

1984

## Session Law 84-309

Florida Senate & House of Representatives

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LEGISLATIVE SUPPLEMENT "B" - SESSION LAW ABSTRACT

Year 1984	Session Law No. 84-309	IOF Cite L, 21, 1445, 1520	#pp 2
Prime Bill# SB 352	Sponsor Transport	Comp./Sim. Bills HB 529	
JLHC Hist. Leg. Cites	Senate pp.#s	House pp.#s	#pp

Committee of Ref.	Senate Transportation	House Transportation	Previous versions?
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Committee Records

H/S	Committee	Year	Record Series: Folder Title, etc.	Location Cite	#pp
S	Transp	1981	Bill files SB 352	18/138	✓
"	"	"	HB 529	10/1389	⊗
H	Transp	1984	Bill files SB 352	17/1388	⊗
"	"	"	Transp issues in HB		-
"	"	"	Study groups		-
"	"	1983	Study groups Transp ed.	19/1120	✓

Senate/House Journals

Page	?	Date	#pp	Page	?	Date	#pp

Tape Recordings

H/S/Floor	Committee/subcommittee	Date	# Tapes	Location Cite
H	Transp Transp Study Group (see back)			320/414/502

Other Documentation

Record series title, folder title, etc.	Location Cite	#pp

Chapter 337

Section 1. Section 337.01, Florida Statutes, is amended to read:

337.01 Authority of department to acquire equipment.-- The department ~~of Transportation~~ shall have the authority to purchase, lease or acquire, as it deems necessary, all road material, road machinery, tools, equipment and supplies necessary for the execution of its duties and responsibilities, under its maintenance budget.

Note; Possibly transfer to Ch. 334 under Powers and Duties of Dep't S. 234.045 (2)

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FLORIDA STATE ARCHIVES  
DATE 11/20/83  
TRANS STATE GROUP  
mtg 11/2-3/1983

Section 2. Section 337.02, Florida Statutes, is amended to read:

337.02 Purchases subject to competitive bids; advertisement; emergency purchases.--

(1) No purchase of road material, machinery, tools, equipment or supplies in excess of \$3,000 shall be made by the department ~~of Transportation~~ unless made upon competitive bids received, after advertising therefor in a newspaper of general circulation, at least once a week for not less than 2 consecutive weeks, prior to the date on which bids are to be received. The department may at its discretion, award a contract to the lowest

Note; Possibly cover under STATE PURCHASING laws.

resorted to, but shall not affect the 90-day limitation when such appeal is taken by the department unless execution of such order is stayed by the appellate court having jurisdiction. Upon failure by the department to acquire such property or initiate acquisition proceedings, the appropriate local government authority may issue any permit in accordance with its established procedures.

Section 10. Section 338.17, Florida Statutes, is renumbered as section 337.112, Florida Statutes, and amended to read:

337.112 ~~338.17~~ Use of right-of-way for utilities subject to regulation; permit.--

(1) The department ~~Division of Road Operations~~, commissioners, and authorities of municipalities or special districts hereinafter referred to as the authority having jurisdiction and control of public roads are authorized to prescribe and enforce reasonable rules or regulations with reference to the placing and maintaining along, across, or on any road under their respective jurisdictions any electric transmission, telephone or telegraph lines, pole lines, poles, railways, ditches, sewers, water,

heat, or gas mains, pipelines, fences, gasoline tanks and pumps, or other structures hereinafter referred to as the utility.

(2) The authority may grant to any person, who is a resident of this state, or to any corporation organized under the laws of this state, or licensed to do business within this state, the use of a right-of-way for the utility in accordance with such rules or regulations as the authority may adopt. No utility shall be installed, located, or relocated unless authorized by a written permit issued by the authority. Such permit shall be required when inspection or repair of the utility interferes with the normal flow of traffic.

~~(3) -- Nothing herein shall restrict the action of public authorities in extraordinary emergencies. -- And nothing in this law shall be construed as modifying or abridging the powers conferred upon the Florida Public Service Commission in title XXVII, the intent of this section being that the power hereby granted to the authorities shall be exercised only in such manner as not to conflict~~

Reason: Section only speaks to authorization given to DOT and other governmental units. In permit the placement and maintenance of utilities on their R/W's and not - regulating power - go on to title 2

Chapter 337

~~with-the-valid-exercise-of-powers  
granted-to-such-commission.~~

Section 11. Section 338.18,  
Florida Statutes, is renumbered as  
section 337.113, Florida Statutes,  
and amended to read:

337.113 ~~338.18~~ Damage to  
road caused by utility.--When any  
public road is damaged or impaired  
in any way because of the  
installation, inspection or repair  
of any utility located thereon, the  
owner of the utility shall, at his  
own expense, restore the road to  
its original condition before such  
damage. If the owner fails to make  
such restoration, the authority is  
authorized to do so and charge the  
cost thereof against the owner  
under the provisions of s. 337.115  
~~338.20~~.

Section 12. Section 338.19,  
Florida Statutes, is renumbered as  
section 337.114, Florida Statutes,  
and amended to read:

337.114 ~~338.19~~ Relocation  
of utility; expenses.--

(1) Any utility heretofore  
or hereafter placed upon, under,  
over or along any public road that  
is found by the ~~state-or-other~~  
authority to be unreasonably  
interfering in any way with the  
convenient, safe, or continuous use

Chapter 337A

Section 1. Section 337.01, Florida Statutes, is hereby repealed.

~~337.01--Authority-of department-to-acquire-equipment-- The-department-of-Transportation shall-have-the-authority-to purchase,-lease-or-acquire,-as-it deems-necessary,-all-road-material, road-machinery,-tools,-equipment and-supplies-necessary-for-the execution-of-its-duties-and responsibilities,-under-its maintenance-budget-~~

Section 2. Section 337.02, Florida Statutes, is amended to read:

337.02 Purchases subject to competitive bids; advertisement; emergency purchases; bid specifications.--

(1) No purchase of materials ~~road-material~~, machinery, tools, equipment or supplies in excess of \$3,000 shall be made by the department ~~of-Transportation~~ unless made upon competitive bids received, after advertising therefor in a newspaper of general circulation, at least once a week for not less than 2 consecutive weeks, prior to the date on which

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FLORIDA STATEMENTS  
DEPARTMENT OF THE  
R. H. ...  
TALL...  
Series 19  
TRANS Study Group  
1120  
12-2-84

Reason: Redundant, provided for in the powers and duties of the dept. (Dec.)

Chapter 337A

proceedings, the appropriate local government authority may issue any permit in accordance with its established procedures.

Section 10. Section 338.17, Florida Statutes, is renumbered as section 337.112, Florida Statutes, and amended to read:

337.112 ~~338.17~~ Use of right-of-way for utilities subject to regulation; permit.--

(1) The department, counties, Division-of-Road Operations, commissioners, and authorities of municipalities, or special districts, hereinafter referred to in ss. 337.112-337.115 as the authority, having jurisdiction and control of public roads are authorized to prescribe and enforce reasonable rules or regulations with reference to the placing and maintaining along, across, or on any road under their respective jurisdictions any electric transmission, telephone or telegraph lines, pole lines, poles, railways, ditches, sewers, water, heat, or gas mains, pipelines, fences, gasoline tanks and pumps, or other structures hereinafter referred to as the utility.

Chapter 337A

(2) The authority may grant to any person, who is a resident of this state, or to any corporation organized under the laws of this state, or licensed to do business within this state, the use of a right-of-way for the utility in accordance with such rules or regulations as the authority may adopt. No utility shall be installed, located, or relocated unless authorized by a written permit issued by the authority.

The permit shall require the permit holder to be responsible for any damage resulting from the issuance of such permit. ~~Such permit shall be required when inspection or repair of the utility interferes with the normal flow of traffic.~~

~~(3) Nothing herein shall restrict the action of public authorities in extraordinary emergencies. And nothing in this law shall be construed as modifying or abridging the powers conferred upon the Florida Public Service Commission in title XXVII, the intent of this section being that the power hereby granted to the authorities shall be exercised only in such manner as not to conflict~~

Reason: Moved from s. 335.05(6).  
(Dec.)

Reason: Section only speaks to authorization given to DOT and other governmental units to permit the placement and maintenance of utilities on their R/W's and not to regulatory powers granted to the PSC. (Nov.)

Chapter 337A

~~with the valid exercise of powers  
granted to such commission.~~

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(1) Any utility heretofore  
or hereafter placed upon, under,  
over or along any public road that  
is found by the ~~state or other~~  
authority to be unreasonably

Chapter 337A

interfering in any way with the convenient, safe, or continuous use or maintenance, improvement, extension or expansion of such public road shall, upon 30 days' written notice to the utility or its agent, by the ~~state-or-other~~ authority be removed or relocated by such utility at its own expense; provided, however, that if the relocation of utility facilities, as referred to in s. 111 of the Federal Aid Highway Act of 1956, Public Law 627 of the Eighty-Fourth Congress, is necessitated by the construction of a project on the Federal Aid Interstate System, including extensions thereof within urban areas, and the cost of such project is eligible and approved for reimbursement by the Federal Government to the extent of 90 percent or more under the Federal Aid Highway Act, or any amendment thereof, then in that event the utility owning or operating such facilities shall relocate same upon order of the department ~~Division-of~~ Road-Operations, and the state shall pay the entire expense properly attributable to such relocation after deducting



# Florida House of Representatives

H. Lee Moffitt, Speaker Steve Pajcic, Speaker pro tempore  
Committee on Transportation

**Tom Gustafson**  
Chairman

**Edward J. Healey**  
Vice Chairman

March 30, 1983

The Honorable Malcolm E. Beard  
242 Senate Office Building  
Tallahassee, Florida 32301

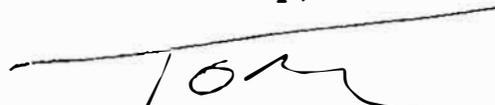
Dear Senator Beard:

The Department of Transportation has indicated there is a need for a major review of the Transportation Code and other related chapters. It is my understanding that the last revision of the code was in 1955. Significant changes have occurred since then resulting in the need for a major revision. In addition, Chapter 479 and Section 330.30 are up for Sunset review, and Chapter 427 expires in 1984.

The House Transportation Committee is very interested in revising the code as an interim project. If you share a similar interest, I would like to explore the possibility of a joint effort to meet this critical need.

I would certainly appreciate the opportunity to discuss this issue with you in more detail.

Sincerely,

  
Tom Gustafson

TG/aa



## THE FLORIDA SENATE

### COMMITTEE ON TRANSPORTATION

30 Senate Office Building  
Tallahassee, Florida 32301  
(904) 488-6519

Senator Malcolm E. Beard, *Chairman*  
Senator Lawrence H. Plummer, *Vice-Chairman*

John F. Christensen, Jr., *Staff Director*

April 4, 1983

Honorable Tom Gustafson  
18 House Office Building  
Tallahassee, Florida 32301

Dear Tom:

I appreciate your letter concerning the review of the Transportation Code and I agree with you that revisions will, no doubt, be in order since so much has happened since 1955.

Although I have not finalized my list of 1983-84 interim projects for Senator Peterson's review, I feel that we will be able to devote staff time to the Code review as part of our oversight role. Because of staff size, however, the amount of time that we can devote will be affected by whether or not the sunset of Chapters 479 and 330.30 that you mentioned are assigned to this committee. Please be assured that we will cooperate to the fullest extent we can.

Tom, I continue to be greatly concerned with the management of the Department, and it is my intent to have the committee review closely the Department's methods of operation. As we both would agree, recent revelations in the press indicate that this concern of mine is well founded.

I will be happy to meet with you at your convenience to discuss this matter further.

Sincerely,

Malcolm E. Beard

MEB: k

August 2, 1983

M E M O R A N D U M

TO: Senator Beard  
Temple Terrace, Florida

FROM: John Christensen

SUBJECT: Interim project on the revision of the  
Transportation Code

You will recall that Representative Gustafson wrote you on March 30, 1983, expressing interest in a joint effort to review the Transportation Code and you responded on April 4, 1983, (copies of letters enclosed). We have submitted this project to Senator Peterson for consideration as an interim project and assume it will be approved but thus far no approval has been given on any projects except those relating to Sunset.

I attended a meeting on July 29 in the House Transportation Committee office called by Bob Coggins. In attendance were members of the House Transportation Committee staff, a representative from House bill drafting and DOT staff who are working on the proposed revision.

As best I can determine, Representative Gustafson has given the DOT instructions to prepare a draft document that will: (1) more logically organize the subject matter of the Code, remove obsolete and redundant language, etc., and (2) establish the direction and role of the DOT for the next 20-30 years. In my view such a bill would contain a lot of non-controversial matters but would also very likely contain issues that would be quite debatable.

I suggested to DOT that what they needed to submit to the Senate was a document containing the non-controversial provisions (better organization of material, removal of obsolete language) to be accompanied by the DOT's suggestions for future policy relating to DOT. Marcia Elder feels that it will be difficult for the Department to comply with Mr. Gustafson's direction for a draft bill that combines the controversial and non-controversial issues

Senator Beard  
Temple Terrace, Florida

August 2, 1983  
Page 2

and to do what I am suggesting because she feels there may be overlap between the two types of issues. DOT is also facing a deadline of August 22 for submittal of a preliminary draft that was given by Mr. Gustafson.

My feeling is that, notwithstanding the deadline given by the House, we should ask the DOT to give a draft of a bill which is technical in nature to be accompanied by the Department's suggestions on policy issues. In that way we could have a non-controversial bill as a base document and could keep the potentially controversial policy changes as separate bills. I discussed this concept with Martha Bass in Senate bill drafting and she tends to agree.

If you agree I would ask you to consider sending the attached suggested letter to Secretary Pappas.

JFC/mb

Enclosures

8/2/83

SUGGESTED DRAFT TO SECRETARY PAPPAS FROM SENATOR BEARD  
Regarding Transportation Code Revision

Mr. Paul N. Pappas, Secretary  
Florida Department of Transportation  
Burns Building  
Tallahassee, Florida 32301

RE: Transportation  
Code Revision

Dear Secretary Pappas:

I have suggested to Senator Peterson that a review of the existing Transportation Code should be a 1983-84 interim project for this committee. I understand that Chairman Tom Gustafson has already asked you to prepare a draft document on this subject and that you have assigned staff who have been working to meet the schedule that he gave you.

It is my intention to have as a basic document a bill that is technical or noncontroversial in nature (organization of subject matter, updating of existing language, etc.). Substantive policy issues will be handled as amendments to the basic bill or as separate pieces of legislation. It is, therefore, requested that the department's proposals for the code revision be submitted to us in accordance with this format. I believe that John Christensen has discussed this concept with Ms. Marcia Elder but if there are any questions, please do not hesitate to contact us. I would appreciate it if the department's suggestions could be submitted to us by October 1, 1983.

I look forward to working with you on this needed project.

Sincerely,

MEB

August 4, 1983

Mr. Paul N. Pappas, Secretary  
Florida Department of Transportation  
Burns Building  
Tallahassee, Florida 32301

RE: Transportation  
Code Revision

Dear Secretary Pappas:

I have suggested to Senator Peterson that a review of the existing Transportation Code should be a 1983-84 interim project for this committee. I understand that Chairman Tom Gustafson has already asked you to prepare a draft document on this subject and that you have assigned staff who have been working to meet the schedule that he gave you.

It is my intention to have as a basic document a bill that is technical or noncontroversial in nature (organization of subject matter, updating of existing language, etc.). Substantive policy issues will be handled as amendments to the basic bill or as separate pieces of legislation. It is, therefore, requested that the department's proposals for the code revision be submitted to us in accordance with this format. I believe that John Christensen has discussed with Ms. Marcia Elder this concept and the bill drafting procedures to be used, but if there are any questions please do not hesitate to contact us. I would appreciate it if the department's suggestions could be submitted to us by October 3, 1983.

I look forward to working with you on this needed project.

Sincerely,

Malcolm E. Beard  
Chairman

MEB/mb

bc: Shorty Milian (w/copy of file)  
bc: Ms. Marcia Elder

Florida

BOB GRAHAM  
GOVERNOR



Department of Transportation

Haydon Burns Building 605 Suwannee Street Tallahassee Florida 32301 8664 Telephone (904) 488-8541

PAUL N. PAPPAS  
SECRETARY

August 16, 1983

Honorable Malcolm E. Beard, Chairman  
House Transportation Committee  
Post Office Box 16516  
Temple Terrace, Florida 33687

Dear Chairman Beard:

Thank you for your recent letter concerning the Department's ongoing Rewrite of the Transportation Code.

As you know, Representative Gustafson has asked that the Department prepare an omnibus bill that reflects all of our proposed changes to the Code, including those of a technical, editorial and policy nature. Until the recent meeting between our respective staffs, we had understood that both houses of the Legislature would use the Department's proposal as the base bill, amending it according to the preferences of each house. Under this approach, all policy issues would be highlighted for particular scrutiny in the review process.

Preparing a separate, strictly technical bill will be difficult at this point due to the considerable reorganization that we are proposing in the Code and the extent to which all proposed changes are intertwined. Therefore, we would ask that you reconsider the alternative of a single bill once you and your staff have had an opportunity to review our proposal. However, I understand the rationale behind the approach outlined in your letter and we will certainly prepare that version of the bill should you deem this to be the best way to proceed. In either event, I believe you have specified a sufficient time frame for us to complete such an assignment as needed, after completion of the original proposal.

As far as the overall Rewrite is concerned, it has involved a tremendous amount of resources and has been a complicated and somewhat tedious process, but is proceeding on track and evolving into a product which we believe will be highly beneficial. We very much appreciate the opportunity you have afforded us to present our proposals in this regard, and look forward to working with you and the Transportation Committee toward passage of the final bill.

Sincerely,

A handwritten signature in dark ink, appearing to read "Paul", written over a faint circular stamp.

Paul N. Pappas  
Secretary

AUG 19 1983

PNP:cr

cc: Mr. John Christensen ←

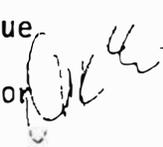
SENATE TRANSPORTATION  
COMMITTEE

# MEMORANDUM

State of Florida Department of Transportation

DATE August 31, 1983

TO Executive Committee, District Engineers, Pat McCue

FROM Marcia Elder, Legislation & Energy Policy Director 

COPIES TO Margaret-Ray Kemper, Alan DeSerio

SUBJECT Statute Rewrite

Attached for your review is the coded version of the existing Transportation Statutes as prepared by Legal. Those provisions which are included in the current draft Rewrite are underlined or highlighted. Material not underlined or highlighted has been omitted or has undergone such substantial revision that the redraft is more akin to a new provision. The new location of each retained provision and whether the provision has been substantially amended is noted in the margin (R=Retained, as is or with nonsubstantive change; S=Substantive amendment). It is of particular importance that you carefully review omitted provisions so that we do not inadvertently propose the repeal of any needed statutes.

Since the final proposal we will submit next week will not be in standard bill form, including references to existing law for each provision of the proposed code (as has been done in the draft) will be extremely important to the reviewers thereof being able to understand what changes we have made to the existing law. Any related changes that you make leading up to the deadline need to be flagged accordingly. We will also prepare a final version of the attached after further reorganization is complete and final decisions are reached on pending substantive issues.

A meeting is scheduled for Friday at 9:30 a.m. in the Executive Conference Room to take action on deleted provisions as referenced above. We plan to go quickly through the list, focusing on those provisions you feel should not be dropped. We will also identify any policy areas in the current Rewrite that the Secretary has problems with and any related changes that need to be made. Legal and this office will meet with the Secretary tomorrow at 2:30 for an initial review of those policy issues which he has flagged for discussion; as necessary, we may need to call upon you or your staff to join us individually for a brief discussion thereof. We will advise you as such is the case.

In closing, should anyone have any particular problem with the meeting time referenced, please let us know and we will try to adjust it accordingly.

ME:cr  
Attachment

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1E

September 2, 1983

Tallahassee, FL 32301  
Series 18 Section 1386  
SB 352 (folder)

Mr. Paul N. Pappas, Secretary  
Florida Department of Transportation  
5th Floor - Burns Building  
Tallahassee, Florida

Dear Secretary Pappas:

This is in response to your letter of August 16, 1983, concerning the current rewrite of the transportation code and my request to you of August 4 regarding the format that I wish the Department to follow in submitting its proposals to us. Based on my experience with undertakings of this magnitude, it is still my feeling that the most practical way to proceed is to have as the basic document a bill of a technical nature (organization of subject matter, updating of existing language, and deletion of obsolete material, etc.) which should be readily acceptable to everyone. With that as an agreed upon document we can then consider policy questions on which there will no doubt be various views to consider.

I am, therefore, still requesting that the Department follow this format in submitting its proposals to us by October 3, 1983.

Sincerely,

Malcolm E. Beard  
Chairman

MEB/mb

bc: Ms. Marcia Elder  
Legislation & Energy Policy  
Fla. Dept. of Transportation  
Tallahassee, Florida

bbc: Shorty Milian (w/copy of ltr. of August 16, 1983)

# MEMORANDUM

State of Florida Department of Transportation

DATE September 2, 1983

TO Executive Committee, District Engineers, Pat McCue

FROM Marcia Elder, Legislation & Energy Policy Director *ME*

COPIES TO Margaret Ray Kemper, Allen Deserio, Mike Schafenacker

SUBJECT Statute Rewrite

This is to advise that, in view of the extent of work required to finalize the Department's Rewrite proposal, we will be seeking a final extension to the House deadline to the week of September 19, 1983. We have advised Committee staff of this request, and the Secretary is in the process of trying to reach the Chairman to discuss same.

During the next week, we will continue to work with you and your staff on an individual basis, and also with the Governor's Office, toward resolution of remaining policy and other substantive issues and finalization of individual components of the draft. We will submit a "final" draft to you by Friday of next week or the following Monday. You will be asked to review that last draft, which should be very close to the final version, and to participate in one last review session to make any final refinements.

In the meantime, since a number of you took on assignments at today's work-session that involve reviewing the latest draft for selected Parts, attached are those Parts. We are trying to limit the extent to which you are having to deal with a "moving target" for review purposes. However, to the extent that such further research and development is required on the part of your staff, or if there are any remaining comments you care to submit for consideration in our preparation of the final draft, the attached is for your use and we welcome any such input. Also, for those of you who were unable to participate in today's session, we need your thoughts on the Coded Statute Book in terms of provisions of existing law to be deleted.

In closing, we appreciate the time and effort you have all devoted to this undertaking, and look forward to working with you in finalizing the overall proposal.

ME/lm

Attachment



September 2, 1989

MEMORANDUM

TO: Bobby Coggins, House Transportation Committee

FROM: Marcia Elder, Legislation & Energy Policy Director

COPIES TO: Jim Morrison, House Bill Drafting

SUBJECT: Statute Rewrite

Attached for your information is a preliminary draft tracking chart for the existing Transportation Code, as prepared in accordance with the transmittal letter attached thereto. While we have noted some errors, such as where provisions are retained but not so reflected, it should give you a better feel for the type and extent of changes being proposed in the Rewrite, including reorganization. By way of this letter, I am also forwarding a copy to Jim Morrison so that he can begin to become familiarized with the approach we are following.

Please advise if you have any questions or comments in this regard, or if we can otherwise be of assistance.

ME/lm

Attachment

RECEIVED  
SEP 2 1989

SENATE TRANSPORTATION  
COMMITTEE

Florida

Department of Transportation

J. G. GOVERNOR



PAUL N. PAPPAS  
SECRETARY

September 6, 1983

COPY  
FLORIDA STATE ARCHIVES  
DATE: 10/12/83  
TALLAHASSEE  
SB 357 (holder 1)

Honorable Tom Gustafson, Chairman  
House Transportation Committee  
18 House Office Building  
Tallahassee, Florida 32301

Dear Chairman Gustafson:

As a follow-up to our conversation with your office last week, I would like to request an extension to the August 22 deadline for submittal of the Department's proposed rewrite of the transportation statutes to the week of September 19, 1983.

As I know you understand, the magnitude of this undertaking is substantial and the time frame quite limited. An enormous amount of time and effort has been invested toward developing the type of proposal we want to submit to you, and considerable progress has been made since preparation of the preliminary draft we provided last month. However, a significant amount of additional work is required to further develop several key concepts, to assure that various revisions to the current law as suggested by staff throughout the Department are well-founded technically, policy-wise and legally, to translate current drafts into a proper form for legislative review, to complete ongoing policy reviews with the Governor's Office and to complete the tracing format we committed to provide with our proposal. Even with such an extension, there will no doubt be some areas where further refinement will be desired, but I believe that the proposed time frame will allow for preparation of a far more complete product.

In closing, we appreciate your consideration of this request and will be happy to provide a progress report, as appropriate, to the Committee's Code Rewrite Study Group at their upcoming meeting on September 12, 1983.

Sincerely,

Paul N. Pappas  
Secretary

RECEIVED

SENATE TRANSPORTATION  
COMMITTEE

PNP:er



October 3, 1983

Honorable Tom Gustafson, Chairman  
House Transportation Committee  
18 House Office Building  
Tallahassee, Florida 32301

Dear Chairman Gustafson:

Attached is the Department's proposed draft of the Transportation Statute Rewrite. Development of this proposal, as you can appreciate, has entailed a complicated and tedious effort. Due to an extremely tight time frame for completion, as well as simply the nature of the task, the draft is by no means perfect. A considerable amount of coordination both within and outside the Department is still required to assure that the proposed modifications to current law will accomplish their intended purpose. We have already conducted extensive in-house coordination as well as a preliminary review with the Governor's Office. However, additional ongoing review is required to finalize Departmental and Governor's Office input. In view of the many policy changes contemplated in the draft, approval by the Governor will of course be required to finalize these recommendations.

With rare exception, time constraints have also prevented us from coordinating with other state agencies, local governmental entities and other affected interests. We fully anticipate that extensive valuable input will be provided by such parties in their review of this document and that in some cases this will cause us to support revisions to the proposal. However, we do view this draft as a good starting point for the legislative review process. While initial outside comments are solicited by the Committee over the next few weeks, we will continue to prepare additional suggested revisions and refinements.

We are also in the process of preparing the basic technical cleanup bill as requested by the Senate, and this version will be submitted for your consideration as well. It is our understanding that the House and Senate have agreed to attempt to reach initial consensus on the basic cleanup changes needed and then will evaluate proposed policy modifications which the Senate would consider as amendments to their basic bill.

We hope to soon complete the version of the attached proposal that House Bill Drafting requires for input to the computer in order to place the draft in bill form. In the meantime, we have prepared a

Honorable Tom Gustafson, Chairman  
October 3, 1983  
Page 2

tracing table, included in the attached, which allows the reader to identify what our proposal does with all provisions of existing law in terms both of their relocation and the type and extent of revisions made. We strongly suggest that individuals review the attached proposal first, for continuity purposes, then examine the tracing material and the actual bill in order to fully understand impacts of the changes on current law.

Please also note that there are several important issues which we have intentionally either not addressed or not fully addressed due to separate ongoing studies, the results of which are needed to finalize related recommendations. For example, as you know, there are several ongoing reviews pertaining to DOT organizational structure; other areas are identified in the text. In addition, in a few cases, the Department may offer proposed legislation independent of the Code bill, which we are in the process of evaluating.

In closing, we sincerely appreciate the opportunity to present this proposal to the Legislature and look forward to working with your Committee, the Senate Transportation Committee and the full House and Senate in pursuing passage of a final Code Rewrite bill. I realize our work to date is only the beginning but believe the effort has been worthwhile and is designed to produce statutes of far-reaching magnitude in effectively addressing Florida's current and future transportation needs.

Sincerely,



Paul N. Pappas  
Secretary

PNP/bgo

Attachment

cc: Honorable Lee Moffitt  
Honorable Curtis Peterson  
Honorable Malcolm Beard  
Dr. Charlie Reed  
Mr. Tom Herndon



October 5, 1983

**COPY**  
 FILED IN THE  
 OFFICE OF THE  
 SECRETARY  
 OF TRANSPORTATION  
 TALLAHASSEE, FLORIDA 32301  
 Series 18 Carton 1386  
 SP 35 (folder 1)

Honorable Malcolm E. Beard  
 Senator, District 22  
 242 Senate Office Building  
 Tallahassee, Florida 32301

Dear Senator Beard:

I am pleased to provide you with a copy of the Department's proposed draft rewrite of the Transportation Statutes. This is the version requested by the House which reflects, as you know, technical and editorial changes as well as significant policy modifications and substantial reorganization of retained provisions of current law. In view of severe time constraints relative to the deadline for completion of this product, there will be additional changes to it which we will want to suggest subsequent to further review and refinement during the next few weeks.

In addition, the time-frame has precluded us from coordinating with other state agencies, local governmental entities and other affected interests, with rare exception. Such coordination, and completion of an ongoing Governor's office review, are required for us to complete our recommendations. However, we do expect for the attached to serve as a good starting point for review and discussion purposes, and we particularly look forward to hearing your views on the various policy issues addressed therein. In the meantime, we are in the process of preparing the version of the bill requested by the Senate, which will contain technical and editorial changes and some reorganizational revisions. Policy issues will be identified in a listing separate therefrom.

In view of the extensive time and effort required to prepare the House version, and the fact that it has only just been completed, we do need to request an extension of the Senate's original deadline, as has been discussed with Committee staff. The submittal date will be contingent upon their development of a proposed organizational structure for the rewrite bill, which I understand is being completed at this time.

**RECEIVED**  
 OCT 7 1983

SENATE TRANSPORTATION  
 COMMITTEE

Honorable Malcolm E. Beard  
October 5, 1983  
Page 2

In closing, we certainly appreciate the opportunity to submit our proposed rewrite to you and look forward to working with you and your Committee in your deliberations on same.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul N. Pappas", written over a horizontal line.

Paul N. Pappas  
Secretary

PNP/mes

Attachment

cc: Members, Senate Transportation Committee  
Mr. John Christensen

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SENATE TRANSPORTATION COMMITTEE MEETING

NOVEMBER 2, 1983

AMONG THE 1983-84 INTERIM PROJECTS THAT SENATOR PETERSON APPROVED FOR THIS COMMITTEE IS AN EXAMINATION OF THE FLORIDA TRANSPORTATION CODE. THE CODE, WHICH WAS ENACTED IN 1955, HAS BEEN AMENDED NUMEROUS TIMES OVER THE YEARS AND NEEDS TO BE REVIEWED FOR SEVERAL REASONS: (1) OBSOLETE LANGUAGE EXISTS; (2) SOME PROVISIONS ARE REDUNDANT; (3) SUBJECT MATTER IS NOT ALWAYS LOCATED IN LOGICAL SEQUENCE, AND (4) CURRENT STATUTORY POLICY MAY NOT ALWAYS REFLECT CURRENT PRACTICES WITHIN THE TRANSPORTATION FIELD.

AFTER DISCUSSIONS WITH THE DIVISION OF STATUTORY REVISION AND OUR SENATE BILL DRAFTING SECTION, IT WAS MY OPINION THAT THE MOST PRUDENT WAY TO PROCEED WAS TO DEVELOP A "BASE BILL" THAT: MAINTAINED THE EXISTING CHAPTER DESIGNATIONS AND SUBJECT MATTER; PROVIDED FOR BETTER ORGANIZATION OF SUBJECT MATTER, AND ELIMINATED REDUNDANT OR OBSOLETE LANGUAGE. SUCH A DOCUMENT SHOULD BE NON-CONTROVERSIAL. SUBSTANTIVE ISSUES WOULD BE TAKEN UP AS AMENDMENTS TO THE BASE BILL OR, IF TOO CONTROVERSIAL, AS SEPARATE BILLS.

I ASKED OUR STAFF TO PROCEED IN THAT MANNER AND THE DOT WAS ADVISED OF THE PROCEDURE THAT WE WOULD FOLLOW.

OUR STAFF HAS BEEN WORKING CLOSELY WITH THE HOUSE TRANSPORTATION COMMITTEE STAFF IN THE DEVELOPMENT OF THE BASE BILL IN HOPES OF HAVING A DOCUMENT THAT BOTH HOUSES CAN

INITIALLY AGREE UPON. A SUBCOMMITTEE OF THE HOUSE  
TRANSPORTATION COMMITTEE WILL BEGIN WORKSHOPS THIS AFTERNOON  
ON THE BASE BILL.

I AM HOPEFUL THAT, TOGETHER WITH THE HOUSE, WE WILL BE  
ABLE TO AGREE UPON THE MORE SUBSTANTIVE POLICY ISSUES THAT  
WILL COME BEFORE US.

I WOULD NOW LIKE FOR JOHN TO GO OVER WITH US THE FIRST  
CUT AT THE BASE BILL.

Florida



Department of Transportation

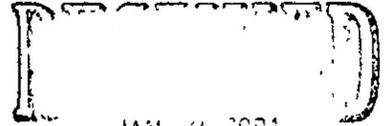
BOB GRAHAM  
GOVERNOR

Haydon Burns Building, 636 Suwannee Street, Tallahassee, Florida 32301-8064 Telephone (904) 488-8541

PAUL N. PAPPAS  
SECRETARY

COPY

January 18, 1984



JAN 20 1984

SENATE TRANSPORTATION  
COMMITTEE

18 1386  
CR 352 (folder 2)

Honorable Tom Gustafson  
Florida House of Representatives  
18 House Office Building  
Tallahassee, Florida 32301

Dear Tom:

As a follow up to your letter requesting bill analysis information, we are happy to assist wherever possible. Since we are already furnishing such information for Statute Rewrite issues proposed by the Department, we assume that you are referring to bills introduced independent from that proposal. Based on a recent request from your staff, we are already proceeding in assembling related comments and available data on prefiled bills and will plan to submit such information to your Committees on a routine basis.

My only reservation concerns an area that you did not specifically mention but that staff has alluded to, and that is the number of policy concepts which I understand will be considered as Base Bill amendments by your Subcommittees as part of the Statute Rewrite process. We have provided bill analysis information (summary of proposals and justification) on all significant policy concepts contained in our original proposal. Detailed fiscal reports have been submitted on the major concepts (Priority lists 1 & 2). As discussed with staff, we were awaiting some reaction to our third priority listing - the remaining 48 proposals - before asking Department staff to develop fiscal reports on each of these items.

We of course also welcome the opportunity to offer comments on others' proposals. But, as you know, I am at the same time also sensitive to the timing and workload requirements of the Rewrite effort, which have already been quite extensive. Preparing bill analyses and fiscal reports on all Rewrite related proposals, in addition to prefiled bills, drafting amendments to the Base Bill and so on, could be quite difficult if required within the same time frame. Once we receive further information on your needs in this regard, we will be able better to assess our own abilities. However, we will certainly make every effort to continue to supply any needed information and other support.

In closing, we would like to further discuss with you and your staff the process, scheduling and workload needs that the House plans

Honorable Tom Gustafson  
January 18, 1984  
Page 2

for the remaining effort, and would encourage a joint meeting with the Senate since their approach appears to differ from that being discussed in the House. I look forward to hearing from you in this regard at your earliest convenience.

Sincerely,



Paul N. Pappas  
Secretary

PNP/es

bc: John Christensen

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

	<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1.	Christensen	Christensen	TR	FAV w/3 amends
2.			None	
3.			None	

SUBJECT:

Fla. Transportation Code

BILL NO. AND SPONSOR:

SB 352 by  
Committee on Transportation

I. SUMMARY:

A. Present Situation:

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 FLORIDA STATE ARCHIVES  
 DEPARTMENT OF STATE  
 F.A.S. 111-115  
 Tallahassee, FL 32303-0250  
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 SB. 352  
 (folder 4)

Chapters 334-339 and Chapter 341 are entitled "The Florida Transportation Code." The Code expresses the state policy on transportation and establishes the duties and responsibilities of the state and local governmental entities in the planning, construction, operation and maintenance of transportation systems. Chapter 340 is called the Florida Turnpike Law, while Chapter 348 states the powers and purposes of the several expressway authorities of the state. Chapter 349 is entitled the Jacksonville Transportation Authority Law. The major provisions of the chapters of the Code are described in the paragraphs below.

Although not officially a part of the Code, Chapter 20.23 establishes the organizational structure of the Florida Department of Transportation and provides that the department shall be headed by a secretary who must be a professional engineer or a person with education and experience in the development, regulation or operation of transportation systems. The secretary is authorized to appoint one deputy secretary but no specific qualifications are required for the position.

Chapter 334 (Transportation Administration)

Chapter 334: provides general authorization for the expenditures of funds for the purpose of developing an integrated, efficient and well-balanced transportation system in the state; contains the definitions of terms in the code; provides authorization for the location of the headquarters and field offices and for the preparation of annual reports, research reports, and statistical studies; and provides for the establishment of an employee benefit fund and the adoption and use of a state seal. The chapter further provides for the employment of engineers in certain positions, for a comptroller and internal auditor, and for legal counsel. Requirements for the filing of the budget and for the preparation, publication, and adoption of the annual program budget and the 5-year road construction plan are also contained in the chapter, as are requirements for the development by DOT, in conjunction with local officials, of comprehensive plans for the transportation needs of the metropolitan areas. The provisions for the establishment, composition, and duties and responsibilities of the metropolitan planning organizations (M.P.O's) of the state are set out in the chapter.

Chapter 335 (State Highway System)

This chapter divides the public roads of the state into four systems (state highway system, state park road system, county road systems and city street systems) and assigns DOT the

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authority and responsibility for rights-of-way acquisition and for the construction and maintenance of the state highway system. The department is also given the authority to classify the public roads of the state on the basis of function and to select the routes of the interstate system. The department, counties and municipalities are given responsibility for the operation and maintenance of the roads under their respective jurisdictions and must maintain to federal standards any roads constructed with federal assistance. In addition, the department is authorized to expend funds for roads on the state park road system and for the establishment of bicycle trails and footpaths in conjunction with the construction of roads on the state highway system.

The DOT is directed to develop and adopt uniform minimum standards for the design, construction, and maintenance of all public roads and streets which standards shall be adhered to by the counties for their road projects. The adoption of a sufficiency rating for roads on the state highway system is required of the department which is also authorized to number the roads on its system and to provide traffic devices for the benefit of the traveling public. Authority is granted the department for the establishment of wayside parks, and boat ramps, and access roads to such facilities. Finally, the department is required to use noise control methods in the construction of all new state highway projects and may regulate connections to the state highway system from intersecting streets, driveways or turnouts.

#### Chapter 336 (County Road System)

Chapter 336 provides broad authority to the county commissioners of the several counties for the construction and maintenance of the roads and bridges on their respective systems. Authority to impose an additional one penny motor fuel tax (the optional 9th cent), subject to referendum, for transportation purposes is granted as is the authority to impose a local option gas tax of up to four cents per gallon by a vote of the commission. The county commissioners have the power of eminent domain to acquire lands necessary for road rights-of-way and, except for projects financed from the proceeds of the 80% surplus of the second gas tax which must be let to competitive bid, may employ labor and provide equipment and materials for the construction of roads. The commissioners may create special road and bridge taxing districts and issue special road and bridge bonds. Such districts may be abolished provided that any outstanding indebtedness is liquidated. Only eight such districts currently exist.

Each county commission is required to levy an ad valorem tax of not more than 10 mils per year on all property in the county for road and bridge purposes with the stipulation that one-half of the amount raised within any incorporated cities and towns in the county be turned over to those local governments for the construction and maintenance of roads, streets and bridges.

#### Chapter 337 (DOT; Acquisition and Disposal of Property)

This chapter relates primarily to provisions of contracts between the department and suppliers, contractors, and professional consultants. The DOT is authorized to purchase, lease or acquire road material, equipment, and supplies provided that all purchases over \$3000 must be obtained through competitive bidding. The department may purchase surplus equipment from the federal government and may dispose of obsolete highway equipment that is no longer needed.

Contracts for projects for the construction of roads on the state highway system must be let to competitive bid and

requirements for supplemental agreements and change orders for such contracts are stipulated. Bid guaranty and surety (performance) bonds are required on such contracts and persons wishing to bid on construction contracts in excess of \$150,000 must be certified by the department as qualified to perform the work. A schedule of liquidated damages is set out for failure to complete a project on time. Contractors who are delinquent on a previously awarded contract may be denied the opportunity to bid on another contract and a certificate of qualification may be suspended or revoked for good cause.

The chapter grants the department the authority to deny or revoke for a period of 36 months the certificate of qualification of any contractor or his affiliate who has been convicted of a contract crime subsequent to January 1, 1978. A hearing procedure is provided for the reinstatement of a contractor whose certificate has been denied and relevant mitigating circumstances may be considered by the hearing officer in determining whether reinstatement is in the public interest.

The DOT is given authority to purchase, lease, or acquire any land or buildings needed for the construction of roads which authority includes the power of eminent domain. Prior to instituting eminent domain proceedings, the department is required to negotiate in good faith in an attempt to reach agreement on the amount of compensation. Property owners may submit their appraisal reports, the reasonable cost of which shall be paid by the department. Counties are given the authority to acquire rights-of-way for roads on the state highway system and title to all roads on such system shall be vested in the state.

A state road arbitration board is authorized to settle claims or disputes and has jurisdiction to hear matters concerning \$50,000 or less per contract.

Finally, the provisions relating to the general revenue funds loaned to the department for the Accelerated Construction of the Interstate program (ACI) are stipulated.

Chapter 338 (Limited Access, Bridge and Toll Facilities;  
Utilities)

Chapter 338 grants the highway authorities of the state, counties and municipalities the authorization to plan and provide limited access facilities for public use although municipal consent is required when such limited access facility would traverse an incorporated city or town. In fulfilling this purpose the authorities may acquire private or public property and property rights and may acquire entire lots, blocks or tracts of land if it's in the public interest.

Under provisions of the chapter, bridges on all public roads must be inspected at least once every two years by a qualified inspector and a report on the conditions of those bridges must be submitted to the Legislature.

The department is authorized to contract for the construction and operation of toll roads or bridges, tunnels, etc., on the state highway system and may grant exclusive franchises for the operation of such facilities. The department may also purchase, lease or rent annually any ferry and toll bridge or road for use in connection with the roads of the state highway system.

Public authorities having jurisdictions over public roads may authorize the use of the road rights-of-way for the installation and maintenance of utility lines and poles

provided that no such utility shall be installed unless a written permit has been issued by the affected authority. Any road damage caused by the installation or repair of a utility must be repaired by the utility owner at his expense and any relocation required because of proposed road improvements must be accomplished at the owner's request.

The department has regulatory authority over all public railroad crossings in the state, including the authority to issue permits for the opening and closing of crossings, and is responsible for the adoption of the program for the installation of signals at rail-highway crossings. Railroad companies upon reasonable notice from the DOT must install signals at such crossings with the cost of the installation paid for by federal and state funds.

Chapter 339 (Transportation Finance and Miscellaneous Provisions)

The chapter specifies the authorized uses of the revenue in the State Transportation Trust Fund (S.T.T.F.) including the payment of the administrative costs of the department and the cost of constructing and maintaining the state highway and park road systems. Use of the proceeds of the S.T.T.F. for a revenue-producing (toll) project requires legislative approval if the proceedings authorizing bonds for such project include a covenant to complete by the department. The Comptroller is required to maintain separate accounts within the S.T.T.F. for both restricted and unrestricted road moneys.

Each county is required to establish and maintain a trust fund for all transportation-related revenues and expenditures, and all transportation funds received by the county are to be deposited in the fund. Counties must honor any commitment made prior to July 1, 1977, to provide connector roads to the interstate system using surplus second gas tax revenues.

The department, if requested, is authorized to expend S.T.T.F. revenues to construct roads and parking areas within state institutions, community colleges, and farmers' markets. If deemed to be in the best interest of the state, the DOT may also advance funds to a county for the acquisition of rights-of-way for roads on the state highway system. Also authorized are contributions to the department from other state agencies, the counties, or any special road and bridge district which may be given in order to assist in the construction and maintenance of a state road. Included in the chapter are sections relating to the Florida Junkyard Control Law, highway beautification, unlawful uses of limited access facilities, damage to department property, unlawful commercial use of the rights-of-way, marine accident reports, prohibitions against obstructing state highways and fishing from state road bridges.

Chapter 341 (Public Transit)

Chapter 341 is entitled "The Florida Public Transit Act," and defines the role of the department in developing the transit element of a multimodal transportation system. The duties and responsibilities of the department are enumerated which include the requirement to develop both a near-term and long-range plan for transit needs as well as to develop, publish, and administer state standards concerning system management, performance, and safety of governmentally-owned public transit systems. The standards are to be developed jointly with representatives of affected transit systems.

Department officials are directed to assist public agencies in the resolution of transit problems which assistance may include leasing department-owned transit vehicles to such agencies for

special needs of limited duration. Working with local governmental agencies, the department may participate in federal transit research and demonstration programs and is required to administer federal and state ridesharing programs.

State participation in the funding of public transit projects is limited to a maximum of 12 1/2% of the total project cost of projects approved for federal funding after January 6, 1983, with the exception of ridesharing programs which may receive up to 15% state funding. Without legislative approval the department is prohibited from entering into an agreement or contract that would result in the ultimate expenditure or commitment of more than \$5 million in state funds. State funds may not be used for operation deficits of public transit projects with the exception of approved service development projects.

Within the overall participation limits (12 1/2% cap) the department may fund up to 50% of the nonfederal share of the costs of any eligible transit capital project that is local in scope and up to 100% of the cost of a capital project that is statewide in scope or which involves more than one county where no other appropriate governmental unit exists.

The same participation ratios (50% and 100%) are applicable to the net costs of public transit service development projects that are local in scope and statewide in scope, respectively.

B. Effect of Proposed Changes:

The proposed changes will be described in the order in which the chapters appear in the "Present Situation."

Chapter 20.23

The requirements for the position of secretary of the department are changed by deleting the requirement that the person be a professional engineer. In order to qualify, the person would have to be a proven, effective administrator who, by virtue of education and experience, has a broad knowledge of the administrative, financial and technical aspects of the development, operation and regulation of transportation or comparable systems.

The secretary would be required to appoint a deputy secretary who would serve at his pleasure and whose qualifications would have to be similar to those of the secretary.

Chapter 334

The definition section of the chapter is amended to revise four existing definitions. Two new sections are added, one defining the purpose of the Code and the other setting out the general powers and duties of the department. The latter section consolidates several provisions of the existing Code which should more logically be considered as general powers and duties and which do not require the degree of specificity that currently exists.

The several sections in the Code dealing with conflict of interest are consolidated and transferred to this section. Persons convicted of violations of the provisions of the section are guilty of a first degree misdemeanor.

The heads of the divisions of design and construction, the bureaus of maintenance, traffic operations and research, and others within those units who are in responsible charge of engineering projects must be registered as professional engineers under chapter 471. In addition to the registration

control devices installed on the state highway or park road systems must conform to the uniform system of traffic control devices.

The provision governing the removal, cutting or defacing of trees or other vegetation was amended. Persons who commit the violation as well as persons who cause others to violate the statute are guilty of a second degree misdemeanor.

When it is necessary to detour traffic from roads on the state highway system, the department may use any other existing road. This section was amended to require prior notification to the local government wherein the alternate road is located.

Obsolete language was deleted including the section dealing with those arterials which were formerly termed "municipal connecting links." Language which was redundant or became unnecessary because of the consolidation of sections was also deleted.

#### Chapter 336

Sections 339.083 (County Transportation Trust Fund), 339.089 (use by counties of the surplus from the constitutional gas tax), and 335.075 (uniform minimum standards for design, construction and maintenance) were transferred into Chapter 336 because the provisions of the sections were applicable to the counties and not the DOT. The provisions of two existing subsections from other chapters of the Code were transferred to this chapter and set out as new sections (336.024 and 336.467).

Those sections giving the county commissioners the authority to employ a county engineer and road superintendent; to place signs and traffic signals on county roads; to construct bridges and bridge approaches; to purchase materials for the construction and maintenance of roads; to use convicts for road labor; to appoint guards for inmates; to jointly construct bridges for railroads; and to acquire property through eminent domain are repealed as being redundant because the commissioners have general powers under Chapters 125 and 127 to accomplish these tasks.

The provisions authorizing special tax road districts, special road and bridge districts, and the alternate method of establishing special road and bridge districts are repealed because currently there are only two special taxing districts and the State Association of County Commissioners suggested that the language is obsolete. A section has been added providing that any deletions or additions to the provisions of the chapter have prospective application only.

#### Chapter 337

The threshold amount above which the department must purchase materials, machinery, equipment and supplies by competitive bid is raised from \$3000 to \$5000. The section relating to conflict of interest is deleted in the chapter but the provision is transferred to chapter 334 and the provision relating to the sale of obsolete equipment is repealed since the Department of General Services is now charged with the responsibility for the disposal of state equipment.

A provision is added giving the Secretary the authority to waive the requirement for competitive bids in the event of an emergency if the time required for competitive bids would be detrimental to the best interests of the state.

The authorized use of supplemental agreements in construction contracts is amended to cover contract disputes in order to

reflect current practice. In addition, they may also be used to expand the physical limits of a project only to the extent necessary to make the project functionally operational in accordance with the intent of the original contract.

Applicants for a certificate of qualification to bid on department projects must submit a financial statement and the opinion of an approved accountant reflecting the applicant's financial condition for the prior 120 days. If the opinion covers a period more than 120 days prior, then an interim financial statement reflecting the most current conditions must also be submitted. Applicants submitting incomplete or inadequate information on their applications may be required to submit the needed information. If an applicant fails to submit the requested information after two written requests from the department, his application shall be denied.

The DOT is required to make final payment to a contractor within 90 days after receipt and acceptance of all required contract documents or within 30 days after the settlement of a claim. If the DOT fails to make payment within the specified time, it must pay interest at the rate of 1% per month on the unpaid balance. Contractors failing to submit all the required documents for final payment within two years after final acceptance or within one year after the department's offer of final payment will forfeit the amount due him. The forfeiture shall not apply to documents that are subject to claims or pending legal proceedings and the DOT must give 60 days notice prior to forfeiture.

The section relating to the adjustment of contract price for bituminous material is deleted because the contracts to which it applied have been completed.

The provision relating to contractors who are delinquent on contract work is amended by defining the term, "delinquency," to include both unsatisfactory progress on a contract as well as the situation where the contract time has expired and the work is not complete. A contractor shall be given notice of the department's intent to deny or revoke his certificate for reasons of delinquency and of his right to a hearing which must be requested within 10 days of notice. If requested, the hearing must be conducted within 30 days of the request. The circumstances, other than those for delinquency in progress of work, under which the department may suspend or revoke a certificate for good cause are enumerated.

The requirement for submission of bid guaranty bonds for proposals on department work is amended to apply only to construction contracts in excess of \$150,000. The section on performance bonds is amended to clarify that the bond shall be in an amount equal to the awarded contract price.

The authority of the department to acquire, lease and dispose of real and personal property is broadened to authorize the exchange of property when the DOT is acquiring other property for rights-of-way. In addition, examples of the types of property that may be acquired by eminent domain for transportation rights-of-way are identified and include water retention areas, rest areas, and replacement access for a landowner who has had access to his property impaired by the construction of a facility.

In negotiating for the acquisition of rights-of-way any notice to the property owner from the department shall be sent by certified mail to the fee owner's last known address as listed on the county's ad valorem tax roll. In the case of multiple ownership property, notice to one owner shall satisfy the notice requirement. The department is not required to give

additional notice to a person who acquires title to property after the DOT has complied with the notice requirements of 337.271(2). Any appraiser employed by the property owner in accordance with the provisions of 337.271(4) must be actively registered with the Florida Real Estate Commission as a real estate broker or salesman.

Since the DOT is required to acquire the rights-of-way for roads on the state highway system, the section authorizing the counties to acquire property for state highway projects is deleted.

The board that arbitrates disputes between the department and contractors is renamed the State Arbitration Board. The jurisdiction of the board was increased to matters of \$100,000 or less and the terms of the membership were limited to three consecutive two-year terms.

Persons such as engineers and architects who provide professional consultant services to the department are required to provide liability insurance. A provision is added to require that for all other contractual services the department may require a performance bond equal to the contract value if a bond is deemed to be in the best interest of the state. In addition, any price proposal submitted by a consultant in response to a department request is exempt from the provisions of chapter 119.07(1) for 6 months following receipt by the DOT.

#### Chapter 338

The authority for the department to plan, acquire, lease, construct and maintain toll facilities and to designate limited access facilities on the state highway system was placed in chapter 334 under the general powers and duties of the department. Counties have the authority, under chapter 125, to provide limited access facilities. As a result of this general authority, the degree of specificity shown in most of the sections in the chapter is unnecessary and is therefore deleted. Language which needed to remain has been consolidated.

In addition to placing general motorist service signs on the rights-of-way of limited access facilities, the department may also establish a fee schedule for the placement of specific business logo signs.

The pertinent provisions of chapter 340 (Florida Turnpike Law) are transferred to this chapter and renumbered as 338.22-338.36. The sections are consolidated where possible and redundant or unnecessary language is deleted.

Any governmental entity wishing to acquire, construct, maintain or operate a turnpike project must receive specific authorization from the Legislature. The DOT may authorize engineering and traffic studies to determine the feasibility of turnpike projects in the state and if such projects are feasible the department, with legislative approval, may construct, maintain and operate such projects. Any bonds authorized to finance turnpike projects must be issued in accordance with the State Bond Act. Provisions in the existing chapter which have been superseded by the State Bond Act have been deleted. A proviso is added to affirm that any amendments, additions, or deletions to chapter 338 or chapter 340 have prospective application only.

Chapter 339

339.08 is amended to reflect existing policy that authorizes the use of monies in the State Transportation Trust Fund (S.T.T.F.) to pay the cost of public transportation projects in accordance with chapter 341.

Obsolete language relating to the transfer of the administrative responsibility for the former county secondary road program is repealed.

Section 339.081 is amended to reflect the names of the current trust funds of the department maintained by the state comptroller. Subsection (2) is also amended to state that in complying with the provision relating to the expenditure of 10% of the amounts in the S.T.T.F. for minority businesses, the DOT shall utilize every means available to it including goals and set-asides for contracts with socially and economically disadvantaged business enterprises.

Since the DOT is required to purchase the rights-of-way for roads on the state highway system, section 339.10 which authorizes the DOT to advance monies to the counties for such purposes is repealed. Also repealed are portions of 339.12 which allow a county or special road and bridge district to transfer actual bonds to the department for the construction of state roads. In fact, the county would provide the proceeds of the bonds and not the bonds themselves.

Section 334.21 on budgets was transferred to this chapter and renumbered as 339.135. Some provisions were clarified and other subsections were relocated within the section to provide better organization.

Prior to the annual adoption of the 5 year transportation plan, the department shall hold a public hearing in at least one urbanized area in each transportation district. One copy of the proposed annual program budget and 5 year transportation plan shall be provided to each county and to each municipality over 3000 in population. Requests for copies by others shall be provided at cost. A paragraph was added to 339.135(8) that incorporates proviso language in the 1983 Appropriations Act dealing with the certification forward of certain unexpended funds in the department's budget.

Section 334.211 on transportation planning is transferred to the chapter and renumbered as 339.155. Some definitions are changed or deleted and the term, "statewide transportation plan" is substituted for the term "comprehensive plans." Metropolitan Planning Organizations (MPO's) are directed to submit to the appropriate department district a 5 year plan of work to be undertaken by the governmental entities within the MPO's jurisdiction. The plan shall be prepared by the MPO with the approval of the governing entity responsible for the construction and maintenance of the work described in the plan.

Section 334.215 relating to MPO's is transferred to the chapter and renumbered as 339.175. Several changes in the section are made to conform the statute to recent changes in federal regulations. Other changes are either technical, or remove obsolete language.

Section 339.24 relating to the beautification of roads by the department is repealed because authority has been granted to the department under its general powers and duties.

Persons who willfully and maliciously damage, remove or destroy milemarkers or other items on the rights-of-way are guilty of a

second degree misdemeanor. That provision is amended to make them civilly liable for the damage they cause.

Those provisions of chapter 339.30 (unlawful use of limited access facilities) which are not already covered in chapter 316 are transferred to that chapter, and 339.30 is repealed. Also repealed is 339.33 since the department has its own sign shop and does not obtain road signs from the state prison.

#### Chapter 340

Pertinent provisions of chapter 340 have been transferred to chapter 338.22 - 338.36. The sections shown as deleted language are either obsolete or redundant.

#### Chapter 341

Certain subsections in the sections on public transit are deleted because they have been covered in the general powers and duties section in chapter 334. Other changes are technical or are made for purposes of clarification.

Sections 341.201 - 341.205 are added to the chapter and are intended to reflect the current role of the department in the area of aviation. The sections are entitled the "Florida Airport Development and Assistance Act." The act prohibits the department: from regulating commercial air carriers regulated by the federal government; from participating in or exercising control in the management and operation of a sponsor's airport except upon request, or from expanding the department's design or operational capability in the area of airport or aviation consultant's contract work.

Definitions are provided and the department's duties and responsibilities in aviation are enumerated. Federal funding of individual airport projects shall continue to be wholly between the local sponsors and the federal government.

The department is required to prepare and continuously update a 5 year aviation and airport development plan based on a collection of local sponsors' proposed projects and shall provide priority funding in support of those projects. Funding requested by the department for aviation shall be based on the aviation and airport development plan.

Funding participation ratios are established and provide that the department may fund up to 50% of the nonfederal share of the cost of an eligible project except that state participation may not exceed 12 1/2% of the total project cost. The DOT may fund up to 100% of the cost of an eligible project that is statewide in scope or involves more than one county where no other governmental entity exists.

#### Chapters 348 and 349

These chapters which concern expressway authorities and the Jacksonville Transportation Authority are incorporated into the Transportation Code without change.

In addition to the items described for the preceding chapters, the bill repeals provisions which were found to be obsolete, redundant or otherwise unneeded. Finally, the bill makes technical changes in numerous instances aimed at clarifying existing provisions in the Code.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

It is felt that none of the provisions in the bill have a significant fiscal impact.

III. COMMENTS:

None.

IV. AMENDMENTS:

No. 1 by Transportation: Technical amendment; corrects a misspelling.

No. 2 by Transportation: Deletes sentence that is now obsolete.

No. 3 by Transportation: Technical amendment deleting a section that inadvertently was printed twice in the bill.

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HOUSE OF REPRESENTATIVES  
TRANSPORTATION COMMITTEE  
STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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NUMBER: 529 SIM/COMP: 352

SPONSOR: Reps. Wallace, Peeples, Dudley, Hargrett, Webster,  
Davis, Cosgrove, Bailey, Gustafson & Lewis

PREPARED BY: W. Kevin Russell

OTHER COMMITTEE REF: \_\_\_\_\_

RELATING TO: Transportation and matters connected therewith

I. Summary:

A. Existing Law: Chapter 334-339 and Chapter 341 are currently known as the Florida Transportation Code. These chapters provided the necessary statutory framework for implementing the transportation goals of the state. The last major revision of the transportation code occurred in 1955. Since then, sections of the law have become obsolete for a variety of reasons. In addition, the numerous amendments to the code over the past 29 years have caused the basic organizational structure of the code to deteriorate. The initial objective of this revision was to rectify these deficiencies.

B. Effect of Proposed Changes: First, the entire code was reviewed from an organizational standpoint. Various sections of the code were moved between the chapters for a more logical organization. The goal was to group related matters.

Next, the newly arranged code was reviewed to eliminate any obsolete language. As indicated earlier, certain sections of the code, due to the passage of time, had become antiquated. The obsolete provisions in the code were eliminated. The intent of this review was not to change existing law. The bill attempts to remove archaic language and clarify existing law where possible.

Further, the code was reviewed to delete any repetitive or redundant language. Amendments to the code over time had resulted in some repetition. These redundant provisions were removed. This bill analysis indicates where these redundant provisions are provided for elsewhere in the statutes.

As the review progressed, it became apparent that certain changes in existing law were desirable and non-controversial in nature. These changes were termed minor policy issues. The bill contains 29 of these. They will be noted in the section-by-section analysis which follows.

Section 1 (page 2) - s. 20.23 is amended. Although this is not part of the transportation code, s. 20.23 provides the basic organizational structure for the FDOT. It is amended to specify the qualifications for the secretary and deputy secretary of the department.

Section 2 (page 3) - s. 316.091 is amended. Chapter 316 is the Florida Uniform Traffic Control Law. It is not part of the transportation code. However, certain portions of the existing code dealt with areas which are better suited to CH. 316. Here ss. 339.30(1)(f) regulating the use of

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limited access facilities is transferred to s. 316.091.  
Limited access.

Section 3 (page 3) - s. 316.130 is amended. ss. 339.30(1)(e) prohibiting pedestrian use of limited access facilities is transferred to s. 316.130. Pedestrian obedience to traffic control devices and traffic regulations. No changes made.

Section 4 (page 3) - s. 339.27 is transferred and renumbered as s. 316.1305, Fishing from state road bridges. s. 316.1305 is amended to clarify existing law. No substantive changes intended.

Section 5 (page 4) - s. 316.1945 Stopping, standing or parking prohibited in specified places, is amended. ss. 339.30(1)(g) and ss. 339.30(1)(h) regulating parking on limited access facilities is transferred to s. 316.1945. No changes made.

#### Chapter 334 - Transportation Administration

Section 6 (page 6) - s. 334.01 Short Title is amended to include Chapters 348 Expressway Authorities and Ch. 349 Jacksonville Transportation Authority as part of the Florida Transportation Code.

Section 7 (page 6) - s. 334.02 is repealed. A major product of this technical review was the development of a new section referred to as "Powers and duties of the department," found at s. 334.044. Under existing law, the department's statutory responsibilities were scattered throughout the code. These responsibilities have been grouped together under the new powers and duties section, and deleted from where they previously appeared in the code. In addition, all legislative intent has been combined in the department's purpose, s. 334.035. s. 334.02 is repealed as it is now provided for in s. 334.035 Purpose and 334.044 Powers and duties of the department.

Section 8 (page 8) - s. 334.021 Integrated balanced state highway system is repealed. Generally provided for in department's purpose, s. 334.035. S. 334.021(3) is now provided for in s. 339.125. S. 334.021(4) is provided for in s. 334.03 Definitions.

Section 9 (page 11) - s. 334.03 Definitions is amended. Definitions are added for governmental entity, local governmental entity, bridge, and transportation facility. The definitions of freeway and municipal connecting link are deleted as obsolete. The definition of person is amended to conform with s. 1.01. All other changes are to clarify existing law and do not contemplate any changes in meaning.

Section 10 (page 17) - s. 334.035 Purpose is created. This section is a consolidation of the department's purpose and legislative intent previously located throughout the code.

Section 11 (page 17) - s. 334.044 General duties and powers of the department is created. This section is a consolidation of the department's powers and duties previously located throughout the code. This section is not intended to expand or restrict FDOT existing statutory authority.

Section 12 (page 20) - s. 334.05 is amended. Authority to condemn property is provided for in ss. 334.044(6).

Section 13 (page 20) - s. 334.063 is amended to clarify existing law, and update language.

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Section 14 (page 21) - s. 334.11 is repealed. Now provided for in ss. 334.044(1)&(10), Powers and duties of the department.

Section 15 (page 21) - s. 334.131 is amended, to clarify existing law, no substantive changes intended.

Section 16 (page 21) - s. 334.14 is amended, requiring certain employees of the department to be professional engineers. Obsolete language has been eliminated. (Policy Issue #1)

Section 17 (page 24) - s. 334.17 is amended. s. 334.171(1), s. 334.171(4)(a), s. 334.171(4)(d) are transferred and incorporated into s. 334.17. All other changes intended to clarify existing law.

Section 18 (page 25) - s. 334.171 is repealed.

ss. 334.171(1) is now provided for in s. 334.17.

ss. 334.171(2)&(3) are obsolete; responsibility has been delegated to the counties.

ss. 334.171(4) is provided for in s. 334.17, and s. 16.015, Legal services responsibility of the Department of Legal Affairs.

Section 19 (page 27) - s. 334.18 is amended. Redundant provision is deleted, provided for in s. 16.015 (see above) and terminology updated.

Section 20 (page 27) - s. 334.19 is amended.

ss. 334.19(2) is updated to conform to Ch. 120, Administrative Procedures Act.

ss. 334.19(4) is deleted, obsolete due to the transfer of the constitutional gas tax revenues to the counties as of 7-1-83.

ss. 334.19(5) is amended to clarify the duties of the internal auditor. (Policy Issue #2)

Section 21 (page 30) - s. 334.193 is created. This new section combines three existing sections 337.04, unlawful for certain persons to be financially interested in purchase, 337.12, unlawful for certain persons to be financially interested in contracts, 340.26, unlawful for departmental agents and employees to be interested in certain contracts or sales involving the department.

Section 22 (page 30) - s. 337.045 is transferred and renumbered as s. 334.195. S. 334.195 is amended to clarify existing law, no substantive changes intended.

Section 23 (page 31) - s. 334.196 is amended to delete unnecessary language and clarify and update existing law.

Section 24 (page 32) - s. 334.212 is repealed, obsolete.

Section 25 (page 33) - s. 334.22 is amended to clarify existing law, no substantive changes intended.

Section 26 (page 33)

ss. 334.24(1) is amended to clarify existing law.

ss. 334.24(2) is repealed, duty to train employees provided for in ss. 334.044(9), Powers and duties of the department. (MPI #1)

Section 27 (page 39) - s. 334.25 is repealed, provided for in ss. 334.044(3), Powers and duties of the department.

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Chapter 335 - State Highway System

Section 28 (page 34) - s. 335.01 is amended to clarify existing law, no substantive changes.

Section 29 (page 35) - s. 335.02 is amended.  
ss. 335.02(1)&(2) are amended to clarify existing law.  
ss. 335.02(3)&(4) are transferred and renumbered as s. 337.111.

Section 30 (page 36) -  
ss. 335.035(1) is amended; obsolete provision deleted as the interstate routes have been designated.  
ss. 335.035(2) is deleted and provided for in ss. 334.044(2), Powers and duties of the department.

Section 31 (page 36)  
s. 337.34 is renumbered as s. 335.035 and amended to clarify that repayment is to be made to the General Revenue Fund.  
ss. 335.035(3) is amended to remove obsolete language and clarify existing law.

Section 32 (page 38) - s. 335.04 is amended, including a minor policy change.  
ss. 335.04(1)&(2) are deleted, obsolete functional classification has been completed.  
ss. 335.04(3) is renumbered and amended to clarify FDOT responsibility for the continuation of the functional classification process. The criteria used in functional evaluations is expanded. The new language also requires that roads being transferred from the department to the counties and cities be brought to the physical condition of like roads within the county or city. (MPI #2 & #3)  
ss. 335.04(1)(c) restates the resurfacing requirement of Ch. Law 77-165.

Section 33 (page 43)  
s. 335.05 is repealed. The section is obsolete; Ch. Law 83-52 defined these arterial roads as a part of the state highway system.  
ss. 335.05(5) is now incorporated with s. 335.10.  
ss. 335.05(6) is provided for in s. 337.112(2).

Section 34 (page 44) - s. 335.06 is amended to clarify that access roads to state parks be maintained by the appropriate governmental entity. Provisions concerning the State Park Road System are deleted as these roads are now the responsibility of the Department of Natural Resources, and not the Department of Transportation. (MPI #4)

Section 35 (page 45) - s. 335.065 is amended to clarify existing law and update terminology. ss. 335.065(3) is deleted, provided for in ss. 335.065(1).

Section 36 (page 47) - s. 335.07 is amended to clarify existing law and eliminate redundant provision provided for in ss. 334.044(2) Powers and duties of the department.

Section 37 (page 47) - s. 338.071 is transferred and renumbered as s. 335.074. ss. 335.074(1) is amended, definition of bridge is now included in s. 334.03, Definitions. ss. 335.074(3)(b) requires that copies of bridge inspection reports be provided to local governmental entities within which the bridges are located. All other changes are intended to clarify existing law. (MPI #5)

Section 38 (page 50) - s. 335.08 No changes.

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- Section 39 (page 50) - s. 335.09 is amended to clarify existing law. ss. 335.09(2)&(3) are now incorporated in (1).
- Section 40 (page 51) - s. 335.091 is amended to clarify existing law and update language, no substantive changes intended.
- Section 41 (page 51) s. 335.092 is amended to update terminology and delete obsolete provisions, no substantive changes intended.
- Section 42 (page 54) - s. 335.10 is amended. ss. 335.05(5) is transferred and now becomes ss. 335.10(1). All other changes intended to clarify existing law, no substantive changes intended.
- Section 43 (page 54) - s. 339.25 is transferred and renumbered as s. 335.101. s. 335.101 is amended to specifically fix responsibility for damage done to vegetation on the state right-of-ways. Other changes intended to clarify existing language. (MPI #6)
- Section 44 (page 55) - s. 335.11 is repealed, provided for in Ch. 316, Florida uniform traffic control law.
- Section 45 (page 55) - s. 335.12 is repealed, provided for in Ch. 316, Florida uniform traffic control law.
- Section 46 (page 55) - s. 335.13 is amended.  
ss. 335.13(1) is deleted, provided for in Ch. 479, Outdoor advertising.  
ss. 335.13(2) is renumbered and amended to require notice to the person advertising on a billboard, as well as the owner of the billboard, in the event the billboard is removed. All other changes intended to clarify existing law. (MPI #7)
- Section 47 (page 57) - s. 335.14 is amended to clarify existing law; no substantive changes are intended.
- Section 48 (page 58) - s. 338.21 is transferred and renumbered as s. 335.141. s. 335.141 is amended to clarify existing law; no substantive changes are intended.
- Section 49 (page 60) - s. 351.35 is transferred and renumbered as s. 335.142. s. 335.142 is amended to clarify existing law; no substantive changes are intended.
- Section 50 (page 61) - s. 351.36 is transferred and renumbered as s. 335.143. s. 335.143 is amended to clarify existing law; no substantive changes are intended.
- Section 51 (page 61) - s. 351.37 is transferred and renumbered as s. 335.144. s. 335.144 is amended to clarify existing law; no substantive changes are intended.
- Section 52 (page 62) - s. 335.15 is amended. ss. 335.15(1) now requires FDOT to notify local governments of proposed detour routes. All other changes intended to clarify existing law and update language. (MPI #8)
- Section 53 (page 63) - s. 335.16 is amended. s. 335.16(2)&(3) are now incorporated in ss. 335.16(1). No substantive changes intended.
- Section 54 (page 64) - ss. 339.09(2)&(3) are transferred and renumbered as s. 335.165. s. 335.165 is amended to update language.

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Section 55 (page 64) - s. 335.17 is amended. ss. 335.17(2) allows FDOT to use natural and artificial methods of noise abatement. All other changes intended to clarify existing law. (MPI #9)

Section 56 (page 65) - s. 335.18 is amended to clarify existing law and update terminology. No substantive changes are intended.

Chapter 336 - County Road and City Street System

Section 57 (page 67) - s. 336.01 No change.

Section 58 (page 67) - s. 336.02 is amended to conform with definitions found in ss. 334.03(1).

Section 59 (page 67) - s. 336.021 No change.

Section 60 (page 69) - s. 339.083 is transferred and renumbered as s. 336.022. No change.

Section 61 (page 70) - s. 339.089 is transferred and renumbered as s. 336.023. No change.

Section 62 (page 70) - s. 336.024 is created. Language is transferred from ss. 339.08(6).

Section 63 (page 71) - s. 336.025 No change.

Section 64 (page 75) - s. 336.03 is amended. ss. 336.03(1)&(2) are deleted; they are in part obsolete and in part provided for in s. 125.01 Powers & Duties of County Government. ss. 336.03(3) is amended to clarify existing law.

Section 65 (page 76) - s. 336.04 is repealed; obsolete.

Section 66 (page 76) - s. 335.075 is transferred and renumbered as s. 336.045. s. 336.045 is amended to clarify existing law and delete obsolete provisions.

Section 67 (page 78) - s. 335.05 is amended to update language.

Section 68 (page 78) - s. 336.06 is repealed; obsolete. Provided for in s. 125.01, Powers & Duties of County Government.

Section 69 (page 79) - s. 336.08 is amended to conform with definitions found in ss. 334.03(1).

Section 70 (page 79) - s. 336.09 No change.

Section 71 (page 80) - s. 336.10 No change.

Section 72 (page 80) - s. 336.11 No change.

Section 73 (page 81) - s. 336.12 No change.

Section 74-100 (pages 81-96) - s. 336.14 through 336.40 are repealed. s. 336.14 through s. 336.40 address the establishment and operation of special tax road districts, county special road and bridge districts and special road, bridge and ferry districts. The State Association of County Commissioners of Florida advises that the districts are not currently being used as methods for building county roads. The sections are therefore being deleted as obsolete. There are, however, existing districts established in prior years. It is not the intent of this bill to affect in any way the rights, duties, powers or obligations of any such existing districts, in repealing these sections. See s. 336.665 (page 123).

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Section 101 (page 97) - s. 336.41 No change.

Section 102 (page 98) - s. 336.42 is repealed, provided for in Ch. 125 County Government.

Section 103 (page 98) - s. 336.43 is repealed, provided for in Ch. 125 County Government.

Section 104 (page 98) - s. 336.44 No change.

Section 105 (page 99) - s. 336.45 is repealed, provided for in Ch. 125 County Government.

Section 106 (page 99) - s. 336.46 is repealed, provided for in Ch. 127 Right of Eminent Domain to Counties.

Section 107 (page 100) - s. 336.467 is created. ss. 339.08(4)(c) is transferred to create this new section. No substantive changes intended.

Section 108 (page 100) - s. 336.47 is repealed, provided for in Ch. 125 County Government.

Section 109 (page 101) - s. 336.48 is repealed, provided for in Ch. 125 County Government.

Section 110-119 (page 101) - s. 336.49 through s. 336.58 are repealed. These sections deal with the issuance of bonds for counties special road and bridge districts. Sections 74-100 establishing such districts are repealed by this bill as obsolete. Therefore, the provisions for issuing bonds by such districts are also deleted as obsolete. It is not the intent in repealing these sections to affect in any way the rights, duties, powers or obligations of any existing districts, or to impair in any way the bonds issued by any such district.

Section 120 (page 109) - s. 336.59 No change.

Section 121 (page 110) - s. 336.60 is repealed, provided for in Ch. 125 County Government.

Sections 122-126 (page 110) - s. 336.61 through s. 336.65 are repealed. These sections deal with alternative methods of establishing special road and bridge districts. They are being deleted as obsolete (see sections 74-100 of this bill). Alternative methods for establishing such districts are therefore also obsolete.

Section 127 (page 123) - s. 336.66 is amended to conform with the definitions in s. 334.03.

Section 128 (page 123) - s. 336.665 is created. The changes in s. 336.14 through s. 336.40, s. 336.49 through s. 336.58 and s. 336.61 through s. 336.65, shall be construed as having prospective application only.

Section 129 (page 123) - s. 336.67 is repealed; obsolete.

Section 130 (page 124) - s. 374.091 is amended to conform with the changes made in Ch. 336, by this bill.

Chapter 337 Department of Transportation Contracts; Acquisition and Disposal of Property; Utilities.

Section 131 (page 124) - s. 337.01 is repealed; provided for in ss. 334.044(5). Powers and duties of the department.

Section 132 (page 125) - s. 337.02 is amended.

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ss. 337.02(1) is amended to increase the threshold in regard to requirement for competitive bids from \$3,000 to \$5,000.

ss. 337.02(3) is created, language transferred from s. 337.22. All other changes intended to clarify existing law. (MPI #10)

Section 133 (page 126) - s. 337.03 is amended. Unnecessary language eliminated; no substantive changes.

Section 134 (page 127) - s. 337.04 is repealed, transferred to s. 334.193(1)(a), conflict of interest.

Section 135 (page 127) - s. 337.05 is repealed, provided for in s. 273.05, State-owned tangible personal property; surplus property.

Section 136 (page 128) - s. 337.106 is amended to require professional liability insurance in all instances where a firm is providing professional services to the department. (MPI #11)

Section 137 (page 128) - s. 337.11 is amended.

ss. 337.11(1)(b) is deleted, FDOT is no longer responsible for the construction and maintenance of roads on the former county secondary road system.

ss. 337.11(4) is created to provide specific competitive bidding in the event of an emergency.

ss. 337.11(6) is amended to increase the period of time for the retention of certain records from 3 to 5 years.

All other changes are to clarify existing law. (MPI #12 & #13)

Section 138 (page 132) - ss. 335.02(3)&(4) are transferred and renumbered as s. 337.111. s. 337.11 is amended to clarify existing law, no substantive changes.

Section 139 (page 134) - s. 338.17 is transferred and renumbered as s. 337.112. s. 337.112 is amended, provisions of ss. 335.05(6) are transferred to ss. 337.112(2). Other changes are to clarify existing law and delete obsolete language.

Section 140 (page 135) - s. 338.18 is transferred and renumbered as s. 337.113. s. 337.113 is amended, technical changes only.

Section 141 (page 135) - s. 338.19 is transferred and renumbered as s. 337.114. s. 337.114 is amended to clarify existing law; no substantive changes.

Section 142 (page 137) - s. 338.20 is transferred and renumbered as s. 337.115; no change.

Section 143 (page 138) - s. 337.12 is repealed, provided for in s. 334.193(b), conflict of interest provision.

Section 144 (page 138) - s. 337.14 is amended. ss. 337.14(4) increases the term of a certificate of qualification from 15 to 16 months. Provides FDOT with the authority to request additional information before issuing a certificate of qualification. ss. 337.14(7) is created by transferring s. 337.15. All other changes are intended to clarify existing law. (MPI #14)

Section 145 (page 141) - s. 337.141 is amended.

ss. 337.141(3) is amended to increase the interest rate paid by FDOT to contractors on delinquent monies owed.

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ss. 337.141(4) is created to provide a specific procedure to expedite final payments by FDOT, upon completion of the work performed.  
All other changes are intended to clarify existing law.  
(MPI #15 & #16)

Section 146 (page 142) - s. 337.143 is repealed. Obsolete, contracts to which these provisions were applicable have been completed.

Section 147 (page 144) - s. 337.15 is repealed, transferred to ss. 337.14(7).

Section 148 (page 145) - s. 337.16 is amended. ss. 337.16(1) and (2) are amended to provide specific language defining what constitutes delinquency on a contract and what circumstances constitute good cause for suspension or revocation of a certificate of qualification. (MPI #17)

Section 149 (page 146) - s. 337.164 is amended. Technical changes only.

Section 150 (page 147) - s. 337.165 is amended. Technical changes only.

Section 151 (page 152) - s. 337.166 No change.

Section 152 (page 153) - s. 337.167 No change.

Section 153 (page 154) - s. 337.168 No change.

Section 154 (page 154) - s. 337.169 No change.

Section 155 (page 155) - s. 337.17 is amended to eliminate the requirement of bid bonds for contracts of \$150,000 or less.  
(MPI #18)

Section 156 (page 155) - s. 337.18 is amended to clarify existing law, no substantive changes.

Section 157 (page 158) - s. 337.19 is amended to clarify existing law, no substantive changes intended.

Section 158 (page 158) - s. 337.20 is repealed; provided for in ss. 48.111(2), Process and service of process.

Section 159 (page 158) - s. 337.21 is repealed; provided for in ss. 20.03(11), Organizational structure.

Section 160 (page 158) - s. 337.21 is repealed and transferred to ss. 337.02(3).

Section 161 (page 159) - s. 337.25 is amended. s. 337.25 is rearranged to clarify existing law.  
ss. 337.25(2)(e) is created by transferring ss. 337.28(7)(7). Superfluous language has been eliminated.

Section 162 (page 164) - s. 337.26 is amended, technical changes only. This section was substantially rearranged to clarify existing law, no substantive changes intended.

Section 163 (page 164) - s. 337.27 is amended.  
ss. 337.27(1) is amended by transferring provisions of s. 339.241(5) concerning junkyards and scrap metal processing plants. Other changes in subsection (1) intended to clarify existing law.

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ss. 337.27(2) is repealed, provided for in ss. 334.044(6), Powers and duties of the department. All other changes intended to clarify existing law.

Section 164 (page 164) - s. 337.27 is amended. Changes to ss. 337.271(3)&(4) refines the precondemnation negotiation process, and the notice requirement of that process. All other changes to s. 337.271 intended to clarify existing law. (MPI #19)

Section 165 (page 168) - s. 337.28 is repealed. ss. 337.28(1) through ss. 337.28(6) are provided for in Ch. 125 County Government and Ch. 127 Right of Eminent Domain to Counties. ss. 337.28(7) is transferred to ss. 337.25(2)(e).

Section 166 (page 170) - s. 339.301 is transferred and renumbered as s. 337.285. s. 337.285 is amended to clarify existing law, no substantive changes.

Section 167 (page 171) - s. 337.29 is amended. ss. 337.29(3) is amended to clarify existing law concerning the extent of liability for torts on state, county or municipal roads. No substantive changes intended. (MPI #20)

Section 168 (page 172) - s. 337.32 is amended. ss. 337.32(2) limits the terms of members of the State Arbitration Board to 3 consecutive terms. ss. 337.32(3) increases the jurisdiction of the State Arbitration Board to \$100,000. All other changes intended to clarify existing law. (MPI #21)

Section 169 (page 174) - s. 337.33 is amended. ss. 337.33(2) is created to allow FDOT at its discretion to require a performance bond for persons providing contractual services to FDOT. ss. 337.33(3) exempts price proposals submitted by a consultant from the Public Records law for a period of 6 months after receipt by FDOT. (Policy Issue #93.)

#### Chapter 338 Limited Access and Toll Facilities

Section 170 (page 175) - s. 338.01 is amended.

s. 338.02 is incorporated in s. 338.01.  
ss. 338.01(1) is amended by incorporating s. 338.02(1).  
ss. 338.01(4) is amended by incorporating ss. 338.02(2).  
All other changes intended to clarify existing law.

Section 171 (page 177) - s. 338.02 is repealed, transferred to ss. 338.01(1)&(4).

Section 172 (page 177) - s. 338.03 is repealed, provided for in s. 338.01.

Section 173 (page 178) - s. 338.04 is amended to clarify existing law, no substantive changes.

Section 174 (page 179) - s. 338.05 is repealed. State authority provided for in ss. 334.044(21) and (22), Powers and duties of the department. County authority provided for in Ch. 163, Intergovernmental Programs.

Section 175 (page 179) - s. 338.06 is repealed. State authority provided for in ss. 334.044(16), Powers and duties of the

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department. County authority provided for in s. 336.02, Responsibility for the County Road System.

Section 176 (page 180) - s. 338.065 is amended to allow FDOT to place signs with business logos on the right-of-ways of limited access highways. (MPI #22)

Section 177 (page 181) - s. 338.07 is repealed.  
ss. 338.07(1) is now provided for in ss. 334.044(7)&(13), Powers and duties of the department.  
ss. 338.07(2)&(3) are provided for in s. 337.11, Authority of department to contract.

Section 178 (page 181) - s. 338.08 is repealed, provided for in ss. 334.044(21), Powers and duties of the department.

Section 179 (page 182) - s. 338.12 is repealed, provided for in ss. 334.044(15), Powers and duties of the department.

Section 180 (page 183) - s. 338.13 is amended.  
ss. 338.13(1) through (4) are deleted, provided for in ss. 334.044(15), Powers and duties of the department.  
ss. 338.13(5) is amended to clarify existing law.

Section 181 (page 185) - s. 338.14 is repealed, provided for in ss. 334.044(7)&(15), Powers and duties of the department.

Section 182 (page 188) - s. 338.15 is repealed, provided for in ss. 334.044(15), Powers and duties of the department.

Section 183 (page 189) - s. 339.305 is transferred and renumbered as s. 388.155. s. 338.155 is amended to clarify existing law, no substantive changes.

Section 184 (page 190) - s. 338.16 is repealed, obsolete.

Section 185 (page 191) - s. 340.01 is transferred and renumbered as s. 388.22. s. 388.22 is amended to provide that s. 338.22 through s. 338.36 may be cited as the Florida Turnpike Law. Chapter 340, establishing the Turnpike Authority was originally written in 1953. The chapter initially made the Turnpike Authority a separate agency of the state. During the 1968 State Government reorganization the authority was abolished and its functions were turned over to FDOT. Those provisions of Ch. 340 which are now applicable to FDOT have been transferred into Ch. 338, Limited Access and Toll Facilities. Those sections which were obsolete due to the abolition of the Turnpike Authority have been retained in Ch. 340 and repealed. (See sections 227 through 247.)

Section 186 (page 192) - s. 340.011 is transferred and renumbered as s. 338.23. s. 338.23 is amended to clarify existing law and eliminate obsolete language. No substantive changes intended.

Section 187 (page 194) - s. 340.02 is transferred and renumbered as s. 338.24. s. 338.24 is amended to eliminate obsolete language and clarify existing law.

Section 188 (page 195) - s. 340.03 is transferred and renumbered as s. 338.25. s. 338.25 is amended to eliminate obsolete language. Previously, studies for specific turnpike routes were authorized in the statutes. All such studies have been completed, and in some instances, the turnpike actually built. These specific routes have been eliminated and a general statement inserted authorizing FDOT to conduct expert studies to determine the feasibility of turnpikes throughout the state. Construction of any

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turnpike project determined to be feasible will require legislative approval. The costs of any study undertaken by FDOT shall be treated as part of the cost of such project and be reimbursed out of bonds authorized for the project.

Section 189 (page 198) - s. 340.091 is transferred and renumbered as s. 338.26. s. 338.26 is amended to allow advertising media on the plaza of the Florida Turnpike. (MPI #23)

Section 190 (page 198) - s. 340.11 is transferred and renumbered as s. 338.27. s. 338.27 is amended to clarify existing law. No substantive changes intended.

Section 191 (page 199) - s. 340.12 is transferred and renumbered as s. 338.28. s. 338.28 is amended to clarify existing law, no substantive changes intended.

Section 192 (page 201) - s. 340.13 is transferred and renumbered as s. 338.29. s. 338.29 is amended to clarify existing law, no substantive changes intended.

Section 193 (page 202) - s. 340.14 is transferred and renumbered as s. 338.30. s. 338.30 is amended, technical changes only.

Section 194 (page 203) - s. 340.15 is transferred and renumbered as s. 338.31. s. 338.31 is amended to conform it with s. 215.57 through s. 215.83, the State Bond Act.

Section 195 (page 205) - s. 338.32 is created to provide that any changes made by this bill to the provisions of Ch. 340, shall have prospective application only. Any changes made shall in no way affect the rights, duties, obligations or remedies available to bond holders.

Section 196 (page 206) - s. 340.23 is transferred and renumbered as s. 338.33. s. 338.33 is amended to clarify existing law, no substantive changes.

Section 197 (page 207) - s. 390.24 is transferred and renumbered as s. 338.34. s. 338.34(2) is deleted, provided for in 334.044(15), Powers and duties of the department. All other changes intended to clarify existing law, no substantive changes.

Section 198 (page 208) - s. 340.34 is transferred and renumbered as s. 338.35. s. 338.35 is amended to clarify existing law, no substantive changes intended.

Section 199 (page 209) - s. 340.36 is transferred and renumbered as s. 338.36. s. 338.36 is amended to delete obsolete language and clarify existing law.

Chapter 339 Transportation Finance, Planning and Miscellaneous Provisions.

Section 200 (page 210) - s. 334.20 is transferred and renumbered as s. 339.035. s. 339.035 is amended to conform with Ch. 120, Administrative Procedures Act.

Section 201 (page 210) - s. 339.04 is amended to update and clarify existing law, no substantive changes intended.

Section 202 (page 210) - s. 339.05 is amended to update language.

Section 203 (page 211) - s. 339.06 is amended to update language.

Section 204 (page 211) - s. 339.07 is amended to update language.

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- Section 205 (page 211) - s. 339.08 is amended.  
ss. 339.08(1) is amended to update language.  
ss. 339.08(2) is amended, provisions from s. 339.092 are transferred and incorporated into this section; obsolete language is also eliminated.  
ss. 339.08(4), (5) & (6) are deleted; they are obsolete.  
ss. 339.08(7) is amended to update language.  
ss. 339.08(3) is transferred to s. 339.125.
- Section 206 (page 216) - s. 339.081 is amended to reflect the current trust funds maintained for FDOT. Obsolete language is eliminated. Clarifies that FDOT shall strive to achieve a goal of expending not less than 10 percent from the State Transportation Trust Fund under contract with socially and economically disadvantaged business enterprises. (Policy Issue #16)
- Section 207 (page 217) - ss. 339.09(1), (4) & (5) are amended to clarify existing law, revenues include more than gas tax revenues.
- Section 208 (page 219) - s. 339.092(a) is repealed. ss. 339.08(2)(b) now provides for this section. The remainder of the existing statute is obsolete.
- Section 209 (page 219) - s. 339.10 is repealed. Obsolete due to functional reclassification. FDOT is now responsible for purchasing its own right-of-way.
- Section 210 (page 221) - s. 339.12 is amended. ss. 339.12(5), (6) & (7) are deleted because they are obsolete. The remaining changes intended to clarify existing law.
- Section 211 (page 224) - s. 339.08 is transferred and renumbered as s. 339.125. s. 339.125 is amended to clarify existing law and delete obsolete provisions; no substantive changes intended.
- Section 212 (page 226) - s. 334.21 is transferred and renumbered as s. 339.135.  
ss. 339.135(2) is amended to delete provisions now provided for in ss. 339.135(5).  
ss. 339.135(5) is amended to reflect FDOT role as a transportation agency and not a road department.  
ss. 339.135(5)(b) now requires the public hearing in regard to the 5-year transportation plan to be held in an urbanized area. (MPI #24)  
ss. 339.135(6)(c) is amended to require FDOT to provide each city with a population of 3,000 or more with a copy of the 5-year plan. (MPI #25)  
ss. 339.135(8)(b) is amended to delete reimbursements due from the Federal Government as a component of the 5% cash reserve required to be maintained in the State Transportation Trust Fund. (MPI #25)  
ss. 339.135(9)(d) is amended to require FDOT to notify any local governmental entity affected, of a substitution in the adopted 5-year transportation plan. All other changes are intended to clarify existing law. (MPI #27)
- Section 213 (page 236) - s. 334.2105 is transferred and renumbered as s. 339.145. s. 339.145 is amended to delete obsolete language and clarify existing law.
- Section 214 (page 237) - s. 334.23 is transferred and renumbered as s. 339.147. s. 339.147 is amended to allow the Auditor General to be reimbursed for his annual audit of FDOT when provided for in the appropriations acts. (MPI #28)

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Section 215 (page 238) - s. 334.235 is transferred and renumbered as s. 339.149. s. 339.149 is amended to clarify existing law.

Section 216 (page 240) - s. 334.211 is transferred and renumbered as s. 339.155.  
ss. 339.155(1) is amended to clarify existing law.  
ss. 339.155(2)(d) is deleted, provided for in s. 334.03(18), Definitions.  
ss. 339.155(4)(a) is created by transferring ss. 339.135(5)(b).  
ss. 339.155(7) is deleted, provided for in ss. 334.044(2), Powers and duties of the department.  
All other changes are intended to clarify existing law and delete obsolete language.

Section 217 (page 246) - s. 334.215 is transferred and renumbered as s. 339.175. s. 339.175 is amended to update language and clarify existing law.  
ss. 339.175(21)&(22) are deleted, they are obsolete. No substantive changes intended.

Section 218 (page 254) - s. 339.24 is repealed, provided for in s. 344.044(24), Powers and duties of the department.

Section 219 (page 255) - s. 339.241 is amended.  
ss. 339.241(2)(h)&(i) are deleted, provided for in s. 334.03, Definitions.  
ss. 339.241(4)(b) is deleted, provided for in ss. 334.044(2), Powers and duties of the department.  
ss. 339.241(5) is deleted and transferred to ss. 337.27(1).  
All other changes are intended to clarify existing law.

Section 220 (page 258) - s. 339.28 is amended to specifically provide that a person destroying or defacing a milestone shall be civilly liable for the damage.

Section 221 (page 258) - s. 339.281 is amended to require reports of marine accidents with bridges be forwarded to FDOT. (MPI #29)  
ss. 339.281(2) is deleted, provided for in ss. 334.044(2), Powers and duties of the department.

Section 222 (page 259) - s. 339.30 is repealed.  
ss. 339.30(1) is provided for in Ch. 316, Florida uniform traffic control law.  
ss. 339.30(1)(e) is transferred to ss. 316.130(18).  
ss. 339.30(1)(f) is transferred to ss. 316.1945(1).  
ss. 339.30(1)(h) is transferred to ss. 316.1945(1).

Section 223 (page 261) - s. 339.31 is amended to clarify existing law, no substantive changes.

Section 224 (page 261) - s. 339.33 is repealed; obsolete.

Section 225 (page 262) - s. 339.34 is repealed, provided for in s. 11.246, Legislative organization, procedures, and staffing.

Section 226 (page 262) - s. 339.35 is repealed, such law are prohibited by the Florida Constitution Article I Section 10.

#### Chapter 340 - Turnpike Projects

Section 227 (page 262) - s. 340.031 is repealed, a general statement concerning the feasibility or turnpike projects and routes can now be found in s. 338.25.

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- Section 228 (page 263) - s. 340.032 is repealed (see section 227 for reason).
- Section 229 (page 266) - s. 340.033 is repealed (see section 227 for reason).
- Section 230 (page 267) - s. 340.06 is repealed, provided for in s. 334.044, Powers and duties of the department.
- Section 231 (page 270) - s. 340.07 is repealed, provided for in s. 344.044, Powers and duties of the department.
- Section 232 (page 273) - s. 340.08 is repealed, provided for in s. 344.044, Powers and duties of the department.
- Section 233 (page 274) - s. 340.09 is repealed, obsolete.
- Section 234 (page 274) - s. 340.10 is repealed, provided for in ss. 334.044(6), Powers and duties of the department.
- Section 235 (page 275) - s. 340.16 is repealed, provided for in s. 215.79, State Bond Act.
- Section 236 (page 276) - s. 340.17 is repealed, provided for in s. 215.77, State Bond Act.
- Section 237 (page 277) - s. 340.18 is repealed, provided for in s. 215.77, State Bond Act.
- Section 238 (page 278) - s. 340.19 is repealed, provided for in s. 215.78, State Bond Act.
- Section 239 (page 278) - s. 340.20 is repealed, provided for in s. 215.76, State Bond Act.
- Section 240 (page 279) - s. 340.21 is repealed, provided for in s. 215.75, State Bond Act.
- Section 241 (page 279) - s. 340.22 is repealed, provided for ss. 334.044(15), Powers and duties of the department.
- Section 242 (page 280) - s. 340.25 is repealed. Obsolete due to deregulation of trucking.
- Section 243 (page 280) - s. 340.26 is repealed, provided for in s. 334.135, Conflict of interest.
- Section 244 (page 281) - s. 340.27 is repealed, transferred to s. 338.25, Study of proposed turnpike projects.
- Section 245 (page 281) - s. 340.27 is repealed, transferred to s. 338.25, Study of proposed turnpike projects.
- Section 246 (page 282) - s. 340.32 is repealed, obsolete.
- Section 247 (page 282) - s. 340.33 is repealed, obsolete.
- Chapter 341 - Public Transit; Airport Development & Assistance
- Section 248 (page 282) - s. 341.011 No change.
- Section 249 (page 282) - s. 341.021 is repealed, provided for in s. 334.035, Purpose and s. 334.044, Powers and duties of the department.
- Section 250 (page 283) - s. 341.031 No change.
- Section 251 (page 284) - s. 341.041 is amended.

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ss. 341.041(1) is deleted, provided for in ss. 334.044(1), Powers and duties of the department.  
ss. 341.041(5) is deleted, provided for in ss. 334.044(22).  
ss. 341.041(8) is deleted, provided for in ss. 341.044(19).  
ss. 341.041(12) is deleted, provided for in ss. 334.044(1).  
All other changes are intended to clarify existing law, no substantive changes intended.

Section 252 (page 287) - s. 341.051 is amended to eliminate obsolete language and clarify existing law, no substantive changes intended.

Section 253 (page 291) - s. 341.101 is amended to clarify existing law, no substantive changes intended.

Section 254 (page 291) - s. 341.102 is amended to clarify existing law, no substantive changes intended.

Section 255 (page 292) - s. 341.201 is created. s. 341.201 through s. 341.205 outline and define FDOT's role in Airport Development and Assistance.

Chapter 330, Florida Statutes, assigns to the Division of Planning and the Division of Public Transportation, of the Department of Transportation, certain responsibilities: planning airport systems and assisting, advising and coordinating with federal, state, local or private parties in planning a system of airports. In addition, the Department of Transportation is charged with promoting further development and improvement of air routes, airport facilities, landing fields and the protection of the air approaches. To stimulate the development of aviation commerce and air facilities, Chapter 330 authorizes the Department of Transportation to approve airport sites, issue certificates of such approval, and promulgate rules relating to these activities which must conform to federal laws, rules, regulations and standards.

The addition of these sections will more clearly delineate the role and activities of the Department of Transportation in carrying out the responsibilities already assigned to it in Chapter 330 and would provide specific guidance to the department in providing technical and financial assistance to the Florida airport system. The act will provide legislative intent, definitions, and state funding restrictions in connection with federally funded projects.

Section 256 (page 292) - s. 341.202 is created. (see section 255 for reason).

Section 257 (page 292) - s. 341.203 is created. (see section 255 for reason).

Section 258 (page 294) - s. 341.204 is created. (see section 255 for reason).

Section 259 (page 295) - s. 341.205 is created. (see section 255 for reason).

Section 260 (page 297) - s. 23.041, s. 23.042, s. 23.043, s. 23.0515, s. 23.052, s. 23.053, s. 23.054, s. 23.055, s. 23.050 and s. 258.031 are repealed; they are obsolete.

Section 261 (page 297) - s. 129.011 is amended, technical change only.

Section 262 (page 298) - s. 206.47 is amended, technical change only.

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- Section 263 (page 298) - s. 212.08 is amended, technical change only.
- Section 264 (page 299) - s. 288.063 is amended, technical change only.
- Section 265 (page 300) - s. 316.2075 is amended, technical change only.
- Section 266 (page 300) - s. 318.14 is amended, technical change only.
- Section 267 (page 300) - s. 349.04 is amended, technical change only.
- Section 268 (page 301) - s. 374.091 is amended, technical change only.
- Section 269 (page 302) - directs the Statutory Revision to retitle the various chapters of the Transportation Code.
- Section 270 (page 302) - provides an effective date, October 1, 1984.

II. FISCAL IMPACT:

- A. State: None.
- B. Local: None.
- C. Private Sector: None.

III. COMMENTS:

The Transportation Code revision was specifically intended to avoid fiscal impact.

STAFF DIRECTOR:

Robert W Coggins

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January 6, 1984

Series 18 Carton 1386  
SB 352 (folded 2)

MEMORANDUM

TO: Bob Coggins, Staff Director  
Committee on Transportation

FROM: W. Kevin Russell, Legislative Analyst  
Committee on Transportation

RE: Transportation Code Review

RECORDED  
JAN 12 1984

SENATE TRANSPORTATION  
COMMITTEE

This memo is an update of the status of the Transportation Code Rewrite. It is anticipated that the rewrite of the code will be completed after the January committee meetings. Upon completion of the rewrite, the study group will address various policy issues raised during the review of the code.

The last major revision of the transportation code occurred in 1955. Since that time sections of the law have become obsolete for a variety of reasons. In addition, the numerous amendments to the statutes over the past 29 years caused the basic organizational structure of the code to deteriorate. The initial objective then was to rectify these deficiencies.

On Oct. 6, 1983 the FDOT provided the committee with its statute rewrite. After reviewing the DOT draft, it was agreed that the format used by DOT was unacceptable. As a result House and Senate Transportation committee staffs began the process of reviewing the existing statutes.

Working with House bill drafting, the House and Senate staffs first reviewed the entire code from an organizational standpoint. Various sections of the code were moved between the chapters for a more logical organization. The goal was to group related matters. An index was created to trace the various sections which were transferred.

Next, the newly arranged code was reviewed to eliminate any obsolete or redundant language. As indicated earlier certain sections of the code, due to the passage of time, had become antiquated. In addition, the amendments to the code had resulted

in some repetition. These redundant provisions were removed, and notations made where in the code it was provided for. The intent of the review was not to change existing law; rather, we attempted to remove archaic language and clarify existing law where possible.

A major product of this technical review was the development of a new section referred to as "powers and duties of the department." Under existing law the department's statutory responsibilities were scattered throughout the code. These responsibilities were grouped together under one section, and deleted from where they previously appeared in the code. Again the intent was not to change existing law, but to clarify it.

All changes made during this review were agreed to by both the House Transportation Code Rewrite study group and the Senate Transportation Committee during their November and December committee meetings. Representatives from the FDOT were actively involved in these meetings and concurred with the changes that were adopted.

As the review progressed, it became apparent that certain changes in existing law were desirable and non-controversial in nature. These changes were termed minor policy issues. In order to be considered, it was agreed a minor policy issue (MPI) must be non-controversial and have no fiscal impact. Initially there were 38 MPIs. The House study group reviewed these, some were adopted, others were, after further consideration, determined to be major. The Senate will review the MPIs during their January committee meeting. Where agreement exists between the Senate and House, these minor policy issues will become part of the code rewrite.

The product developed to this point has the concurrence of all the parties who participated in the process. Copies of the proposed rewrite have been provided to any interested person as it was developed. Following the House and Senate committee meetings in January, a final copy will be provided to all persons who have expressed an interest. After review of the comments received, the transportation code revision will be completed and ready for filing with the Clerk. Because of the consensus achieved during the review process, and lack of fiscal impact, it is anticipated that the revision will go directly to the calendar.

Meanwhile the study group will consider any substantive issues developed during the review. The FDOT has identified 73 issues of varying importance for consideration. Other issues for consideration have been solicited from interested persons. These substantive issues, referred to as major policy issues, will be reviewed during workshops scheduled for January and February. Due to the controversial nature and significant fiscal impact of

many of these issues, it is suggested that they be dealt with as individual bills.

KR/mbc

D R A F T

r code - 8/31/83  
Op. 25

PROPOSED  
FLORIDA TRANSPORTATION CODE

SUMMARY OF CODE ORGANIZATION  
AND SIGNIFICANT POLICY IMPLICATIONS

COPY

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Prepared by  
Florida Department of Transportation

August, 1983

## TRANSPORTATION CODE ORGANIZATION

The format of the proposed Florida Transportation Code provides for a streamlined, systematic, and comprehensive framework of laws to direct the future development and implementation of transportation activities in Florida. The organization reflects both functional activities and requirements of the various transportation modes. Further, the Code is organized so that attention is given to the entire Florida Transportation System and the related responsibilities of both state and local entities, including but not limited to the Department of Transportation.

The proposed Code format is shown in Exhibit 1. Chapters 334, 335, and 336 contain direction and authority for transportation activities of state, regional, and local governmental units. Chapter 334 prescribes general legislative intent regarding transportation and sets forth general powers and duties of pertinent entities. Chapter 335 contains direction for the planning, programming, and budgeting functions for all transportation activities and modes. The growing importance of a multi-modal approach to transportation development is recognized in Chapter 336, wherein the role of all modes in meeting mobility needs is explained.

Chapters 337 provides specific authority and responsibilities of the Department of Transportation. Included are the Department's functions of administration, preconstruction and construction, and maintenance and operations. Also included are the Department's responsibilities for administering the turnpike, as well as the duties and responsibilities of local and regional transportation authorities.

Transportation regulations administered by the Department and other units of state and local government are consolidated into Chapter 339. All provisions of the current Chapter 316 are included; however, there has been no attempt to modify substantively those parts of 316 directly under the authority of the Department of Highway Safety and Motor Vehicles. Other regulatory provisions include Chapter 479 (Outdoor Advertising), portions of existing aviation and railroad related statutes, existing law on waterways and ports (presently deferred) and new provisions on fixed guideway transit systems.

Finally, Chapter 338 will serve as a repository for provisions relating to specify transportation related powers and duties of local and regional governments. Action on this chapter has been deferred pending completion of the remainder of the Code.

## SIGNIFICANT POLICY IMPLICATIONS

Significant policy implications embodied in the revised Transportation Code are summarized in the following sections. These include new policy directions and existing policies which are given increased emphasis. Policy implications are discussed on a chapter basis consistent with the outline in Exhibit 1.

### Chapter 334 General Policy, Duties and Powers

#### Part I; Legislative Intent

The central themes or concepts intended to direct future transportation activities are set forth in this part. These concepts are repeated and expanded upon in subsequent chapters.

Significant concepts which are introduced include:

1. Future mobility needs will require an innovative and progressive approach to transportation system development with increased emphasis on a balanced utilization of all modes.
2. Recognition of a greater role for public transportation systems and services and improved operational efficiencies in all modes.
3. Establishment of the Florida Transportation Plan as an integral part of the State's comprehensive planning and growth management processes and as the guiding force for all transportation activities.
4. Establishment of State transportation programming priorities by law, including the State's responsibility for adequately funding transportation needs.
5. Recognition of the growing importance of research and development, including technological innovations in all modes.
6. Necessity for effectiveness and efficiency in government's use of limited physical, fiscal, and human resources.

#### Part II; General Powers, Duties, and Definitions

Although no explicit policy changes are contained in this part, the definitions and powers support the overall comprehensive, progressive approach to transportation development. For example the terms "transportation facility," "transportation corridor," "transportation services," and "Florida Transportation System" define more broadly the concepts of legitimate transportation development activities of concern to the state.

Powers granted to the Department are largely consistent with existing authority. But the Department is given greater flexibility and discretion in the areas of contracting and property acquisition and disposal. Annual reporting requirements to the Governor and Legislature are expanded to include a comprehensive assessment of the status of the Florida Transportation System and progress made by the Department to meet major financial and program objectives.

Chapter 335  
Transportation Planning, Programming, Finance and Budget

Part I; Transportation Planning

This part is a significant departure from the transportation planning provisions of the current statutes. Important policy issues include:

1. Requires a anticipatory planning process; i.e., driven by a desired state development plan as opposed to the historical reactive process.
2. Utilizes transportation planning and programming as a significant control mechanism to bring about achievement of state growth management objectives.
3. Continues to require a state transportation plan (now called Florida Transportation Plan) but prescribes that it shall be used to chart the course and provide guidelines for statewide transportation planning and programming by all jurisdictions. Mandates conformance of all jurisdictional plans to the Florida Transportation Plan and requires review and approval by the department.
4. Specifies certain elements of the Florida Transportation Plan including, but not limited to, policies and guidelines; corridor improvements; modal plans; Five Year Program Plan; and performance monitoring.
5. Provides greater emphasis on modal alternatives, particularly in designated corridors. Mandates development of methodologies to assess the appropriate balance or mix of modes.
6. Closes the present gap between planning and programming by requiring a program plan element that directs programming and budgeting efforts in conjunction with implementation of the Florida Transportation Plan. Changes the name of the Work Program to the "Five Year State Transportation Program."
7. Assures monitoring of program performance and project implementation to determine compliance with and effectiveness of the Florida Transportation Plan.

8. Prescribes and emphasizes the importance of regional transportation planning; spells out transportation planning requirements of Regional Planning Councils; and directs MPOs in contiguous urbanized areas to form a single MPO or establish an Urbanized Area Regional Steering Committee.
9. Specifies that the Department review transportation components of other plans such as for power plant and transmission line siting, DRIs, areas of critical concern, comprehensive regional policy plans, and coastal zone management plans.

## Part II; Transportation Programming, Finance, and Budget

This part consolidates, defines, and expands the Department's programming, finance, and budgeting functions. Specific changes are highlighted below:

### Section I: Integration with Planning

Recognizes that the Department's programming and budgeting processes are to be integrated with the planning function.

### Section II: Finance Process

- C. Changes process of developing Five Year Transportation Program as follows:
  1. Requires funds allocation formula; report to Governor and Legislature every 5 years.
  2. Adds PTO projects to summary reports that previously contained only construction and right-of-way land categories.
  3. Adds "Program Plan" to the Statewide Public Hearing; changed notification requirements.
  4. Clarifies language establishing what the "Adopted Five Year Transportation Program" may contain.
  5. Broadens Department's authority to amend adopted program; prescribes process whereby the Legislature is notified of amendments to adopted work program.
- D. Establishes philosophical relationship between budgets, plans, and programs; provides enabling legislation for the following:
  1. Cash flow management.
  2. Special handling of appropriations for capital transportation projects and for maintenance projects.
  3. Authority for the Executive Office of the Governor to expedite departmental requests to transfer positions and appropriations among budget entities.

- E. Establishes basis and scope, for the first time, of a monitoring and evaluation process to include financial and budgetary performance.
- F. Redefines budget requirements for the Florida Turnpike such that the budget for capital transportation projects is no longer filed as a legislative request but merely as information.

### Section III: Trust Funds, DOT

This section creates each of the Department's Trust Funds, refers to those that may be established via the Administration Commission, and provides the general purpose and use of each. The section recognizes the current structure of Trust Funds by defining them in some cases to a higher degree than previously, and by placing them all in one section. However, the following policy changes are also included:

1. Provides a list of programs eligible for reimbursement from the State Transportation Trust Fund (STTF).
2. Allows use of Advanced Construction of the Interstate (ACI) funds for projects off the designated Interstate System when the project is required by federal agreement.
3. Allows use of ACI funds on Skyway Bridge project without a federal agreement.
4. Creates a Right-of-way Revolving Trust Fund.
5. Eliminates Public Transportation Trust Fund.

### Section IV: Trust Funds, Local Government

This section adopts current language for county and municipal transportation finance, but a section is added to provide cash flow management authority and to require development of an efficient financial planning process.

### Section V:

Establishes basis for Department's Budget Allocation Plan, internal budgetary controls, and cash flow monitoring.

Section VI:

This section redefines several requirements that deal with the "covenant" process associated with pledging the proceeds of the STTF. The redefinition accounts for project scope changes after covenant, accounts for the use of funds that are surplus to the project and distinguishes the covenant-to-complete from covenant-to-maintain-and-operate.

Section VII:

This section adopts current language associated with local contributions and Departmental advances, but language is added authorizing the Department to advance funds for any lawful transportation purpose and to participate in projects for the general development of transportation facilities.

Chapter 336  
Role and Direction of Modal Alternatives

Part I; Roads

This part includes the following policy changes:

1. Redefines all routes as roads; eliminates the present statutory limit on miles on the state road system as no longer relevant; and provides that road needs and the State Road Plan element of the Florida Transportation Plan are to be consistent with the state planning and growth management objectives and the element must include approved local and regional plans.
2. Guiding principles, consistent with priorities set forth in 334 Part I, are established for the Department in carrying out its role as the overseer of the State Road System.
3. Functional classification procedures are modified to require functional evaluations every 5 years; provides that the functional classification process carries with it the assignment of jurisdictional responsibilities; and provides that roads transferred through the functional classification process will not be abandoned without the Department's consent.
4. Clarification of Department's authority to employ the use of revenue bonds for state roads is provided.
5. Requirement to develop bicycle and pedestrian facilities.

Part II; Transit

1. Transit is defined to include bus transit services, fixed guideway transit and paratransit forms of transportation.
2. The Department may develop and administer standards concerning management, performance, and safety of all governmentally-owned transit systems.
3. The Department is authorized to fund specified transit operating costs up to 50 percent of net costs, subject to certain conditions.
4. State funding ratios established by the 1983 Legislature are reaffirmed; the Legislature shall continue to have approval authority over funding ratios and maximum state contributions for specific projects.
5. The Department may advance funds to local sponsors for capital projects that would enhance the local revenue base and overall financial stability of local transit systems.

### Part III; Aviation

Since the role and direction of the Aviation mode is not contained in the current statutes, this entire part represents a policy change. In general, the provisions suggested in this part are similar to current Departmental rules governing aviation involvement.

Notable policy changes include:

1. Incorporation of the Aviation System Plan element into the Florida Transportation Plan.
2. Development of a Five Year Aviation and Airport Construction and Implementation Plan, consistent with the Florida Transportation Plan, and its incorporation into the Department's Five Year Transportation Program.
3. Authority for the Department to provide capital assistance subject to these limitations: (a) 50 percent of the nonfederal share or (b) 12.5 percent of the total project cost.
4. Authority for the Legislature to modify restrictions on State capital assistance for specific projects.
5. Authority for the Department to advance funds to local airport sponsors for capital improvements where such support would enhance the fiscal position of the facility.

### Part IV; Rail

Since the role and direction of the Rail mode is not contained in the current statutes, this entire part represents a change from current policy. The provisions are similar in concept to other non-highway modes and support the increased emphasis on multimodal programs.

Notable policy changes include:

1. Preparation of a Rail System Plan element to be incorporated into the Florida Transportation Plan. Preparation of a Five Year Rail Construction and Implementation Plan and incorporation into the Department's Five Year Transportation Program.
2. Authority to develop and implement a program of branch line continuance projects where analysis indicates that public involvement is warranted.
3. Authority to provide new rail services and equipment where analysis indicates a public need, subject to other conditions.

4. Authority for the Department to request state funds for rail projects identified in the Rail System Plan if the project involves intercity or commuter rail services and has been approved by the Department.
5. Authority for the Department to provide financial assistance to eligible projects including capital improvements, relocation, right-of-way acquisition, and service development, subject to these limitations:
  - (a) Projects of Local Scope - 50 percent of the non-federal share for capital projects, and 50 percent of the net operating costs for service development projects.
  - (b) Projects of Statewide Scope - 100 percent of the non-federal share for capital projects and 100 percent of the net operating costs for service development projects.
  - (c) Right-of-Way Projects - 100 percent of the acquisition of right-of-way for future corridors.

#### Part V; Ports, Waterways, and Pipelines

Since the role and direction of these modes are not contained in the current statutes, this entire part represents a policy change. The provisions are similar in concept to the other non-highway modes and support the increased emphasis on multimodal programs.

Notable policy changes include:

1. Preparation of a Waterports, Waterways, and Pipeline Systems element of the Florida Transportation Plan.
2. Promotion of the development and preservation of waterport facilities consistent with the Florida Transportation Plan.

#### Chapter 337 State Transportation Program Implementation

#### Part I; Administration

Policy changes in this part focus on granting greater flexibility to the Department concerning contracting procedures. Additional authority is given the Secretary, in cooperation with the Executive Office of the Governor, to initiate management and technical training programs for employers and to transfer funds and positions among budget entities. No changes have been made to the contract crime bill passed during the 1983 Legislative session.

Specific policy changes include:

1. Provides for the use of sealed proposals and incentive payments for construction and maintenance contracts in order to enhance opportunities for socially and economically disadvantaged firms.
2. Clarifies when a supplemental agreement may be used to extend the physical limits of a project and removes the limitation of 10 percent of the original contract amount for projects exceeding \$100,000 in cost.
3. Removes the limitation on change orders which was formerly \$25,000 or one percent of the original contract price.
4. Requires contractor to make interest payments to the Department when he delays submission of final payment documents required by the contract.
5. Requires the third member of the Arbitration Board to be an independent arbitrator, limits the term of the other two members, provides for payment of independent arbitrator and increases the amount that can be arbitrated from \$50,000 to \$75,000 per contract.
6. Provides certificates of qualification are subject to the provisions of Section 120.57.
7. Removes bonding requirement for contracts less than \$150,000 except contracts for the demolition or removal of personal property.
8. Allows DOT to require a performance bond of professional service contractors.
9. Recognizes importance of employee development and improvement and authorizes programs and policy for personnel development.
10. Provides authority for the Executive Office of the Governor to expedite departmental requests to move funds and positions among budget entities and establishes a geographic mobility program for Department personnel.
11. Provides for emergency contracting, which would not be applicable to competitive bidding provisions of existing statutes.

## Part II; Preconstruction and Construction

Policy changes are suggested for several areas covered by this part, but major emphasis is placed on means for property acquisition and disposal. This emphasis is consistent with concerns for growth management, reducing future facility costs, and providing flexibility to accommodate multimodal transportation facilities.

Specific policy changes include:

1. To provide increased flexibility to the Department in the development of highway noise abatement techniques where feasible along highway corridors.
2. To provide for the development of separate off-site environmental mitigation (correction) projects by other agencies and allow for funds to be spent appropriately.
3. To provide that the advisory committee appointed by the Secretary to aid in the development of uniform minimum standards be expanded to include a professional engineer representing private development from each district. Added requirement that the regulating authority (state, county or city) have a professional engineer approve (sign/seal) all design plans to facilitate accountability.
4. To develop requirements for the signing/sealing of Department and consultant-prepared plans to facilitate accountability and to comply with a requirement of the 1983-84 General Appropriations Act.
5. To provide for the development of a pavement management system which complies with previous commitments to the Florida Legislature.
6. To recognize that other agencies have been empowered to protect the environment by regulations and control and that the activities of the Department should be consistent with those goals and regulations. The Department should regulate the activities of others only to insure that its transportation functions are not impaired.
7. To develop a method of notifying counties and local governmental authorities of the Department's intentions in regard to future right of way acquisition for transportation facilities in order to secure the assistance and cooperation of counties and local governments in reserving right of way for transportation corridors.
8. To develop broad powers of property acquisition by purchase or eminent domain to permit the Department more flexibility in right-of-way acquisition and to accommodate multi-modal transportation facilities, including:
  - (a) To recognize the practical reality of cost to the public as justification for the necessity of acquiring property.
  - (b) To provide for cost savings by permitting whole acquisitions of property for right-of-way rather than partial takings. Remainders could then be assembled for other transportation purposes or conveyed to others for other public purposes.

- (c) To provide for early acquisition of right-of-way before design or construction plans are developed in order to reduce costs by the banking of land for future use.
9. To provide a more practical method of the disposal of surplus property by allowing exchanges with other properties or transfers of property when in the public interest.
  10. To develop a uniform method of evidencing title when property is acquired or conveyed by the Department, or transferred between governmental entities.
  11. To develop sufficient right of way acquisition authority to include right-of-way for utilities as part of a multi-modal transportation facility and to encourage the underground placement of such facilities in the corridors.
  12. To provide greater authority for the Department to acquire replacement housing by the power of eminent domain, if necessary, in both federal and nonfederal projects.
  13. To designate the Department as lead agency in development of relocation procedures.

#### Part III; Maintenance and Operations

Several policy changes are incorporated into this part to recognize the growing importance of maintaining state transportation facilities. Policy changes include:

1. Establishes maintenance as a vital transportation activity consistent with the program priorities set forth in Chapter 334, Part I.
2. Establishes the type of information regarding maintenance of the State Transportation System to be submitted to the Governor and Legislature as part of the Department's annual report described in 334.07.
3. Requires that the Department develop maintenance performance standards.
4. Requires that the Department and the Department of Corrections work cooperatively to develop contractual agreements for the use of prisoners to perform transportation maintenance work.
5. Encourages the Department to maximize the use of local governments and private enterprise in the performance of maintenance and operations duties.

6. Requires that bridge inspector supervisors must be professional engineers and certify and seal all bridge inspection reports.

#### Part IV; Turnpike

Policy changes in this part are not intended to affect any outstanding revenue bonds.

Policy changes include:

1. Authority for the Department to expand the existing turnpike system without the expressed approval of the Legislature.
2. Authority for the Department to negotiate for franchise operation of restaurants as opposed to public offering.

#### Part V; Transportation Authorities

This part is a simplification and consolidation of various local expressway authority statutes (formerly Chapters 348 and 349). Modifications to this part are not intended to alter any outstanding bonds or binding agreements. General powers currently granted to each existing expressway authorities are consolidated into a single section applicable to all local authorities. Unique language applicable to existing individual authorities is retained in sections for each authority.

Other policy changes include:

1. Requirement that an authority may make no changes in the operational characteristics of the toll operation which could impact the Department's personnel or finances without the Department's consent.

#### Chapter 338 Local and Regional Transportation Program Implementation

This chapter is reserved and scheduled for completion at a later date. Possible policy changes are unknown at this time.

Chapter 339  
Transportation Regulations

Part I; Uniform Traffic Control

All of existing Chapter 316 has been transferred to this Chapter and is contained in Parts I, II and III. This allows all important transportation regulations to be found in one location. Portions of the existing Chapter 316 relating to uniform traffic control are incorporated as this part.. Included are provisions under the jurisdiction of the Department and the Department of Highway Safety and Motor Vehicles. No significant changes have been made to portions of 316 administered by the Department of Highway Safety and Motor Vehicles.

Policy changes to portions of this part under the responsibility of the Department include:

1. Authority for the Department to make studies of any non-conforming traffic control device anywhere in the State and, after notification, remove such devices with DOT forces. Requirement to hold public hearing after notice is deleted.
2. Requires any railroad train approaching within 1320 feet of an at-grade railroad-highway crossing to sound an audible warning.
3. Requires that the annual maintenance cost of traffic control devices at public railroad-highway crossings be shared equally by the railroad company and the public authority having jurisdiction over the highway system at the crossing.
4. Clarifies that the Department, once having identified a hazardous crossing and notified the railroad to take corrective action, is not liable for subsequent damages that occur due to a failure of the railroad to remedy the hazardous condition.
5. Employees of public agencies and their agents are exempt from the minimum speed limit while travelling to and from or conducting work on the road if vehicles display required safety and warning devices.
6. Clarification that DOT is not liable for damages due to a railroad failing to remove hazards following DOT inspection and notification. This policy is consistent with intent of a no liability clause in current s. 351.36,.37.
7. Maximum road speed limit of 55 MPH is established by statute; the Legislature must amend the law for the speed limit to be changed.
8. Penalty for willful damage to or interference with traffic control device is second degree misdemeanor; no penalty now.

9. New and replacement speed limit signs shall show the limit in miles per hour and in kilometers per hour.

Part II; Equipment Specifications

No significant changes were made in this part.

Part III; Vehicle Weight and Safety

Significant changes include:

1. Provides that neither the Department nor the inspecting employee making motor vehicle inspections pursuant to 339.610(3) shall be held liable for damages for any defect in or failure or improper functioning of any equipment on such motor vehicle.
2. Provides authority for the Florida Highway Patrol, county sheriffs, and city police to enforce the maximum speed limit for railroad trains as established by the Department.

#### Part IV; Outdoor Advertising

The Task Force on Outdoor Advertising chaired by the Department has developed proposed legislation in anticipation of the sunset of Chapter 479. They will be revisiting certain policy issues. However significant proposed changes at this time include:

1. Modification of permit and license fees commensurate with the administrative costs of the program; deletion of requirement for out-of-state licensees to post performance bond.

#### Part V; Transit

No regulation of surface transit is contained in current statutes, therefore this entire part represents a policy change. Specific policy issues include:

1. For purposes of public safety, the Department adopts safety standards and criteria for fixed guideway and bus transit systems operated within the state. Standards shall apply to those systems for which the state has provided financial assistance.
2. The Department shall promulgate rules that delineate processes and procedures to be used in the application of the safety standards and criteria.
3. Each operator of an effected transit system shall certify, annually, to the Department that it is in compliance with the appropriate safety standards and criteria.

#### Part VI; Aviation

This part contains regulations pertaining to facility licensing and airport zoning. These regulations are in current statutes and only minor modifications have been made in the revised Code. No significant policy changes are proposed. The regulatory authority of the Department is clarified to allow for establishment and enforcement of safety standards relating to aircraft take-offs and landings at all airports.

#### Part VII; Rail

Significant policy issues include:

1. Requirement that any railroad train approaching within 1320 feet of an at-grade crossing shall sound an audible warning. Also contained within 339.1715(1).
2. Requirement that the annual maintenance cost of highway-railway grade crossing traffic control devices be shared equally among the railroad

and the public authority having jurisdiction over the highway at the crossing. Also contained within 339.1716(2).

3. Extension of authority for the Department's current railroad track safety inspection program to also include signals and related equipment, rolling stock (including locomotives) and operating practices.
4. Provision that the Department is not liable for any action or omissions in inspecting or failing to inspect railroad facilities.
5. Requirement that railroads are responsible for maintenance costs of all structures and components within the width of the rail ties (including highway surface and substructure) at each crossing. The public authority maintaining the road at the crossing is responsible for maintenance costs of the highway beyond the limits of the railway ties.

#### Part VIII; Ports, Waterways, Pipelines

This part will consist of miscellaneous regulations applicable to these modes which are found in various places in the current statutes. The objective is to consolidate all appropriate regulations dealing with transportation. Completion of this part is deferred until remaining portions of the proposed Code can be completed. It is unclear to what extent significant policy changes will ultimately be proposed; and development of same should occur in conjunction with other affected agencies.

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Florida  
House of Representatives

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Eighty-sixth  
Regular Session

since Statehood in 1845

April 3 through June 1, 1984

**Including a record of transmittal of Acts subsequent to sine die adjournment**

powers and duties of the Department of Environmental Regulation and the Department of Community Affairs; providing for the applicability of the act and for franchises and certification components, providing for requests for proposals, providing for franchise applications, providing fees; providing for notice of intent, providing for a franchise and environmental review committee, providing for the powers and duties of hearing officers; providing for local government hearings, providing for reports and studies, providing for notice, proceedings, parties, and participants, providing for alternate corridors, providing for the final disposition of certification applications, providing for modification of a franchise, providing for the assessment of the franchise component, providing for conditions precedent to the award of a franchise, providing for the effect of a franchise, providing for the recording of notice of a certified corridor route, providing for revocation or suspension of a franchise, providing for the imposition of administrative fines, providing for superseded laws, regulations, and certification power, providing that certification is admissible in eminent domain proceedings, providing for participation by women and socially and economically disadvantaged individuals, amending s 110.205, F S, providing exemptions from career service, providing for ad valorem taxation of certain property, providing that nothing in the act prohibits a local government from assessing certain fees and service charges with respect to the rail line, transit station appurtenant building or transit station, providing an effective date.

—was read the second time by title. On motion by Rep Gustafson, the rules were waived and the bill was read the third time by title. On passage, the vote was

Yeas—112

The Chair	Deutsch	Kutun	Rochlin
Abrams	Drage	Lawson	Ros
Armstrong	Dudley	Lehtinen	Sample
Arnold	Dunbar	Lewis	Sanderson
Bailey	Easley	Liberti	Sansom
Bankhead	Evans-Jones	Lippman	Selph
Bass	Friedman	Locke	Shelley
Bell	Gallagher	Logan	Silver
Brantley	Gardner	Mackenzie	Simon
Bronson	Gordon	Martin	Simone
Brown, C.	Grant	Martinez	Smith
Brown, T. C.	Grindle	McEwan	Spaet
Burke	Gustafson	Meffert	Stewart
Burnsed	Hanson	Messersmith	Thomas
Burrall	Harris	Metcalf	Thompson
Carlton	Hawkins, L R	Mills	Titone
Carpenter	Hawkins, M E	Mitchell	Tobiasen
Casas	Hazouri	Morgan	Tobin
Clark	Healey	Murphy	Upchurch
Clements	Hill	Nergard	Wallace
Combee	Hodges	Patchett	Ward
Cortina	Hollingsworth	Peeples	Watt
Cosgrove	Jamerson	Press	Webster
Crady	Johnson, B L	Ready	Weinstock
Crotty	Johnson, R C	Reaves	Wetherell
Danson	Johnson, R M	Reddick	Williams
Dantzler	Jones, D L	Reynolds	Woodruff
Davis	Kelly	Robinson	Young

Nays—None

Votes after roll call

Yeas—Shackelford, Hargrett

So the bill passed and was immediately certified to the Senate

↳ SB 352—A bill to be entitled An act relating to transportation and matters connected therewith; providing that chapters 334-339, 341, 348, and 349, F S, constitute the "Florida Transportation Code"; amending and revising chapter 334, F S, relating to transportation administration, amending and revising chapter 335, F S, relating

to the state highway system, amending and revising chapter 336, F S, relating to the county road system, amending and revising chapter 337, F S, relating to the Department of Transportation, contracts, acquisition and disposal of property, and utilities, amending and revising chapter 338, F S, relating to limited access and toll facilities; amending and revising chapter 339, F S, relating to transportation finance, planning, and miscellaneous provisions, repealing chapter 340, F S, relating to the "Florida Turnpike Law", amending and revising chapter 341, F S., relating to public transit and to airport development and assistance, amending various provisions of Florida Statutes to correct cross-references and to otherwise conform to the provisions of this act, providing an effective date

—was read the second time by title

Rep Gustafson offered Amendment 1, striking everything after the enacting clause and inserting the text of a new bill. On motion by Rep Gustafson, without objection, the rules were waived and the House dispensed with the printing of the amendment in the Journal due to its length. Rep Gustafson moved the adoption of the amendment, which was adopted without objection.

Representative Gustafson offered the following title amendment

Amendment 2—On page 1, lines 1-27, strike the title, and insert: An act relating to transportation and matters connected therewith; providing that chapters 334-339, 341, 348, and 349, F.S., constitute the "Florida Transportation Code"; amending and revising chapter 334, F S, relating to transportation administration, amending and revising chapter 335, F S, relating to the state highway system, amending and revising chapter 336, F S, relating to the county road system, amending and revising chapter 337, F S, relating to the Department of Transportation, contracts, acquisition and disposal of property, and utilities, amending and revising chapter 338, F.S, relating to limited access and toll facilities, amending and revising chapter 339, F S, relating to transportation finance, planning, and miscellaneous provisions, repealing chapter 340, F S, relating to the "Florida Turnpike Law", amending and revising chapter 341, F S, relating to public transit and to airport development and assistance, amending various provisions of Florida Statutes to correct cross-references and to otherwise conform to the provisions of this act, providing an effective date.

Rep Gustafson moved the adoption of the amendment, which was adopted without objection.

Representative Gustafson offered the following amendment

Amendment 3 (applies to Amendment 1)—On page 55, line 31; on page 56, lines 1-31; and on page 57, lines 1-9, strike all of said lines and insert: 335.13 Regulation of advertising signs —

(1) ~~No person shall erect any billboard or advertisement adjacent to the right of way of the state highway system, outside the corporate limits of any city or town, except as provided for in chapter 479.~~

(1) (a) (2) No person shall erect any sign, as defined in chapter 479, billboard, advertisement, advertising sign, advertising structure or light within the right-of-way limits of any road on the interstate highway system, the federal-aid primary highway system, in the state highway road system, the state park road system, or the county road system or any municipal connecting link thereof, however, the Department of Transportation is authorized to adopt rules and regulations concerning the placement of signs, canopies, and other overhanging encroachments along and over any state roads which are within corporate limits of municipalities, or which are of curb-and-gutter construction outside municipalities corporate limits, provided no supports are located within the right-of-way.

(b) The department shall have the authority to direct immediate removal of any violations of paragraph (a) as provided herein.

1 Removal of a sign from the right-of-way of the interstate highway system, the federal-aid primary highway system, the state park

road system or the state highway system shall be in accordance with the provisions of chapter 479

2. If a sign or light is located on the right-of-way of the county road system in violation of paragraph (a), the department shall direct immediate removal. However, if the value of the sign the above section. However, in the event the value of the billboard, advertisement, advertising sign, advertising structure or light is greater than \$500 and bears thereon the name of such the owner or person or firm whose advertisement is on the sign, such sign, no such billboard, advertisement, advertising sign, advertising structure or light shall not be removed until such the owner or person or firm thereof, as shown thereon, shall have received a 30-day notice as provided by chapter 479

(c) The Division of Road Operations of the department may not authorize the erection of signs where such signs are prohibited by the local governmental entity having jurisdiction. any municipality

(2) (b) (a) The provisions of subsection subsections (1) and (b) shall not apply to benches or transit shelters, or advertising thereon, on the right-of-way of any municipal, county, or state road, except a limited-access highway, which benches or shelters have been erected for the safety, comfort, or convenience of schoolchildren and the general public or at designated stops on official bus routes, provided written permission has been secured from the appropriate local governmental entity pertinent political subdivision and such benches or transit shelters do not interfere with right-of-way preservation and maintenance

Rep Gustafson moved the adoption of the amendment, which was adopted without objection

Representatives Selph, Mitchell, Hollingsworth, R C Johnson, Clements, Smith, Thompson, Kelly, Locke, Ready, Williams, Ward, Crotty, Webster, Drage, Dunbar, Combee, Woodruff, D L Jones, Ogden, and Dudley offered the following amendment

Amendment 4—On page 61, lines 1-27, strike all of Section 50, and insert a new Section 50 Section 50 Section 335 14, Florida Statutes, is amended to read:

335 14 Traffic devices on state highway system or state park road system—All traffic control devices installed on any road on the state highway system or state park road system shall conform to the uniform system of traffic control devices adopted pursuant to s. 316 0745 The Department of Transportation shall designate and prescribe the location, form, and character of informational, regulatory, and warning signs, curb and pavement or other markings, and traffic signals installed or placed by any public authority, or other agency, upon any road in the State Highway System or State Park Road System. No such device such sign, marking, or signal shall be installed on the state highway system located or placed without the approval of the department and, if a federal aid road, the additional concurrence of the Federal Highway Administration. Any such device installed sign, marking, or signal placed without said the approval of the department with concurrence of the Federal Highway Administration when requested may be removed; without payment to the owner erecting authority, if, upon request of the department, the owner erecting authority refuses to remove such device sign, marking, or signal Subject to approval by the Federal Highway Administration, all new or replacement speed limit signs erected by the department of Transportation shall show the legal speed limit both in miles per hour and in kilometers per hour

Rep Selph moved the adoption of the amendment, which was adopted The vote was:

Yeas—64

Bass	Carpenter	Dantzler	Gardner
Bell	Clements	Davis	Grant
Brantley	Combee	Drage	Grindle
Brown, T. C.	Crady	Dudley	Hanson
Burnsed	Crotty	Dunbar	Hawkins, M. E
Burrall	Danson	Easley	Hazouri

Hill	Locke	Ready	Smith
Hodges	Martin	Reddick	Thompson
Hollingsworth	Martinez	Reynolds	Tobin
Johnson, B L	Meffert	Robinson	Upchurch
Johnson, R C	Messersmith	Ros	Ward
Johnson, R M	Mills	Sample	Watt
Jones, D L	Mitchell	Sanderson	Webster
Kelly	Nergard	Selph	Wetherell
Lawson	Ogden	Shelley	Williams
Lewis	Pajcic	Simone	Woodruff

Nays—42

Abrams	Figg	Lippman	Shackelford
Armstrong	Friedman	Logan	Simon
Bailey	Gustafson	Mackenzie	Spaet
Bronson	Hargrett	McEwan	Stewart
Burke	Harris	Metcalf	Titone
Carlton	Hawkins, L R	Morgan	Tobiasen
Casas	Healey	Murphy	Wallace
Clark	Jamerson	Peoples	Weinstock
Cortina	Kutun	Press	Young
Deutsch	Lehtinen	Reaves	
Evans-Jones	Liberti	Rochlin	

Votes after roll call

Yeas—Bankhead, Arnold  
Nays to Yeas—Stewart

On motion by Rep Gustafson, the rules were waived and SB 352, as amended, was read the third time by title

Representatives Thompson, Hodges, Hollingsworth, Mitchell, Ward, Locke, Crady, and Lawson offered the following amendment

Amendment 5 (applies to Amendment 1)—On page 44, line 11, strike "However, this provision" and insert Prior to resurfacing such roads the governing body of the county shall certify that it has the financial ability to maintain the road. If the department and county are unable to agree on the county's financial ability, the county shall have the right to administrative and judicial review as provided in chapter 120 In determining the county's ability to maintain the road the hearing officer, or court shall consider whether the county has imposed the taxes as provided in s. 336 021 and 336 025, and the level of ad valorem property taxes imposed by the county for transportation purposes In the event it is determined that the county does not have the financial ability to maintain such road, the department shall continue the maintenance of the road if it serves a significant inter-regional benefit to the state highway system and the department receives a specific legislative appropriation for maintenance of such road. For roads transferred prior to the effective date of this act, a county may seek an administrative or judicial review in accordance with chapter 120 if there is disagreement as to the condition of the road or the financial ability of the county to maintain said road. However, this subsection

Rep. Thompson moved the adoption of the amendment, which was adopted by two-thirds vote The question recurred on the passage of SB 352 The vote was

Yeas—115

The Chair	Burnsed	Danson	Gardner
Abrams	Burrall	Dantzler	Gordon
Armstrong	Carlton	Davis	Grant
Arnold	Carpenter	Deutsch	Grindle
Bankhead	Casas	Drage	Gustafson
Bass	Clark	Dudley	Hanson
Bell	Clements	Dunbar	Hargrett
Brantley	Combee	Easley	Harris
Bronson	Cortina	Evans-Jones	Hawkins, L R.
Brown, C	Cosgrove	Figg	Hawkins, M E.
Brown, T C	Crady	Friedman	Hazouri
Burke	Crotty	Gallagher	Healey

October 31, 1983

CHAPTER TITLES

- 334 TRANSPORTATION ADMINISTRATION
- 335 STATE HIGHWAY SYSTEM
- 336 COUNTY ROAD AND CITY STREET SYSTEMS
- 337 DEPARTMENT OF TRANSPORTATION CONTRACTS; ACQUISITIONS AND  
DISPOSAL OF PROPERTY; UTILITIES
- 338 LIMITED ACCESS, BRIDGES, AND TOLL FACILITIES; UTILITIES  
EXPRESSWAY, AND TRANSPORTATION AUTHORITIES
- 339 TRANSPORTATION FINANCE, PLANNING, AND MISCELLANEOUS  
PROVISIONS
- ~~340~~ ~~TURNPIKE PROJECTS~~ (Move to 338)
- 341 PUBLIC TRANSIT
- ~~348~~ ~~EXPRESSWAY AUTHORITIES~~ (Move to 338)
- ~~349~~ ~~JACKSONVILLE TRANSPORTATION AUTHORITY~~ (Move to 338)

Note: ~~Over-strike~~ - Deletions from existing law.

Underscore - Additions to existing law.

These changes will not appear until after 1985 Session.

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October 31, 1983

TRANSPORTATION CODE

<u>NEW</u>	<u>TITLE</u>	<u>OLD</u>
316	STATE UNIFORM TRAFFIC CONTROL	
316.1305	Fishing from state road bridges; walkways authorized.	339.27
334	TRANSPORTATION ADMINISTRATION	
334.01	Short title.	N.C.
334.02	Declaration of legislative intent.	N.C.
334.02(11)	Declaration of legislative intent.	339.091
334.021	Integrated balanced state highway system; definitions.	N.C.
334.03	Definitions of words and phrases.	N.C.
334.045	Service of process upon department.	337.20
334.046	Agency of the state.	337.21
334.05	Headquarters of department; rental of office room, etc.	N.C.
334.063	Department of Transportation; statistical studies.	N.C.
334.131	Department of Transportation; employees' benefit fund.	N.C.
334.14	State highway engineer, deputy and assistants; compensation and duties.	N.C.
334.17	Engineering consulting services.	N.C.
334.171	State to assist counties and municipalities; procedure.	N.C.
334.18	Department to employ legal counsel.	N.C.

October 31, 1983

<u>NEW</u>	<u>TITLE</u>	<u>OLD</u>
334.19	Emplovment of comptroller and internal auditor; duties; financial records and accounts; and bond for comptroller.	N.C.
334.195	Conflict of interest; solicitation prohibited.	337.045
334.196	Microfilming of records by department.	339.32
334.197	Copy of laws to be furnished to department.	339.34
334.216	Multi-mode transportation corridor advisory board: state participation.	23.055
334.22	Annual reports.	N.C.
334.24	Road appraisal reports; research studies.	N.C.
334.25	Seal of department.	N.C.
335	STATE HIGHWAY SYSTEM	
335.01	Designation and systemization of public roads.	N.C.
335.02 (1),(2)	Authority to designate roads and delineate right-of-way for proposed roads of the state highway system.	N.C.
335.03	Interstate highways; designation.	N.C.
335.035	Completion of interstate highway system.	337.34
335.04	Functional classification plan for roads; responsibilities of department.	N.C.
335.05	Certain streets designated as municipal connecting link roads.	N.C.
335.06	State park road system.	N.C.

October 31, 1983

<u>NEW</u>	<u>TITLE</u>	<u>OLD</u>
335.065	Bicycle trails and footpaths along state roads.	N.C.
335.07	Sufficiency rating of roads.	N.C.
335.072	State bridges, authority to erect; procedure.	338.07
335.074	Safety inspection of bridges.	338.071
335.076	Cooperation with adjoining states as to connecting bridges.	338.08
335.08	Numbering public roads.	N.C.
335.09	Uniform marking and erection of signs; historical points of interest.	N.C.
335.0905	Road signs may be manufactured at state prison.	339.33
335.091	Blue Star Memorial Highway designation.	N.C.
335.092	Everglades Parkway scenic highway.	N.C.
335.10	Regulation of use of state roads; civil liability for injury thereto.	N.C.
335.101	Trees and shrubbery; removal or damage; penalty.	339.25
335.11	Determination of speed.	N.C.
335.12	Vehicle size and weight controlled.	N.C.
335.13	Regulation of advertising signs.	N.C.
335.14	Traffic devices on State Highway System or State Park Road System.	N.C.
335.141	Elimination of railway-highway crossing hazards.	338.21
335.142	Railroad tracks and related equipment; safety rules; penalties.	351.35

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<u>NEW</u>	<u>TITLE</u>	<u>OLD</u>
335.143	Railroad safety inspections and inspectors.	351.36
335.144	Railroad safety; legislative intent.	351.37
335.15	Detour roads.	N.C.
335.16	Wayside parks and access roads to public waters.	N.C.
335.165	Welcome stations.	339.09 (2) (3)
335.17	State highway construction; use of noise-control methods.	N.C.
335.18	Regulation of connections.	N.C.
336	COUNTY ROAD AND CITY STREET SYSTEMS	
336.01	Designation of county road system.	N.C.
336.02	Responsibility for county road system.	N.C.
336.021	County transportation system; levy of voted gas tax on motor fuel and special fuel.	N.C.
336.022	County transportation trust fund; controls and administrative remedies.	339.083
336.023	Use by counties of the surplus from the constitutional gas tax.	339.089
336.024	Distribution of constitutional gas tax.	339.08 (6)
336.025	County transportation system; levy of local option gas tax on motor fuel and special fuel.	N.C.
336.03	County engineer; duties and compensation.	N.C.

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<u>NEW</u>	<u>TITLE</u>	<u>OLD</u>
336.04	Superintendent of county roads; duties and compensation.	N.C.
336.045	Uniform minimum standards for design, construction and; maintenance advisory committees.	335.075
336.05	Naming of county roads; recordings.	N.C.
336.06	Signboards to be placed at public road crossings.	N.C.
336.08	Relocation or change of roads.	N.C.
336.09	Closing and abandonment of roads; authority.	N.C.
336.10	Closing and abandonment of roads; publication of notice.	N.C.
336.11	Closing and abandonment of roads; ratification of prior actions.	N.C.
336.12	Closing and abandonment of roads; termination of easement; conveyance of fee.	N.C.
336.14	County road districts.	N.C.
336.15	Special tax road districts; establishment; election.	N.C.
336.16	Notice of election to be published.	N.C.
336.17	Ballot.	N.C.
336.18	Commissioners to canvass returns.	N.C.
336.19	Qualification of electors.	N.C.
336.20	Elections held biennially.	N.C.
336.21	Districts to continue until abolished.	N.C.

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<u>NEW</u>	<u>TITLE</u>	<u>OLD</u>
336.22	Election governed by general election laws.	N.C.
336.23	Control of roads in special tax road districts.	N.C.
336.24	Trustees to have supervision of all district roads.	N.C.
336.25	Duty of trustees.	N.C.
336.26	Trustees a corporation.	N.C.
336.27	Bridge approaches; special powers of bond trustees in small counties.	N.C.
336.28	County special road and bridge districts; establishing procedure.	N.C.
336.29	Commissioners to order election; qualification of electors.	N.C.
336.30	Notice of election; laws applicable; appointment of inspectors; certification conclusive.	N.C.
336.31	Election limitation; order creating district; use of special taxes; bond election required.	N.C.
336.32	Prospective and retroactive validation of districts.	N.C.
336.33	Advertising for bids; awarding contracts; provisos.	N.C.
336.34	Supervision of construction under commissioners; condemning land and material for work; roads in municipalities.	N.C.
336.35	Construction of additional roads and bridges.	N.C.
336.36	Abolition of districts; restriction.	N.C.

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<u>NEW</u>	<u>TITLE</u>	<u>OLD</u>
336.37	Special road, bridge and ferry districts; petition; law applicable.	N.C.
336.38	Election to be called.	N.C.
336.39	Contracts for ferries; bids; bonding.	N.C.
336.40	County commissioners may acquire necessary materials; procedure.	N.C.
336.41	Counties; employing labor and providing roads equipment; definitions.	N.C.
336.42	County convicts may be put to labor.	N.C.
336.43	Counties; guards for convicts.	N.C.
336.44	Counties; contracts for construction of roads; procedure; contractor's bond.	N.C.
336.45	Counties; joint construction of bridges with railroads.	N.C.
336.46	County commissioners, power of eminent domain; purchase agreements; pavement.	N.C.
336.465	Right-of-way furnished by counties; eminent domain; contracts with department; bond.	337.28
336.467	County-State right-of-way acquisition agreements.	339.08 (4) (c)
336.47	County bridges, authority to construct, acquire; joint bridges; double-decking bridges.	N.C.
336.48	County bridges built under special law.	N.C.
336.49	Counties; special road and bridge district bonds.	N.C.

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<u>NEW</u>	<u>TITLE</u>	<u>OLD</u>
336.50	Assessment of tax for sinking fund and interest.	N.C.
336.51	Use of surplus of proceeds of bonds.	N.C.
336.52	Time warrants.	N.C.
336.53	Payments for construction by special road and bridge tax; issuing warrants; amounts of warrants.	N.C.
336.54	Annual assessment and collection of taxes.	N.C.
336.55	Method of assessment, equalization and collection of taxes.	N.C.
336.56	Special maintenance tax.	N.C.
336.57	Proportion of general tax to special district.	N.C.
336.58	Validation of bonds.	N.C.
336.59	Levy of tax for road and bridge purposes; proportion to municipalities.	N.C.
336.60	Gates across county roads; permit.	N.C.
336.61	Definitions.	N.C.
336.62	Alternative method of establishing special road and bridge districts.	N.C.
336.63	District board; powers.	N.C.
336.64	Special road tax.	N.C.
336.65	Repair and maintenance of roads and bridges; special assessment.	N.C.
336.66	Method of abolition of district.	N.C.

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<u>NEW</u>	<u>TITLE</u>	<u>OLD</u>
336.67	Provisions of sections applicable.	N.C.
337	DEPARTMENT OF TRANSPORTATION CONTRACTS; ACQUISITIONS AND DISPOSAL OF PROPERTY; UTILITIES	
337.01	Authority of department to acquire equipment.	N.C.
337.02	Purchases subject to competitive bids; advertisement; emergency purchases.	N.C.
337.03	Department authorized to purchase surplus properties.	N.C.
337.04	Unlawful for certain persons to be financially interested in purchase; penalty.	N.C.
337.05	Sale of obsolescent highway equipment.	N.C.
337.106	Professional liability insurance required.	N.C.
337.11	Authority of department to contract; advertise; acquire rights-of-way; option; preservation of records.	N.C.
337.111	Department to purchase rights-of-way; hearings.	335.02 (3) (4)
337.112	Use of right-of-way for utilities subject to regulation; permit.	338.17
337.113	Damage to road caused by utility.	338.18
337.114	Relocation of utility; expenses.	338.19
337.115	Removal or relocation of utility facilities; notice and order; court review.	338.20
337.12	Unlawful for certain persons to be financially interested in	N.C.

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<u>NEW</u>	<u>TITLE</u>	<u>OLD</u>
	contracts; penalty.	
337.14	Application for qualification; certificate of qualification; restriction.	N.C.
337.141	Payment of contracts.	N.C.
337.143	Adjustment of contract price for bituminous material; providing legislative intent.	N.C.
337.145	Prior contracts validated.	339.35
337.15	Rehearing.	N.C.
337.16	Delinquent bidding, suspension and revocation of certificate; hearing.	N.C.
337.164	Legislative intent.	N.C.
337.165	Contract crime; denial or revocation of a certificate of qualification.	N.C.
337.166	Moneys recovered for violations of antitrust laws.	N.C.
337.167	Administrative procedures; stays and injunctions.	N.C.
337.168	Confidentiality of official estimates, identities of potential bidders, and bid analysis and monitoring system.	N.C.
337.17	Bid guaranty.	N.C.
337.18	Surety bonds required; defaults; damage assessments.	N.C.
337.19	Suits by and against department; limitation of actions; forum.	N.C.
337.22	Bid specifications on supplies.	N.C.
337.25	Acquisition, lease, and disposal of real and personal property.	N.C.

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<u>NEW</u>	<u>TITLE</u>	<u>OLD</u>
337.26	Execution and effect of instruments; no warranties.	N.C.
337.27	Rights-of-way acquired by Division of Administration; eminent domain; procedure; title; costs.	N.C.
337.271	Precondemnation negotiations.	N.C.
337.285	Unlawful commercial use of state-maintained road right-of-way; penalties.	339.301
337.29	Title to roads in State Highway, County Road, City Street, and State Park Road Systems; recording deeds and maps.	N.C.
337.32	State Road Arbitration Board.	N.C.
337.33	Qualifications of professional consultants; finding by the department.	N.C.
338	LIMITED ACCESS, AND TOLL FACILITIES: EXPRESSWAY, AND TRANSPORTATION AUTHORITIES	
338.01	Authority to establish limited access facilities.	N.C.
338.02	Designation; new and existing facilities; grade crossing eliminations.	N.C.
338.03	Design of limited access facility.	N.C.
338.04	Acquisition of property and property rights for limited access facility.	N.C.
338.045	Unlawful use of limited access facilities; penalties.	339.30
338.05	Authority of local units to consent.	N.C.
338.06	Local service roads.	N.C.

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NEW	TITLE	OLD
338.065	General motorist services signs, fee schedules.	335.145
338.12	Toll facilities; contracts for construction; franchises; supervision of construction.	N.C.
338.13	Toll facilities; purchase, lease, rent, or termination of.	N.C.
338.14	Division of Road Operations may contract with public project owners.	N.C.
338.15	Division of Road Operations may lease or rent toll bridges of counties and municipalities; exception.	N.C.
338.155	Payment of toll on toll facilities required; exemptions.	339.305
338.16	Certain toll bridges and toll roads prohibited.	N.C.
338.20*	Turnpike projects.	340.00
	Short title.	340.01
	Definitions.	340.011
	Purpose.	340.02
	Turnpike routes; study of proposed projects.	340.03
	Proposed new turnpike project.	340.031
	Proposed new projects in Brevard, Indian River, Lake, Orange, Osceola, and Seminole Counties.	340.032
	Proposed new turnpike projects in Broward, Collier, Dade, and Monroe Counties.	340.033
	General powers.	340.06

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<u>NEW</u>	<u>TITLE</u>	<u>OLD</u>
	Incidental powers.	340.07
	Cooperation of counties, other political subdivisions, and public agencies and officers with department.	340.08
	Consent of state to use its land.	340.09
	Certain sales prohibited.	340.091
	Eminent domain proceedings.	340.10
	Taking of public road for feeder road.	340.11
	Revenue.	340.12
	Bonds not debt or pledge of credit of state.	340.13
	Pledge not to restrict certain rights of department.	340.14
	Turnpike revenue bonds.	340.15
	Trust agreement.	340.16
	Refunding bonds.	340.17
	Trust funds.	340.18
	Remedies.	340.19
	Project, property, income, and bonds free from taxation.	340.20
	Bonds eligible for investment.	340.21
	Maintenance and repair of turnpike project; repairs or compensation for damaged private property.	340.22
	Traffic control.	340.23
	Cessation of tolls.	340.24
	Certified motor carriers.	340.25

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<u>NEW</u>	<u>TITLE</u>	<u>OLD</u>
	Unlawful for departmental agents and employees to be interested in certain contracts or sales involving department.	340.26
	Preliminary and other expenses.	340.27
	State officers and employees retirement.	340.28
	Additional method.	340.32
	Chapter liberally construed.	340.33
	Advertising.	340.32
	Budget to be furnished. executive office of the governor.	340.35
338.30*	Expressway authorities.	348.00
338.40*	Jacksonville Transportation Authority.	349.00
*Section numbers to be assigned later.		
339	TRANSPORTATION FINANCE, PLANNING, AND MISCELLANEOUS PROVISIONS	
339.035	Expenditures.	334.20
339.04	Disposition of proceeds of sale or lease of realty by Division of Administration.	N.C.
339.05	Assent to federal aid given.	N.C.
339.06	Division of Road Operations may amortize advancements from United States.	N.C.
339.07	National aid expended under supervision of Division of Road Operations.	N.C.
339.08	Use of tax revenue by department.	339.08 (1) (2) (4) (5) (7)

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<u>NEW</u>	<u>TITLE</u>	<u>OLD</u>
339.081	State Transportation Trust Fund; accounts.	N.C.
339.09	Use of gasoline tax revenues restricted.	339.09 (1) (4) (5)
339.092	Use of gas revenues; state roads money.	N.C.
339.10	Confirming advances of first gas tax funds to counties; authorizing advances of proceeds of part II, chapter 212 tax in the future.	N.C.
339.12	Contributions by state and county units; bond transfers; federal aid.	N.C.
339.125	Covenants to complete on revenue producing projects.	339.08 (3)
339.135	Budgets; preparation; adoption; execution; and amendment.	334.21
339.145	Working Capital Trust Fund created; expenditure of such funds, etc.	334.2105
339.147	Annual audit by Auditor General.	334.23
339.149	Performance audits.	334.235
339.155	Transportation planning.	334.211
339.165	Coordination of Central Florida Corridor planning.	334.212
339.175	Transportation planning organization.	334.215
339.195	Coordination of highway program; duties of department.	334.11
339.24	Beautification of roads by department, counties, and cities; wayside parks; rules and regulations; enforcement; penalty.	N.C.

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<u>NEW</u>	<u>TITLE</u>	<u>OLD</u>
339.241	Florida Junkyard Control Law.	N.C.
339.28	Injuring boundary marks, guideposts, etc.	N.C.
339.281	Marine accident report required for damage to bridge or highway facility; investigative authorities; adoption of rules; penalties.	N.C.
339.31	Obstructing highway.	N.C.
341	PUBLIC TRANSIT	
341.011	Short title.	N.C.
341.021	Legislative intent.	N.C.
341.031	Definitions.	N.C.
341.041	Duties and responsibilities of the Department.	N.C.
341.051	Administration and financing of public transit programs and projects.	N.C.
341.101	Purchase of mass transit facilities.	N.C.
341.102	Nonpublic-sector buses.	N.C.