

# CHAPTER 85-180

## Committee Substitute for House Bill No. 1392

An act relating to transportation; creating the "Transportation Reform, Accountability and Cooperation Act of 1985"; amending s. 288.063, F.S.; cross-referencing the definition of transportation facility to a definition in chapter 334, F.S.; amending s. 332.006, F.S.; authorizing the Department of Transportation to provide matching moneys to airport sponsors; amending s. 332.004, F.S.; amending the definition of an eligible agency; amending s. 332.007, F.S.; providing for funding with respect to the expansion of certain existing airports; amending s. 334.03, F.S.; amending the definition of a bridge; amending s. 20.23, F.S.; providing legislative intent; providing for decentralization; providing for contracting for transportation responsibilities; amending s. 334.046, F.S.; providing additional program objectives; amending s. 334.14, F.S.; providing that certain employees of the department be registered professional engineers; providing that the requirement for engineering registration does not apply to the incumbents of certain positions; amending s. 334.19, F.S.; providing qualifications and duties of the comptroller; amending s. 334.22, F.S.; providing the annual report of the department include an assessment of program impact and cost-effectiveness; amending s. 335.04, F.S.; providing that local governmental entities must maintain roads in accordance with approved federal guidelines; amending s. 335.09, F.S.; directing the Department of Transportation to erect and maintain a uniform system of traffic control devices; amending s. 335.14, F.S.; providing that computerized traffic systems and traffic control devices used solely for purposes of traffic control and surveillance are exempted from the provisions of chapter 282 and s. 287.073, F.S.; amending s. 336.045, F.S.; providing for minimum guidelines and requirements for curb ramps constructed after a certain time; creating s. 336.046, F.S.; requiring bus bench and transit shelter set back; amending s. 337.02, F.S.; providing that the Department of Transportation may purchase parts and repairs for certain equipment below a specified cost without competitive bids; amending s. 337.185, F.S.; providing that certain claims for additional compensation shall be arbitrated after acceptance of the project; providing for an honorarium for members of the State Arbitration Board; providing for the payment of a fee by the party requesting arbitration; amending s. 337.407, F.S.; requiring suppliers seeking to advertise on bus benches or transit shelters to obtain authorization from a city or county; creating s. 337.408, F.S.; requiring bus bench and transit shelter set back; amending s. 339.0805, F.S.; providing that socially and economically disadvantaged individuals or subcontractors may form joint ventures to submit competitive bids; amending s. 339.125, F.S.; providing that the department may advance available funds to pay for the cost of preparing preliminary engineering plans and cost estimates; amending s. 339.135, F.S.; providing that unexpended funds for certain programs remaining at the end of the fiscal year for which contracts have been executed and bids let may be certified forward as fixed capital outlay; amending s. 125.0165, F.S.; permitting application of discretionary sales tax revenue to a countywide bus system; amending s. 335.065, F.S.; requiring special emphasis in the planning of bicycle and pedestrian ways within one mile of an urban area; amending s. 337.16, F.S.; providing for the suspension or revocation of a contractor's certificate of qualification for delinquency; providing for notice of suspension or revocation and a right to a hearing; providing for a period of suspension; providing for disapproval as a subcontractor during the period of suspension; providing for revocation of a certificate of qualification for multiple suspensions; providing for a hearing; providing for revocation of a certificate of qualification for certain affiliates of a contractor whose certificate has been suspended or

revoked; providing that provisions of the act are applicable to future contracts; amending s. 337.18, F.S.; requiring that certain contracts which provide for incentive payments to the contractor for early completion or for additional damages for late completion be approved by the Secretary of Transportation or his designee; increasing the maximum daily amount of such incentives or damages; reducing the number of days for which such incentives may be paid or damages charged; providing for the adoption of rules; repealing s. 335.02(3), (4), F.S., as amended, relating to purchase of rights-of-way; creating part VI of chapter 163, F.S.; creating the "Metropolitan Transportation Authority Act"; providing intent and purposes; providing definitions; authorizing the creation of metropolitan transportation authorities; providing for membership thereon; providing for an executive director; providing for the preparation and ratification of regional ground transportation plans; providing for a referendum; providing for ballot language; providing purposes for metropolitan transportation authorities; providing powers and duties for metropolitan transportation authorities; authorizing the levy of up to 1 mill of ad valorem taxes for use by metropolitan transportation authorities; providing for bonds; providing remedies for bondholders; providing that the Department of Transportation may be appointed agent for the authority for construction purposes; providing for the acquisition of lands and property; providing for lease-purchase agreements; providing for refinancing; providing for cooperation with other units of government by the authority; providing for the covenant of the state; providing that bonds of the authority are eligible investments and security for certain purposes; providing a tax exemption; providing for resolution of conflicts with local transportation agencies; providing that this part supersedes statutes relating to the authority of local governments within the jurisdiction of an authority; providing for consolidation with expressway authorities; providing an exception; amending s. 163.340, F.S.; providing that metropolitan transportation authorities are excluded from the definition of public body or taxing authority for the purposes of the Community Redevelopment Act of 1969; creating s. 336.026, F.S.; authorizing imposition of a local option tax on motor and special fuel to be used by metropolitan transportation authorities for certain purposes; providing for distribution of revenues; providing for notification of the Department of Revenue; providing for collection and for application of administrative and penalty provisions of chapter 206; specifying that certain refund provisions shall not apply to the tax; declaring a need for a metropolitan transportation authority to function in the municipal planning organization consisting of Orange, Osceola and Seminole counties pursuant to the Metropolitan Transportation Authority Act; creating s. 335.20, F.S., the "Local Government Transportation Assistance Act"; providing legislative intent; providing for financial assistance to local governments for certain transportation needs; providing for screening of applications; providing for eligible expenses; providing for criteria for ranking applications; providing a distribution formula; providing a funding ratio; amending s. 336.025, F.S., increasing the time period that the local option gas tax is imposed; providing for the levying of an additional 2 cents of gas tax; creating s. 338.251, F.S., creating a Toll Facilities Revolving Trust Fund and providing its uses; providing restrictions; providing for rules; amending s. 28.24, F.S., providing for a service charge by the clerk of the circuit court; amending s. 73.071, F.S., relating to compensation by the jury in eminent domain actions; amending s. 73.092, F.S., relating to attorney's fees; amending s. 74.041, F.S., relating to proceedings of the court; amending s. 74.051, F.S., relating to hearings on the order of taking; amending s. 207.002, F.S., excluding governmentally owned and operated vehicles from the definition of Commercial Motor Vehicle; amending s. 207.004, F.S., relating to registration of motor carriers; amending s.

319.23, F.S., exempting certain vehicles from registration requirements; amending s. 320.01, F.S., defining "International Registration Plan" and "apportionable vehicle" for the purpose of the Florida Transportation Code; amending s. 320.03, F.S., providing that the Department of Highway Safety and Motor Vehicles shall register apportioned motor vehicles under the International Registration Plan; amending s. 320.06, F.S., providing for the issuance of license plates to certain vehicles with apportioned registration; amending s. 320.0705, F.S., exempting certain apportioned vehicles from semiannual registration or renewal; amending s. 320.0706, F.S., including trucks of a certain net weight among those vehicles required to display a front license plate; creating s. 320.0715, F.S., providing for registration of certain commercial vehicles under the International Registration Plan; providing for trip permits and temporary permits; providing fees; amending s. 320.08, F.S., providing for license taxes with respect to certain vehicles; amending s. 320.14, F.S., exempting certain truck-tractors from the fractional license tax; amending s. 320.15, F.S., exempting certain vehicles from provisions relating to refund of license tax; amending s. 320.39, F.S., authorizing the Department of Highway Safety and Motor Vehicles to negotiate and consummate reciprocal agreements; amending s. 207.007, F.S., eliminating a penalty with respect to the operation of commercial motor vehicles; amending s. 207.023, F.S., providing a civil penalty with respect to the required display of certain permits; amending s. 316.545, F.S.; providing penalties for commercial vehicles operating with an expired registration or no registration; providing that certain commercial vehicles shall be deemed to be violating the overloading provisions of the State Uniform Traffic Control Law; providing civil penalties with respect to commercial vehicles operated in violation of the registration of motor carriers law; providing that the Department of Transportation may issue certain permits and collect fees; providing for disposition of fees; providing for review of penalties and fees; amending s. 316.605, F.S., providing for the licensing of certain trucks; providing penalties with respect to violation of registration requirements for certain commercial vehicles; amending s. 318.14, F.S., requiring proof of payment of delinquent fees with respect to certain noncriminal traffic infractions; amending s. 320.07, F.S., providing a delinquent fee schedule for the registration of motor vehicles; amending s. 324.042, F.S., providing a cross reference; amending s. 324.26, F.S., providing liability insurance requirements for commercial motor vehicles; providing for proof of compliance to be submitted prior to registration of such vehicles; amending s. 316.302, F.S., correcting a cross reference; providing for enforcement; providing for rules; amending s. 212.62, F.S.; providing that the tax per gallon for any year shall not be less than that for the previous year; amending s. 338.01, F.S., allowing establishments for serving motor vehicle users on the right-of-way of limited access facilities controlled by transportation or expressway authorities; creating s. 338.165, F.S., authorizing continuation and increase of tolls on certain revenue-producing projects; specifying uses of toll revenues; amending s. 320.20, F.S., providing for the distribution of delinquent fees; deleting the requirement that \$25 million per year of motor vehicle license tax revenues be deposited in the ACI Trust Fund; abolishing the ACI Trust Fund and providing for the disposition of remaining assets; amending s. 339.08, F.S., providing for disposition of funds in the ACI Trust Fund; repealing ss. 335.035(3) and 339.081(3), F.S., eliminating reference to the ACI Trust Fund; amending s. 338.221, F.S., relating to definitions of "turnpike project" and "turnpike improvements"; amending s. 338.223, F.S., relating to proposed turnpike projects; amending s. 338.227, F.S., relating to turnpike revenue bonds; amending s. 338.232, F.S., relating to continuation of tolls for turnpike improvements; amending s. 120.53, F.S.; providing that the formal written protest shall include

particular parts; providing for model rules; providing for expedited hearing; providing an appropriation; providing for a Gray Market Study Committee; amending s. 316.515, F.S.; providing that certain length limitations do not apply to specified vehicles; creating s. 339.08(2)(e); providing for the match of federal-aid funds for transportation purposes; providing an effective date.

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

Section 77. Paragraphs (b) and (d) of subsection (5) of section 120.53, Florida Statutes, 1984 Supplement, are amended and paragraphs (e) and (f) are added to said subsection to read:

120.53 Adoption of rules of procedure and public inspection.--

(5) An agency which enters into a contract pursuant to the provisions of ss. 282.301-282.313, chapter 255, chapter 287, or chapters 334-349 shall adopt rules specifying procedures for the resolution of protests arising from the contract bidding process. Such rules shall at least provide that:

(b) Any person who is affected adversely by the agency decision or intended decision shall file with the agency a notice of protest in writing within 72 hours after the posting of the bid tabulation or after receipt of the notice of the agency decision or intended decision and shall file a formal written protest within 10 days after the date he filed the notice of protest. Failure to file a notice of protest or failure to file a formal written protest shall constitute a waiver of proceedings under chapter 120. The formal written protest shall state with particularity the facts and law upon which the protest is based.

(d) The agency, on its own initiative or upon the request of a protestor, shall provide an opportunity to resolve the protest by mutual agreement between the parties within 7 14 days, excluding Saturday, Sunday, and legal holidays, of receipt of a formal written protest.

1. If the subject of a protest is not resolved by mutual agreement within 7 14 days, excluding Saturday, Sunday, and legal holidays, of receipt of the formal written protest and if there is no disputed issue of material fact, an informal proceeding shall be conducted pursuant to s. 120.57(2) and applicable agency rules before a person whose qualifications have been prescribed by rules of the agency.

2. If the subject of a protest is not resolved by mutual agreement within 7 14 days, excluding Saturday, Sunday, and legal holidays, of receipt of the formal written protest and if there is a disputed issue of material fact, the agency shall refer the protest to the division for proceedings under s. 120.57(1).

(e) Upon receipt of a formal written protest referred pursuant to this subsection, the division director shall expedite the hearing and assign a hearing officer who shall conduct a hearing within 15 days of the receipt of the formal written protest by the division. The provisions of this paragraph may be waived upon stipulation by all parties.

(f) The Administration Commission shall promulgate model rules of procedure pursuant to the provisions of s. 120.54(10) for the filing of notice of protests and formal written protests.