

RESOLUTION NO. 99 - 63

A RESOLUTION SUPPORTING SENATE BILL NO. 972 AND THE PORTION OF HOUSE BILL NO. 1147 AMENDING FLORIDA STATUTE 335.093, SUBSECTION (1) AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO DESIGNATE PUBLIC ROADS AS SCENIC HIGHWAYS.

WHEREAS, Senate Bill No. 972 and House Bill No. 1147 have been filed for the 1999 Legislative Session; and

WHEREAS, said Bills provide in part for an amendment to Florida Statute 335.093, Subsection (1); and

WHEREAS, the amendment to Florida Statute 335.093 authorizes the Department of Transportation to designate public roads as scenic highways; and

WHEREAS, the amendment would be beneficial to the scenic roads and highways within St. Johns County and the State of Florida.

NOW THEREFORE, BE IT RESOLVED that the St. Johns County Board of County Commissioners hereby supports the passage of Senate Bill No. 972 and the portion of House Bill No. 1147 amending Florida Statute 335.093, Subsection (1) authorizing the Florida Department of Transportation to designate public roads as scenic highways.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, State of Florida, this 13th day of April, 1999.

**BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA**

By: 
Marc Jacalone, Chairman

ATTEST: Cheryl Strickland, Clerk

By: 
Deputy Clerk

Florida Senate - 1999**SB 972****By Senator Casas**

39-678A-99

1 A bill to be entitled
2 An act relating to the Department of
3 Transportation; amending s. 20.23, F.S.;
4 changing the name of the Office of Construction
5 to the Office of Highway Operations; amending
6 s. 206.46, F.S.; increasing the amount that may
7 be transferred into the Right-of-Way
8 Acquisition and Bridge Construction Trust Fund;
9 authorizing the department and local
10 governments to enter into an interlocal
11 agreement to provide financing for fixed
12 guideway projects; creating s. 215.615, F.S.;
13 authorizing bonding of federal aid; amending s.
14 316.1936; defining the term "public highway";
15 providing that it is unlawful to possess an
16 open container or consume an alcoholic beverage
17 while seated in the passenger area of a motor
18 vehicle that is parked or stopped within a
19 public highway; amending s. 316.302, F.S.;
20 updating references to the current federal
21 safety regulations; amending s. 316.3025, F.S.;
22 updating references to the current federal
23 safety regulations; amending ss. 316.516,
24 316.545, F.S.; providing technical conforming
25 changes; amending s. 334.0445, F.S.; extending
26 the current authorization for the department's
27 model classification plan; amending s. 335.093,
28 F.S.; authorizing the department to designate
29 public roads as scenic highways; amending s.
30 337.11, F.S.; authorizing the department to
31 enter into contracts for construction or

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CODING: words ~~stricken~~ are deletions; words underlined are additions.

Florida Senate - 1999
39-678A-99

SB 072

1 current system at anytime during this period if the model
2 system does not meet the stated goals and objectives.

3 Section 10. Subsection (1) of section 335.093, Florida
4 Statutes, is amended to read:

5 335.093 Scenic highway designation.--

6 (1) The Department of Transportation may, after
7 consultation with other state agencies and local governments,
8 designate public roads as scenic highways on the state highway
9 system. Public roads ~~Highways~~ designated as scenic highways
10 are intended to preserve, maintain, and protect a part of
11 Florida's cultural, historical, and scenic routes ~~on the State~~
12 ~~Highway System~~ for vehicular, bicycle, and pedestrian travel.

13 Section 11. Paragraph (c) is added to subsection (6)
14 of section 337.11, Florida Statutes, to read:

15 337.11 Contracting authority of department; bids;
16 emergency repairs, supplemental agreements, and change orders;
17 combined design and construction contracts; progress payments;
18 records; requirements of vehicle registration.--

19 (6)

20 (c) When the department determines that it is in the
21 best interest of the public for reasons of public concern,
22 economy, improved operations or safety, and only when
23 circumstances dictate rapid completion of the work, the
24 department may, up to the threshold amount provided in s.
25 287.017 for CATEGORY FOUR, enter into contracts for
26 construction and maintenance without advertising and receiving
27 competitive bids. The department may enter into such contracts
28 only upon a determination that the work is necessary for one
29 of the following reasons:

30 1. To ensure timely completion of projects or
31 avoidance of undue delay for other projects;

(b) Signs advertising the sale or lease of the property upon which they are located, if they do not exceed 4 square feet in area.

(c) Signs advertising only the name or nature of the business being conducted on, or the products, facilities, goods or services being sold, supplied, or distributed on or from, the premises on which the signs are located, if such signs are within 500 feet of such business.

(d) Signs erected and maintained by a public utility for the purpose of giving warning of the location of an underground cable or other installation.

(3)(a) Any advertisement which is constructed, erected, operated, used, maintained, posted, or displayed in violation of this section is declared to be a public and private nuisance and shall be forthwith removed, obliterated, or abated by the secretary or the secretary's representatives; and for that purpose they may enter upon private property without incurring any liability therefor.

(b) Any person who violates any provision of this section, whether as principal, agent, or employee, for which violation no other penalty is prescribed, is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$10 or more than \$300. Such person shall be deemed guilty of a separate offense for each month during any portion of which any violation of this section is committed, continued, or permitted. The existence of any advertising copy or any outdoor advertising structure, outdoor advertising sign, or advertisement shall constitute prima facie evidence that the outdoor advertising sign or advertisement was constructed, erected, operated, used, maintained, or displayed with the consent and approval and under the authority of the person whose goods or services are advertised thereon.

(4) Wherever the provisions of this section are inconsistent with the provisions of chapter 479, the provisions of this section shall prevail except when otherwise specifically provided in this section.

History.—ss. 1, 2, 3, 4, ch. 69-371; ss. 23, 35, ch. 69-106; s. 23, ch. 84-227; s. 44, ch. 84-309; s. 490, ch. 95-148.

335.093 Scenic highway designation.—

(1) The Department of Transportation may, after consultation with other state agencies and local governments, designate scenic highways on the state highway system. Highways designated as scenic highways are intended to preserve, maintain, and protect a part of Florida's cultural, historical, and scenic routes on the State Highway System for vehicular, bicycle, and pedestrian travel.

(2) The department may by rule adopt appropriate criteria for the designation of scenic highways and may specify appropriate planning and design standards including corridor management plans on such scenic highways.

(3) The designation of scenic highways by the department and the criteria adopted by the department for the designation of scenic highways are not intended to affect or limit existing or customary uses in commercial or industrial areas that are adjacent to designated scenic highways nor is designation intended to limit the

ability of local government entities to control or limit land uses in commercial or industrial areas within their jurisdictions. This subsection shall take effect on July 1, 1996.

History.—s. 54, ch. 93-164; s. 43, ch. 94-237.

335.10 State Highway System; vehicle regulation; prohibited use and traffic; liability for damage.—

(1) The department shall prescribe regulations for vehicles operating on the State Highway System. At least 14 days prior to implementation of such regulations, notice of such regulations shall be provided in writing by certified mail, return receipt requested, to each local governmental entity where such regulations will be applicable.

(2) The department shall prohibit any use of, and any traffic on, the State Highway System that might damage or destroy the same.

(3) Any person is civilly liable to the department for the actual damage to a road under the department's jurisdiction by reason of his or her wrongful act; such damage may be recovered by suit and, when collected, shall be paid into the State Treasury to the credit of the State Transportation Trust Fund or other appropriate department trust fund if the damage occurred to the turnpike system.

History.—s. 34, ch. 29965, 1955; s. 2, ch. 61-119; ss. 23, 35, ch. 69-106; ss. 2, 3, ch. 73-57; s. 45, ch. 84-309; s. 46, ch. 93-164; s. 491, ch. 95-148.

335.14 Traffic control devices on State Highway System or State Park Road System; exemption for computerized traffic systems and control devices.—

(1) 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. No such device shall be installed on the State Highway System without the approval of the department and, if the road is a federal-aid road, the additional concurrence of the Federal Highway Administration. Any such device that is installed without such approval may be removed without payment to the owner if, upon request by the department, the owner refuses to remove such device.

(2) Computerized traffic systems and control devices which are used solely for the purpose of motor vehicle traffic control and surveillance shall be exempted from the provisions of chapter 282 and s. 287.073.

History.—s. 38, ch. 29965, 1955; s. 13, ch. 57-318; ss. 23, 35, ch. 69-106; s. 1, ch. 82-94; s. 50, ch. 84-309; s. 15, ch. 85-180; s. 2, ch. 87-352.

335.141 Regulation of public railroad-highway grade crossings; reduction of hazards.—

(1)(a) The department shall have regulatory authority over all public railroad-highway grade crossings in the state, including the authority to issue permits which shall be required prior to the opening and closing of such crossings.

(b) A "public railroad-highway grade crossing" is a location at which a railroad track is crossed at grade by a public road.

(2)(a) The department, in cooperation with the several railroad companies operating in the state, shall develop and adopt a program for the expenditure of funds available for the construction of projects for the

House Bill 1147**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

Florida House of Representatives - 1999

HB 1147

By Representative K. Smith

1 A bill to be entitled
2 An act relating to transportation; amending s.
3 20.23, F.S.; providing reference to seaport
4 programs; providing for an organizational unit
5 to administer said programs; deleting reference
6 to the Office of Construction and including
7 reference to the Office of Highway Operations
8 within the Department of Transportation;
9 amending s. 206.46, F.S.; increasing a
10 percentage amount of revenues in the State
11 Transportation Trust Fund to be transferred to
12 the Right-of-Way Acquisition and Bridge
13 Construction Trust Fund annually; increasing
14 the dollar amount which may be so transferred;
15 creating s. 215.615, F.S.; providing for state
16 bonds for federal-aid highways construction;
17 creating s. 215.616, F.S.; providing for the
18 issuance of certain revenue bonds for
19 fixed-guideway transportation systems; creating
20 s. 316.0815, F.S.; providing for a duty to

21 yield for public transit vehicles; amending s.
 22 316.302, F.S.; revising obsolete dates and
 23 statutory references with respect to commercial
 24 motor vehicles; amending s. 316.3025, F.S.;
 25 correcting a cross reference; amending s.
 26 316.555, F.S.; providing for an exemption from
 27 locally imposed weight limits under certain
 28 circumstances; amending s. 320.0715, F.S.;
 29 providing an exemption from the International
 30 Registration Plan; amending s. 334.035, F.S.;
 31 revising language with respect to the purpose

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Florida House of Representatives - 1999

HB 1147

60-272-99

1 of the Florida Transportation Code; amending s.
 2 334.0445, F.S.; continuing the operation of the
 3 model career service classification and
 4 compensation plan within the Department of
 5 Transportation for a certain time period;
 6 creating s. 334.071, F.S.; providing for the
 7 legislative designation of transportation
 8 facilities; amending s. 334.351, F.S.; deleting
 9 language with respect to the total amount of
 10 youth work experience program contracts;
 11 amending s. 335.0415, F.S.; revising a date
 12 with respect to public road jurisdiction;

13 amending s. 335.093, F.S.; authorizing the
14 department to designate public roads as scenic
15 highways; amending s. 337.11, F.S.; providing
16 for contracts without advertising and
17 competitive bids; amending s. 337.16, F.S.;
18 revising language with respect to contractors
19 who are delinquent with respect to contracts
20 with the department; amending s. 337.162, F.S.;
21 revising language with respect to professional
22 services; amending s. 337.18, F.S.; revising
23 language with respect to certain surety bonds;
24 providing for bonds payable to the department
25 rather than to the Governor; amending s.
26 337.185, F.S.; increasing claim limits with
27 respect to certain contractual claims governed
28 by the State Arbitration Board; revising
29 language with respect to hearings on certain
30 disputes; increasing certain fees; amending s.
31 337.19, F.S.; revising language with respect to

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Florida House of Representatives - 1999

HB 1147

60-272-99

1 suits at law and in equity brought by or
2 against the department with respect to breach
3 of an express provision or an implied covenant