

House Bill No. 4035

An act relating to the Florida Statutes; repealing various statutory provisions that have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; amending s. 20.23, F.S.; deleting an obsolete deadline for implementation of certain internal management provisions by the Assistant Secretary for Finance and Administration of the Department of Transportation; repealing s. 74.121, F.S., relating to the effective date and applicability of ch. 65-369, Laws of Florida, relating to eminent domain proceedings; repealing s. 315.14, F.S., relating to the public purposes of the 1959 Port Facilities Financing Law; repealing s. 316.540, F.S., relating to weight and size requirements for certain pre-1949 vehicles; amending s. 316.550, F.S.; deleting a cross reference, to conform; repealing s. 321.05(6)(b), F.S., relating to the expiration of authority for the Florida Highway Patrol to adopt safety rules; repealing s. 331.352, F.S., relating to applicability limitations on powers of the Spaceport Florida Authority; repealing s. 332.04, F.S., relating to validation of acquisition of property for airports; repealing s. 332.10, F.S., relating to airports on water bottoms; repealing s. 332.115(4), F.S., relating to plans for the Brevard-Orange corridor with respect to rail transportation of passengers and freight; repealing s. 335.03, F.S., relating to recommendations to the Federal Government for interstate highway routes; repealing s. 336.11, F.S., relating to ratification of county actions to close, vacate, and abandon roads; repealing s. 339.081(2), F.S., relating to the Working Capital Trust Fund of the Department of Transportation; amending s. 339.135, F.S.; deleting an obsolete provision relating to identification and funding of advanced right-of-way acquisition projects in the tentative work program; repealing s. 344.01, F.S., relating to a declaration of benefit to state of certain roads, highways, and bridges built prior to June 21, 1929; repealing s. 344.08, F.S., relating to obligations of counties and special road and bridge districts with respect to bonds outstanding on June 21, 1929, which were issued for construction of roads and bridges; repealing s. 479.27(4), F.S., relating to a report on implementation of the highway beautification and tourism promotion pilot project; providing an effective date.

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

Section 1. Paragraph (e) of subsection (3) of 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.

(3)

(e) The Assistant Secretary for Finance and Administration must possess a broad knowledge of the administrative, financial, and technical as-

pects 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. ~~These responsibilities shall include, but are not limited to, implementing the following by December 1, 1990:~~

~~1. The preparation of detailed documentation of the internal controls, including general and application controls, the department relies on for accurate and complete financial information.~~

~~2. The monthly reconciliation of the department's accounting, planning and budgeting, cash forecasting, 5-year work program, and federal project accounting systems.~~

~~3. The development of a long-range information systems plan for the department which addresses the computing and information requirements of the districts and central office. Financial, personnel, and technical resources must all be identified and quantified, as appropriate.~~

Section 2. Section 74.121, Florida Statutes, is repealed.

Section 3. Section 315.14, Florida Statutes, is repealed.

Section 4. Section 316.540, Florida Statutes, is repealed.

Section 5. Paragraph (d) of subsection (9) of section 316.550, Florida Statutes, is amended to read:

316.550 Operations not in conformity with law; special permits.—

(9) Whenever any motor vehicle, or the combination of a wrecker as defined in s. 320.01(40) and a towed motor vehicle, exceeds any weight or dimensional criteria or special operational or safety stipulation contained in a special permit issued under the provisions of this section, the penalty assessed to the owner or operator shall be as follows:

(d) For violation of any special condition that has been prescribed in the rules of the Department of Transportation and declared on the permit, the vehicle shall be determined to be out of conformance with the permit and the permit shall be declared null and void for the vehicle, and weight and dimensional limits for the vehicle shall be as established in s. 316.515, or s. 316.535, or s. 316.540, whichever is applicable, and:

1. For weight violations, a penalty as provided in s. 316.545 shall be assessed for those weights which exceed the limits thus established for the vehicle; and

2. For dimensional, operational, or safety violations, a penalty as established in paragraph (c) or s. 316.516, whichever is applicable, shall be assessed for each nonconforming dimensional, operational, or safety violation and the penalties for multiple violations shall be cumulative for the vehicle.

Section 6. Paragraph (b) of subsection (6) of section 321.05, Florida Statutes, is repealed.

Section 7. Section 331.352, Florida Statutes, is repealed.

Section 8. Section 332.04, Florida Statutes, is repealed.

Section 9. Section 332.10, Florida Statutes, is repealed.

Section 10. Subsection (4) of section 332.115, Florida Statutes, is repealed.

Section 11. Section 335.03, Florida Statutes, is repealed.

Section 12. Section 336.11, Florida Statutes, is repealed.

Section 13. Subsection (2) of section 339.081, Florida Statutes, is repealed.

Section 14. Paragraph (b) of subsection (4) of section 339.135, Florida Statutes, is amended to read:

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

(4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.—

(b)1. A tentative work program, including the ensuing fiscal year and the successive 4 fiscal years, shall be prepared for the State Transportation Trust Fund and other funds managed by the department, unless otherwise provided by law. The tentative work program shall be based on the district work programs and shall set forth all projects by phase to be undertaken during the ensuing fiscal year and planned for the successive 4 fiscal years. The total amount of the liabilities accruing in each fiscal year of the tentative work program may not exceed the revenues available for expenditure during the respective fiscal year based on the cash forecast for that respective fiscal year.

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

~~3.—The tentative work program must specifically identify advanced right-of-way acquisition projects and must separately allocate funds for advanced right-of-way acquisition phases in each fiscal year, as provided in s. 337.276. Each right-of-way phase that is to be funded through these programs shall be specifically identified in the work program, and the year, if known, in which construction utilizing the right-of-way is projected to begin shall be identified.~~

3.4. The department may include in the tentative work program proposed changes to the programs contained in the previous work program adopted pursuant to subsection (5); however, the department shall minimize

changes and adjustments that affect the scheduling of project phases in the 4 common fiscal years contained in the previous adopted work program and the tentative work program. The department, in the development of the tentative work program, shall advance by 1 fiscal year all projects included in the second year of the previous year's adopted work program, unless the secretary specifically determines that it is necessary, for specific reasons, to reschedule or delete one or more projects from that year. Such changes and adjustments shall be clearly identified, and the effect on the 4 common fiscal years contained in the previous adopted work program and the tentative work program shall be shown. It is the intent of the Legislature that the first 3 years of the adopted work program stand as the commitment of the state to undertake transportation projects that local governments may rely on for planning purposes and in the development and amendment of the capital improvements elements of their local government comprehensive plans.

~~4.5.~~ The tentative work program must include a balanced 36-month forecast of cash and expenditures and a 5-year finance plan supporting the tentative work program.

Section 15. Section 344.01, Florida Statutes, is repealed.

Section 16. Section 344.08, Florida Statutes, is repealed.

Section 17. Subsection (4) of section 479.27, Florida Statutes, is repealed.

Section 18. This act shall take effect upon becoming a law.

Approved by the Governor June 19, 2000.

Filed in Office Secretary of State June 19, 2000.