation; or

2. If stolen, the police report indicating that the vehicle was stolen at the time of the alleged violation.

Upon receipt of an affidavit the person designated as having care, custody, and control of the motor vehicle at the time of the violation may be issued a citation for failure to pay a required toll. The affidavit shall be admissible in a proceeding pursuant to this section for the purpose of providing that the person identified in the affidavit was in actual care, custody, or control of the motor vehicle.

(d) A written report of a toll enforcement officer or photographic evidence that indicates that a required toll was not paid is admissible in any proceeding to enforce this section and raises a rebuttable presumption that the

motor vehicle named in the report or shown in the photographic evidence was used in violation of this section.

(4) Any governmental entity may supply the department with data that is machine readable by the department's computer system, listing persons who have ~~one~~ three or more outstanding violations of this section. Pursuant to s. 320.03(8), those persons may not be issued a license plate or revalidation sticker for any motor vehicle.

Section 11. Paragraph (b) of subsection (1), paragraphs (a), (b), (c), (d), (e), (f), and (j) of subsection (2), and subsection (5) of section 316.302, Florida Statutes, are amended to read:

316.302 Commercial motor vehicles; safety regulations; transporters and shippers of hazardous materials; enforcement.—

(1)

(b) Except as otherwise provided in this section, all owners or drivers of commercial motor vehicles that are engaged in intrastate commerce are subject to the rules and regulations contained in 49 C.F.R. parts 382, 385, and 390-397, with the exception of 49 C.F.R. s. 390.5 as it relates to the definition of bus, as such rules and regulations existed on October 1, ~~2002~~ 2001.

(2)(a) A person who operates a commercial motor vehicle solely in intrastate commerce not transporting any hazardous material in amounts that require placarding pursuant to 49 C.F.R. part 172 need not comply with 49 C.F.R. ss. 391.11(b)(1) and 395.3(a) and (b).

(b) A person who operates a commercial motor vehicle solely in intrastate commerce not transporting any hazardous material in amounts that require placarding pursuant to 49 C.F.R. part 172 is exempt from 49 C.F.R. s. 395.3(a) and (b) and may, after 8 hours' rest, and following the required initial motor vehicle inspection, be permitted to drive any part of the first 15 on-duty hours in any 24-hour period, but may not be permitted to operate a commercial motor vehicle after that until the requirement of another 8 hours' rest has been fulfilled. The provisions of this paragraph do not apply to drivers of public utility vehicles or authorized emergency vehicles during periods of severe weather or other emergencies.

(c) A person who operates a commercial motor vehicle solely in intrastate commerce not transporting any hazardous material in amounts that require placarding pursuant to 49 C.F.R. part 172 may not be on duty more than 72 hours in any period of 7 consecutive days, but carriers operating every day in a week may permit drivers to remain on duty for a total of not more than 84 hours in any period of 8 consecutive days; however, 24 consecutive hours off duty shall constitute the end of any such period of 7 or 8 consecutive days. This weekly limit does not apply to a person who operates a commercial motor vehicle solely within this state while transporting, during harvest periods, any unprocessed agricultural products that are subject to seasonal harvesting from place of harvest to the first place of processing or storage or from place of harvest directly to market. Upon request of the Department

of Transportation, motor carriers shall furnish time records or other written verification to that department so that the Department of Transportation can determine compliance with this subsection. These time records must be furnished to the Department of Transportation within 10 days after receipt of that department's request. Falsification of such information is subject to a civil penalty not to exceed \$100. The provisions of this paragraph do not apply to drivers of public utility vehicles or authorized emergency vehicles during periods of severe weather or other emergencies.

(d) A person who operates a commercial motor vehicle solely in intrastate commerce not transporting any hazardous material in amounts that require placarding pursuant to 49 C.F.R. part 172 within a 200 air-mile radius of the location where the vehicle is based need not comply with 49 C.F.R. s. 395.8, except that time records shall be maintained as prescribed in 49 C.F.R. s. 395.1(e)(5).

(e) A person who operates a commercial motor vehicle solely in intrastate commerce is exempt from subsection (1) while transporting agricultural products, including horticultural or forestry products, from farm or harvest place to the first place of processing or storage, or from farm or harvest place directly to market. However, such person must comply with 49 C.F.R. parts 382, 392, and 393, and with 49 C.F.R. ss. 396.3(a)(1) and 396.9. A vehicle or combination of vehicles operated pursuant to this paragraph having a gross vehicle weight of 26,001 pounds or more or having three or more axles on the power unit, regardless of weight, must display the name of the vehicle owner or motor carrier and the municipality or town where the vehicle is based on each side of the power unit in letters that contrast with the background and that are readable from a distance of 50 feet. A person who violates this vehicle identification requirement may be assessed a penalty as provided in s. 316.3025(3)(a).

(f) A person who operates a commercial motor vehicle having a declared gross vehicle weight of less than 26,000 pounds solely in intrastate commerce and who is not transporting hazardous materials in amounts that require placarding pursuant to 49 C.F.R. part 172, or who is transporting petroleum products as defined in s. 376.301(31), is exempt from subsection (1). However, such person must comply with 49 C.F.R. parts 382, 392, and 393, and with 49 C.F.R. ss. 396.3(a)(1) and 396.9.

(j) A person who is otherwise qualified as a driver under 49 C.F.R. part 391, ~~and~~ who operates a commercial motor vehicle in intrastate commerce only, and who does not transport hazardous materials in amounts that require placarding pursuant to 49 C.F.R. part 172, ~~is shall be exempt from the requirements of 49 C.F.R. part 391, subpart E, ss. 391.41(b)(3) and 391.43(e), relating to diabetes.~~

(5) The Department of Transportation may adopt and revise rules to assure the safe operation of commercial motor vehicles. The Department of Transportation may enter into cooperative agreements as provided in 49 C.F.R. part 388. Department of Transportation personnel may conduct motor carrier and shipper compliance reviews terminal audits only for the purpose of determining compliance with this section ~~49 C.F.R. parts 171,~~

172, 173, 177, 178, 180, 382, 391, 393, 396, and 397; 49 C.F.R. s. 395.1(e)(5); and s. 627.7415.

Section 12. Section 316.3025, Florida Statutes, is amended to read:

316.3025 Penalties.—

(1) A commercial motor vehicle that is found to be operating in such an unsafe condition as to be declared out-of-service or a driver declared out-of-service or removed from driving status pursuant to the North American Standard Uniform Out-of-Service Criteria must be repaired or returned to driving status before being returned to service.

(2) Any person who owns, operates, or causes or permits a commercial motor vehicle that has been declared out-of-service pursuant to the North American Standard Uniform Out-of-Service Criteria to be driven before the completion of required repairs is subject to the imposition of a penalty as provided in 49 C.F.R. s. 383.53, in addition to any other penalties imposed against him or her. Any person who operates a commercial motor vehicle while he or she is declared out-of-service or removed from driving status pursuant to the North American Standard Uniform Out-of-Service Criteria, or who causes or permits such out-of-service driver to operate a commercial motor vehicle, is subject to the imposition of a penalty as provided in 49 C.F.R. s. 383.53, in addition to any other penalties imposed against the person.

(3)(a) A civil penalty of \$50 may be assessed for a violation of the identification requirements of 49 C.F.R. s. 390.21 or s. 316.302(2)(e).

(b) A civil penalty of \$100 may be assessed for:

1. Each violation of the North American Uniform Driver Out-of-Service Criteria;

2. A violation of s. 316.302(2)(b) or (c); or

3. A violation of 49 C.F.R. s. 392.60; or—

4. A violation of the North American Standard Vehicle Out-of-Service Criteria resulting from an inspection of a commercial motor vehicle involved in a crash.

(c) A civil penalty of \$250 may be assessed for:

1. A violation of the placarding requirements of 49 C.F.R. parts 171-179;

2. A violation of the shipping paper requirements of 49 C.F.R. parts 171-179;

3. A violation of 49 C.F.R. s. 392.10;

4. A violation of 49 C.F.R. s. 397.5;

5. A violation of 49 C.F.R. s. 397.7;

- 6. A violation of 49 C.F.R. s. 397.13; or
- 7. A violation of 49 C.F.R. s. 397.15.

(d) A civil penalty of \$500 may be assessed for:

1. Each violation of the North American Standard Hazardous Materials Out-of-Service Criteria;

2. Each violation of 49 C.F.R. s. 390.19, for failure of an interstate or intrastate motor carrier to register;

3. Each violation of 49 C.F.R. s. 392.9a, for failure of an interstate motor carrier to obtain operating authority; or

4. Each violation of 49 C.F.R. s. 392.9a, for operating beyond the scope of an interstate motor carrier's operating authority. ~~each violation of the North American Uniform Hazardous Materials Out-of-Service Criteria.~~

(e) A civil penalty not to exceed \$5,000 in the aggregate may be assessed for violations found in the conduct of compliance reviews ~~terminal audits~~ pursuant to s. 316.302(5). A civil penalty not to exceed \$25,000 in the aggregate may be assessed for violations found in a follow-up compliance review conducted within a 24-month period. A civil penalty not to exceed \$25,000 in the aggregate may be assessed and the motor carrier may be enjoined pursuant to s. 316.3026 if violations are found after a second follow-up compliance review within 12 months after the first follow-up compliance review. Motor carriers found to be operating without insurance required by s. 627.7415 may be enjoined as provided in s. 316.3026.

(4) A vehicle operated by an interstate motor carrier found to be in violation of 49 C.F.R. s. 392.9a may be placed out of service for the carrier's failure to obtain operating authority or operating beyond the scope of its operating authority.

(5)(4) Whenever any person or motor carrier as defined in chapter 320 violates the provisions of this section and becomes indebted to the state because of such violation and refuses to pay the appropriate penalty, in addition to the provisions of s. 316.3026, such the penalty becomes a lien upon the property including the motor vehicles of such person or motor carrier and may be foreclosed by the state in a civil action in any court of this state. It shall be presumed that the owner of the motor vehicle is liable for the sum, and the vehicle may be detained or impounded until the penalty is paid.

(6)(5)(a) Any officer or agent collecting the penalties imposed pursuant to this section shall give to the owner, motor carrier, or driver of the vehicle an official receipt for all penalties collected from him or her. Only an officer or agent of the Department of Transportation is authorized to collect the penalty provided by this section. Such officer or agent shall cooperate with the owner or driver of the motor vehicle so as not to unduly delay the vehicle.

(b) All penalties imposed and collected under this section by any state agency having jurisdiction shall be paid to the Treasurer, who shall credit

the total amount collected to the State Transportation Trust Fund for use in repairing and maintaining the roads of this state.

(7)(6) Any person aggrieved by the imposition of a civil penalty pursuant to this section may apply to the Commercial Motor Vehicle Review Board for a modification, cancellation, or revocation of the penalty. The Commercial Motor Vehicle Review Board may modify, cancel, revoke, or sustain such penalty.

Section 13. Section 316.3026, Florida Statutes, is amended to read:

316.3026 Unlawful operation of motor carriers may be enjoined.—

(1) The Office of Motor Carrier Compliance of the Department of Transportation may issue out-of-service orders to motor carriers, as defined in s. 320.01(33), who have after proper notice failed to pay any penalty or fine assessed by the department, or its agent, against any owner or motor carrier for violations of state law, refused to submit to a compliance review and provide records pursuant to s. 316.302(5) or s. 316.70, or violated safety regulations pursuant to s. 316.302 or insurance requirements found in s. 627.7415. Such out-of-service orders shall have the effect of prohibiting the operations of any motor vehicles owned, leased, or otherwise operated by the motor carrier upon the roadways of this state, until such time as the violations have been corrected or penalties have been paid. Out-of-service orders issued under this section must be approved by the Secretary of Transportation or his or her designee. An administrative hearing pursuant to s. 120.569 shall be afforded to motor carriers subject to such orders.

(2) Any motor carrier enjoined or prohibited from operating by an out-of-service order by this state, any other state, or the Federal Motor Carrier Safety Administration may not operate on the roadways of this state until the motor carrier has been authorized to resume operations by the originating enforcement jurisdiction. Commercial motor vehicles owned or operated by any motor carrier prohibited from operation found on the roadways of this state shall be placed out of service by law enforcement officers of the Department of Transportation, and the motor carrier assessed a \$10,000 civil penalty pursuant to 49 C.F.R. s. 383.53, in addition to any other penalties imposed on the driver or other responsible person. Any person who knowingly drives, operates, or causes to be operated any commercial motor vehicle in violation of an out-of-service order issued by the department in accordance with this section commits a felony of the third degree, punishable as provided in s. 775.082(3)(d). Any costs associated with the impoundment or storage of such vehicles are the responsibility of the motor carrier. Vehicle out-of-service orders may be rescinded when the department receives proof of authorization for the motor carrier to resume operation.

(3) In addition to the sanctions found in subsections (1) and (2), the Department of Transportation may petition the circuit courts of this state to enjoin any motor carrier from operating when it fails to comply with out-of-service orders issued by a competent authority within or outside this state. Any motor carrier which operates a commercial motor vehicle upon the highways of this state in violation of the provisions of this chapter may

be enjoined by the courts of this state from any such violation. Such injunctive proceeding may be instituted by the Department of Transportation.

Section 14. Section 316.3027, Florida Statutes, is repealed.

Section 15. Paragraph (b) of subsection (3) of section 316.515, Florida Statutes, is amended to read:

316.515 Maximum width, height, length.—

(3) LENGTH LIMITATION.—Except as otherwise provided in this section, length limitations apply solely to a semitrailer or trailer, and not to a truck tractor or to the overall length of a combination of vehicles. No combination of commercial motor vehicles coupled together and operating on the public roads may consist of more than one truck tractor and two trailing units. Unless otherwise specifically provided for in this section, a combination of vehicles not qualifying as commercial motor vehicles may consist of no more than two units coupled together; such nonqualifying combination of vehicles may not exceed a total length of 65 feet, inclusive of the load carried thereon, but exclusive of safety and energy conservation devices approved by the department for use on vehicles using public roads. Notwithstanding any other provision of this section, a truck tractor-semitrailer combination engaged in the transportation of automobiles or boats may transport motor vehicles or boats on part of the power unit; and, except as may otherwise be mandated under federal law, an automobile or boat transporter semitrailer may not exceed 50 feet in length, exclusive of the load; however, the load may extend up to an additional 6 feet beyond the rear of the trailer. The 50-foot length limitation does not apply to non-stinger-steered automobile or boat transporters that are 65 feet or less in overall length, exclusive of the load carried thereon, or to stinger-steered automobile or boat transporters that are 75 feet or less in overall length, exclusive of the load carried thereon. For purposes of this subsection, a “stinger-steered automobile or boat transporter” is an automobile or boat transporter configured as a semitrailer combination wherein the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit. Notwithstanding paragraphs (a) and (b), any straight truck or truck tractor-semitrailer combination engaged in the transportation of horticultural trees may allow the load to extend up to an additional 10 feet beyond the rear of the vehicle, provided said trees are resting against a retaining bar mounted above the truck bed so that the root balls of the trees rest on the floor and to the front of the truck bed and the tops of the trees extend up over and to the rear of the truck bed, and provided the overhanging portion of the load is covered with protective fabric.

(b) Semitrailers.—

1. A semitrailer operating in a truck tractor-semitrailer combination may not exceed 48 feet in extreme overall outside dimension, measured from the front of the unit to the rear of the unit and the load carried thereon, exclusive of safety and energy conservation devices approved by the department for use on vehicles using public roads, unless it complies with subparagraph 2. A semitrailer which exceeds 48 feet in length and is used to transport divisible loads may operate in this state only if issued a permit under

s. 316.550 and if such trailer meets the requirements of this chapter relating to vehicle equipment and safety. Except for highways on the tandem trailer truck highway network, public roads deemed unsafe for longer semitrailer vehicles or those roads on which such longer vehicles are determined not to be in the interest of public convenience shall, in conformance with s. 316.006, be restricted by the Department of Transportation or by the local authority to use by semitrailers not exceeding a length of 48 feet, inclusive of the load carried thereon but exclusive of safety and energy conservation devices approved by the department for use on vehicles using public roads. Truck tractor-semitrailer combinations shall be afforded reasonable access to terminals; facilities for food, fuel, repairs, and rest; and points of loading and unloading.

2. A semitrailer which is more than 48 feet but not more than 53 feet in extreme overall outside dimension, as measured pursuant to subparagraph 1., may operate on public roads, except roads on the State Highway System which are restricted by the Department of Transportation or other roads restricted by local authorities, if:

a. The distance between the kingpin or other peg ~~that which~~ locks into the fifth wheel of a truck tractor and the center of the rear axle or rear group of axles does not exceed 41 feet, or, in the case of a semitrailer used exclusively or primarily to transport vehicles in connection with motorsports competition events, the distance does not exceed 46 feet from the kingpin to the center of the rear axles; and

b. It is equipped with a substantial rear-end underride protection device meeting the requirements of 49 C.F.R. s. 393.86, "Rear End Protection."

Section 16. Subsections (5), (6), and (10) of section 316.545, Florida Statutes, are amended to read:

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

(5) Whenever any person violates the provisions of this chapter and becomes indebted to the state because of such violation in the amounts aforesaid and refuses to pay said penalty, in addition to the provisions of s. 316.3026, such penalty shall become a lien upon the motor vehicle, and the same may be foreclosed by the state in a court of equity. It shall be presumed that the owner of the motor vehicle is liable for the sum. Any person, firm, or corporation claiming an interest in the seized motor vehicle may, at any time after the lien of the state attaches to the motor vehicle, obtain possession of the seized vehicle by filing a good and sufficient forthcoming bond with the officer having possession of the vehicle, payable to the Governor of the state in twice the amount of the state's lien, with a corporate surety duly authorized to transact business in this state as surety, conditioned to have the motor vehicle or combination of vehicles forthcoming to abide the result of any suit for the foreclosure of such lien. It shall be presumed that the owner of the motor vehicle is liable for the penalty imposed under this section. Upon the posting of such bond with the officer making the seizure, the vehicle shall be released and the bond shall be forwarded to the Department of Transportation for safekeeping. The lien of the state against the

motor vehicle aforesaid shall be foreclosed in equity, and the ordinary rules of court relative to proceedings in equity shall control. If it appears that the seized vehicle has been released to the defendant upon his or her forthcoming bond, the state shall take judgment of foreclosure against the property itself, and judgment against the defendant and the sureties on the bond for the amount of the lien, including cost of proceedings. After the rendition of the decree, the state may, at its option, proceed to sue out execution against the defendant and his or her sureties for the amount recovered as aforesaid or direct the sale of the vehicle under foreclosure.

(6) Any officer or agent collecting the penalties herein imposed shall give ~~to the owner or driver of the vehicle an official receipt for all penalties collected. Such officers or agents of the state departments shall cooperate with the owners or drivers of motor vehicles so as not to delay unduly the vehicles. All penalties imposed and collected under this section by any state agency having jurisdiction shall be paid to the Treasurer, who shall credit the total amount thereof to the State Transportation Trust Fund, which shall be used to repair and maintain the roads of this state and to enforce this section.~~

(10) The Department of Transportation may employ weight inspectors to operate its fixed-scale facilities. Weight inspectors on duty at a fixed-scale facility are authorized to enforce the laws governing commercial motor vehicle weight, registration, size, and load and to assess and collect civil penalties for violations of said laws. A weight inspector may detain a commercial motor vehicle that has an obvious safety defect critical to the continued safe operation of the vehicle or that is operating in violation of an out-of-service order as reported on the federal Safety and Fitness Electronic Records database. The weight inspector may immediately summon a law enforcement officer of the Department of Transportation, or other law enforcement officer authorized by s. 316.640 to enforce the traffic laws of this state, to take appropriate enforcement action. The vehicle shall be released if the defect is repaired prior to the arrival of a law enforcement officer. Weight inspectors shall not be classified as law enforcement officers subject to certification requirements of chapter 943, and are not authorized to carry weapons or make arrests. Any person who obstructs, opposes, or resists a weight inspector in the performance of the duties herein prescribed shall be guilty of an offense as described in subsection (1) for obstructing, opposing, or resisting a law enforcement officer.

Section 17. Subsection (3) of section 316.610, Florida Statutes, is repealed.

Section 18. Paragraph (a) of subsection (1) of section 316.640, Florida Statutes, is amended to read:

316.640 Enforcement.—The enforcement of the traffic laws of this state is vested as follows:

(1) STATE.—

(a)1.

a. ~~The Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles, the Division of Law Enforcement of the Fish and Wildlife Conservation Commission, the Division of Law Enforcement of the Department of Environmental Protection, and law enforcement officers of the Department of Transportation each have authority to enforce all of the traffic laws of this state on all the streets and highways thereof and elsewhere throughout the state wherever the public has a right to travel by motor vehicle. The Division of the Florida Highway Patrol may employ as a traffic accident investigation officer any individual who successfully completes instruction in traffic accident investigation and court presentation through the Selective Traffic Enforcement Program as approved by the Criminal Justice Standards and Training Commission and funded through the National Highway Traffic Safety Administration or a similar program approved by the commission, but who does not necessarily meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary law enforcement officers under chapter 943. Any such traffic accident investigation officer who makes an investigation at the scene of a traffic accident may issue traffic citations, based upon personal investigation, when he or she has reasonable and probable grounds to believe that a person who was involved in the accident committed an offense under this chapter, chapter 319, chapter 320, or chapter 322 in connection with the accident. This paragraph does not permit the carrying of firearms or other weapons, nor do such officers have arrest authority.~~

b. University police officers shall have authority to enforce all of the traffic laws of this state when such violations occur on or about any property or facilities that are under the guidance, supervision, regulation, or control of a state university, a direct-support organization of such state university, or any other organization controlled by the state university or a direct-support organization of the state university, except that traffic laws may be enforced off-campus when hot pursuit originates on or adjacent to any such property or facilities.

c. Community college police officers shall have the authority to enforce all the traffic laws of this state only when such violations occur on any property or facilities that are under the guidance, supervision, regulation, or control of the community college system.

d. Police officers employed by an airport authority shall have the authority to enforce all of the traffic laws of this state only when such violations occur on any property or facilities that are owned or operated by an airport authority.

(I) An airport authority may employ as a parking enforcement specialist any individual who successfully completes a training program established and approved by the Criminal Justice Standards and Training Commission for parking enforcement specialists but who does not otherwise meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary or part-time officers under s. 943.12. Nothing in this sub-sub-subparagraph shall be construed to permit the carrying of firearms or other weapons, nor shall such parking enforcement specialist have arrest authority.

(II) A parking enforcement specialist employed by an airport authority is authorized to enforce all state, county, and municipal laws and ordinances governing parking only when such violations are on property or facilities owned or operated by the airport authority employing the specialist, by appropriate state, county, or municipal traffic citation.

e. The Office of Agricultural Law Enforcement of the Department of Agriculture and Consumer Services shall have the authority to enforce traffic laws of this state.

f. School safety officers shall have the authority to enforce all of the traffic laws of this state when such violations occur on or about any property or facilities which are under the guidance, supervision, regulation, or control of the district school board.

2. An agency of the state as described in subparagraph 1. is prohibited from establishing a traffic citation quota. A violation of this subparagraph is not subject to the penalties provided in chapter 318.

3. Any disciplinary action taken or performance evaluation conducted by an agency of the state as described in subparagraph 1. of a law enforcement officer's traffic enforcement activity must be in accordance with written work-performance standards. Such standards must be approved by the agency and any collective bargaining unit representing such law enforcement officer. A violation of this subparagraph is not subject to the penalties provided in chapter 318.

4. The Division of the Florida Highway Patrol may employ as a traffic accident investigation officer any individual who successfully completes instruction in traffic accident investigation and court presentation through the Selective Traffic Enforcement Program as approved by the Criminal Justice Standards and Training Commission and funded through the National Highway Traffic Safety Administration or a similar program approved by the commission, but who does not necessarily meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary law enforcement officers under chapter 943. Any such traffic accident investigation officer who makes an investigation at the scene of a traffic accident may issue traffic citations, based upon personal investigation, when he or she has reasonable and probable grounds to believe that a person who was involved in the accident committed an offense under this chapter, chapter 319, chapter 320, or chapter 322 in connection with the accident. This subparagraph does not permit the officer to carry firearms or other weapons and such an officer does not have authority to make arrests.

Section 19. Subsection (3) of section 316.650, Florida Statutes, is amended to read:

316.650 Traffic citations.—

(3)(a) Except for a traffic citation issued pursuant to s. 316.1001, each ~~Every~~ traffic enforcement officer, upon issuing a traffic citation to an alleged violator of any provision of the motor vehicle laws of this state or of any traffic ordinance of any city or town, shall deposit the original and one copy

of such traffic citation or, in the case of a traffic enforcement agency which has an automated citation issuance system, shall provide an electronic facsimile with a court having jurisdiction over the alleged offense or with its traffic violations bureau within 5 days after issuance to the violator.

(b) If a traffic citation is issued pursuant to s. 316.1001, a traffic enforcement officer may deposit the original and one copy of such traffic citation or, in the case of a traffic enforcement agency that has an automated citation system, may provide an electronic facsimile with a court having jurisdiction over the alleged offense or with its traffic violations bureau within 45 days after the date of issuance of the citation to the violator.

Section 20. Subsection (2) of section 316.70, Florida Statutes, is amended to read:

316.70 Nonpublic sector buses; safety rules.—

(2) Department of Transportation personnel may conduct compliance reviews for the purpose of determining compliance with this section. A civil penalty not to exceed \$5,000 in the aggregate may be assessed against any person who violates any provision of this section or who violates any rule or order of the Department of Transportation. A civil penalty not to exceed \$25,000 in the aggregate may be assessed for violations found in a follow-up compliance review conducted within a 24-month period. A civil penalty not to exceed \$25,000 in the aggregate may be assessed and the motor carrier may be enjoined pursuant to s. 316.3026 if violations are found after a second follow-up compliance review within 12 months after the first follow-up compliance review. Motor carriers found to be operating without insurance coverage required by s. 627.742 or 49 C.F.R. part 387 may be enjoined as provided in s. 316.3026. The Department of Transportation may assess a civil penalty of up to \$5,000 per infraction against any person who violates any provision of this section or who violates any rule or order of the department.

Section 21. Subsection (4) of section 318.14, Florida Statutes, is amended, and subsection (12) is added to that section, to read:

318.14 Noncriminal traffic infractions; exception; procedures.—

(4) Except as provided in subsection (12), any person charged with a noncriminal infraction under this section who does not elect to appear shall pay the civil penalty and delinquent fee, if applicable, either by mail or in person, within 30 days after the date of issuance of receiving the citation. If the person cited follows the above procedure, he or she shall be deemed to have admitted the infraction and to have waived his or her right to a hearing on the issue of commission of the infraction. Such admission shall not be used as evidence in any other proceedings. Any person who is cited for a violation of s. 320.0605 or s. 322.15(1), or subject to a penalty under s. 320.07(3)(a) or (b) or s. 322.065, and who makes an election under this subsection shall submit proof of compliance with the applicable section to the clerk of the court. For the purposes of this subsection, proof of compliance consists of a valid driver's license or a valid registration certificate.

(12) Any person cited for a violation of s. 316.1001 may, in lieu of making an election as set forth in subsection (4) or s. 318.18(7), elect to pay his or her fine directly to the governmental entity that issued the citation, within 30 days after the date of issuance of the citation. Any person cited for a violation of s. 316.1001 who does not elect to pay the fine directly to the governmental entity that issued the citation as described in this section shall have an additional 45 days after the date of the issuance of the citation in which to pay the civil penalty and delinquent fee, if applicable, as provided in s. 318.18(7), either by mail or in person, in accordance with subsection (4).

Section 22. Effective October 1, 2003, section 330.27, Florida Statutes, is amended to read:

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

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

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

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

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

(3)(5) ~~“Department”~~ means the Department of Transportation.

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

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

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

(5)(9) “Private airport” means an airport, publicly or privately owned, which is ~~not open or available for use by the public, used primarily by the licensee but may be made~~ which is available to others for use by invitation of the owner or manager licensee. Services may be provided if authorized by the department.

(6)(10) “Public airport” means an airport, publicly or privately owned, which ~~meets minimum safety and service standards and~~ is open for use by the public.

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

(8)(12) “Ultralight aircraft” means any ~~heavier than air, motorized aircraft meeting which meets~~ the criteria for maximum weight, fuel capacity, and airspeed established for such aircraft by the Federal Aviation Administration under Part 103 of the Federal Aviation Regulations.

Section 23. Effective October 1, 2003, section 330.29, Florida Statutes, is amended to read:

330.29 Administration and enforcement; rules; requirements ~~standards~~ for airport sites and airports.—It is the duty of the department to:

- (1) Administer and enforce the provisions of this chapter.
- (2) Establish requirements for airport site approval, licensure, and registration ~~minimum standards for airport sites and airports under its licensing jurisdiction.~~
- (3) Establish and maintain a state aviation facility data system to facilitate licensing and registration of all airports.
- (4)(3) Adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter.

Section 24. Effective October 1, 2003, section 330.30, Florida Statutes, is amended to read:

330.30 Approval of airport sites; registration and licensure ~~licensing of airports; fees.~~—

(1) SITE APPROVALS; REQUIREMENTS, FEES, EFFECTIVE PERIOD, REVOCATION.—

(a) Except as provided in subsection (3), the owner or lessee of any proposed airport shall, prior to site ~~the acquisition of the site or prior to the~~ construction or establishment of the proposed airport, obtain approval of the airport site from the department. Applications for approval of a site ~~and for an original license shall be jointly made in on~~ a form and manner prescribed by the department ~~and shall be accompanied by a site approval fee of \$100.~~ The department, ~~after inspection of the airport site,~~ shall grant the site approval if it is satisfied:

1. That the site ~~has~~ is ~~adequate~~ area allocated for the ~~airport~~ as proposed, ~~airport~~;

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

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

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

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

(c) Site approval shall be granted for private airports only after receipt of documentation in a form and manner the department deems necessary to satisfy the conditions in paragraph (a).

~~(d)~~(b) Site approval may be granted subject to any reasonable conditions ~~which~~ the department ~~deems~~ may deem necessary to protect the public health, safety, or welfare.

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

(f) The department may extend a site approval may be extended for subsequent periods of 2 years per extension for a maximum of 2 years upon good cause shown by the owner or lessee of the airport site.

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

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

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

3. That, ~~except as required for in-flight emergencies, the operation of aircraft~~ have operated of a nonemergency nature ~~has occurred~~ on the site; or

4. That, ~~because of changed physical or legal conditions or circumstances,~~ the site is no longer usable for the aviation purposes due to physical

or legal changes in conditions that were the subject of the ~~for which the approval was granted.~~

(2) LICENSES AND REGISTRATIONS; REQUIREMENTS, FEES, RENEWAL, REVOCATION.—

(a) Except as provided in subsection (3), the owner or lessee of any an airport in this state shall have either a public airport must obtain a license or private airport registration prior to the operation of aircraft to or from the facility on the airport. ~~An Application for a such license or registration shall be made in on a form and manner prescribed by the department and shall be accomplished jointly with an application for site approval. Upon granting site approval;~~ making a favorable final airport inspection report indicating compliance with all license requirements, and receiving the appropriate license fee, the department shall issue a license to the applicant, subject to any reasonable conditions that the department may deem necessary to protect the public health, safety, or welfare.

1. For a public airport, the department shall issue a license after a final airport inspection finds the facility to be in compliance with all requirements for the license. The license may be subject to any reasonable conditions that the department may deem necessary to protect the public health, safety, or welfare.

2. For a private airport, the department shall provide controlled electronic access to the state aviation facility data system to permit the applicant to complete the registration process. Registration shall be completed upon self-certification by the registrant of operational and configuration data deemed necessary by the department.

(b) The department ~~may is authorized to~~ license a public an airport that does not meet ~~all of the minimum~~ standards only if it determines that such exception is justified by unusual circumstances or is in the interest of public convenience and does not endanger the public health, safety, or welfare. Such a license shall bear the designation “special” and shall state the conditions subject to which the license is granted.

(c) The department may license a public airport or a private airport may register authorize a site as a temporary airport provided if it finds, after inspection of the site, that the airport will not endanger the public health, safety, or welfare and the airport meets the temporary airport requirements established by the department. A temporary airport license or registration shall be valid for less ~~Such authorization shall expire not later than 30~~ 90 days ~~after issuance~~ and is not renewable.

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

1. ~~Public airport: \$100.~~
2. ~~Private airport: \$70.~~
3. ~~Limited airport: \$50.~~

4. ~~Temporary airport: \$25.~~

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

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

2. ~~Registration~~ The license period for private all airports shall remain valid provided specific elements of airport data, established by the department, are periodically recertified by the airport registrant. The ability to recertify private airport registration data shall be available at all times by electronic submittal. A private airport registration that has not been recertified in the 24-month period following the last certification shall expire, unless the registration period has been adjusted by the department for purposes of informing private airport owners of their registration responsibilities or promoting administrative efficiency. The expiration date of the current registration period will be clearly identifiable from the state aviation facility data system other than public airports will be set by the department, but shall not exceed a period of 5 years. In determining the license period for such airports, the department shall consider the number of based aircraft, the airport location relative to adjacent land uses and other airports, and any other factors deemed by the department to be critical to airport operation and safety.

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

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

5. ~~If the renewal application for a public airport license has and fees have not been received by the department or no private airport registration recertification has been accomplished within 15 days after the date of expiration of the license, the department may revoke close the airport license or registration.~~

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

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

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

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

(3) EXEMPTIONS.—The provisions of this section do not apply to:

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

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

(c) A helistop used solely in conjunction with a construction project undertaken pursuant to the performance of a state contract if the purpose of the helicopter operations at the site is to expedite construction.

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

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

~~(e)(f)~~ An airport which meets the criteria of s. 330.27(7)(11) used exclusively for aerial application or spraying of crops on a seasonal basis, not to include any licensed airport where permanent crop aerial application or spraying facilities are installed, if the period of operation does not exceed 30 days per calendar year. Such proposed airports, which will be located within 3 miles of existing airports or approved airport sites, shall establish work out safe air-traffic patterns with such existing airports or approved airport sites, by memorandums of understanding, or by letters of agreement between the parties representing the airports or sites.

(f) Any body of water used for the takeoff and landing of aircraft, including any land, building, structure, or any other contrivance that facilitates private use or intended private use.

(4) EXCEPTIONS.—Private airports with 10 or more based aircraft may request to be inspected and licensed by the department. Private airports licensed according to this subsection shall be considered private airports as defined in s. 330.27(5) in all other respects.

Section 25. Effective October 1, 2003, section 330.35, Florida Statutes, is amended to read:

330.35 Airport zoning, ~~approach zone protection.~~—

(1) Nothing in ss. 330.29-330.36, 330.38, and 330.39 shall be construed to limit any right, power, or authority of the state or a political subdivision to regulate airport hazards by zoning.

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

(3) The department is granted all powers conferred upon political subdivisions of this state by chapter 333 to regulate airport hazards at state-owned public airports. The procedure shall be to form a joint zoning board with the political subdivision of the state in which the state-owned public airport is located as prescribed in chapter 333.

Section 26. Effective October 1, 2003, subsection (2) of section 330.36, Florida Statutes, is amended to read:

330.36 Prohibition against county or municipal licensing of airports; regulation of seaplane landings.—

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

Section 27. Subsection (1) of section 288.075, Florida Statutes, is amended to read:

288.075 Confidentiality of records.—

(1) As used in this section, the term “economic development agency” means the Office of Tourism, Trade, and Economic Development, any industrial development authority created in accordance with part III of chapter 159 or by special law, the Florida Space Authority created in part II of chapter 331, the Florida ~~Aerospace Finance Commercial Space Financing~~ Corporation created in part III of chapter 331, the public economic development agency of a county or municipality, or any research and development authority created in accordance with part V of chapter 159. The term also includes any private agency, person, partnership, corporation, or business entity when authorized by the state, a municipality, or a county to promote the general business interests or industrial interests of the state or that municipality or county.

Section 28. Subsection (16) of section 331.303, Florida Statutes, is amended to read:

331.303 Definitions.—

(16) “Project” means any development, improvement, property, launch, utility, facility, system, works, road, sidewalk, enterprise, service, or convenience, which may include coordination with Enterprise Florida, Inc., the Board of Education Regents, and the Space Research Foundation the Florida Aerospace Finance Corporation, and the Florida Space Research Institute; any rocket, capsule, module, launch facility, assembly facility, operations or control facility, tracking facility, administrative facility, or any other type of space-related transportation vehicle, station, or facility; any type of equipment or instrument to be used or useful in connection with any of the foregoing; any type of intellectual property and intellectual property protection in connection with any of the foregoing including, without limitation, any patent, copyright, trademark, and service mark for, among other things, computer software; any water, wastewater, gas, or electric utility system, plant, or distribution or collection system; any small business incubator initiative, including any startup aerospace company, research and development company, research and development facility, education and workforce training facility, storage facility, and consulting service; or any tourism initiative, including any space experience attraction, space-launch-related activity, and space museum sponsored or promoted by the authority.

Section 29. Section 331.308, Florida Statutes, is amended to read:

331.308 Board of supervisors.—

(1) There is created within the Florida Space Authority a board of supervisors consisting of eight regular members, who shall be appointed by the Governor, and two ex officio nonvoting members, one of whom shall be a state senator selected by the President of the Senate and one of whom shall be a state representative selected by the Speaker of the House of Representatives. The Lieutenant Governor, who is the state’s space policy leader, shall serve as chair of the board of supervisors, and shall cast the deciding vote if the votes of the eight regular members result in a tie. The board shall elect a vice-chair to preside in the absence of the Lieutenant Governor and to perform such other duties as may be designated. All regular members shall be subject to confirmation by the Senate at the next regular session of the Legislature. Existing board members are not prohibited from reappointment. Each of the regular board members must be a resident of the state and must have experience in the aerospace or commercial space industry or in finance or have other significant relevant experience. A private sector legal entity may not have more than one person serving on the board at any one time. One regular member shall represent organized labor interests, one regular member shall represent minority interests, and four regular members must represent space industry, at least one of whom must also be from a small business, as defined in s. 288.703. For the purpose of this section, “space industry” includes private sector entities engaged in space flight business, as defined in s. 212.031, research and technology development of space-based products and services, space station commercialization, development of spaceport and range technology, remote sensing products and services, space biotechnology, measurement and calibration of space assets, space-related software and information technology development, design and architecture of space-based assets and facilities for manufacturing and other

purposes, space-related nanotechnology, space tourism, and other commercial enterprises utilizing uniquely space-based capabilities.

(2) Each regular member shall serve a term of 4 years or until a successor is appointed and qualified. The term of each such member shall be construed to commence on the date of appointment and to terminate on June 30 of the year of the end of the term. Appointment to the board shall not preclude any such member from holding any other private or public position.

(3) The ex officio nonvoting legislative members shall serve on the board for 2-year terms.

(4) Any vacancy on the board shall be filled for the balance of the unexpired term.

~~(5) This act does not affect the terms or conditions of current members of the board, but applies to any vacancy that occurs on or after the effective date of this act. Appointments to the board shall give effect to this act as soon as practicable. Vacancies created by or occurring subsequent to the passage of this act shall be filled by representatives of the space industry, as provided herein, until the composition of the board is in compliance with the provisions of subsection (1).~~

~~(5)(6) The board shall hold its initial meeting no later than 20 days after the members have been appointed. At its initial meeting, or as soon thereafter as is practicable, the~~ The board shall appoint an executive director. Meetings shall be held quarterly or more frequently at the call of the chair. A majority of the regular members of the board shall constitute a quorum, and a majority vote of such members present is necessary for any action taken by the board.

~~(6)(7) The Governor has the authority to remove from the board any regular member in the manner and for cause as defined by the laws of this state and applicable to situations which~~ that may arise before the board. Unless excused by the chair of the board, a regular member's absence from two or more consecutive board meetings creates a vacancy in the office to which the member was appointed.

Section 30. Paragraph (b) of subsection (2) of section 331.367, Florida Statutes, is amended to read:

331.367 Spaceport Management Council.—

(2) The council shall make recommendations regarding:

(b) The projects and levels of commercial financing required from the Florida Aerospace Finance Commercial Space Financing Corporation created by s. 331.407.

Section 31. Section 331.368, Florida Statutes, is amended to read:

331.368 Florida Space Research Institute.—

(1) There is created the Florida Space Research Institute, the purpose of which is to serve as an industry-driven center for research, leveraging the state's resources in a collaborative effort to support Florida's space industry and its expansion, diversification, and transition to commercialization.

(2) The institute shall operate as a public/private partnership under the direction of a board composed of:

- (a) A representative of the Florida Space Authority.
- (b) A representative of Enterprise Florida, Inc.
- (c) A representative of the Florida Aviation Aerospace Alliance.
- (d) A representative of the Florida Space Business Roundtable.

(e) Additional private-sector representatives from the space industry selected collaboratively by the core members specified in paragraphs (a)-(d). The additional space industry representatives under this paragraph must comprise the majority of members of the board and must be from geographic regions throughout the state. Each private-sector representative shall be appointed to a term of 3 years.

(f) Two representatives from the educational community who are selected collaboratively by the core members specified in paragraphs (a)-(d) and who are engaged in research or instruction related to the space industry. One representative must be from a community college, and one representative must be from a public or private university. Each educational representative shall be appointed to a term of 2 years.

(g) Additional ex officio, nonvoting representatives selected collaboratively by the core members.

(3) Annually, the members of the board shall select one of the members to serve as chair, who shall be responsible for convening and leading meetings of the board.

(4) Board members are considered to be volunteers as defined in s. 110.501 and shall serve with all protections provided to volunteers of state agencies under s. 768.1355.

(5) For the purposes of contracts and grants, s. 216.346 shall apply to the institute's programs with state universities and community colleges.

(6) The Florida Space Research Institute may:

(a) Acquire property under such conditions as the board may deem necessary or desirable, and sell or otherwise dispose of the same.

(b) Serve as a coordinating organization among public and private academic institutions, industry, and government agencies to support the expansion and diversification of Florida's space industry, and to support research and education programs.

(c) Execute contracts and other documents, adopt proceedings, and perform any acts determined by the board to be necessary to carry out the purposes of this section.

(d) Establish a personnel-management system and procedures, rules, and rates governing administrative and financial operations of the institute.

(e) Acquire, accept, or administer grants, contracts, and fees from other organizations to perform activities that are consistent with the purposes of this section.

(f) Work in partnership with the Florida Space Authority, Enterprise Florida, Inc., the Department of Education, and other organizations to support their programs to promote the state as a center for space enterprise, research, and technology development.

~~(7)~~(3) The board of the Florida Space Research Institute shall:

(a) Set the strategic direction for the space-related research priorities of the state and its space-related businesses, the scope of research projects for the institute, and the timeframes for completion.

(b) Invite the participation of public and private academic institutions universities, including, but not limited to, the University of Central Florida, the University of Florida, the University of South Florida, Florida State University, Florida Institute of Technology, and the University of Miami.

(c) Select a lead university to:

1. Serve as coordinator of research for ~~and as the administrative entity~~ of the institute;

2. Support the institute's development of a statewide space research agenda and programs; and

3. Develop, and update as necessary, a report recommending ways that the state's public and private universities can work in partnership to support the state's space-industry requirements, ~~which report must be completed by December 15, 2000.~~

(d) Establish a partnership with the state Workforce Development Board, or its successor entity, under which the institute coordinates the workforce-training requirements identified by the space industry and supports development of workforce-training initiatives to meet such requirements, using training providers approved by the board or its successor entity.

(e) Comanage, with the National Aeronautics and Space Administration and subject to the terms of an agreement with NASA, operation of a Space Experiment Research and Processing Laboratory, if such a facility is constructed on land of the John F. Kennedy Space Center. The institute shall carry out such responsibility through a consortium of public and private universities in the state led by the University of Florida.

(f) Develop initiatives to foster the participation of the state's space industry in the International Space Station and to help the state maintain and enhance its competitive position in the commercial space-transportation industry.

(g) Pursue partnerships with the National Aeronautics and Space Administration to coordinate and conduct research in fields including, but not limited to, environmental monitoring; agriculture; aquatics; resource reutilization technologies for long-duration space missions; and spaceport technologies which support current or next-generation launch vehicles and range systems.

(h) Pursue partnerships with the National Aeronautics and Space Administration for the conduct of space-related research using computer technology to connect experts in a given field of science who are in disparate locations and to perform research experiments in a real-time, virtual environment.

(i) Appoint or dismiss, as deemed necessary by the board, a person to act as executive director of the institute, who shall have such other functions, duties, powers, and salary as the board prescribes.

~~(8)(4)~~ By December 15 of each year, the institute shall submit a report of its activities and accomplishments for the year to the Governor, the President of the Senate, ~~and the Speaker of the House of Representatives, and the Commissioner of Education.~~ The report shall also include recommendations regarding actions the state should take to enhance the development of space-related businesses, including:

- (a) Future research activities.
- (b) The development of capital and technology assistance to new and expanding industries.
- (c) The removal of regulatory impediments.
- (d) The establishment of business development incentives.
- (e) The initiation of education and training programs to ensure a skilled workforce.

Section 32. Section 331.401, Florida Statutes, is amended to read:

331.401 Short title.—Sections 331.401-331.419 may be cited as the “Florida Aerospace Finance ~~Commercial Space Financing~~ Corporation Act.”

Section 33. Section 331.403, Florida Statutes, is amended to read:

331.403 Legislative findings and intent.—The Legislature finds that the expansion of state and federal support for the aerospace industry in Florida is critical to the continued development of a viable commercial aerospace ~~space~~ industry and the technical and scientific job base for its citizens. This development of commercial opportunities in Florida is slowed by the lack of traditional business financing tools such as securitization for industrial

development. Florida's launch industry is also being challenged by the provision of such industry assistance by other countries. Florida's aerospace industry could be assisted by a corporation established to work with the United States Export-Import Bank, the Small Business Administration, the National Aeronautics and Space Administration, and other federal, state, and private sources to provide information, technical assistance, and financial support. It is the intention of the Legislature to retain and expand job opportunities for Florida citizens through this mechanism.

Section 34. Section 331.405, Florida Statutes, is amended to read:

331.405 Definitions.—As used in this part:

(1) “Account” means the account established pursuant to s. 331.415.

(2) “Aerospace” means the industry concerned with the design and manufacture of aircraft, rockets, missiles, spacecraft, satellites, space vehicles, space stations, space facilities, or components thereof, and equipment, systems, facilities, simulators, programs, and activities related thereto.

(3)(2) “Authority” means the Florida Space Authority created by s. 331.302.

(4)(3) “Board” means the governing body of the corporation.

(5)(4) “Corporation” means the Florida Aerospace Finance Commercial Space Financing Corporation.

(6)(5) “Domiciled in this state” means registered to do business in Florida.

(7)(6) “Financial institution” has the same meaning as in s. 655.005(1)(h).

(8)(7) “Financing agreement” has the same meaning as in s. 331.303(10).

(9)(8) “Member” means an individual appointed to be a member of the board.

(10)(9) “President” means the chief executive officer of the corporation.

Section 35. Section 331.407, Florida Statutes, is amended to read:

331.407 Florida Aerospace Finance Commercial Space Financing Corporation.—

(1) The Florida Aerospace Finance Commercial Space Financing Corporation is created as a corporation not for profit. The corporation shall have all the powers, rights, privileges, and authority as provided under chapter 617 and this part. The corporation shall be organized on a nonstock basis. The purpose of the corporation is to expand employment and income opportunities for residents of this state by providing businesses domiciled in this state with information, technical assistance, and financial assistance to support space-related transactions, in order to increase the development

within the state of commercial aerospace products, activities, services, and facilities.

(2) The corporation shall have the power and authority to carry out the following functions:

(a) To coordinate its efforts with programs and goals of the United States Air Force, the National Aeronautics and Space Administration, the Export-Import Bank, the International Trade Administration of the United States Department of Commerce, the Foreign Credit Insurance Association, Enterprise Florida, Inc., and its boards, and other private and public programs and organizations, domestic and foreign.

(b) To establish a network of contacts among those domestic and foreign public and private organizations which provide information, technical assistance, and financial support to the aerospace industry.

(c) To assemble, publish, and disseminate information on financing opportunities and techniques of financing aerospace projects, programs, and activities; sources of public and private aerospace financing assistance; and sources of aerospace-related ~~space-related~~ financing.

(d) To organize, host, and participate in seminars and other forums designed to disseminate information and technical assistance regarding aero-space-related ~~space-related~~ financing.

(e) To insure, coinsure, lend, and guarantee loans, and to originate for sale direct aerospace-related ~~space-related~~ loans, pursuant to criteria, by-laws, policies, and procedures adopted by the board.

(f) To capitalize, underwrite, and secure funding for aerospace infrastructure, satellites, launch vehicles, and any service which supports aerospace launches.

(g) To construct, lease, or sell aerospace infrastructure, satellites, launch vehicles, and any other related activities and services.

(h) To acquire property, including real, personal, tangible, intangible, or mixed, under such conditions as the board may deem necessary or desirable, and sell or otherwise dispose of the same.

(i) To make and exercise any and all contracts or other instruments necessary or convenient to the exercise of its powers, including financing agreements.

(3) It is the intent of the Legislature that the corporation shall not be considered an “agency” as defined in s. 216.011 or s. 287.012.

Section 36. Subsection (4) of section 331.409, Florida Statutes, is amended to read:

331.409 Powers and limitations.—

(4) In providing assistance, the board shall create a fiscal strategy for Florida which will guide and facilitate the successful expansion of aero-space-related ~~space-related~~ jobs.

Section 37. Paragraphs (a) and (c) of subsection (5) of section 331.411, Florida Statutes, are amended to read:

331.411 Board of directors; powers and duties.—

(5) The board shall:

(a) Prior to the expenditure of funds from the account, adopt bylaws, rules, and policies necessary to carry out its responsibilities under this part, particularly with respect to the implementation of the corporation's programs to insure, coinsure, lend, provide loan guarantees, and make direct, guaranteed, or collateralized loans to support aerospace-related ~~space-related~~ transactions.

(c) Adopt policies, including criteria, establishing which aerospace-related ~~space-related~~ transactions shall be eligible for insurance, coinsurance, loan guarantees, and direct, guaranteed, or collateralized loans which may be extended by the corporation. To implement this paragraph, the board shall adopt rules which include the following criteria:

1. Any individual signing any corporation loan application and loan or guarantee agreement must have an equity interest in the business applying for financial assistance.

2. Applicants must be domiciled in this state and will be contractually obligated to use Florida launch facilities to the maximum extent possible.

Section 38. Subsections (37) and (38) are added to section 334.03, Florida Statutes, to read:

334.03 Definitions.—When used in the Florida Transportation Code, the term:

(37) “511” or “511 services” means three-digit telecommunications dialing to access interactive voice response telephone traveler information services provided in the state as defined by the Federal Communications Commission in FCC Order No. 00-256, July 31, 2000.

(38) “Interactive voice response” means a software application that accepts a combination of voice telephone input and touch-tone keypad selection and provides appropriate responses in the form of voice, fax, callback, e-mail, and other media.

Section 39. Present subsection (31) of section 334.044, Florida Statutes, is redesignated as subsection (32), and a new subsection (31) is added to that section, to read:

334.044 Department; powers and duties.—The department shall have the following general powers and duties:

(31) To provide oversight of traveler information systems that may include the provision of interactive voice response telephone systems accessible via the 511 number as assigned by the Federal Communications Commission for traveler information services. The department shall ensure that uniform standards and criteria for the collection and dissemination of traveler information are applied using interactive voice response systems.

Section 40. Section 334.14, Florida Statutes, is amended to read:

334.14 Employees of department who are required to be engineers.— Each employee performing engineering as defined in chapter 471 shall be registered in accordance with the provisions of chapter 471.

~~(1) At a minimum, each of the following employees of the department must be a professional engineer registered under chapter 471:~~

~~(a) The State Highway Engineer and the district secretary for each district, except that in lieu of engineering registration the district secretary for each district may hold an advanced degree in an appropriate related discipline such as a master of business administration.~~

~~(b)1. The head of each office, or equivalent unit, of the department that is responsible for the design of transportation facilities.~~

~~2. Any person who is employed or assigned by any such unit to be in responsible charge of an engineering project designed by the unit, regardless of whether such person is employed in the central office or in a field office.~~

~~(c)1. The head of each office, or equivalent unit, of the department that is responsible for the construction of transportation facilities or materials testing.~~

~~2. Any area or resident engineer who is in responsible charge of an engineering construction project.~~

~~(d)1. The head of each office, or equivalent unit, of the department that is directly responsible for traffic operations or the maintenance of transportation facilities.~~

~~2. The senior maintenance engineer assigned to a field office.~~

~~3. The senior maintenance engineers in charge of the various area maintenance yards assigned to the field units.~~

~~(2) As used in this section, the term “responsible charge” means the rendering of engineering judgment and decisions in the development of technical policy and programs or the direct control and personal supervision of work performed by himself or herself or by others over whom the person holds supervisory authority.~~

~~(3) Any person holding the position of resident engineer of construction or senior maintenance engineer of a field unit on July 1, 1984, or the position of designer as identified in subparagraph (1)(b)2. on July 1, 1985, is not subject to the engineering registration requirement. However, when such~~

person vacates his or her position, his or her replacement must comply with that requirement.

~~(4) The department shall employ a district secretary for each transportation district whose duties shall be fixed by the department and who shall be responsible for the efficient operation and administration of that district.~~

~~(5) In addition to the requirement for engineering registration in subsection (1), the department, in filling the positions described in this section, shall place emphasis on proven management ability and experience.~~

Section 41. Section 334.60, Florida Statutes, is created to read:

334.60 511 traveler information system.—

(1) The department is the state's lead agency for implementing 511 services and is the state's point of contact for coordinating 511 services with telecommunications service providers. The department shall:

(a) Implement and administer 511 services in the state;

(b) Coordinate with other transportation authorities in the state to provide multimodal traveler information through 511 services and other means;

(c) Develop uniform standards and criteria for the collection and dissemination of traveler information using the 511 number or other interactive voice response systems; and

(d) Enter into joint participation agreements or contracts with highway authorities and public transit districts to share the costs of implementing and administering 511 services in the state. The department may also enter into other agreements or contracts with private firms relating to the 511 services to offset the costs of implementing and administering 511 services in the state.

The department shall adopt rules to administer the coordination of 511 traveler information phone services in the state.

Section 42. Section 336.467, Florida Statutes, is amended to read:

~~336.467 County-state right-of-way acquisition agreements.—A county or other governmental entity may enter into an agreement with the department to provide for the department to acquire rights-of-way for the county or other governmental entity, provided the highway project is to be funded by the 80-percent portion of the constitutional gas tax allocated to that county and requires the acquisition of at least 10 parcels of land, the total cost of which will equal or exceed \$100,000.~~

Section 43. Subsections (1), (4), and (7) of section 337.14, Florida Statutes, are amended to read:

337.14 Application for qualification; certificate of qualification; restrictions; request for hearing.—

(1) Any person desiring to bid for the performance of any construction contract in excess of \$250,000 which the department proposes to let must first be certified by the department as qualified pursuant to this section and rules of the department. The rules of the department shall address the qualification of persons to bid on construction contracts in excess of \$250,000 and shall include requirements with respect to the equipment, past record, experience, financial resources, and organizational personnel of the applicant necessary to perform the specific class of work for which the person seeks certification. The department is authorized to limit the dollar amount of any contract upon which a person is qualified to bid or the aggregate total dollar volume of contracts such person is allowed to have under contract at any one time. Each applicant seeking qualification to bid on construction contracts in excess of \$250,000 shall furnish the department a statement under oath, on such forms as the department may prescribe, setting forth detailed information as required on the application. Each application for certification shall be accompanied by the latest annual financial statement of the applicant completed within the last 12 months. If the annual financial statement shows the financial condition of the applicant more than 4 months prior to the date on which the application is received by the department, then an interim financial statement must also be submitted. The interim financial statement must cover the period from the end date of the annual statement and must show the financial condition of the applicant no more than 4 months prior to the date on which the application is received by the department. Each required annual or interim financial statement must be audited and accompanied by the opinion of a certified public accountant or a public accountant approved by the department. The information required by this subsection is confidential and exempt from the provisions of s. 119.07(1). The department shall act upon the application for qualification within 30 days after the department determines that the application is complete it is presented.

(4) If the applicant is found to possess the prescribed qualifications, the department shall issue to him or her a certificate of qualification that, unless thereafter revoked by the department for good cause, will be valid for a period of 18 months after the date of the applicant's financial statement or such shorter period as the department prescribes. Submission of an application shall not affect expiration of the certificate of qualification. If the department finds that an application is incomplete or contains inadequate information or information that cannot be verified, the department may request in writing that the applicant provide the necessary information to complete the application or provide the source from which any information in the application may be verified. If the applicant fails to comply with the initial written request within a reasonable period of time as specified therein, the department shall request the information a second time. If the applicant fails to comply with the second request within a reasonable period of time as specified therein, the application shall be denied.

(7) No "contractor" as defined in s. 337.165(1)(d) or his or her "affiliate" as defined in s. 337.165(1)(a) qualified with the department under this section may also qualify under s. 287.055 or s. 337.105 to provide testing services, construction, engineering, and inspection services to the depart-

ment. This limitation shall not apply to any design-build prequalification under s. 337.11(7).

Section 44. Section 337.18, Florida Statutes, is amended to read:

337.18 Surety bonds for construction or maintenance contracts; requirement with respect to contract award; bond requirements; defaults; damage assessments.—

(1)(a) A surety bond shall be required of the successful bidder in an amount equal to the awarded contract price. For a project for which the contract price is \$150,000 or less, the department may waive the requirement for all or a portion of a surety bond if it determines the project is of a noncritical nature and nonperformance will not endanger public health, safety, or property. The department may require alternate means of security if a surety bond is waived. The surety on such bond shall be a surety company authorized to do business in the state. All bonds shall be payable to the department and conditioned for the prompt, faithful, and efficient performance of the contract according to plans and specifications and within the time period specified, and for the prompt payment of all persons defined in s. 713.01 furnishing labor, material, equipment, and supplies for work provided in the contract ~~therefor~~; however, whenever an improvement, demolition, or removal contract price is \$25,000 or less, the security may, in the discretion of the bidder, be in the form of a cashier's check, bank money order of any state or national bank, certified check, or postal money order. The department shall adopt rules to implement this subsection. Such rules shall include provisions under which the department shall refuse to accept bonds on contracts when a surety wrongfully fails or refuses to settle or provide a defense for claims or actions arising under a contract for which the surety previously furnished a bond.

(b) Upon execution of the contract, and prior to beginning any work under the contract, the contractor shall record in the public records of the county where the improvement is located the payment and performance bond required under this section. A claimant shall have a right of action against the contractor and surety for the amount due him or her, including unpaid finance charges due under the claimant's contract. Such action shall not involve the department in any expense.

(c) A claimant, except a laborer, who is not in privity with the contractor shall, before commencing or not later than 90 days after commencing to furnish labor, materials, or supplies for the prosecution of the work, furnish the contractor with a notice that he or she intends to look to the bond for protection. A claimant who is not in privity with the contractor and who has not received payment for his or her labor, materials, or supplies shall deliver to the contractor and to the surety written notice of the performance of the labor or delivery of the materials or supplies and of the nonpayment. The notice of nonpayment may be served at any time during the progress of the work or thereafter but not before 45 days after the first furnishing of labor, services, or materials, and not later than 90 days after the final furnishing of the labor, services, or materials by the claimant or, with respect to rental equipment, not later than 90 days after the date that the rental equipment

was last on the job site available for use. An action by a claimant, except a laborer, who is not in privity with the contractor for the labor, materials, or supplies may not be instituted against the contractor or the surety unless both notices have been given. Notices required or permitted under this section may be served in any manner provided in s. 713.18.

(d) An action must be instituted by a claimant, whether in privity with the contractor or not, against the contractor or the surety on the payment bond or the payment provisions of a combined payment and performance bond within 365 days after the final acceptance of the contract work by the department. A claimant may not waive in advance his or her right to bring an action under the bond against the surety. In any action brought to enforce a claim against a payment bond under this section, the prevailing party is entitled to recover a reasonable fee for the services of his or her attorney for trial and appeal or for arbitration, in an amount to be determined by the court, which fee must be taxed as part of the prevailing party's costs, as allowed in equitable actions.

(e) When a contractor has furnished a payment bond pursuant to this section, he or she may, when the department makes any payment to the contractor, serve a written demand on any claimant who is not in privity with the contractor for a written statement under oath of his or her account showing the nature of the labor or services performed to date, if any; the materials furnished; the materials to be furnished, if known; the amount paid on account to date; the amount due; and the amount to become due, if known, as of the date of the statement by the claimant. Any such demand to a claimant who is not in privity with the contractor must be served on the claimant at the address and to the attention of any person who is designated to receive the demand in the notice to the contractor served by the claimant. The failure or refusal to furnish the statement does not deprive the claimant of his or her rights under the bond if the demand is not served at the address of the claimant or directed to the attention of the person designated to receive the demand in the notice to contractor. The failure to furnish the statement within 60 days after the demand, or the furnishing of a false or fraudulent statement, deprives the claimant who fails to furnish the statement, or who furnishes the false or fraudulent statement, of his or her rights under the bond. If the contractor serves more than one demand for statement of account on a claimant and none of the information regarding the account has changed since the claimant's last response to a demand, the failure or refusal to furnish such statement does not deprive the claimant of his or her rights under the bond. The negligent inclusion or omission of any information deprives the claimant of his or her rights under the bond to the extent that the contractor can demonstrate prejudice from such act or omission by the claimant. The failure to furnish a response to a demand for statement of account does not affect the validity of any claim on the bond being enforced in a lawsuit filed before the date the demand for statement of account is received by the claimant.

(f) The bonds provided for in this section are statutory bonds. The provisions of s. 255.05 are not applicable to bonds issued pursuant to this section.

(2) The department shall provide in its contracts for the determination of default on the part of any contractor for cause attributable to such con-

tractor. The department shall have no liability for anticipated profits for unfinished work on a contract which has been determined to be in default. Every contract let by the department for the performance of work shall contain a provision for payment to the department by the contractor of liquidated damages due to failure of the contractor to complete the contract work within the time stipulated in the contract or within such additional time as may have been granted by the department. The contractual provision shall include a reasonable estimate of the damages that would be incurred by the department as a result of such failure. The department shall establish a schedule of daily liquidated damage charges, based on original contract amounts, for construction contracts entered into by the department, which schedule shall be incorporated by reference into the contract. The department shall update the schedule of liquidated damages at least once every 2 years, but no more often than once a year. The schedule shall, at a minimum, be based on the average construction, engineering, and inspection costs experienced by the department on contracts over the 2 preceding fiscal years. The schedule shall also include anticipated costs of project-related delays and inconveniences to the department and traveling public. Anticipated costs may include, but are not limited to, road user costs, a portion of the projected revenues that will be lost due to failure to timely open a project to revenue-producing traffic, costs resulting from retaining detours for an extended time, and other similar costs. Any such liquidated damages paid to the department shall be deposited to the credit of the fund from which payment for the work contracted was authorized.

(3) In addition to the provision for payment to the department by the contractor of liquidated damages due to the failure of the contractor to complete the project within the time stipulated in the contract or within such additional time as may have been granted by the department, the department may also recover from the contractor amounts paid by the department for damages suffered by third parties as a result of the contractor's failure to complete the project within the time stipulated in the contract or within such additional time as may have been granted by the department, unless the failure to timely complete the project was caused by the department's act or omission. However, nothing herein shall create a cause of action against the department, or against a contractor by an abutting property owner or business entity, where none has previously existed.

(4)(a) If the department determines and adequately documents that the timely completion of any project will provide a substantial benefit to the public health, safety, or welfare; will limit the disruptive effect of construction on the community; or is cost beneficial on a revenue-producing project, the contract for such project may provide for an incentive payment payable to the contractor for early completion of the project or critical phases of the work and for additional damages to be assessed against the contractor for the completion of the project or critical phases of the work in excess of the time specified. All contracts containing such provisions shall be approved by the head of the department or his or her designee. The amount of such incentive payment or such additional damages shall be established in the contract based on an analysis of the cost savings to the traveling public or revenue projections for a revenue-producing project ~~but shall not exceed \$10,000 per calendar day, except that for revenue-producing projects the~~

amounts and periods of the incentive may be greater if an analysis indicates that additional revenues projected to be received upon completion of the project will exceed the cost of the incentive payments. Any liquidated damages provided for under subsection (2) and any additional damages provided for under this subsection shall be payable to the department because of the contractor's failure to complete the contract work within the time stipulated in the contract or within such additional time as may have been granted by the department.

(b) The department shall adopt rules to implement this subsection. Such rules shall include procedures and criteria for the selection of projects on which incentive payments and additional damages may be provided for by contract.

(5) Such bonds shall be subject to the additional obligation that the principal and surety executing the same shall be liable to the state in a civil action instituted by the department or any officer of the state authorized in such cases, for double any amount in money or property the state may lose or be overcharged or otherwise defrauded of, by reason of any wrongful or criminal act, if any, of the contractor, the contractor's agent, or employees.

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

338.235 Contracts with department for provision of services on the turnpike system.—

(2) In order to secure high-quality products, business opportunities, and services on the turnpike system, products, business opportunities, and services authorized by s. 338.234 may be secured by competitive solicitation for turnpike patrons, products and services authorized by s. 338.234(1) may be secured through the request-for-proposal process. If the department receives an unsolicited proposal for products, business opportunities, or services that it wishes to consider, it shall publish a notice in a newspaper of general circulation at least once a week for 2 weeks, or may broadcast such notice by electronic media for 2 weeks, stating that it has received a proposal and will accept other proposals on the same subject for 30 days after the date of publication. The department may select offers that the proposal and fee which best satisfy the conditions of a quality service, business opportunity, or and product operation for the turnpike system. The factors to be used in evaluating proposals include, but are not limited to:

- (a) The financial capacity of the provider;
- (b) The willingness to contribute toward the cost of facility construction;
- (c) The type and quality of the service or product offered;
- (d) The price structure of the service or product offered;
- (e) Management experience and capabilities;
- (f) The national brand names offered;

(g) The originality of the concept and its relationship to the turnpike system;

(h) The lease rate; and

(i) Other factors that the department may deem pertinent.

Section 46. Section 339.61, Florida Statutes, is created to read:

339.61 Florida Strategic Intermodal System; Legislative findings, declaration, and intent.—

(1) There is hereby created the Florida Strategic Intermodal System.

(2) The Legislature finds that increasing demands are continuing to be placed on the state's transportation system by a fast-growing economy, continued population growth, and projected increases in freight movement, international trade, and tourism. The Legislature also finds that the state's growing regional and intercity economic centers will increase the demand for interregional and intercity travel and that the evolving service-based and information-based industries will change the type of transportation system that business and industry demand, increasing the importance of speed and reliability. The Legislature further finds that our transportation system must be designed and operated in such a way that it preserves the abundance of natural and manmade amenities that have been so successful in attracting new residents, businesses, and tourists to this state. Therefore, the Legislature declares that the designation of a strategic intermodal system, composed of facilities and services of statewide and interregional significance, will efficiently serve the mobility needs of Florida's citizens, businesses, and visitors and will help Florida become a worldwide economic leader, enhance economic prosperity and competitiveness, enrich quality of life, and reflect responsible environmental stewardship. To that end, it is the intent of the Legislature that the Strategic Intermodal System consist of transportation facilities that meet a strategic and essential state interest and that limited resources available for the implementation of statewide and interregional transportation priorities be focused on that system.

Section 47. Section 339.62, Florida Statutes, is created to read:

339.62 System components.—The Strategic Intermodal System shall consist of appropriate components of:

(1) The Florida Intrastate Highway System established under to s. 338.001.

(2) The National Highway System.

(3) Airport, seaport, and spaceport facilities.

(4) Rail lines and rail facilities.

(5) Selected intermodal facilities; passenger and freight terminals; and appropriate components of the State Highway System, county road system, city street system, inland waterways, and local public transit systems that

serve as existing or planned connectors between the components listed in subsections (1)-(4).

(6) Existing or planned corridors that serve a statewide or interregional purpose.

Section 48. Section 339.63, Florida Statutes, is created to read:

339.63 System facilities designated; additions and deletions.—

(1) The initial Strategic Intermodal System shall include all facilities that meet the criteria recommended by the Strategic Intermodal Steering Committee in a report titled “Steering Committee Final Report: Recommendations for Designating Florida’s Strategic Intermodal System” dated December 2002.

(2) Subsequent to the initial designation of the Strategic Intermodal System pursuant to subsection (1), the Secretary of Transportation shall periodically add facilities to or delete facilities from the Strategic Intermodal System based upon adopted criteria.

Section 49. Section 339.64, Florida Statutes, is created to read:

339.64 Strategic Intermodal System Plan.—

(1) The department shall develop, in cooperation with metropolitan planning organizations, regional planning councils, local governments, the Statewide Intermodal Transportation Advisory Council and other transportation providers, a Strategic Intermodal System Plan. The plan shall be consistent with the Florida Transportation Plan developed pursuant to s. 339.155 and shall be updated at least once every 5 years, subsequent to updates of the Florida Transportation Plan.

(2) In association with the development of the initial Strategic Intermodal System Plan and other transportation plans, the Florida Transportation Commission, shall conduct an assessment of the need for an improved philosophical approach to regional and intermodal input in the planning for and governing of the Strategic Intermodal System and other transportation systems. The Florida Transportation Commission shall coordinate with the department, the Statewide Intermodal Transportation Advisory Council, and other appropriate entities when developing this assessment. The Florida Transportation Commission shall deliver a report to the Governor and Legislature by December 15, 2003, with recommendations as necessary to fully implement the Strategic Intermodal System.

(3) During the development of the Strategic Intermodal System Plan and the development of all subsequent updates, the department shall provide metropolitan planning organizations, regional planning councils, local governments, transportation providers, affected public agencies, and citizens with an opportunity to participate in and comment on the development of the proposed plan or update.

(4) The Strategic Intermodal System Plan shall include the following:

(a) A needs assessment.

(b) A project prioritization process.

(c) A map of facilities designated as Strategic Intermodal System facilities and facilities that are emerging in importance that are likely to become part of the system in the future.

(d) A finance plan based on reasonable projections of anticipated revenues, including both 10-year and 20-year cost-feasible components.

(5) STATEWIDE INTERMODAL TRANSPORTATION ADVISORY COUNCIL.—

(a) The Statewide Intermodal Transportation Advisory Council is created to advise and make recommendations to the Legislature and the department on policies, planning, and funding of intermodal transportation projects. The council's responsibilities shall include:

1. Advising the department on the policies, planning, and implementation of strategies related to intermodal transportation.

2. Providing advice and recommendations to the Legislature on funding for projects to move goods and people in the most efficient and effective manner for the State of Florida.

(b) MEMBERSHIP.—Members of the Statewide Intermodal Transportation Advisory Council shall consist of the following:

1. Five intermodal industry representatives selected by the Governor as follows:

a. One representative from an airport involved in the movement of freight and people from their airport facility to another transportation mode.

b. One individual representing a fixed-route, local-government transit system.

c. One representative from an intercity bus company providing regularly scheduled bus travel as determined by federal regulations.

d. One representative from a spaceport.

e. One representative from intermodal trucking companies.

2. Three intermodal industry representatives selected by the President of the Senate as follows:

a. One representative from major-line railroads.

b. One representative from seaports listed in s. 311.09(1) from the Atlantic Coast.

c. One representative from an airport involved in the movement of freight and people from their airport facility to another transportation mode.

3. Three intermodal industry representatives selected by the Speaker of the House of Representatives as follows:

a. One representative from short-line railroads.

b. One representative from seaports listed in s. 311.09(1) from the Gulf Coast.

c. One representative from intermodal trucking companies. In no event may this representative be employed by the same company that employs the intermodal trucking company representative selected by the Governor.

(c) Initial appointments to the council must be made no later than 30 days after the effective date of this section.

1. The initial appointments made by the President of the Senate and the Speaker of the House of Representatives shall serve terms concurrent with those of the respective appointing officer. Beginning January 15, 2005, and for all subsequent appointments, council members appointed by the President of the Senate and the Speaker of the House of Representatives shall serve 2-year terms, concurrent with the term of the respective appointing officer.

2. The initial appointees, and all subsequent appointees, made by the Governor shall serve 2-year terms.

3. Vacancies on the council shall be filled in the same manner as the initial appointments.

(d) Each member of the council shall be allowed one vote. The council shall select a Chair from among its membership. Meetings shall be held at the call of the Chair, but not less frequently than quarterly. The members of the council shall be reimbursed for per diem and travel expenses as provided in s. 112.061.

(e) The department shall provide administrative staff support and shall ensure that council meetings are electronically recorded. Such recordings and all documents received, prepared for, or used by the council in conducting its business shall be preserved pursuant to chapters 119 and 257.

Section 50. Mamie Langdale Memorial Bridge designated; markers.—

(1) The new U.S. Highway 27 bridge in the City of Moore Haven in Glades County is hereby designated as “Mamie Langdale Memorial Bridge.”

(2) The Department of Transportation is directed to erect suitable markers designating Mamie Langdale Memorial Bridge as described in subsection (1).

Section 51. George Crady Bridge designated; markers.—

(1) The old Nassau Sound Bridge, bridge number 750055, on State Road 105 in Nassau and Duval Counties is hereby redesignated as “George Crady Bridge.”

(2) The Department of Transportation is directed to erect suitable markers designating George Crady Bridge as described in subsection (1).

Section 52. Rodolfo Garcia Memorial Avenue designated; markers.—

(1) The portion of west S.R. 823 in Miami-Dade county between west 76th Street and west 72nd Street is designated as “Rodolfo Garcia Memorial Avenue.”

(2) The Department of Transportation is directed to erect suitable markers designating “Rodolfo Garcia Memorial Avenue.”

Section 53. Section 341.0532, Florida Statutes, is created to read:

341.0532 Statewide Transportation Corridors.—

(1) A “Statewide transportation corridor” is defined as a system of transportation infrastructure that collectively provides for the efficient movement of significant volumes of intrastate, interstate, and international commerce by seamlessly linking multiple modes of transport.

(2) Florida’s statewide transportation corridors are:

(a) The Atlantic Coast Corridor, from Jacksonville to Miami, including Interstate 95.

(b) The Gulf Coast Corridor, from Pensacola to St. Petersburg and to Tampa including U.S. Route 98 and U.S. Route 19/State Road 27.

(c) The Central Florida/North-South Corridor, from the Florida-Georgia border to Naples and Fort Lauderdale/Miami, including Interstate 75.

(d) The Central Florida/East-West Corridor from St. Petersburg to Tampa and to Titusville, including Interstate 4 and the Beeline Expressway.

(e) The North Florida Corridor, from Pensacola to Jacksonville, including Interstate 10, and U.S. Route 231, State Road 77 and State Road 79 from the Florida-Alabama border to Panama City.

(f) The Jacksonville to Tampa Corridor, including U.S. Route 301.

(g) The Jacksonville to Orlando Corridor, including U.S. 17.

(h) The Southeastern Everglades Corridor, linking Wildwood, Winter Garden, Orlando, and West Palm Beach via the Florida Turnpike. For the purposes of this subsection, the term “corridor” includes railways adjacent to such corridor and the roadways linking to transportation terminals, and intermodal service centers to the major highways listed in this subsection.

Section 54. Section 95.361, Florida Statutes, is amended to read:

95.361 Roads presumed to be dedicated.—

(1) When a road, constructed by a county, a municipality, or the Department of Transportation, has been maintained or repaired continuously and

uninterruptedly for 4 years by the county, municipality, or the Department of Transportation, jointly or severally, the road shall be deemed to be dedicated to the public to the extent in width that has been actually maintained for the prescribed period, whether or not the road has been formally established as a public highway. The dedication shall vest all right, title, easement, and appurtenances in and to the road in:

- (a) The county, if it is a county road;
- (b) The municipality, if it is a municipal street or road; or
- (c) The state, if it is a road in the State Highway System or State Park Road System,

whether or not there is a record of a conveyance, dedication, or appropriation to the public use.

(2) In those instances where a road has been constructed by a nongovernmental entity, or where the road was not constructed by the entity currently maintaining or repairing it, or where it cannot be determined who constructed the road, and when such road has been regularly maintained or repaired for the immediate past 7 years by a county, a municipality, or the Department of Transportation, whether jointly or severally, such road shall be deemed to be dedicated to the public to the extent of the width that actually has been maintained or repaired for the prescribed period, whether or not the road has been formally established as a public highway. The dedication shall vest all rights, title, easement, and appurtenances in and to the road in:

- (a) The county, if it is a county road;
- (b) The municipality, if it is a municipal street or road; or
- (c) The state, if it is a road in the State Highway System or State Park Road System, whether or not there is a record of conveyance, dedication, or appropriation to the public use.

(3) The filing of a map in the office of the clerk of the circuit court of the county where the road is located showing the lands and reciting on it that the road has vested in the state, a county, or a municipality in accordance with subsection (1) or subsection (2) or by any other means of acquisition, duly certified by:

- (a) The secretary of the Department of Transportation, or the secretary's designee, if the road is a road in the State Highway System or State Park Road System;
- (b) The chair and clerk of the board of county commissioners of the county, if the road is a county road; or
- (c) The mayor and clerk of the municipality, if the road is a municipal road or street,

shall be prima facie evidence of ownership of the land by the state, county, or municipality, as the case may be.

(4) Any person, firm, corporation, or entity having or claiming any interest in and to any of the property affected by subsection (2) shall have and is hereby allowed a period of 1 year after the effective date of this subsection, or a period of 7 years after the initial date of regular maintenance or repair of the road, whichever period is greater, to file a claim in equity or with a court of law against the particular governing authority assuming jurisdiction over such property to cause a cessation of the maintenance and occupation of the property. Such timely filed and adjudicated claim shall prevent the dedication of the road to the public pursuant to subsection (2).

Section 55. subsection (10) of section 339.12, Florida Statutes as created by section 83 of chapter 2002-20, Laws of Florida, and amended by section 58 of chapter 2002-402, Laws of Florida, is repealed.

Section 56. The Florida Air Museum, housed at Sun n' Fun in Lakeland, is designated as the official state aviation museum and education center.

Section 57. Subsection (1) of section 337.401, Florida Statutes, is amended to read:

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

(1) The department and local governmental entities, referred to in ss. 337.401-337.404 as the “authority,” that have jurisdiction and control of public roads or publicly owned rail corridors are authorized to prescribe and enforce reasonable rules or regulations with reference to the placing and maintaining along, across, or on any road or publicly owned rail corridors under their respective jurisdictions any electric transmission, telephone, telegraph, or other communications services lines; pole lines; poles; rail-ways; ditches; sewers; water, heat, or gas mains; pipelines; fences; gasoline tanks and pumps; or other structures hereinafter referred to as the “utility.” The department may enter into a permit-delegation agreement with a governmental entity if issuance of a permit is based on requirements that the department finds will ensure the safety and integrity of facilities of the Department of Transportation.

Section 58. Subsection (3) is added to section 334.071, Florida Statutes, to read:

334.071 Legislative designation of transportation facilities.—

(3) Erection of markers shall be contingent on the appropriate city or county commission passing a resolution in support of the particular honorary designation. If the bridge or road segment being designated is located in more than one city or county, resolutions supporting the designation must be passed by each affected local government prior to the erection of the markers.

Section 59. Subsection (4) is added to section 335.02, Florida Statutes, to read:

335.02 Authority to designate transportation facilities and rights-of-way and establish lanes; procedure for redesignation and relocation.—

(4) Notwithstanding any general law or special act, regulations of any county, municipality, or special district, including any instrumentality thereof, shall not apply to existing or future transportation facilities, or appurtenances thereto, on the State Highway System.

Section 60. Subsection (8) of section 332.007, Florida Statutes, is amended to read:

332.007 Administration and financing of aviation and airport programs and projects; state plan.—

(8) Notwithstanding any other provision of law to the contrary, the department is authorized to provide operational and maintenance assistance to publicly owned public-use airports. Such assistance shall be to comply with enhanced federal security requirements or to address related economic impacts from the events of September 11, 2001. For projects in the current adopted work program, or projects added using the available budget of the department, airports may request the department change the project purpose in accordance with this provision notwithstanding the provisions of s. 339.135(7). For purposes of this subsection, the department may fund up to 100 percent of eligible project costs that are not funded by the Federal Government. Prior to releasing any funds under this section, the department shall review and approve the expenditure plans submitted by the airport. The department shall inform the Legislature of any change that it approves under this subsection. This subsection shall expire on June 30, 2007 ~~2004~~.

Section 61. Paragraph (k) of subsection (6) of section 163.3177, Florida Statutes, is amended to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(6) In addition to the requirements of subsections (1)-(5), the comprehensive plan shall include the following elements:

(k) An airport master plan, and any subsequent amendments to the airport master plan, prepared by a licensed publicly owned and operated airport under s. 333.06 may be incorporated into the local government comprehensive plan by the local government having jurisdiction under this act for the area in which the airport or projected airport development is located by the adoption of a comprehensive plan amendment. In the amendment to the local comprehensive plan that integrates the airport master plan, the comprehensive plan amendment shall address land use compatibility consistent with chapter 333 regarding airport zoning; the provision of regional transportation facilities for the efficient use and operation of the transportation system and airport; consistency with the local government transportation circulation element and applicable metropolitan planning organization long-range transportation plans; and the execution of any necessary interlocal agreements for the purposes of the provision of public

facilities and services to maintain the adopted level of service standards for facilities subject to concurrency; and may address airport-related or aviation-related development. Development or expansion of an airport consistent with the adopted airport master plan that has been incorporated into the local comprehensive plan in compliance with this part, and airport-related or aviation-related development that has been addressed in the comprehensive plan amendment that incorporates the airport master plan, shall not be a development of regional impact. Notwithstanding any other general law, an airport that has received a development-of-regional impact development order pursuant to s. 380.06, but which is no longer required to undergo development-of-regional impact review pursuant to this subsection, may abandon its development-of-regional impact order upon written notification to the applicable local government. Upon receipt by the local government, the development-of-regional impact development order is void.

Section 62. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

Approved by the Governor July 14, 2003.

Filed in Office Secretary of State July 14, 2003.