

By Senator Brandes

22-00495B-13

20131132

1 A bill to be entitled
2 An act relating to the Department of Transportation;
3 amending s. 20.23, F.S.; requiring the Transportation
4 Commission to also monitor the Mid-Bay Bridge
5 Authority; deleting provisions relating to the Florida
6 Statewide Passenger Rail Commission; amending s.
7 110.205, F.S.; changing to the State Freight and
8 Logistics Administrator from the State Public
9 Transportation and Modal Administrator, which is an
10 exempt position not covered under career service;
11 creating s. 163.3176, F.S.; providing legislative
12 intent; requiring that a local government ensure that
13 noise compatible land-use planning is used in its
14 jurisdiction; providing guidelines; providing for the
15 sharing of related costs of construction if a local
16 government does not comply with the noise mitigation
17 requirements; requiring that local governments consult
18 with the Department of Transportation and the
19 Department of Economic Opportunity in the formulation
20 of noise mitigation requirements; amending s.
21 206.9825, F.S.; revising the criteria that certain air
22 carriers must meet to qualify for an exemption to the
23 aviation fuel tax; providing remedies for failure by
24 an air carrier to meet the standards; authorizing
25 terminal suppliers and wholesalers to receive a
26 credit, or apply, for a refund of aviation fuel tax
27 previously paid; conforming terminology; authorizing
28 the Department of Revenue to adopt rules; repealing s.
29 316.530(3), F.S., relating to load limits for certain

22-00495B-13

20131132

30 towed vehicles; amending s. 316.545, F.S.; increasing
31 the weight amount used for penalty calculations;
32 conforming terminology; amending s. 331.360, F.S.;
33 reordering provisions; providing for a spaceport
34 system plan; providing funding for space
35 transportation projects from the State Transportation
36 Trust Fund; requiring Space Florida to provide the
37 Department of Transportation with specific project
38 information and to demonstrate transportation and
39 aerospace benefits; specifying the information to be
40 provided; providing funding criteria; providing
41 criteria for the Spaceport Investment Program;
42 providing for funding; authorizing the use of revenues
43 for the payment of forms of indebtedness issued by
44 Space Florida; providing restrictions and criteria for
45 the use of certain revenues; amending s. 332.007,
46 F.S.; authorizing the Department of Transportation to
47 fund strategic airport investments; providing
48 criteria; amending s. 334.044, F.S.; prohibiting the
49 department from entering into a lease-purchase
50 agreement with certain transportation authorities
51 after a specified time; amending s. 337.11, F.S.;
52 removing the requirement that a contractor provide a
53 notarized affidavit as proof of registration; amending
54 s. 337.14, F.S.; revising the criteria for bidding
55 certain construction contracts to require a proposed
56 budget estimate if a contract is more than a specified
57 amount; amending s. 337.168, F.S.; providing that a
58 document that reveals the identity of a person who has

22-00495B-13

20131132

59 requested or received certain information before a
60 certain time is a public record; amending s. 337.251,
61 F.S.; revising criteria for leasing particular
62 department property; increasing the time the
63 department must accept proposals for lease after a
64 notice is published; authorizing the department to
65 establish an application fee by rule; providing
66 criteria for the fee; providing criteria that the
67 lease must meet; amending s. 337.408, F.S.; providing
68 regulations for parking meters and spaces in rights-
69 of-way; requiring each county or municipality to remit
70 certain revenue to the department; directing the
71 department to deposit the funds into the State
72 Transportation Trust Fund; amending s. 338.161, F.S.;
73 authorizing the department to enter into agreements
74 with owners of public or private transportation
75 facilities rather than entities that use the
76 department's electronic toll collection and video
77 billing systems to collect certain charges; amending
78 s. 338.165, F.S.; removing the Beeline-East Expressway
79 and the Navarre Bridge from the list of facilities
80 that have toll revenues to secure their bonds;
81 amending s. 338.26, F.S.; revising the uses of fees
82 that are generated from tolls to include the design
83 and construction of a fire station that may be used by
84 certain local governments in accordance with a
85 specified memorandum; removing authority of a district
86 to issue bonds or notes; amending s. 339.175, F.S.;
87 revising the criteria that qualify a local government

22-00495B-13

20131132

88 for participation in a metropolitan planning
89 organization; revising the criteria to determine
90 voting membership of a metropolitan planning
91 organization; providing that each metropolitan
92 planning organization shall review its membership and
93 reapportion it as necessary; providing criteria;
94 removing the requirement that the Governor review and
95 apportion the voting membership among the various
96 governmental entities within the metropolitan planning
97 area; amending s. 339.2821, F.S.; authorizing
98 Enterprise Florida, Inc., to be a consultant to the
99 Department of Transportation for consideration of
100 expenditures associated with and contracts for
101 transportation projects; revising the requirements for
102 economic development transportation project contracts
103 between the department and a governmental entity;
104 amending s. 339.55, F.S.; adding spaceports to the
105 list of facility types for which the state-funded
106 infrastructure bank may lend capital costs or provide
107 credit enhancements; amending s. 341.031, F.S.;
108 revising the definition of the term "intercity bus
109 service"; amending s. 341.053, F.S.; revising the
110 types of eligible projects and criteria of the
111 intermodal development program; amending s. 341.302,
112 F.S.; authorizing the Department of Transportation to
113 undertake ancillary development for appropriate
114 revenue sources to be used for state-owned rail
115 corridors; amending ss. 343.82 and 343.922, F.S.;
116 removing reference to advances from the Toll

22-00495B-13

20131132

117 Facilities Revolving Trust Fund as a source of funding
118 for certain projects by an authority; creating ch.
119 345, F.S., relating to the Florida Regional Tollway
120 Authority; creating s. 345.0001, F.S.; providing a
121 short title; creating s. 345.0002, F.S.; providing
122 definitions; creating s. 345.0003, F.S.; authorizing
123 counties to form a regional tollway authority that can
124 construct, maintain, or operate transportation
125 projects in a region of the state; providing for
126 governance of the authority; creating s. 345.0004,
127 F.S.; providing for the powers and duties of a
128 regional tollway authority; limiting an authority's
129 power with respect to an existing system; prohibiting
130 an authority from pledging the credit or taxing power
131 of the state or any political subdivision or agency of
132 the state; requiring that an authority comply with
133 certain reporting and documentation requirements;
134 creating s. 345.0005, F.S.; authorizing the authority
135 to issue bonds; providing that the issued bonds must
136 meet certain requirements; providing that the
137 resolution that authorizes the issuance of bonds meet
138 certain requirements; authorizing an authority to
139 enter into security agreements for issued bonds with a
140 bank or trust company; providing that the issued bonds
141 are negotiable instruments and have certain qualities;
142 providing that a resolution authorizing the issuance
143 of bonds and pledging of revenues of the system must
144 contain certain requirements; prohibiting the use or
145 pledge of state funds to pay principal or interest of

22-00495B-13

20131132

146 an authority's bonds; creating s. 345.0006, F.S.;

147 providing for the rights and remedies granted to

148 certain bondholders; providing the actions a trustee

149 may take on behalf of the bondholders; providing for

150 the appointment of a receiver; providing for the

151 authority of the receiver; providing limitations to

152 the receiver's authority; creating s. 345.0007, F.S.;

153 providing that the Department of Transportation is the

154 agent of each authority for specified purposes;

155 providing for the administration and management of

156 projects by the department; providing limits on the

157 department as an agent; providing for the fiscal

158 responsibilities of the authority; creating s.

159 345.0008, F.S.; authorizing the department to provide

160 for or commit its resources for an authority project

161 or system, if approved by the Legislature; providing

162 for payment of expenses incurred by the department on

163 behalf of an authority; requiring the department to

164 receive a share of the revenue from the authority;

165 providing calculations for disbursement of revenues;

166 creating s. 345.0009, F.S.; authorizing the authority

167 to acquire private or public property and property

168 rights for a project or plan; authorizing the

169 authority to exercise the right of eminent domain;

170 providing for the rights and liabilities and remedial

171 actions relating to property acquired for a

172 transportation project or corridor; creating s.

173 345.0010, F.S.; providing for contracts between

174 governmental entities and an authority; creating s.

22-00495B-13

20131132

175 345.0011, F.S.; providing that the state will not
176 limit or alter the vested rights of a bondholder with
177 regard to any issued bonds or rights relating to the
178 bonds under certain conditions; creating s. 345.0012,
179 F.S.; relieving the authority from the obligation of
180 paying certain taxes or assessments for property
181 acquired or used for certain public purposes or for
182 revenues received relating to the issuance of bonds;
183 providing exceptions; creating s. 345.0013, F.S.;
184 providing that the bonds or obligations issued are
185 legal investments of specified entities; creating s.
186 345.0014, F.S.; providing applicability; creating s.
187 345.0015, F.S.; creating the Northwest Florida
188 Regional Tollway Authority; creating s. 345.0016,
189 F.S.; creating the Okaloosa-Bay Regional Tollway
190 Authority; creating s. 345.0017, F.S.; creating the
191 Suncoast Regional Tollway Authority; providing for the
192 transfer of the governance and control of the Mid-Bay
193 Bridge Authority System to the Okaloosa-Bay Regional
194 Tollway Authority; providing for the disposition of
195 bonds, the protection of the bondholders, the effect
196 on the rights and obligations under a contract or the
197 bonds, and the revenues associated with the bonds;
198 providing effective dates.

199

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

201

202 Section 1. Paragraph (b) of subsection (2) and subsection
203 (3) of section 20.23, Florida Statutes, are amended, and present

22-00495B-13

20131132

204 subsections (4) through (7) of that subsection are renumbered as
205 subsections (3) through (6), to read:

206 20.23 Department of Transportation.—There is created a
207 Department of Transportation which shall be a decentralized
208 agency.

209 (2)

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

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

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

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

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

231 5. Monitor on at least a quarterly basis, the efficiency,
232 productivity, and management of the department, using

22-00495B-13

20131132__

233 performance and production standards developed by the commission
234 pursuant to s. 334.045.

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

239 7. Recommend to the Governor and the Legislature
240 improvements to the department's organization in order to
241 streamline and optimize the efficiency of the department. In
242 reviewing the department's organization, the commission shall
243 determine if the current district organizational structure is
244 responsive to Florida's changing economic and demographic
245 development patterns. The initial report by the commission must
246 be delivered to the Governor and Legislature by December 15,
247 2000, and each year thereafter, as appropriate. The commission
248 may retain ~~such~~ experts that ~~as~~ are reasonably necessary to
249 effectuate this subparagraph, and the department shall pay the
250 expenses of the ~~such~~ experts.

251 8. Monitor the efficiency, productivity, and management of
252 the authorities created under chapters 348 and 349, including
253 any authority formed using the provisions of part I of chapter
254 348, the Mid-Bay Bridge Authority created pursuant to chapter
255 2000-411, Laws of Florida, and any authority formed under
256 chapter 343 which is not monitored under subsection (3). The
257 commission shall also conduct periodic reviews of each
258 authority's operations and budget, acquisition of property,
259 management of revenue and bond proceeds, and compliance with
260 applicable laws and generally accepted accounting principles.

261 ~~(3) There is created the Florida Statewide Passenger Rail~~

22-00495B-13

20131132__

262 Commission.

263 ~~(a)1. The commission shall consist of nine voting members~~
264 ~~appointed as follows:~~

265 ~~a. Three members shall be appointed by the Governor, one of~~
266 ~~whom must have a background in the area of environmental~~
267 ~~concerns, one of whom must have a legislative background, and~~
268 ~~one of whom must have a general business background.~~

269 ~~b. Three members shall be appointed by the President of the~~
270 ~~Senate, one of whom must have a background in civil engineering,~~
271 ~~one of whom must have a background in transportation~~
272 ~~construction, and one of whom must have a general business~~
273 ~~background.~~

274 ~~e. Three members shall be appointed by the Speaker of the~~
275 ~~House of Representatives, one of whom must have a legal~~
276 ~~background, one of whom must have a background in financial~~
277 ~~matters, and one of whom must have a general business~~
278 ~~background.~~

279 ~~2. The initial term of each member appointed by the~~
280 ~~Governor shall be for 4 years. The initial term of each member~~
281 ~~appointed by the President of the Senate shall be for 3 years.~~
282 ~~The initial term of each member appointed by the Speaker of the~~
283 ~~House of Representatives shall be for 2 years. Succeeding terms~~
284 ~~for all members shall be for 4 years.~~

285 ~~3. A vacancy occurring during a term shall be filled by the~~
286 ~~respective appointing authority in the same manner as the~~
287 ~~original appointment and only for the balance of the unexpired~~
288 ~~term. An appointment to fill a vacancy shall be made within 60~~
289 ~~days after the occurrence of the vacancy.~~

290 ~~4. The commission shall elect one of its members as chair~~

22-00495B-13

20131132

291 ~~of the commission. The chair shall hold office at the will of~~
292 ~~the commission. Five members of the commission shall constitute~~
293 ~~a quorum, and the vote of five members shall be necessary for~~
294 ~~any action taken by the commission. The commission may meet upon~~
295 ~~the constitution of a quorum. A vacancy in the commission does~~
296 ~~not impair the right of a quorum to exercise all rights and~~
297 ~~perform all duties of the commission.~~

298 ~~5. The members of the commission are not entitled to~~
299 ~~compensation but are entitled to reimbursement for travel and~~
300 ~~other necessary expenses as provided in s. 112.061.~~

301 ~~(b) The commission shall have the primary functions of:~~

302 ~~1. Monitoring the efficiency, productivity, and management~~
303 ~~of all publicly funded passenger rail systems in the state,~~
304 ~~including, but not limited to, any authority created under~~
305 ~~chapter 343, chapter 349, or chapter 163 if the authority~~
306 ~~receives public funds for the provision of passenger rail~~
307 ~~service. The commission shall advise each monitored authority of~~
308 ~~its findings and recommendations. The commission shall also~~
309 ~~conduct periodic reviews of each monitored authority's passenger~~
310 ~~rail and associated transit operations and budget, acquisition~~
311 ~~of property, management of revenue and bond proceeds, and~~
312 ~~compliance with applicable laws and generally accepted~~
313 ~~accounting principles. The commission may seek the assistance of~~
314 ~~the Auditor General in conducting such reviews and shall report~~
315 ~~the findings of such reviews to the Legislature. This paragraph~~
316 ~~does not preclude the Florida Transportation Commission from~~
317 ~~conducting its performance and work program monitoring~~
318 ~~responsibilities.~~

319 ~~2. Advising the department on policies and strategies used~~

22-00495B-13

20131132

320 ~~in planning, designing, building, operating, financing, and~~
321 ~~maintaining a coordinated statewide system of passenger rail~~
322 ~~services.~~

323 ~~3. Evaluating passenger rail policies and providing advice~~
324 ~~and recommendations to the Legislature on passenger rail~~
325 ~~operations in the state.~~

326 ~~(c) The commission or a member of the commission may not~~
327 ~~enter into the day-to-day operation of the department or a~~
328 ~~monitored authority and is specifically prohibited from taking~~
329 ~~part in:~~

330 ~~1. The awarding of contracts.~~

331 ~~2. The selection of a consultant or contractor or the~~
332 ~~prequalification of any individual consultant or contractor.~~
333 ~~However, the commission may recommend to the secretary standards~~
334 ~~and policies governing the procedure for selection and~~
335 ~~prequalification of consultants and contractors.~~

336 ~~3. The selection of a route for a specific project.~~

337 ~~4. The specific location of a transportation facility.~~

338 ~~5. The acquisition of rights-of-way.~~

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

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

343 ~~(d) The commission is assigned to the Office of the~~
344 ~~Secretary of the Department of Transportation for administrative~~
345 ~~and fiscal accountability purposes, but it shall otherwise~~
346 ~~function independently of the control and direction of the~~
347 ~~department except that reasonable expenses of the commission~~
348 ~~shall be subject to approval by the Secretary of Transportation.~~

22-00495B-13

20131132

349 ~~The department shall provide administrative support and service~~
350 ~~to the commission.~~

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

353 110.205 Career service; exemptions.—

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

356 (j) The appointed secretaries and the State Surgeon
357 General, assistant secretaries, deputy secretaries, and deputy
358 assistant secretaries of all departments; the executive
359 directors, assistant executive directors, deputy executive
360 directors, and deputy assistant executive directors of all
361 departments; the directors of all divisions and those positions
362 determined by the department to have managerial responsibilities
363 comparable to such positions, which positions include, but are
364 not limited to, program directors, assistant program directors,
365 district administrators, deputy district administrators, the
366 Director of Central Operations Services of the Department of
367 Children and Family Services, the State Transportation
368 Development Administrator, State Freight and Logistics Public
369 ~~Transportation and Modal~~ Administrator, district secretaries,
370 district directors of transportation development, transportation
371 operations, transportation support, and the managers of the
372 offices specified in s. 20.23(3)(b) ~~20.23(4)(b)~~, of the
373 Department of Transportation. Unless otherwise fixed by law, the
374 department shall set the salary and benefits of these positions
375 in accordance with the rules of the Senior Management Service;
376 and the county health department directors and county health
377 department administrators of the Department of Health.

22-00495B-13

20131132

378 (m) All assistant division director, deputy division
379 director, and bureau chief positions in any department, and
380 those positions determined by the department to have managerial
381 responsibilities comparable to such positions, which include,
382 but are not limited to:

383 1. Positions in the Department of Health and the Department
384 of Children and Family Services that are assigned primary duties
385 of serving as the superintendent or assistant superintendent of
386 an institution.

387 2. Positions in the Department of Corrections that are
388 assigned primary duties of serving as the warden, assistant
389 warden, colonel, or major of an institution or that are assigned
390 primary duties of serving as the circuit administrator or deputy
391 circuit administrator.

392 3. Positions in the Department of Transportation that are
393 assigned primary duties of serving as regional toll managers and
394 managers of offices, as defined in s. 20.23(3)(b) and (4)(c)
395 ~~20.23(4)(b) and (5)(e)~~.

396 4. Positions in the Department of Environmental Protection
397 that are assigned the duty of an Environmental Administrator or
398 program administrator.

399 5. Positions in the Department of Health that are assigned
400 the duties of Environmental Administrator, Assistant County
401 Health Department Director, and County Health Department
402 Financial Administrator.

403

404 Unless otherwise fixed by law, the department shall set the
405 salary and benefits of the positions listed in this paragraph in
406 accordance with the rules established for the Selected Exempt

22-00495B-13

20131132

407 Service.

408 Section 3. Section 163.3176, Florida Statutes, is created
409 to read:410 163.3176 Legislative findings; noise mitigation
411 requirements in development plans for land abutting the right-
412 of-way of a limited access facility; compliance required of
413 local governments.-414 (1) The Legislature finds that incompatible residential
415 development of land adjacent to the rights-of-way of limited
416 access facilities and the failure to provide protections related
417 to noise abatement have not been in the best interest of the
418 public welfare or the economic health of the state. The
419 Legislature finds that the costs of transportation projects are
420 significantly increased by the added expense of required noise
421 abatement and by the delay of other potential and needed
422 transportation projects. The Legislature finds that limited
423 access facilities generate traffic noise due to the high speed
424 and high volumes of vehicular traffic on these important
425 highways. The Legislature finds that important state interests,
426 including, but not limited to, the protection of future
427 residential property owners, will be served by ensuring that
428 local governments have land development ordinances that promote
429 residential land-use planning and development that is noise
430 compatible with adjacent limited access facilities, and by
431 avoiding future noise abatement problems and the related state
432 expense to provide noise mitigation for residential dwellings
433 constructed after notice of a planned limited access facility is
434 made public. Additionally, the Legislature finds that, with
435 future potential population growth and the resulting need for

22-00495B-13

20131132

436 future capacity improvements to limited access facilities, noise
437 compatible residential land-use planning must take into
438 consideration an evaluation of future impacts of traffic noise
439 on proposed residential developments that are adjacent to
440 limited access facilities.

441 (2) Each local government shall ensure that noise
442 compatible land-use planning is used in its jurisdictions in the
443 development of land for residential use which is adjacent to
444 right-of-way acquired for a limited access facility. The
445 measures must include the incorporation of federal and state
446 noise mitigation standards and guidelines in all local
447 government land development regulations and be reflected in and
448 carried out in the local government comprehensive plans,
449 amendments of adopted comprehensive plans, zoning plans,
450 subdivision plat approvals, development permits, and building
451 permits. Each local government shall ensure that residential
452 development proposed adjacent to a limited access facility is
453 planned and constructed in conformance with all noise mitigation
454 standards, guidelines, and regulations. A local government shall
455 share equally with the Department of Transportation all related
456 costs of construction if the local government does not comply
457 with this section and, as a result, the department is required
458 to construct a noise wall or other noise mitigation in
459 connection with a road improvement project.

460 (3) A local government shall consult with the Department of
461 Economic Opportunity and the department, as needed, in the
462 formulation and establishment of adequate noise mitigation
463 requirements in the respective land development regulations as
464 mandated in this section. A local government shall adopt land

22-00495B-13

20131132

465 development regulations that are consistent with this section,
466 as soon as practicable, but not later than July 1, 2014.

467 Section 4. Subsection (1) of section 206.9825, Florida
468 Statutes, is amended to read:

469 206.9825 Aviation fuel tax.—

470 (1) (a) Except as otherwise provided in this part, an excise
471 tax of 6.9 cents per gallon of aviation fuel is imposed upon
472 every gallon of aviation fuel sold in this state, or brought
473 into this state for use, upon which such tax has not been paid
474 or the payment thereof has not been lawfully assumed by some
475 person handling the same in this state. Fuel taxed pursuant to
476 this part shall not be subject to the taxes imposed by ss.
477 206.41(1)(d), (e), and (f) and 206.87(1)(b), (c), and (d).

478 (b) Any ~~licensed wholesaler or terminal supplier that~~
479 ~~delivers aviation fuel to an~~ air carrier that offers offering
480 transcontinental jet service and that has, within the preceding
481 5-year period from January 1 of the year the exemption is being
482 applied for, increased its that, after January 1, 1996,
483 ~~increases the air carrier's~~ Florida workforce by more than 1,000
484 ~~1000~~ percent and by 250 or more full-time equivalent employee
485 positions as provided in reports that must be filed pursuant to
486 s. 443.163, may purchase receive a credit or refund as the
487 ~~ultimate vendor of the~~ aviation fuel exempt from for the 6.9
488 cents per gallon tax imposed by this part from terminal
489 suppliers and wholesalers, provided that the air carrier has no
490 facility for fueling highway vehicles from the tank in which the
491 aviation fuel is stored. To qualify for the exemption, an air
492 carrier must submit a written request to the department stating
493 that it meets the requirements of this paragraph. The exemption

22-00495B-13

20131132

494 under this paragraph expires on December 31 of the year it was
495 granted. The exemption is not allowed for any period before the
496 effective date of the air carrier exemption letter issued by the
497 department. To renew the exemption, the air carrier must submit
498 a written request to the department stating that it meets the
499 requirements of this paragraph. Terminal suppliers and
500 wholesalers may receive a credit or may apply for a refund, as
501 the ultimate vendor of the 6.9 cents per gallon aviation fuel
502 tax previously paid, within 1 year after the date the right to
503 the refund has accrued ~~excise tax previously paid, provided that~~
504 ~~the air carrier has no facility for fueling highway vehicles~~
505 ~~from the tank in which the aviation fuel is stored. In~~
506 calculating the new or additional Florida full-time equivalent
507 employee positions, any full-time equivalent employee positions
508 of parent or subsidiary corporations which existed before the
509 preceding 5-year period from January 1 of the year the
510 application for exemption or renewal is being applied for, may
511 ~~January 1, 1996,~~ shall not be counted toward reaching the
512 Florida employment increase thresholds. The refund allowed under
513 this paragraph is in furtherance of the goals and policies of
514 the State Comprehensive Plan set forth in s. 187.201(16)(a),
515 (b)1., 2., (17)(a), (b)1., 4., (19)(a), (b)5., (21)(a), (b)1.,
516 2., 4., 7., 9., and 12.

517 (c) If, during the 1-year period in which the exemption is
518 in place ~~before July 1, 2001,~~ the air carrier fails to maintain
519 the increase in its Florida workforce by more than 1,000 percent
520 and by 250 or more full-time equivalent employees ~~number of~~
521 ~~full-time equivalent employee positions created or added to the~~
522 ~~air carrier's Florida workforce falls below 250,~~ the exemption

22-00495B-13

20131132

523 granted pursuant to this section does ~~shall~~ not apply during the
524 period in which the air carrier was no longer qualified to
525 receive the exemption ~~has fewer than the 250 additional~~
526 ~~employees.~~

527 (d) The exemption taken by credit or refund pursuant to
528 paragraph (b) applies ~~shall apply~~ only under the terms and
529 conditions set forth in this paragraph ~~therein~~. If any part of
530 the ~~that~~ paragraph is judicially declared to be unconstitutional
531 or invalid, the validity of any provisions taxing aviation fuel
532 is ~~shall~~ not be affected and all fuel exempted pursuant to
533 paragraph (b) shall be subject to tax as if the exemption was
534 never enacted. Each ~~Every~~ person who benefits ~~benefiting~~ from
535 the ~~such~~ exemption is ~~shall be~~ liable for and must make payment
536 of all taxes for which a credit or refund was granted.

537 (e) The department may adopt rules to administer this
538 subsection.

539 Section 5. Subsection (3) of section 316.530, Florida
540 Statutes, is repealed.

541 Section 6. Subsection (3) of section 316.545, Florida
542 Statutes, is amended to read:

543 316.545 Weight and load unlawful; special fuel and motor
544 fuel tax enforcement; inspection; penalty; review.—

545 (3) Any person who violates the overloading provisions of
546 this chapter shall be conclusively presumed to have damaged the
547 highways of this state by reason of such overloading, which
548 damage is hereby fixed as follows:

549 (a) If ~~When~~ the excess weight is 200 pounds or less than
550 the maximum ~~herein~~ provided by this chapter, the penalty is
551 ~~shall be~~ \$10;

22-00495B-13

20131132

552 (b) Five cents per pound for each pound of weight in excess
553 of the maximum ~~herein~~ provided in this chapter if ~~when~~ the
554 excess weight exceeds 200 pounds. However, if ~~whenever~~ the gross
555 weight of the vehicle or combination of vehicles does not exceed
556 the maximum allowable gross weight, the maximum fine for the
557 first 600 pounds of unlawful axle weight is ~~shall be~~ \$10;

558 (c) For a vehicle equipped with fully functional idle-
559 reduction technology, any penalty shall be calculated by
560 reducing the actual gross vehicle weight or the internal bridge
561 weight by the certified weight of the idle-reduction technology
562 or by 550 ~~400~~ pounds, whichever is less. The vehicle operator
563 must present written certification of the weight of the idle-
564 reduction technology and must demonstrate or certify that the
565 idle-reduction technology is fully functional at all times. This
566 calculation is not allowed for vehicles described in s.
567 316.535(6);

568 (d) An apportioned motor vehicle, as defined in s. 320.01,
569 operating on the highways of this state without being properly
570 licensed and registered shall be subject to the penalties as
571 ~~herein~~ provided in this section; and

572 (e) Vehicles operating on the highways of this state from
573 nonmember International Registration Plan jurisdictions which
574 are not in compliance with the provisions of s. 316.605 shall be
575 subject to the penalties as ~~herein~~ provided in this section.

576 Section 7. Section 331.360, Florida Statutes, is reordered
577 and amended, and subsection (5) is added to that section, to
578 read:

579 331.360 ~~Joint participation agreement or assistance;~~
580 Spaceport system ~~master~~ plan.-

22-00495B-13

20131132

581 (2)~~(1)~~ ~~It shall be the duty, function, and responsibility~~
582 ~~of~~ The department shall ~~of Transportation to~~ promote the further
583 development and improvement of aerospace transportation
584 facilities; to address intermodal requirements and impacts of
585 the launch ranges, spaceports, and other space transportation
586 facilities; to assist in the development of joint-use facilities
587 and technology that support aviation and aerospace operations;
588 to coordinate and cooperate in the development of spaceport
589 infrastructure and related transportation facilities contained
590 in the Strategic Intermodal System Plan; to encourage, where
591 appropriate, the cooperation and integration of airports and
592 spaceports in order to meet transportation-related needs; and to
593 facilitate and promote cooperative efforts between federal and
594 state government entities to improve space transportation
595 capacity and efficiency. In carrying out this duty and
596 responsibility, the department may assist and advise, cooperate
597 with, and coordinate with federal, state, local, or private
598 organizations and individuals. The department may
599 administratively house its space transportation responsibilities
600 within an existing division or office.

601 (3)~~(2)~~ Notwithstanding any other provision of law, the
602 department ~~of Transportation~~ may enter into an a joint
603 ~~participation~~ agreement with, or otherwise assist, Space Florida
604 as necessary to effectuate the provisions of this chapter and
605 may allocate funds for such purposes in its 5-year work program.
606 However, the department may not fund the administrative or
607 operational costs of Space Florida.

608 (1)~~(3)~~ Space Florida shall develop a spaceport system
609 ~~master plan~~ that identifies statewide spaceport goals and the

22-00495B-13

20131132

610 need for expansion and modernization of space transportation
611 facilities within spaceport territories as defined in s.
612 331.303. The plan must ~~shall~~ contain recommended projects that
613 ~~to~~ meet current and future commercial, national, and state space
614 transportation requirements. Space Florida shall submit the plan
615 to each ~~any~~ appropriate metropolitan planning organization for
616 review of intermodal impacts. Space Florida shall submit the
617 spaceport system ~~master~~ plan to the department ~~of~~
618 Transportation, which may include those portions of the system
619 plan which are relevant to the Department of Transportation's
620 mission and such plan may be included within the department's 5-
621 year work program of qualifying projects ~~aerospace discretionary~~
622 ~~capacity improvement under subsection (4)~~. The plan must ~~shall~~
623 identify appropriate funding levels for each project ~~and include~~
624 ~~recommendations on appropriate sources of revenue that may be~~
625 ~~developed to contribute to the State Transportation Trust Fund.~~

626 (4)(a) Beginning in the 2013-2014 fiscal year, a minimum of
627 \$15 million may be made annually available from the State
628 Transportation Trust Fund to fund space transportation projects.

629 (b) Before executing an agreement, Space Florida must
630 provide project-specific information to the department in order
631 to demonstrate that the project includes transportation and
632 aerospace benefits. The project-specific information must
633 include, but need not be limited to:

634 1. The description, characteristics, and scope of the
635 project.

636 2. The funding sources for and costs of the project.

637 3. The financing considerations that emphasize federal,
638 local, and private participation.

22-00495B-13

20131132

639 4. A financial feasibility and risk analysis, including a
640 description of the efforts to protect the state's investment and
641 to ensure that project goals are realized.

642 5. A demonstration that the project will encourage,
643 enhance, or create economic benefits for the state.

644 (c) The department may fund up to 50 percent of eligible
645 project costs. If the project meets the following criteria, the
646 department may fund up to 100 percent of eligible project costs.

647 The project must:

648 1. Provide important access and on-spaceport capacity
649 improvements;

650 2. Provide capital improvements to strategically position
651 the state to maximize opportunities in the aerospace industry or
652 foster growth and development of a sustainable and world-leading
653 aerospace industry in the state;

654 3. Meet state goals of an integrated intermodal
655 transportation system; and

656 4. Demonstrate the feasibility and availability of matching
657 funds through federal, local, or private partners ~~Subject to the~~
658 ~~availability of appropriated funds, the department may~~
659 ~~participate in the capital cost of eligible spaceport~~
660 ~~discretionary capacity improvement projects. The annual~~
661 ~~legislative budget request shall be based on the proposed~~
662 ~~funding requested for approved spaceport discretionary capacity~~
663 ~~improvement projects.~~

664 (5) Beginning in the 2013-2014 fiscal year and annually for
665 up to 30 years thereafter, \$5 million shall be allocated for the
666 purpose of funding any spaceport project identified in the
667 adopted work program of the department, to be known as the

22-00495B-13

20131132

668 Spaceport Investment Program. The revenues may be assigned,
669 pledged, or set aside as a trust for the payment of principal or
670 interest on bonds, tax anticipation certificates, or other forms
671 of indebtedness issued by Space Florida, or used to purchase
672 credit support to permit such borrowings. However, the debt is
673 not a general obligation of the state. The state covenants with
674 holders of the revenue bonds or other instruments of
675 indebtedness issued pursuant to this subsection that the state
676 will not repeal, impair, or amend this subsection in any manner
677 that materially or adversely affects the rights of holders if
678 the bonds authorized by this subsection are outstanding. The
679 proceeds of any bonds or other indebtedness secured by a pledge
680 of the funding, after payment of costs of issuance and
681 establishment of any required reserves, must be invested in
682 projects approved by the department and included in the
683 department's adopted work program, by amendment if necessary.
684 Any revenues that are not pledged to the repayment of bonds as
685 authorized by this subsection may be used for other eligible
686 projects. This revenue source is in addition to any amounts
687 provided for and appropriated in accordance with subsection (4).
688 Revenue bonds shall be issued by the Division of Bond Finance at
689 the request of the department pursuant to the State Bond Act.

690 Section 8. Subsection (11) is added to section 332.007,
691 Florida Statutes, to read:

692 332.007 Administration and financing of aviation and
693 airport programs and projects; state plan.-

694 (11) The department may fund strategic airport investment
695 projects at up to 100 percent of the project's cost if all the
696 following criteria are met:

22-00495B-13

20131132

697 (a) Important access and on-airport capacity improvements
698 are provided.

699 (b) Capital improvements that strategically position the
700 state to maximize opportunities in international trade,
701 logistics, and the aviation industry are provided.

702 (c) Goals of an integrated intermodal transportation system
703 for the state are achieved.

704 (d) Feasibility and availability of matching funds through
705 federal, local, or private partners are demonstrated.

706 Section 9. Subsection (16) of section 334.044, Florida
707 Statutes, is amended to read:

708 334.044 Department; powers and duties.—The department shall
709 have the following general powers and duties:

710 (16) To plan, acquire, lease, construct, maintain, and
711 operate toll facilities; to authorize the issuance and refunding
712 of bonds; and to fix and collect tolls or other charges for
713 travel on any such facilities. Effective July 1, 2013, and
714 notwithstanding any other law to the contrary, the department
715 may not enter into a lease-purchase agreement with an expressway
716 authority, regional transportation authority, or other entity.
717 This provision does not invalidate a lease-purchase agreement
718 authorized under chapter 348 or chapter 2000-411, Laws of
719 Florida, and existing as of July 1, 2013, and does not limit the
720 department's authority under s. 334.30.

721 Section 10. Subsection (13) of section 337.11, Florida
722 Statutes, is amended to read:

723 337.11 Contracting authority of department; bids; emergency
724 repairs, supplemental agreements, and change orders; combined
725 design and construction contracts; progress payments; records;

22-00495B-13

20131132

726 requirements of vehicle registration.-

727 (13) Each contract let by the department for the
728 performance of road or bridge construction or maintenance work
729 shall require ~~contain a provision requiring the contractor to~~
730 ~~provide proof to the department, in the form of a notarized~~
731 ~~affidavit from the contractor, that~~ all motor vehicles that the
732 contractor ~~he or she~~ operates or causes to be operated in this
733 state to be ~~are~~ registered in compliance with chapter 320.

734 Section 11. Subsection (1) of section 337.14, Florida
735 Statutes, is amended to read:

736 337.14 Application for qualification; certificate of
737 qualification; restrictions; request for hearing.-

738 (1) A ~~Any~~ person who desires ~~desiring~~ to bid for the
739 performance of any construction contract with a proposed budget
740 estimate in excess of \$250,000 which the department proposes to
741 let must first be certified by the department as qualified
742 pursuant to this section and rules of the department. The rules
743 of the department must ~~shall~~ address the qualification of a
744 person ~~persons~~ to bid on construction contracts with a proposed
745 budget estimate that is in excess of \$250,000 and must ~~shall~~
746 include requirements with respect to the equipment, past record,
747 experience, financial resources, and organizational personnel of
748 the applicant necessary to perform the specific class of work
749 for which the person seeks certification. The department may
750 limit the dollar amount of any contract upon which a person is
751 qualified to bid or the aggregate total dollar volume of
752 contracts such person may ~~is allowed to~~ have under contract at
753 any one time. Each applicant who seeks ~~seeking~~ qualification to
754 bid on construction contracts with a proposed budget estimate in

22-00495B-13

20131132__

755 excess of \$250,000 must ~~shall~~ furnish the department a statement
756 under oath, on such forms as the department may prescribe,
757 setting forth detailed information as required on the
758 application. Each application for certification must ~~shall~~ be
759 accompanied by the latest annual financial statement of the
760 applicant completed within the last 12 months. If the
761 application or the annual financial statement shows the
762 financial condition of the applicant more than 4 months before
763 ~~prior to~~ the date on which the application is received by the
764 department, ~~then~~ an interim financial statement must be
765 submitted and be accompanied by an updated application. The
766 interim financial statement must cover the period from the end
767 date of the annual statement and must show the financial
768 condition of the applicant no more than 4 months before ~~prior to~~
769 the date the interim financial statement is received by the
770 department. However, upon request by the applicant, an
771 application and accompanying annual or interim financial
772 statement received by the department within 15 days after either
773 4-month period provided pursuant to ~~under~~ this subsection must
774 ~~shall~~ be considered timely. Each required annual or interim
775 financial statement must be audited and accompanied by the
776 opinion of a certified public accountant. An applicant desiring
777 to bid exclusively for the performance of construction contracts
778 with proposed budget estimates of less than \$1 million may
779 submit reviewed annual or reviewed interim financial statements
780 prepared by a certified public accountant. The information
781 required by this subsection is confidential and exempt from the
782 provisions of s. 119.07(1). The department shall act upon the
783 application for qualification within 30 days after the

22-00495B-13

20131132

784 department determines that the application is complete. The
785 department may waive the requirements of this subsection for
786 projects having a contract price of \$500,000 or less if the
787 department determines that the project is of a noncritical
788 nature and the waiver will not endanger public health, safety,
789 or property.

790 Section 12. Subsection (2) of section 337.168, Florida
791 Statutes, is amended to read:

792 337.168 Confidentiality of official estimates, identities
793 of potential bidders, and bid analysis and monitoring system.—

794 (2) A document that reveals ~~revealing~~ the identity of a
795 person who has ~~persons who have~~ requested or obtained a bid
796 package, plan ~~packages, plans,~~ or specifications pertaining to
797 any project to be let by the department is confidential and
798 exempt from the provisions of s. 119.07(1) for the period that
799 ~~which~~ begins 2 working days before ~~prior to~~ the deadline for
800 obtaining bid packages, plans, or specifications and ends with
801 the letting of the bid. A document that reveals the identity of
802 a person who has requested or obtained a bid package, plan, or
803 specifications pertaining to any project to be let by the
804 department before the 2 working days before the deadline for
805 obtaining bid packages, plans, or specifications remains a
806 public record subject to the provisions of s. 119.07(1).

807 Section 13. Subsection (2) of section 337.251, Florida
808 Statutes, is amended to read:

809 337.251 Lease of property for joint public-private
810 development and areas above or below department property.—

811 (2) The department may request proposals for the lease of
812 such property or, if the department receives a proposal for ~~to~~

22-00495B-13

20131132

813 ~~negotiate~~ a lease of a particular department property that the
814 department desires to consider, the department must ~~it shall~~
815 publish a notice in a newspaper of general circulation at least
816 once a week for 2 weeks, stating that it has received the
817 proposal and will accept, for 120 ~~60~~ days after the date of
818 publication, other proposals for lease of the particular
819 property use of the space. A copy of the notice must be mailed
820 to each local government in the affected area. The department
821 shall, by rule, establish an application fee for the submission
822 of proposals pursuant to this section. The fee must be
823 sufficient to pay the anticipated costs of evaluating the
824 proposals. The department may engage the services of private
825 consultants to assist in the evaluation. Before approval, the
826 department must determine that the proposed lease:

827 (a) Is in the public's best interest;
828 (b) Does not require state funds to be used; and
829 (c) Has adequate safeguards in place to ensure that no
830 additional costs are borne and no service disruptions are
831 experienced by the traveling public and residents of the state
832 in the event of default by the private lessee or upon
833 termination or expiration of the lease.

834 Section 14. Section 337.408, Florida Statutes, is amended
835 to read:

836 337.408 Regulation of bus stops, benches, transit shelters,
837 street light poles, parking meters, parking spaces, waste
838 disposal receptacles, and modular news racks within rights-of-
839 way.—

840 (1) Benches or transit shelters, including advertising
841 displayed on benches or transit shelters, may be installed

22-00495B-13

20131132

842 within the right-of-way limits of any municipal, county, or
843 state road, except a limited access highway, provided that the
844 ~~such~~ benches or transit shelters are for the comfort or
845 convenience of the general public or are at designated stops on
846 official bus routes and provided that written authorization has
847 been given to a qualified private supplier of the ~~such~~ service
848 by the municipal government within whose incorporated limits the
849 ~~such~~ benches or transit shelters are installed or by the county
850 government within whose unincorporated limits the ~~such~~ benches
851 or transit shelters are installed. A municipality or county may
852 authorize the installation, without public bid, of benches and
853 transit shelters together with advertising displayed thereon
854 within the right-of-way limits of the ~~such~~ roads. All
855 installations must ~~shall~~ be in compliance with all applicable
856 laws and rules, including, without limitation, the Americans
857 with Disabilities Act. Municipalities and counties that
858 authorize or have authorized a bench or transit shelter to be
859 installed within the right-of-way limits of any road on the
860 State Highway System are ~~shall be~~ responsible for ensuring that
861 the bench or transit shelter complies with all applicable laws
862 and rules, including, without limitation, the Americans with
863 Disabilities Act, or shall remove the bench or transit shelter.
864 The department is not liable ~~shall have no liability~~ for any
865 claims, losses, costs, charges, expenses, damages, liabilities,
866 attorney fees, or court costs relating to the installation,
867 removal, or relocation of any benches or transit shelters
868 authorized by a municipality or county. On and after July 1,
869 2012, a municipality or county that authorizes a bench or
870 transit shelter to be installed within the right-of-way limits

22-00495B-13

20131132

871 of any road on the State Highway System must require the
872 qualified private supplier, or any other person under contract
873 to install the bench or transit shelter, to indemnify, defend,
874 and hold harmless the department from any suits, actions,
875 proceedings, claims, losses, costs, charges, expenses, damages,
876 liabilities, attorney fees, and court costs relating to the
877 installation, removal, or relocation of such installations, and
878 shall annually certify to the department in a notarized signed
879 statement that this requirement has been met. The certification
880 must ~~shall~~ include the name and address of each person
881 responsible for indemnifying the department for an authorized
882 installation. Municipalities and counties that have authorized
883 the installation of benches or transit shelters within the
884 right-of-way limits of any road on the State Highway System must
885 remove or relocate, or cause the removal or relocation of, the
886 installation at no cost to the department within 60 days after
887 written notice by the department that the installation is
888 unreasonably interfering in any way with the convenient, safe,
889 or continuous use of or the maintenance, improvement, extension,
890 or expansion of the State Highway System road. Any contract for
891 the installation of benches or transit shelters or advertising
892 on benches or transit shelters which was entered into before
893 April 8, 1992, without public bidding is ratified and affirmed.
894 The ~~such~~ benches or transit shelters may not interfere with
895 right-of-way preservation and maintenance. Any bench or transit
896 shelter located on a sidewalk within the right-of-way limits of
897 any road on the State Highway System or the county road system
898 must ~~shall~~ be located so as to leave at least 36 inches of
899 clearance for pedestrians and persons in wheelchairs. The ~~Such~~

22-00495B-13

20131132

900 clearance must ~~shall~~ be measured in a direction perpendicular to
901 the centerline of the road.

902 (2) Waste disposal receptacles of less than 110 gallons in
903 capacity, including advertising displayed on such waste disposal
904 receptacles, may be installed within the right-of-way limits of
905 any municipal, county, or state road, except a limited access
906 highway, provided that written authorization has been given to a
907 qualified private supplier of the ~~such~~ service by the
908 appropriate municipal or county government. A municipality or
909 county may authorize the installation, without public bid, of
910 waste disposal receptacles together with advertising displayed
911 thereon within the right-of-way limits of such roads. The ~~Such~~
912 waste disposal receptacles may not interfere with right-of-way
913 preservation and maintenance.

914 (3) Modular news racks, including advertising thereon, may
915 be located within the right-of-way limits of any municipal,
916 county, or state road, except a limited access highway, provided
917 the municipal government within whose incorporated limits the
918 ~~such~~ racks are installed or the county government within whose
919 unincorporated limits the ~~such~~ racks are installed has passed an
920 ordinance regulating the placement of modular news racks within
921 the right-of-way and has authorized a qualified private supplier
922 of modular news racks to provide such service. The modular news
923 rack or advertising thereon must ~~shall~~ not exceed a height of 56
924 inches or a total advertising space of 56 square feet. No later
925 than 45 days before the ~~prior to~~ installation of modular news
926 racks, the private supplier shall provide a map of proposed
927 locations and typical installation plans to the department for
928 approval. If the department does not respond within 45 days

22-00495B-13

20131132

929 after receipt of the submitted plans, installation may proceed.

930 (4) The department may ~~has the authority to~~ direct the
931 immediate relocation or removal of any bus stop, bench, transit
932 shelter, waste disposal receptacle, public pay telephone, or
933 modular news rack that endangers life or property or that is
934 otherwise not in compliance with applicable laws and rules,
935 except that transit bus benches that were placed in service
936 before April 1, 1992, are not required to comply with bench size
937 and advertising display size requirements established by the
938 department before March 1, 1992. The department may adopt rules
939 relating to the regulation of bench size and advertising display
940 size requirements. If a municipality or county within which a
941 bench is to be located has adopted an ordinance or other
942 applicable regulation that establishes bench size or advertising
943 display sign requirements different from requirements specified
944 in department rule, the local government requirement applies
945 within the respective municipality or county. Placement of a ~~any~~
946 bench or advertising display on the National Highway System
947 under a local ordinance or regulation adopted under this
948 subsection is subject to approval of the Federal Highway
949 Administration.

950 (5) A bus stop, bench, transit shelter, waste disposal
951 receptacle, public pay telephone, or modular news rack, or
952 advertising thereon, may not be erected or placed on the right-
953 of-way of any road in a manner that conflicts with the
954 requirements of federal law, regulations, or safety standards,
955 thereby causing the state or any political subdivision the loss
956 of federal funds. Competition among persons seeking to provide
957 bus stop, bench, transit shelter, waste disposal receptacle,

22-00495B-13

20131132__

958 public pay telephone, or modular news rack services or
959 advertising on such benches, shelters, receptacles, public pay
960 telephone, or news racks may be regulated, restricted, or denied
961 by the appropriate local governmental ~~government~~ entity
962 consistent with this section.

963 (6) Street light poles, including attached public service
964 messages and advertisements, may be located within the right-of-
965 way limits of municipal and county roads in the same manner as
966 benches, transit shelters, waste disposal receptacles, and
967 modular news racks as provided in this section and in accordance
968 with municipal and county ordinances. Public service messages
969 and advertisements may be installed on street light poles on
970 roads on the State Highway System in accordance with height,
971 size, setback, spacing distance, duration of display, safety,
972 traffic control, and permitting requirements established by
973 administrative rule of the Department of Transportation. Public
974 service messages and advertisements are ~~shall be~~ subject to
975 bilateral agreements, where applicable, to be negotiated with
976 the owner of the street light poles, which must ~~shall~~ consider,
977 among other things, power source rates, design, safety,
978 operational and maintenance concerns, and other matters of
979 public importance. For the purposes of this section, the term
980 "street light poles" does not include electric transmission or
981 distribution poles. The department may ~~shall have authority to~~
982 adopt rules ~~pursuant to ss. 120.536(1) and 120.54~~ to implement
983 ~~the provisions of~~ this section. ~~No~~ Advertising on light poles is
984 not ~~shall be~~ permitted on the Interstate Highway System. ~~No~~
985 Permanent structures that carry ~~carrying~~ advertisements attached
986 to light poles are not ~~shall be~~ permitted on the National

22-00495B-13

20131132

987 Highway System.

988 (7) A public pay telephone, including advertising displayed
989 thereon, may be installed within the right-of-way limits of any
990 municipal, county, or state road, except on a limited access
991 highway, if the pay telephone is installed by a provider duly
992 certificated ~~authorized~~ and regulated by the Public Service
993 Commission under s. 364.3375, if the pay telephone is operated
994 in accordance with the ~~all~~ applicable state and federal
995 telecommunications regulations, and if written authorization has
996 been given to a public pay telephone provider by the appropriate
997 municipal or county government. Each advertisement must be
998 limited to a size no greater than 8 square feet, and a public
999 pay telephone booth may not display more than three
1000 advertisements at any given time. An advertisement is not
1001 allowed on public pay telephones located in rest areas, welcome
1002 centers, or other such facilities located on an interstate
1003 highway.

1004 (8) Parking meters or other time-limit parking devices that
1005 regulate designated parking spaces located within the right-of-
1006 way limits of a state road may be installed if permitted by the
1007 department. Each county and municipality shall promptly remit to
1008 the department 50 percent of the revenue generated from the fees
1009 collected by a parking meter or other time-limit parking device
1010 installed or already existing within the right-of-way limits of
1011 a state road that is under the department's jurisdiction. Funds
1012 received by the department must be deposited into the State
1013 Transportation Trust Fund and used in accordance with s. 339.08.

1014 (9) If ~~Wherever~~ the provisions of this section are
1015 inconsistent with other provisions of this chapter or with the

22-00495B-13

20131132

1016 provisions of chapter 125, chapter 335, chapter 336, or chapter
1017 479, the provisions of this section ~~shall~~ prevail.

1018 Section 15. Subsection (5) of section 338.161, Florida
1019 Statutes, is amended to read:

1020 338.161 Authority of department or toll agencies to
1021 advertise and promote electronic toll collection; expanded uses
1022 of electronic toll collection system; authority of department to
1023 collect tolls, fares, and fees for private and public entities.-

1024 (5) If the department finds that it can increase nontoll
1025 revenues or add convenience or other value for its customers,
1026 and if a public or private transportation facility owner agrees
1027 that its facility will become interoperable with the
1028 department's electronic toll collection and video billing
1029 systems, the department may ~~is authorized to~~ enter into an
1030 agreement with the owner of such facility under which the
1031 department uses private or public entities for the department's
1032 ~~use of~~ its electronic toll collection and video billing systems
1033 to collect and enforce for the owner tolls, fares,
1034 administrative fees, and other applicable charges due ~~imposed~~ in
1035 connection with use of the owner's facility transportation
1036 ~~facilities of the private or public entities that become~~
1037 ~~interoperable with the department's electronic toll collection~~
1038 ~~system~~. The department may modify its rules regarding toll
1039 collection procedures and the imposition of administrative
1040 charges to be applicable to toll facilities that are not part of
1041 the turnpike system or otherwise owned by the department. This
1042 subsection may not be construed to limit the authority of the
1043 department under any other provision of law or under any
1044 agreement entered into before ~~prior to~~ July 1, 2012.

22-00495B-13

20131132

1045 Section 16. Subsection (4) of section 338.165, Florida
1046 Statutes, is amended to read:

1047 338.165 Continuation of tolls.—

1048 (4) Notwithstanding any other law to the contrary, pursuant
1049 to s. 11, Art. VII of the State Constitution, and subject to the
1050 requirements of subsection (2), the Department of Transportation
1051 may request the Division of Bond Finance to issue bonds secured
1052 by toll revenues collected on the Alligator Alley, the Sunshine
1053 Skyway Bridge, ~~the Beeline-East Expressway, the Navarre Bridge,~~
1054 and the Pinellas Bayway to fund transportation projects located
1055 within the county or counties in which the revenue-producing
1056 project is located and contained in the adopted work program of
1057 the department.

1058 Section 17. Subsections (3) and (4) of section 338.26,
1059 Florida Statutes, are amended to read:

1060 338.26 Alligator Alley toll road.—

1061 (3) Fees generated from tolls shall be deposited in the
1062 State Transportation Trust Fund, and any amount of funds
1063 generated annually in excess of that required to reimburse
1064 outstanding contractual obligations, to operate and maintain the
1065 highway and toll facilities, including reconstruction and
1066 restoration, to pay for those projects that are funded with
1067 Alligator Alley toll revenues and that are contained in the
1068 1993-1994 adopted work program or the 1994-1995 tentative work
1069 program submitted to the Legislature on February 22, 1994, and
1070 to design and construct ~~develop and operate~~ a fire station at
1071 mile marker 63 on Alligator Alley, which may be used by Collier
1072 County or other appropriate local governmental entity to provide
1073 fire, rescue, and emergency management services ~~to the adjacent~~

22-00495B-13

20131132

1074 ~~counties~~ along Alligator Alley, may be transferred to the
1075 Everglades Fund of the South Florida Water Management District
1076 in accordance with the memorandum of understanding of June 30,
1077 1997, between the district and the department. The South Florida
1078 Water Management District shall deposit funds for projects
1079 undertaken pursuant to s. 373.4592 in the Everglades Trust Fund
1080 pursuant to s. 373.45926(4)(a). Any funds remaining in the
1081 Everglades Fund may be used for environmental projects to
1082 restore the natural values of the Everglades, subject to
1083 compliance with any applicable federal laws and regulations.
1084 Projects must ~~shall~~ be limited to:

1085 (a) Highway redesign to allow for improved sheet flow of
1086 water across the southern Everglades.

1087 (b) Water conveyance projects to enable more water
1088 resources to reach Florida Bay to replenish marine estuary
1089 functions.

1090 (c) Engineering design plans for wastewater treatment
1091 facilities as recommended in the Water Quality Protection
1092 Program Document for the Florida Keys National Marine Sanctuary.

1093 (d) Acquisition of lands to move STA 3/4 out of the Toe of
1094 the Boot, provided such lands are located within 1 mile of the
1095 northern border of STA 3/4.

1096 (e) Other Everglades Construction Projects as described in
1097 the February 15, 1994, conceptual design document.

1098 ~~(4) The district may issue revenue bonds or notes under s.~~
1099 ~~373.584 and pledge the revenue from the transfers from the~~
1100 ~~Alligator Alley toll revenues as security for such bonds or~~
1101 ~~notes. The proceeds from such revenue bonds or notes shall be~~
1102 ~~used for environmental projects; at least 50 percent of said~~

22-00495B-13

20131132

1103 ~~proceeds must be used for projects that benefit Florida Bay, as~~
1104 ~~described in this section subject to resolutions approving such~~
1105 ~~activity by the Board of Trustees of the Internal Improvement~~
1106 ~~Trust Fund and the governing board of the South Florida Water~~
1107 ~~Management District and the remaining proceeds must be used for~~
1108 ~~restoration activities in the Everglades Protection Area.~~

1109 Section 18. Subsections (2) through (4) of section 339.175,
1110 Florida Statutes, are amended to read:

1111 339.175 Metropolitan planning organization.—

1112 (2) DESIGNATION.—

1113 (a)1. An M.P.O. shall be designated for each urbanized area
1114 of the state; however, this does not require that an individual
1115 M.P.O. be designated for each such area. The M.P.O. Such
1116 designation shall be accomplished by agreement between the
1117 Governor and units of general-purpose local government that
1118 together represent ~~representing~~ at least 75 percent of the
1119 population, including the largest incorporated municipality,
1120 based on population, ~~of the urbanized area; however, the unit of~~
1121 ~~general-purpose local government that represents the central~~
1122 ~~city or cities within the M.P.O. jurisdiction, as named~~ defined
1123 ~~by the United States Bureau of the Census, must be a party to~~
1124 ~~such agreement.~~

1125 2. To the extent possible, only one M.P.O. shall be
1126 designated for each urbanized area or group of contiguous
1127 urbanized areas. More than one M.P.O. may be designated within
1128 an existing urbanized area only if the Governor and the existing
1129 M.P.O. determine that the size and complexity of the existing
1130 urbanized area makes the designation of more than one M.P.O. for
1131 the area appropriate.

22-00495B-13

20131132

1132 (b) Each M.P.O. designated in a manner prescribed by Title
1133 23 of the United States Code shall be created and operated under
1134 the provisions of this section pursuant to an interlocal
1135 agreement entered into pursuant to s. 163.01. The signatories to
1136 the interlocal agreement shall be the department and the
1137 governmental entities designated by the Governor for membership
1138 on the M.P.O. Each M.P.O. shall be considered separate from the
1139 state or the governing body of a local government that is
1140 represented on the governing board of the M.P.O. or that is a
1141 signatory to the interlocal agreement creating the M.P.O. and
1142 shall have such powers and privileges that are provided under s.
1143 163.01. If there is a conflict between this section and s.
1144 163.01, this section prevails.

1145 (c) The jurisdictional boundaries of an M.P.O. shall be
1146 determined by agreement between the Governor and the applicable
1147 M.P.O. The boundaries must include at least the metropolitan
1148 planning area, which is the existing urbanized area and the
1149 contiguous area expected to become urbanized within a 20-year
1150 forecast period, and may encompass the entire metropolitan
1151 statistical area or the consolidated metropolitan statistical
1152 area.

1153 (d) In the case of an urbanized area designated as a
1154 nonattainment area for ozone or carbon monoxide under the Clean
1155 Air Act, 42 U.S.C. ss. 7401 et seq., the boundaries of the
1156 metropolitan planning area in existence as of the date of
1157 enactment of this paragraph shall be retained, except that the
1158 boundaries may be adjusted by agreement of the Governor and
1159 affected metropolitan planning organizations in the manner
1160 described in this section. If more than one M.P.O. has authority

22-00495B-13

20131132

1161 within a metropolitan area or an area that is designated as a
1162 nonattainment area, each M.P.O. shall consult with other
1163 M.P.O.'s designated for such area and with the state in the
1164 coordination of plans and programs required by this section.

1165 (e) The governing body of the M.P.O. shall designate, at a
1166 minimum, a chair, vice chair, and agency clerk. The chair and
1167 vice chair shall be selected from among the member delegates
1168 comprising the governing board. The agency clerk shall be
1169 charged with the responsibility of preparing meeting minutes and
1170 maintaining agency records. The clerk shall be a member of the
1171 M.P.O. governing board, an employee of the M.P.O., or other
1172 natural person.

1173
1174 Each M.P.O. required under this section must be fully operative
1175 no later than 6 months following its designation.

1176 (3) VOTING MEMBERSHIP.—

1177 (a) The voting membership of an M.P.O. shall consist of not
1178 fewer than 5 or more than 19 apportioned members, the exact
1179 number to be determined on an equitable geographic-population
1180 ratio ~~basis by the Governor~~, based on an agreement among the
1181 affected units of general-purpose local government and the
1182 Governor as required by federal ~~rules and~~ regulations. The
1183 voting membership of an M.P.O. that is redesignated after the
1184 effective date of this act as a result of the expansion of the
1185 M.P.O. to include a new urbanized area or the consolidation of
1186 two or more M.P.O.'s within a single urbanized area may consist
1187 of no more than 25 members. The Governor, in accordance with 23
1188 U.S.C. s. 134, may also provide for M.P.O. members who represent
1189 municipalities to alternate with representatives from other

22-00495B-13

20131132

1190 municipalities within the metropolitan planning area that do not
1191 have members on the M.P.O. County commission members shall
1192 compose not less than one-third of the M.P.O. membership, except
1193 for an M.P.O. with more than 15 members located in a county with
1194 a 5-member county commission or an M.P.O. with 19 members
1195 located in a county with no more than 6 county commissioners, in
1196 which case county commission members may compose less than one-
1197 third percent of the M.P.O. membership, but all county
1198 commissioners must be members. All voting members shall be
1199 elected officials of general-purpose local governments, except
1200 that an M.P.O. may include, as part of its apportioned voting
1201 members, a member of a statutorily authorized planning board, an
1202 official of an agency that operates or administers a major mode
1203 of transportation, or an official of Space Florida. As used in
1204 this section, the term "elected officials of a general-purpose
1205 local government" excludes ~~shall exclude~~ constitutional
1206 officers, including sheriffs, tax collectors, supervisors of
1207 elections, property appraisers, clerks of the court, and similar
1208 types of officials. County commissioners shall compose not less
1209 than 20 percent of the M.P.O. membership if an official of an
1210 agency that operates or administers a major mode of
1211 transportation has been appointed to an M.P.O.

1212 (b) In metropolitan areas in which authorities or other
1213 agencies have been or may be created by law to perform
1214 transportation functions and are performing transportation
1215 functions that are not under the jurisdiction of a general-
1216 purpose local government represented on the M.P.O., they may
1217 ~~shall~~ be provided voting membership on the M.P.O. In all other
1218 M.P.O.'s where transportation authorities or agencies are to be

22-00495B-13

20131132

1219 represented by elected officials from general-purpose local
1220 governments, the M.P.O. shall establish a process by which the
1221 collective interests of such authorities or other agencies are
1222 expressed and conveyed.

1223 (c) Any other provision of this section to the contrary
1224 notwithstanding, a chartered county with a population of more
1225 than ~~over~~ 1 million ~~population~~ may elect to reapportion the
1226 membership of an M.P.O. whose jurisdiction is wholly within the
1227 county. The charter county may exercise the provisions of this
1228 paragraph if:

1229 1. The M.P.O. approves the reapportionment plan by a three-
1230 fourths vote of its membership;

1231 2. The M.P.O. and the charter county determine that the
1232 reapportionment plan is needed to fulfill specific goals and
1233 policies applicable to that metropolitan planning area; and

1234 3. The charter county determines the reapportionment plan
1235 otherwise complies with all federal requirements pertaining to
1236 M.P.O. membership.

1237
1238 A ~~Any~~ charter county that elects to exercise the provisions of
1239 this paragraph shall notify the Governor in writing.

1240 (d) Any other provision of this section to the contrary
1241 notwithstanding, a ~~any~~ county chartered under s. 6(e), Art. VIII
1242 of the State Constitution may elect to have its county
1243 commission serve as the M.P.O., if the M.P.O. jurisdiction is
1244 wholly contained within the county. A ~~Any~~ charter county that
1245 elects to exercise the provisions of this paragraph shall so
1246 notify the Governor in writing. Upon receipt of the ~~such~~
1247 notification, the Governor must designate the county commission

22-00495B-13

20131132

1248 as the M.P.O. The Governor must appoint four additional voting
1249 members to the M.P.O., one of whom must be an elected official
1250 representing a municipality within the county, one of whom must
1251 be an expressway authority member, one of whom must be a person
1252 who does not hold elected public office and who resides in the
1253 unincorporated portion of the county, and one of whom must be a
1254 school board member.

1255 (4) APPORTIONMENT.—

1256 (a) Each M.P.O. in the state shall review the composition
1257 of its membership in conjunction with the decennial census, as
1258 prepared by the United States Department of Commerce, Bureau of
1259 the Census, and, with the agreement of the affected units of
1260 general-purpose local government, reapportion the membership as
1261 necessary to comply with subsection (3) ~~The Governor shall, with~~
1262 ~~the agreement of the affected units of general-purpose local~~
1263 ~~government as required by federal rules and regulations,~~
1264 ~~apportion the membership on the applicable M.P.O. among the~~
1265 ~~various governmental entities within the area.~~

1266 (b) At the request of a majority of the affected units of
1267 general-purpose local government comprising an M.P.O., the
1268 Governor and a majority of units of general-purpose local
1269 government serving on an M.P.O. shall cooperatively agree upon
1270 and prescribe who may serve as an alternate member and a method
1271 for appointing alternate members who may vote at any M.P.O.
1272 meeting that an alternate member attends in place of a regular
1273 member. The method must ~~shall~~ be set forth as a part of the
1274 interlocal agreement describing the M.P.O.'s membership or in
1275 the M.P.O.'s operating procedures and bylaws. The governmental
1276 entity so designated shall appoint the appropriate number of

22-00495B-13

20131132

1277 members to the M.P.O. from eligible officials. Representatives
1278 of the department shall serve as nonvoting advisers to the
1279 M.P.O. governing board. Additional nonvoting advisers may be
1280 appointed by the M.P.O. as deemed necessary; however, to the
1281 maximum extent feasible, each M.P.O. shall seek to appoint
1282 nonvoting representatives of various multimodal forms of
1283 transportation not otherwise represented by voting members of
1284 the M.P.O. An M.P.O. shall appoint nonvoting advisers
1285 representing major military installations located within the
1286 jurisdictional boundaries of the M.P.O. upon the request of the
1287 aforesaid major military installations and subject to the
1288 agreement of the M.P.O. All nonvoting advisers may attend and
1289 participate fully in governing board meetings but may not vote
1290 or be members of the governing board. ~~The Governor shall review~~
1291 ~~the composition of the M.P.O. membership in conjunction with the~~
1292 ~~decennial census as prepared by the United States Department of~~
1293 ~~Commerce, Bureau of the Census, and reapportion it as necessary~~
1294 ~~to comply with subsection (3).~~

1295 (c) ~~(b)~~ Except for members who represent municipalities on
1296 the basis of alternating with representatives from other
1297 municipalities that do not have members on the M.P.O. as
1298 provided in paragraph (3) (a), the members of an M.P.O. shall
1299 serve 4-year terms. Members who represent municipalities on the
1300 basis of alternating with representatives from other
1301 municipalities that do not have members on the M.P.O. as
1302 provided in paragraph (3) (a) may serve terms of up to 4 years as
1303 further provided in the interlocal agreement described in
1304 paragraph (2) (b). The membership of a member who is a public
1305 official automatically terminates upon the member's leaving his

22-00495B-13

20131132

1306 or her elective or appointive office for any reason, or may be
1307 terminated by a majority vote of the total membership of the
1308 entity's governing board represented by the member. A vacancy
1309 shall be filled by the original appointing entity. A member may
1310 be reappointed for one or more additional 4-year terms.

1311 (d) ~~(e)~~ If a governmental entity fails to fill an assigned
1312 appointment to an M.P.O. within 60 days after notification by
1313 the Governor of its duty to appoint, that appointment must ~~shall~~
1314 be made by the Governor from the eligible representatives of
1315 that governmental entity.

1316 Section 19. Paragraph (a) of subsection (1) and subsections
1317 (4) and (5) of section 339.2821, Florida Statutes, are amended
1318 to read:

1319 339.2821 Economic development transportation projects.—

1320 (1) (a) The department, in consultation with the Department
1321 of Economic Opportunity and Enterprise Florida, Inc., may make
1322 and approve expenditures and contract with the appropriate
1323 governmental body for the direct costs of transportation
1324 projects. The Department of Economic Opportunity and the
1325 Department of Environmental Protection may formally review and
1326 comment on recommended transportation projects, although the
1327 department has final approval authority for any project
1328 authorized under this section.

1329 (4) A contract between the department and a governmental
1330 body for a transportation project must:

1331 (a) Specify that the transportation project is for the
1332 construction of a new or expanding business and specify the
1333 number of full-time permanent jobs that will result from the
1334 project.

22-00495B-13

20131132

1335 (b) Identify the governmental body and require that the
1336 governmental body award the construction of the particular
1337 transportation project to the lowest and best bidder in
1338 accordance with applicable state and federal statutes or rules
1339 unless the transportation project can be constructed using
1340 existing local governmental employees within the contract period
1341 specified by the department.

1342 (c) Require that the governmental body provide the
1343 department with ~~quarterly~~ progress reports. Each ~~quarterly~~
1344 progress report must contain:

1345 1. A narrative description of the work completed and
1346 whether the work is proceeding according to the transportation
1347 project schedule;

1348 2. A description of each change order executed by the
1349 governmental body;

1350 3. A budget summary detailing planned expenditures compared
1351 to actual expenditures; and

1352 4. The identity of each small or minority business used as
1353 a contractor or subcontractor.

1354 (d) Require that the governmental body make and maintain
1355 records in accordance with accepted governmental accounting
1356 principles and practices for each progress payment made for work
1357 performed in connection with the transportation project, each
1358 change order executed by the governmental body, and each payment
1359 made pursuant to a change order. The records are subject to
1360 financial audit as required by law.

1361 (e) Require that the governmental body, upon completion and
1362 acceptance of the transportation project, certify to the
1363 department that the transportation project has been completed in

22-00495B-13

20131132__

1364 compliance with the terms and conditions of the contract between
1365 the department and the governmental body and meets the minimum
1366 construction standards established in accordance with s.
1367 336.045.

1368 (f) Specify that ~~the department transfer funds~~ will not be
1369 transferred to the governmental body unless construction has
1370 begun on the facility of the ~~not more often than quarterly, upon~~
1371 ~~receipt of a request for funds from the governmental body and~~
1372 ~~consistent with the needs of the transportation project. The~~
1373 ~~governmental body shall expend funds received from the~~
1374 ~~department in a timely manner. The department may not transfer~~
1375 ~~funds unless construction has begun on the facility of a~~
1376 ~~business on whose behalf the award was made. If construction of~~
1377 ~~the transportation project does not begin within 4 years after~~
1378 ~~the date of the initial grant award, the grant award is~~
1379 ~~terminated A contract totaling less than \$200,000 is exempt from~~
1380 ~~the transfer requirement.~~

1381 (g) Require that funds be used only on a transportation
1382 project that has been properly reviewed and approved in
1383 accordance with the criteria set forth in this section.

1384 (h) Require that the governing board of the governmental
1385 body adopt a resolution accepting future maintenance and other
1386 attendant costs occurring after completion of the transportation
1387 project if the transportation project is constructed on a county
1388 or municipal system.

1389 (5) For purposes of this section, Space Florida may serve
1390 as the governmental body or as the contracting agency for a
1391 ~~transportation~~ project within a spaceport territory as defined
1392 by s. 331.304.

22-00495B-13

20131132

1393 Section 20. Paragraphs (a) and (c) of subsection (2) and
1394 paragraph (i) of subsection (7) of section 339.55, Florida
1395 Statutes, are amended to read:

1396 339.55 State-funded infrastructure bank.—

1397 (2) The bank may lend capital costs or provide credit
1398 enhancements for:

1399 (a) A transportation facility project that is on the State
1400 Highway System or that provides for increased mobility on the
1401 state's transportation system or provides intermodal
1402 connectivity with airports, seaports, spaceports, rail
1403 facilities, and other transportation terminals, pursuant to s.
1404 341.053, for the movement of people and goods.

1405 (c)1. Emergency loans for damages incurred to public-use
1406 commercial deepwater seaports, public-use airports, public-use
1407 spaceports, and other public-use transit and intermodal
1408 facilities that are within an area that is part of an official
1409 state declaration of emergency pursuant to chapter 252 and all
1410 other applicable laws. Such loans:

1411 a. May not exceed 24 months in duration except in extreme
1412 circumstances, for which the Secretary of Transportation may
1413 grant up to 36 months upon making written findings specifying
1414 the conditions requiring a 36-month term.

1415 b. Require application from the recipient to the department
1416 that includes documentation of damage claims filed with the
1417 Federal Emergency Management Agency or an applicable insurance
1418 carrier and documentation of the recipient's overall financial
1419 condition.

1420 c. Are subject to approval by the Secretary of
1421 Transportation and the Legislative Budget Commission.

22-00495B-13

20131132

1422 2. Loans provided under this paragraph must be repaid upon
1423 receipt by the recipient of eligible program funding for damages
1424 in accordance with the claims filed with the Federal Emergency
1425 Management Agency or an applicable insurance carrier, but no
1426 later than the duration of the loan.

1427 (7) The department may consider, but is not limited to, the
1428 following criteria for evaluation of projects for assistance
1429 from the bank:

1430 (i) The extent to which the project will provide for
1431 connectivity between the State Highway System and airports,
1432 seaports, spaceports, rail facilities, and other transportation
1433 terminals and intermodal options pursuant to s. 341.053 for the
1434 increased accessibility and movement of people and goods.

1435 Section 21. Subsection (11) of section 341.031, Florida
1436 Statutes, is amended to read:

1437 341.031 Definitions relating to Florida Public Transit
1438 Act.—As used in ss. 341.011-341.061, the term:

1439 (11) "Intercity bus service" means regularly scheduled bus
1440 service for the general public which operates with limited stops
1441 over fixed routes connecting two or more urban areas not in
1442 close proximity; has the capacity for transporting baggage
1443 carried by passengers; and makes meaningful connections with
1444 scheduled intercity bus service to more distant points, if such
1445 service is available; ~~maintains scheduled information in the~~
1446 ~~National Official Bus Guide; and provides package express~~
1447 ~~service incidental to passenger transportation.~~

1448 Section 22. Section 341.053, Florida Statutes, is amended
1449 to read:

1450 341.053 Intermodal Development Program; administration;

22-00495B-13

20131132

1451 eligible projects; limitations.—

1452 (1) There is created within the Department of
1453 Transportation an Intermodal Development Program to provide for
1454 major capital investments in fixed-guideway transportation
1455 systems, access to seaports, airports, spaceports, and other
1456 transportation terminals, providing for the construction of
1457 intermodal or multimodal terminals; and to plan or fund
1458 construction of airport, spaceport, seaport, transit, and rail
1459 projects that ~~otherwise~~ facilitate the intermodal or multimodal
1460 movement of people and goods.

1461 (2) The Intermodal Development Program shall be used for
1462 projects that support statewide goals as outlined in the Florida
1463 Transportation Plan, the Strategic Intermodal System Plan, the
1464 Freight Mobility and Trade Plan, or the appropriate department
1465 modal plan ~~In recognition of the department's role in the~~
1466 ~~economic development of this state, the department shall develop~~
1467 ~~a proposed intermodal development plan to connect Florida's~~
1468 ~~airports, deepwater seaports, rail systems serving both~~
1469 ~~passenger and freight, and major intermodal connectors to the~~
1470 ~~Strategic Intermodal System highway corridors as the primary~~
1471 ~~system for the movement of people and freight in this state in~~
1472 ~~order to make the intermodal development plan a fully integrated~~
1473 ~~and interconnected system. The intermodal development plan must:~~
1474 (a) ~~Define and assess the state's freight intermodal~~
1475 ~~network, including airports, seaports, rail lines and terminals,~~
1476 ~~intercity bus lines and terminals, and connecting highways.~~
1477 (b) ~~Prioritize statewide infrastructure investments,~~
1478 ~~including the acceleration of current projects, which are found~~
1479 ~~by the Freight Stakeholders Task Force to be priority projects~~

22-00495B-13

20131132

1480 ~~for the efficient movement of people and freight.~~

1481 ~~(c) Be developed in a manner that will assure maximum use~~
1482 ~~of existing facilities and optimum integration and coordination~~
1483 ~~of the various modes of transportation, including both~~
1484 ~~government-owned and privately owned resources, in the most~~
1485 ~~cost-effective manner possible.~~

1486 (3) The Intermodal Development Program shall be
1487 administered by the department.

1488 (4) The department shall review funding requests from a
1489 rail authority created pursuant to chapter 343. The department
1490 may include projects of the authorities, including planning and
1491 design, in the tentative work program.

1492 ~~(5) No single transportation authority operating a fixed-~~
1493 ~~guideway transportation system, or single fixed-guideway~~
1494 ~~transportation system not administered by a transportation~~
1495 ~~authority, receiving funds under the Intermodal Development~~
1496 ~~Program shall receive more than 33 1/3 percent of the total~~
1497 ~~intermodal development funds appropriated between July 1, 1990,~~
1498 ~~and June 30, 2015. In determining the distribution of funds~~
1499 ~~under the Intermodal Development Program in any fiscal year, the~~
1500 ~~department shall assume that future appropriation levels will be~~
1501 ~~equal to the current appropriation level.~~

1502 ~~(6) The department may is authorized to fund projects~~
1503 ~~within the Intermodal Development Program, which are consistent,~~
1504 ~~to the maximum extent feasible, with approved local government~~
1505 ~~comprehensive plans of the units of local government in which~~
1506 ~~the project is located. Projects that are eligible for funding~~
1507 ~~under this program include planning studies, major capital~~
1508 ~~investments in public rail and fixed-guideway transportation or~~

22-00495B-13

20131132

1509 freight facilities and systems which provide intermodal access;
1510 road, rail, intercity bus service, or fixed-guideway access to,
1511 from, or between seaports, airports, spaceports, intermodal
1512 logistics centers, and other transportation terminals;
1513 construction of intermodal or multimodal terminals, including
1514 projects on airports, spaceports, intermodal logistics centers,
1515 or seaports which assist in the movement or transfer of people
1516 or goods; development and construction of dedicated bus lanes;
1517 and projects which otherwise facilitate the intermodal or
1518 multimodal movement of people and goods.

1519 Section 23. Subsection (17) of section 341.302, Florida
1520 Statutes, is amended to read:

1521 341.302 Rail program; duties and responsibilities of the
1522 department.—The department, in conjunction with other
1523 governmental entities, including the rail enterprise and the
1524 private sector, shall develop and implement a rail program of
1525 statewide application designed to ensure the proper maintenance,
1526 safety, revitalization, and expansion of the rail system to
1527 assure its continued and increased availability to respond to
1528 statewide mobility needs. Within the resources provided pursuant
1529 to chapter 216, and as authorized under federal law, the
1530 department shall:

1531 (17) In conjunction with the acquisition, ownership,
1532 construction, operation, maintenance, and management of a rail
1533 corridor, ~~have the authority to:~~

1534 (a) Assume obligations pursuant to the following:

1535 1.a. The department may assume the obligation by contract
1536 to forever protect, defend, indemnify, and hold harmless the
1537 freight rail operator, or its successors, from whom the

22-00495B-13

20131132

1538 department has acquired a real property interest in the rail
1539 corridor, and that freight rail operator's officers, agents, and
1540 employees, from and against any liability, cost, and expense,
1541 including, but not limited to, commuter rail passengers and rail
1542 corridor invitees in the rail corridor, regardless of whether
1543 the loss, damage, destruction, injury, or death giving rise to
1544 any such liability, cost, or expense is caused in whole or in
1545 part, and to whatever nature or degree, by the fault, failure,
1546 negligence, misconduct, nonfeasance, or misfeasance of such
1547 freight rail operator, its successors, or its officers, agents,
1548 and employees, or any other person or persons whomsoever; or

1549 b. The department may assume the obligation by contract to
1550 forever protect, defend, indemnify, and hold harmless National
1551 Railroad Passenger Corporation, or its successors, and officers,
1552 agents, and employees of National Railroad Passenger
1553 Corporation, from and against any liability, cost, and expense,
1554 including, but not limited to, commuter rail passengers and rail
1555 corridor invitees in the rail corridor, regardless of whether
1556 the loss, damage, destruction, injury, or death giving rise to
1557 any such liability, cost, or expense is caused in whole or in
1558 part, and to whatever nature or degree, by the fault, failure,
1559 negligence, misconduct, nonfeasance, or misfeasance of National
1560 Railroad Passenger Corporation, its successors, or its officers,
1561 agents, and employees, or any other person or persons
1562 whomsoever.

1563 2. The assumption of liability of the department by
1564 contract pursuant to sub-subparagraph 1.a. or sub-subparagraph
1565 1.b. may not in any instance exceed the following parameters of
1566 allocation of risk:

22-00495B-13

20131132

1567 a. The department may be solely responsible for any loss,
1568 injury, or damage to commuter rail passengers, or rail corridor
1569 invitees, or trespassers, regardless of circumstances or cause,
1570 subject to sub-subparagraph b. and subparagraphs 3., 4., 5., and
1571 6.

1572 b.(I) In the event of a limited covered accident, the
1573 authority of the department to protect, defend, and indemnify
1574 the freight operator for all liability, cost, and expense,
1575 including punitive or exemplary damages, in excess of the
1576 deductible or self-insurance retention fund established under
1577 paragraph (b) and actually in force at the time of the limited
1578 covered accident exists only if the freight operator agrees,
1579 with respect to the limited covered accident, to protect,
1580 defend, and indemnify the department for the amount of the
1581 deductible or self-insurance retention fund established under
1582 paragraph (b) and actually in force at the time of the limited
1583 covered accident.

1584 (II) In the event of a limited covered accident, the
1585 authority of the department to protect, defend, and indemnify
1586 National Railroad Passenger Corporation for all liability, cost,
1587 and expense, including punitive or exemplary damages, in excess
1588 of the deductible or self-insurance retention fund established
1589 under paragraph (b) and actually in force at the time of the
1590 limited covered accident exists only if National Railroad
1591 Passenger Corporation agrees, with respect to the limited
1592 covered accident, to protect, defend, and indemnify the
1593 department for the amount of the deductible or self-insurance
1594 retention fund established under paragraph (b) and actually in
1595 force at the time of the limited covered accident.

22-00495B-13

20131132

1596 3. If ~~When~~ only one train is involved in an incident, the
1597 department may be solely responsible for any loss, injury, or
1598 damage if the train is a department train or other train
1599 pursuant to subparagraph 4., but only if:

1600 a. If ~~When~~ an incident occurs with only a freight train
1601 involved, including incidents with trespassers or at grade
1602 crossings, the freight rail operator is solely responsible for
1603 any loss, injury, or damage, except for commuter rail passengers
1604 and rail corridor invitees; or

1605 b. If ~~When~~ an incident occurs with only a National Railroad
1606 Passenger Corporation train involved, including incidents with
1607 trespassers or at grade crossings, National Railroad Passenger
1608 Corporation is solely responsible for any loss, injury, or
1609 damage, except for commuter rail passengers and rail corridor
1610 invitees.

1611 4. For the purposes of this subsection:

1612 a. A ~~Any~~ train involved in an incident which ~~that~~ is not
1613 ~~neither~~ the department's train or ~~nor~~ the freight rail
1614 operator's train, hereinafter referred to in this subsection as
1615 an "other train," may be treated as a department train, solely
1616 for purposes of any allocation of liability between the
1617 department and the freight rail operator only, but only if the
1618 department and the freight rail operator share responsibility
1619 equally as to third parties outside the rail corridor who incur
1620 loss, injury, or damage as a result of any incident involving
1621 both a department train and a freight rail operator train, and
1622 the allocation as between the department and the freight rail
1623 operator, regardless of whether the other train is treated as a
1624 department train, shall remain one-half each as to third parties

22-00495B-13

20131132

1625 outside the rail corridor who incur loss, injury, or damage as a
1626 result of the incident. The involvement of any other train does
1627 ~~shall~~ not alter the sharing of equal responsibility as to third
1628 parties outside the rail corridor who incur loss, injury, or
1629 damage as a result of the incident; or

1630 b. A ~~Any~~ train involved in an incident that is not ~~neither~~
1631 the department's train or ~~nor~~ the National Railroad Passenger
1632 Corporation's train, hereinafter referred to in this subsection
1633 as an "other train," may be treated as a department train,
1634 solely for purposes of any allocation of liability between the
1635 department and National Railroad Passenger Corporation only, but
1636 only if the department and National Railroad Passenger
1637 Corporation share responsibility equally as to third parties
1638 outside the rail corridor who incur loss, injury, or damage as a
1639 result of any incident involving both a department train and a
1640 National Railroad Passenger Corporation train, and the
1641 allocation as between the department and National Railroad
1642 Passenger Corporation, regardless of whether the other train is
1643 treated as a department train, shall remain one-half each as to
1644 third parties outside the rail corridor who incur loss, injury,
1645 or damage as a result of the incident. The involvement of any
1646 other train does ~~shall~~ not alter the sharing of equal
1647 responsibility as to third parties outside the rail corridor who
1648 incur loss, injury, or damage as a result of the incident.

1649 5. If ~~When~~ more than one train is involved in an incident:

1650 a.(I) If only a department train and freight rail
1651 operator's train, or only an other train as described in sub-
1652 subparagraph 4.a. and a freight rail operator's train, are
1653 involved in an incident, the department may be responsible for

22-00495B-13

20131132

1654 its property and all of its people, all commuter rail
1655 passengers, and rail corridor invitees, but only if the freight
1656 rail operator is responsible for its property and all of its
1657 people, and the department and the freight rail operator each
1658 share one-half responsibility as to trespassers or third parties
1659 outside the rail corridor who incur loss, injury, or damage as a
1660 result of the incident; or

1661 (II) If only a department train and a National Railroad
1662 Passenger Corporation train, or only an other train as described
1663 in sub-subparagraph 4.b. and a National Railroad Passenger
1664 Corporation train, are involved in an incident, the department
1665 may be responsible for its property and all of its people, all
1666 commuter rail passengers, and rail corridor invitees, but only
1667 if National Railroad Passenger Corporation is responsible for
1668 its property and all of its people, all National Railroad
1669 Passenger Corporation's rail passengers, and the department and
1670 National Railroad Passenger Corporation each share one-half
1671 responsibility as to trespassers or third parties outside the
1672 rail corridor who incur loss, injury, or damage as a result of
1673 the incident.

1674 b.(I) If a department train, a freight rail operator train,
1675 and any other train are involved in an incident, the allocation
1676 of liability between the department and the freight rail
1677 operator, regardless of whether the other train is treated as a
1678 department train, shall remain one-half each as to third parties
1679 outside the rail corridor who incur loss, injury, or damage as a
1680 result of the incident; the involvement of any other train does
1681 ~~shall~~ not alter the sharing of equal responsibility as to third
1682 parties outside the rail corridor who incur loss, injury, or

22-00495B-13

20131132

1683 damage as a result of the incident; and, if the owner, operator,
1684 or insurer of the other train makes any payment to injured third
1685 parties outside the rail corridor who incur loss, injury, or
1686 damage as a result of the incident, the allocation of credit
1687 between the department and the freight rail operator as to such
1688 payment does ~~shall~~ not in any case reduce the freight rail
1689 operator's third-party-sharing allocation of one-half under this
1690 paragraph to less than one-third of the total third party
1691 liability; or

1692 (II) If a department train, a National Railroad Passenger
1693 Corporation train, and any other train are involved in an
1694 incident, the allocation of liability between the department and
1695 National Railroad Passenger Corporation, regardless of whether
1696 the other train is treated as a department train, shall remain
1697 one-half each as to third parties outside the rail corridor who
1698 incur loss, injury, or damage as a result of the incident; the
1699 involvement of any other train does ~~shall~~ not alter the sharing
1700 of equal responsibility as to third parties outside the rail
1701 corridor who incur loss, injury, or damage as a result of the
1702 incident; and, if the owner, operator, or insurer of the other
1703 train makes any payment to injured third parties outside the
1704 rail corridor who incur loss, injury, or damage as a result of
1705 the incident, the allocation of credit between the department
1706 and National Railroad Passenger Corporation as to such payment
1707 does ~~shall~~ not in any case reduce National Railroad Passenger
1708 Corporation's third-party-sharing allocation of one-half under
1709 this sub-subparagraph to less than one-third of the total third
1710 party liability.

1711 6. Any such contractual duty to protect, defend, indemnify,

22-00495B-13

20131132

1712 and hold harmless such a freight rail operator or National
1713 Railroad Passenger Corporation shall expressly include a
1714 specific cap on the amount of the contractual duty, which amount
1715 may ~~shall~~ not exceed \$200 million without prior legislative
1716 approval, and the department to purchase liability insurance and
1717 establish a self-insurance retention fund in the amount of the
1718 specific cap established under this subparagraph, provided that:

1719 a. A ~~No such~~ contractual duty may not ~~shall~~ in any case be
1720 effective or ~~or~~ otherwise extend the department's liability in
1721 scope and effect beyond the contractual liability insurance and
1722 self-insurance retention fund required pursuant to this
1723 paragraph; and

1724 b.(I) The freight rail operator's compensation to the
1725 department for future use of the department's rail corridor
1726 shall include a monetary contribution to the cost of such
1727 liability coverage for the sole benefit of the freight rail
1728 operator.

1729 (II) National Railroad Passenger Corporation's compensation
1730 to the department for future use of the department's rail
1731 corridor shall include a monetary contribution to the cost of
1732 such liability coverage for the sole benefit of National
1733 Railroad Passenger Corporation.

1734 (b) Purchase liability insurance, which amount may ~~shall~~
1735 not exceed \$200 million, and establish a self-insurance
1736 retention fund for the purpose of paying the deductible limit
1737 established in the insurance policies it may obtain, including
1738 coverage for the department, any freight rail operator as
1739 described in paragraph (a), National Railroad Passenger
1740 Corporation, commuter rail service providers, governmental

22-00495B-13

20131132__

1741 entities, or any ancillary development, which self-insurance
1742 retention fund or deductible may ~~shall~~ not exceed \$10 million.
1743 The insureds shall pay a reasonable monetary contribution to the
1744 cost of such liability coverage for the sole benefit of the
1745 insured. Such insurance and self-insurance retention fund may
1746 provide coverage for all damages, including, but not limited to,
1747 compensatory, special, and exemplary, and be maintained to
1748 provide an adequate fund to cover claims and liabilities for
1749 loss, injury, or damage arising out of or connected with the
1750 ownership, operation, maintenance, and management of a rail
1751 corridor.

1752 (c) Incur expenses for the purchase of advertisements,
1753 marketing, and promotional items.

1754 (d) Undertake any ancillary development that the department
1755 determines to be appropriate as a source of revenue for the
1756 establishment, construction, operation, or maintenance of any
1757 rail corridor owned by the state. The ancillary development must
1758 be consistent, to the extent feasible, with applicable local
1759 government comprehensive plans and local land development
1760 regulations and otherwise be in compliance with ss. 341.302-
1761 341.303.

1762
1763 ~~Neither~~ The assumption by contract to protect, defend,
1764 indemnify, and hold harmless; the purchase of insurance; or ~~nor~~
1765 the establishment of a self-insurance retention fund may not
1766 ~~shall~~ be deemed to be a waiver of any defense of sovereign
1767 immunity for torts nor deemed to increase the limits of the
1768 department's or the governmental entity's liability for torts as
1769 provided in s. 768.28. The requirements of s. 287.022(1) do

22-00495B-13

20131132__

1770 ~~shall~~ not apply to the purchase of any insurance under this
1771 subsection. The provisions of this subsection ~~shall~~ apply and
1772 inure fully as to any other governmental entity providing
1773 commuter rail service and constructing, operating, maintaining,
1774 or managing a rail corridor on publicly owned right-of-way under
1775 contract by the governmental entity with the department or a
1776 governmental entity designated by the department.
1777 Notwithstanding any law to the contrary, procurement for the
1778 construction, operation, maintenance, and management of any rail
1779 corridor described in this subsection, whether by the
1780 department, a governmental entity under contract with the
1781 department, or a governmental entity designated by the
1782 department, must ~~shall~~ be pursuant to s. 287.057 and must ~~shall~~
1783 include, but not be limited to, criteria for the consideration
1784 of qualifications, technical aspects of the proposal, and price.
1785 Further, a ~~any such~~ contract for design-build shall be procured
1786 pursuant to the criteria in s. 337.11(7).

1787 Section 24. Paragraph (d) of subsection (3) of section
1788 343.82, Florida Statutes, is amended to read:

1789 343.82 Purposes and powers.—

1790 (3)

1791 (d) The authority may undertake projects or other
1792 improvements in the master plan in phases as particular projects
1793 or segments thereof become feasible, as determined by the
1794 authority. In carrying out its purposes and powers, the
1795 authority may request funding and technical assistance from the
1796 department and appropriate federal and local agencies,
1797 including, but not limited to, state infrastructure bank loans,
1798 ~~advances from the Toll Facilities Revolving Trust Fund,~~ and from

22-00495B-13

20131132

1799 any other sources.

1800 Section 25. Subsection (4) of section 343.922, Florida
1801 Statutes, is amended to read:

1802 343.922 Powers and duties.—

1803 (4) The authority may undertake projects or other
1804 improvements in the master plan in phases as particular projects
1805 or segments become feasible, as determined by the authority. The
1806 authority shall coordinate project planning, development, and
1807 implementation with the applicable local governments. The
1808 authority's projects that are transportation oriented shall be
1809 consistent to the maximum extent feasible with the adopted local
1810 government comprehensive plans at the time they are funded for
1811 construction. Authority projects that are not transportation
1812 oriented and meet the definition of development pursuant to s.
1813 380.04 shall be consistent with the local comprehensive plans.
1814 In carrying out its purposes and powers, the authority may
1815 request funding and technical assistance from the department and
1816 appropriate federal and local agencies, including, but not
1817 limited to, state infrastructure bank loans, ~~advances from the~~
1818 ~~Toll Facilities Revolving Trust Fund,~~ and funding and technical
1819 assistance from any other source.

1820 Section 26. Chapter 345, Florida Statutes, consisting of
1821 sections 345.0001, 345.0002, 345.0003, 345.0004, 345.0005,
1822 345.0006, 345.0007, 345.0008, 345.0009, 345.0010, 345.0011,
1823 345.0012, 345.0013, 345.0014, 345.0015, 345.0016, and 345.0017,
1824 is created to read:

1825 345.0001 Short title.—This act may be cited as the "Florida
1826 Regional Tollway Authority Act."

1827 345.0002 Definitions.—As used in this chapter, the term:

22-00495B-13

20131132

1828 (1) "Agency of the state" means the state and any
1829 department of, or any corporation, agency, or instrumentality
1830 heretofore or hereafter created, designated, or established by,
1831 the state.

1832 (2) "Area served" means the geographical area of the
1833 counties for which an authority is established.

1834 (3) "Authority" means a regional tollway authority, a body
1835 politic and corporate, and an agency of the state, established
1836 pursuant to the Florida Regional Tollway Authority Act.

1837 (4) "Bonds" means the notes, bonds, refunding bonds, or
1838 other evidences of indebtedness or obligations, in temporary or
1839 definitive form, which an authority may issue pursuant to this
1840 act.

1841 (5) "Department" means the Department of Transportation of
1842 Florida and any successor thereto.

1843 (6) "Division" means the Division of Bond Finance of the
1844 State Board of Administration.

1845 (7) "Federal agency" means the United States, the President
1846 of the United States, and any department of, or any bureau,
1847 corporation, agency, or instrumentality heretofore or hereafter
1848 created, designated, or established by, the United States.

1849 (8) "Members" means the governing body of an authority, and
1850 the term "member" means one of the individuals constituting such
1851 governing body.

1852 (9) "Regional system" or "system" means, generally, a
1853 modern tolled highway system of roads, bridges, causeways, and
1854 tunnels within any area of the authority, with access limited or
1855 unlimited as an authority may determine, and the buildings and
1856 structures and appurtenances and facilities related to the

22-00495B-13

20131132

1857 system, including all approaches, streets, roads, bridges, and
1858 avenues of access for the system.

1859 (10) "Revenues" means the tolls, revenues, rates, fees,
1860 charges, receipts, rentals, contributions, and other income
1861 derived from or in connection with the operation or ownership of
1862 a regional system, including the proceeds of any use and
1863 occupancy insurance on any portion of the system but excluding
1864 state funds available to an authority and any other municipal or
1865 county funds available to an authority under an agreement with a
1866 municipality or county.

1867 345.0003 Tollway authority; formation; membership.—

1868 (1) A county, or two or more contiguous counties, may,
1869 after the approval of the Legislature, form a regional tollway
1870 authority for the purposes of constructing, maintaining, and
1871 operating transportation projects in a region of this state. An
1872 authority shall be governed in accordance with the provisions of
1873 this chapter. An authority may not be created without the
1874 approval of the Legislature and the approval of the county
1875 commission of each county that will be a part of the authority.
1876 An authority may not be created to serve a particular area of
1877 this state as provided by this subsection if a regional tollway
1878 authority has been created and is operating within all or a
1879 portion of the same area served pursuant to an act of the
1880 Legislature. Each authority shall be the only authority created
1881 and operating pursuant to this chapter within the area served by
1882 the authority.

1883 (2) The governing body of an authority shall consist of a
1884 board of voting members as follows:

1885 (a) The county commission of each county in the area served

22-00495B-13

20131132

1886 by the authority shall each appoint a member who must be a
1887 resident of the county from which he or she is appointed. If
1888 possible, the member must represent the business and civic
1889 interests of the community.

1890 (b) The Governor shall appoint an equal number of members
1891 to the board as those appointed by the county commissions. The
1892 members appointed by the Governor must be residents of the area
1893 served by the authority.

1894 (c) The secretary of the Department of Transportation shall
1895 appoint one of the district secretaries, or his or her designee,
1896 for the districts within which the area served by the authority
1897 is located.

1898 (3) The term of office of each member shall be for 4 years
1899 or until his or her successor is appointed and qualified.

1900 (4) A member may not hold an elected office.

1901 (5) A vacancy occurring in the governing body before the
1902 expiration of the member's term shall be filled by the
1903 respective appointing authority in the same manner as the
1904 original appointment and only for the balance of the unexpired
1905 term.

1906 (6) Each member, before entering upon his or her official
1907 duties, must take and subscribe to an oath before an official
1908 authorized by law to administer oaths that he or she will
1909 honestly, faithfully, and impartially perform the duties
1910 devolving upon him or her in office as a member of the governing
1911 body of the authority and that he or she will not neglect any
1912 duties imposed upon him or her by this chapter.

1913 (7) A member of an authority may be removed from office by
1914 the Governor for misconduct, malfeasance, misfeasance, or

22-00495B-13

20131132__

1915 nonfeasance in office.

1916 (8) The members of the authority shall designate one of its
1917 members as chair.

1918 (9) The members of the authority shall serve without
1919 compensation, but shall be entitled to reimbursement for per
1920 diem and other expenses in accordance with s. 112.061 while in
1921 performance of their duties.

1922 (10) A majority of the members of the authority constitutes
1923 a quorum, and resolutions enacted or adopted by a vote of a
1924 majority of the members present and voting at any meeting become
1925 effective without publication, posting, or any further action of
1926 the authority.

1927 345.0004 Powers and duties.-

1928 (1) (a) An authority created and established, or governed,
1929 by the Florida Regional Tollway Authority Act shall plan,
1930 develop, finance, construct, reconstruct, improve, own, operate,
1931 and maintain a regional system in the area served by the
1932 authority.

1933 (b) An authority may not exercise the powers in paragraph
1934 (a) with respect to an existing system for transporting people
1935 and goods by any means that is owned by another entity without
1936 the consent of that entity. If an authority acquires, purchases,
1937 or inherits an existing entity, the authority shall also inherit
1938 and assume all rights, assets, appropriations, privileges, and
1939 obligations of the existing entity.

1940 (2) Each authority may exercise all powers necessary,
1941 appurtenant, convenient, or incidental to the carrying out of
1942 the purposes of this section, including, but not limited to, the
1943 following rights and powers:

22-00495B-13

20131132

1944 (a) To sue and be sued, implead and be impleaded, and
1945 complain and defend in all courts in its own name.

1946 (b) To adopt and use a corporate seal.

1947 (c) To have the power of eminent domain, including the
1948 procedural powers granted under chapters 73 and 74.

1949 (d) To acquire, purchase, hold, lease as a lessee, and use
1950 any property, real, personal, or mixed, tangible or intangible,
1951 or any interest therein, necessary or desirable for carrying out
1952 the purposes of the authority.

1953 (e) To sell, convey, exchange, lease, or otherwise dispose
1954 of any real or personal property acquired by the authority,
1955 including air rights.

1956 (f) To fix, alter, charge, establish, and collect rates,
1957 fees, rentals, and other charges for the use of any system owned
1958 or operated by the authority, which rates, fees, rentals, and
1959 other charges must always be sufficient to comply with any
1960 covenants made with the holders of any bonds issued pursuant to
1961 this act; however, such right and power may be assigned or
1962 delegated by the authority to the department.

1963 (g) To borrow money, make and issue negotiable notes,
1964 bonds, refunding bonds, and other evidences of indebtedness or
1965 obligations, in temporary or definitive form, for the purpose of
1966 financing all or part of the improvement of the authority's
1967 system and appurtenant facilities, including the approaches,
1968 streets, roads, bridges, and avenues of access for the system
1969 and for any other purpose authorized by this chapter, the bonds
1970 to mature in not exceeding 30 years after the date of the
1971 issuance thereof, and to secure the payment of such bonds or any
1972 part thereof by a pledge of its revenues, rates, fees, rentals,

22-00495B-13

20131132

1973 or other charges, including municipal or county funds received
1974 by the authority pursuant to the terms of an agreement between
1975 the authority and a municipality or county; and, in general, to
1976 provide for the security of the bonds and the rights and
1977 remedies of the holders of the bonds; however, municipal or
1978 county funds may not be pledged for the construction of a
1979 project for which a toll is to be charged unless the anticipated
1980 tolls are reasonably estimated by the governing board of the
1981 municipality or county, at the date of its resolution pledging
1982 said funds, to be sufficient to cover the principal and interest
1983 of such obligations during the period when the pledge of funds
1984 is in effect.

1985 1. An authority shall reimburse a municipality or county
1986 for sums expended from municipal or county funds used for the
1987 payment of the bond obligations.

1988 2. If an authority determines to fund or refund any bonds
1989 issued by the authority before the maturity of the bonds, the
1990 proceeds of the funding or refunding bonds shall, pending the
1991 prior redemption of the bonds to be funded or refunded, be
1992 invested in direct obligations of the United States, and the
1993 outstanding bonds may be funded or refunded by the issuance of
1994 bonds pursuant to this chapter.

1995 (h) To make contracts of every name and nature, including,
1996 but not limited to, partnerships providing for participation in
1997 ownership and revenues, and to execute each instrument necessary
1998 or convenient for the conduct of its business.

1999 (i) Without limitation of the foregoing, to cooperate with,
2000 to borrow money and accept grants from, and to enter into
2001 contracts or other transactions with any federal agency, the

22-00495B-13

20131132

2002 state, or any agency or any other public body of the state.

2003 (j) To employ an executive director, attorney, staff, and
2004 consultants. Upon the request of an authority, the department
2005 shall furnish the services of a department employee to act as
2006 the executive director of the authority.

2007 (k) To enter into joint development agreements.

2008 (l) To accept funds or other property from private
2009 donations.

2010 (m) To do all acts and things necessary or convenient for
2011 the conduct of its business and the general welfare of the
2012 authority, in order to carry out the powers granted to it by
2013 this act or any other law.

2014 (3) An authority does not have the power at any time or in
2015 any manner to pledge the credit or taxing power of the state or
2016 any political subdivision or agency thereof. Obligations of the
2017 authority may not be deemed to be obligations of the state or of
2018 any other political subdivision or agency thereof. The state or
2019 any political subdivision or agency thereof, except the
2020 authority, is not liable for the payment of the principal of or
2021 interest on such obligations.

2022 (4) An authority has no power, other than by consent of the
2023 affected county or an affected municipality, to enter into an
2024 agreement that would legally prohibit the construction of a road
2025 by the county or the municipality.

2026 (5) An authority formed pursuant to this chapter shall
2027 comply with the statutory requirements of general application
2028 which relate to the filing of a report or documentation required
2029 by law, including the requirements of ss. 189.4085, 189.415,
2030 189.417, and 189.418.

22-00495B-13

20131132

2031 345.0005 Bonds.—

2032 (1) (a) Bonds may be issued on behalf of an authority
2033 pursuant to the State Bond Act.

2034 (b) An authority may also issue bonds in such principal
2035 amount as is necessary, in the opinion of the authority, to
2036 provide sufficient moneys for achieving its corporate purposes,
2037 including construction, reconstruction, improvement, extension,
2038 repair, maintenance and operation of the system, the cost of
2039 acquisition of all real property, interest on bonds during
2040 construction and for a reasonable period thereafter,
2041 establishment of reserves to secure bonds, and other
2042 expenditures of the authority incident, and necessary or
2043 convenient, to carry out its corporate purposes and powers.

2044 (2) (a) Bonds issued by an authority pursuant to paragraph
2045 (1) (a) or paragraph (1) (b) must be authorized by resolution of
2046 the members of the authority and must bear such date or dates;
2047 mature at such time or times, not exceeding 30 years after their
2048 respective dates; bear interest at such rate or rates, not
2049 exceeding the maximum rate fixed by general law for authorities;
2050 be in such denominations; be in such form, either coupon or
2051 fully registered; carry such registration, exchangeability and
2052 interchangeability privileges; be payable in such medium of
2053 payment and at such place or places; be subject to such terms of
2054 redemption; and be entitled to such priorities of lien on the
2055 revenues and other available moneys as such resolution or any
2056 resolution subsequent to the bonds' issuance may provide. The
2057 bonds must be executed by manual or facsimile signature by such
2058 officers as the authority shall determine, provided that such
2059 bonds bear at least one signature that is manually executed on

22-00495B-13

20131132

2060 the bond. The coupons attached to the bonds must bear the
2061 facsimile signature or signatures of the officer or officers as
2062 shall be designated by the authority. The bonds must have the
2063 seal of the authority affixed, imprinted, reproduced, or
2064 lithographed thereon.

2065 (b) Bonds issued pursuant to paragraph (1)(a) or paragraph
2066 (1)(b) must be sold at public sale in the same manner provided
2067 in the State Bond Act. Pending the preparation of definitive
2068 bonds, temporary bonds or interim certificates may be issued to
2069 the purchaser or purchasers of such bonds and may contain such
2070 terms and conditions as the authority may determine.

2071 (3) A resolution that authorizes any bonds may contain
2072 provisions that must be part of the contract with the holders of
2073 the bonds, as to:

2074 (a) The pledging of all or any part of the revenues,
2075 available municipal or county funds, or other charges or
2076 receipts of the authority derived from the regional system.

2077 (b) The construction, reconstruction, improvement,
2078 extension, repair, maintenance, and operation of the system, or
2079 any part or parts of the system, and the duties and obligations
2080 of the authority with reference thereto.

2081 (c) Limitations on the purposes to which the proceeds of
2082 the bonds, then or thereafter issued, or of any loan or grant by
2083 any federal agency or the state or any political subdivision of
2084 the state may be applied.

2085 (d) The fixing, charging, establishing, revising,
2086 increasing, reducing, and collecting of tolls, rates, fees,
2087 rentals, or other charges for use of the services and facilities
2088 of the system or any part of the system.

22-00495B-13

20131132

2089 (e) The setting aside of reserves or of sinking funds and
2090 the regulation and disposition of the reserves or sinking funds.

2091 (f) Limitations on the issuance of additional bonds.

2092 (g) The terms and provisions of any deed of trust or
2093 indenture securing the bonds, or under which the bonds may be
2094 issued.

2095 (h) Any other or additional matters, of like or different
2096 character, which in any way affect the security or protection of
2097 the bonds.

2098 (4) The authority may enter into any deeds of trust,
2099 indentures, or other agreements with any bank or trust company
2100 within or without the state, as security for such bonds, and
2101 may, under such agreements, assign and pledge any of the
2102 revenues and other available moneys, including any available
2103 municipal or county funds, pursuant to the terms of this
2104 chapter. The deed of trust, indenture, or other agreement may
2105 contain provisions that are customary in such instruments or
2106 that the authority may authorize, including, but without
2107 limitation, provisions that:

2108 (a) Pledge any part of the revenues or other moneys
2109 lawfully available therefor.

2110 (b) Apply funds and safeguard funds on hand or on deposit.

2111 (c) Provide for the rights and remedies of the trustee and
2112 the holders of the bonds.

2113 (d) Provide for the terms and provisions of the bonds or
2114 for resolutions authorizing the issuance of the bonds.

2115 (e) Provide for any other or additional matters, of like or
2116 different character, which affect the security or protection of
2117 the bonds.

22-00495B-13

20131132

2118 (5) Any bonds issued pursuant to this act are negotiable
2119 instruments and have all the qualities and incidents of
2120 negotiable instruments under the law merchant and the negotiable
2121 instruments law of the state.

2122 (6) A resolution that authorizes the issuance of authority
2123 bonds and pledges the revenues of the system must require that
2124 revenues of the system be periodically deposited into
2125 appropriate accounts in such sums as are sufficient to pay the
2126 costs of operation and maintenance of the system for the current
2127 fiscal year as set forth in the annual budget of the authority
2128 and to reimburse the department for any unreimbursed costs of
2129 operation and maintenance of the system from prior fiscal years
2130 before revenues of the system are deposited into accounts for
2131 the payment of interest or principal owing or that may become
2132 owing on such bonds.

2133 (7) State funds may not be used or pledged to pay the
2134 principal or interest of any authority bonds, and all such bonds
2135 must contain a statement on their face to this effect.

2136 345.0006 Remedies of bondholders.-

2137 (1) The rights and the remedies granted to authority
2138 bondholders under this chapter are in addition to and not in
2139 limitation of any rights and remedies lawfully granted to such
2140 bondholders by the resolution or indenture providing for the
2141 issuance of bonds, or by any deed of trust, indenture, or other
2142 agreement under which the bonds may be issued or secured. If an
2143 authority defaults in the payment of the principal of or
2144 interest on any of the bonds issued pursuant to this chapter
2145 after such principal of or interest on the bonds becomes due,
2146 whether at maturity or upon call for redemption, as provided in

22-00495B-13

20131132

2147 the resolution or indenture, and such default continues for 30
2148 days, or in the event that the authority fails or refuses to
2149 comply with the provisions of this chapter or any agreement made
2150 with, or for the benefit of, the holders of the bonds, the
2151 holders of 25 percent in aggregate principal amount of the bonds
2152 then outstanding shall be entitled as of right to the
2153 appointment of a trustee to represent such bondholders for the
2154 purposes of the default provided that the holders of 25 percent
2155 in aggregate principal amount of the bonds then outstanding
2156 first gave written notice of their intention to appoint a
2157 trustee, to the authority and to the department.

2158 (2) The trustee, and any trustee under any deed of trust,
2159 indenture, or other agreement, may, and upon written request of
2160 the holders of 25 percent, or such other percentages specified
2161 in any deed of trust, indenture, or other agreement, in
2162 principal amount of the bonds then outstanding, shall, in any
2163 court of competent jurisdiction, in his, her, or its own name:

2164 (a) By mandamus or other suit, action, or proceeding at
2165 law, or in equity, enforce all rights of the bondholders,
2166 including the right to require the authority to fix, establish,
2167 maintain, collect, and charge rates, fees, rentals, and other
2168 charges, adequate to carry out any agreement as to, or pledge
2169 of, the revenues, and to require the authority to carry out any
2170 other covenants and agreements with or for the benefit of the
2171 bondholders, and to perform its and their duties under this
2172 chapter.

2173 (b) Bring suit upon the bonds.

2174 (c) By action or suit in equity, require the authority to
2175 account as if it were the trustee of an express trust for the

22-00495B-13

20131132

2176 bondholders.

2177 (d) By action or suit in equity, enjoin any acts or things
2178 that may be unlawful or in violation of the rights of the
2179 bondholders.

2180 (3) A trustee, if appointed pursuant to this section or
2181 acting under a deed of trust, indenture, or other agreement, and
2182 whether or not all bonds have been declared due and payable,
2183 shall be entitled as of right to the appointment of a receiver.
2184 The receiver may enter upon and take possession of the system or
2185 the facilities or any part or parts of the system, the revenues
2186 and other pledged moneys, for and on behalf of and in the name
2187 of, the authority and the bondholders. The receiver may collect
2188 and receive all revenues and other pledged moneys in the same
2189 manner as the authority might do. The receiver shall deposit all
2190 such revenues and moneys in a separate account and apply all
2191 such revenues and moneys remaining after allowance for payment
2192 of all costs of operation and maintenance of the system in such
2193 manner as the court directs. In a suit, action, or proceeding by
2194 the trustee, the fees, counsel fees, and expenses of the
2195 trustee, and said receiver, if any, and all costs and
2196 disbursements allowed by the court must be a first charge on any
2197 revenues after payment of the costs of operation and maintenance
2198 of the system. The trustee also has all other powers necessary
2199 or appropriate for the exercise of any functions specifically
2200 set forth in this section or incident to the representation of
2201 the bondholders in the enforcement and protection of their
2202 rights.

2203 (4) This section or any other section of this chapter does
2204 not authorize a receiver appointed pursuant to this section for

22-00495B-13

20131132

2205 the purpose of operating and maintaining the system or any
2206 facilities or parts thereof to sell, assign, mortgage, or
2207 otherwise dispose of any of the assets belonging to the
2208 authority. The powers of such receiver are limited to the
2209 operation and maintenance of the system, or any facility or
2210 parts thereof and to the collection and application of revenues
2211 and other moneys due the authority, in the name and for and on
2212 behalf of the authority and the bondholders, and a holder of
2213 bonds or any trustee does not have the right in any suit,
2214 action, or proceeding at law, or in equity, to compel a
2215 receiver, or any receiver may not be authorized or any court may
2216 not be empowered to direct the receiver, to sell, assign,
2217 mortgage, or otherwise dispose of any assets of whatever kind or
2218 character belonging to the authority.

2219 345.0007 Department to construct, operate, and maintain
2220 facilities.-

2221 (1) The department is the agent of each authority for the
2222 purpose of performing all phases of a project, including, but
2223 not limited to, constructing improvements and extensions to the
2224 system. The division and the authority shall provide to the
2225 department complete copies of the documents, agreements,
2226 resolutions, contracts, and instruments that relate to the
2227 project and shall request that the department perform the
2228 construction work, including the planning, surveying, design,
2229 and actual construction of the completion, extensions, and
2230 improvements to the system. After the issuance of bonds to
2231 finance construction of an improvement or addition to the
2232 system, the division and the authority shall transfer to the
2233 credit of an account of the department in the State Treasury the

22-00495B-13

20131132

2234 necessary funds for construction. The department shall proceed
2235 with construction and use the funds for the purpose authorized
2236 and as otherwise provided by law for construction of roads and
2237 bridges. An authority may alternatively, with the consent and
2238 approval of the department, elect to appoint a local agency
2239 certified by the department to administer federal aid projects
2240 in accordance with federal law as the authority's agent for the
2241 purpose of performing each phase of a project.

2242 (2) Notwithstanding the provisions of subsection (1), the
2243 department is the agent of each authority for the purpose of
2244 operating and maintaining the system. The department shall
2245 operate and maintain the system, and the costs incurred by the
2246 department for operation and maintenance shall be reimbursed
2247 from revenues of the system. The appointment of the department
2248 as agent for each authority does not create an independent
2249 obligation of the department to operate and maintain a system.
2250 Each authority shall remain obligated as principal to operate
2251 and maintain its system, and an authority's bondholders do not
2252 have an independent right to compel the department to operate or
2253 maintain the authority's system.

2254 (3) Each authority shall fix, alter, charge, establish, and
2255 collect tolls, rates, fees, rentals, and other charges for the
2256 authority's facilities, as otherwise provided in this chapter.

2257 345.0008 Department contributions to authority projects.-

2258 (1) The department may, at the request of an authority,
2259 provide for or contribute to the payment of costs of financial
2260 or engineering and traffic feasibility studies and the design,
2261 financing, acquisition, or construction of an authority project
2262 or system, subject to appropriation by the Legislature.

22-00495B-13

20131132

2263 (2) The department may use its engineering and other
2264 personnel, including consulting engineers and traffic engineers,
2265 to conduct feasibility studies pursuant to subsection (1).

2266 (3) An obligation or expense incurred by the department
2267 under this section is a part of the cost of the authority
2268 project for which the obligation or expense was incurred. The
2269 department may require money contributed by the department under
2270 this section to be repaid from tolls of the project on which the
2271 money was spent, other revenue of the authority, or other
2272 sources of funds.

2273 (4) The department shall receive from an authority a share
2274 of the authority's net revenues equal to the ratio of the
2275 department's total contributions to the authority under this
2276 section to the sum of: the department's total contributions
2277 under this section; contributions by any local government to the
2278 cost of revenue producing authority projects; and the sale
2279 proceeds of authority bonds after payment of costs of issuance.
2280 For the purpose of this subsection, net revenues are gross
2281 revenues of an authority after payment of debt service,
2282 administrative expenses, operations and maintenance expenses,
2283 and all reserves required to be established under any resolution
2284 under which authority bonds are issued.

2285 345.0009 Acquisition of lands and property.—

2286 (1) For the purposes of this chapter, an authority may
2287 acquire private or public property and property rights,
2288 including rights of access, air, view, and light, by gift,
2289 devise, purchase, condemnation by eminent domain proceedings, or
2290 transfer from another political subdivision of the state, as the
2291 authority may deem necessary for any of the purposes of this

22-00495B-13

20131132

2292 chapter, including, but not limited to, any lands reasonably
2293 necessary for securing applicable permits, areas necessary for
2294 management of access, borrow pits, drainage ditches, water
2295 retention areas, rest areas, replacement access for landowners
2296 whose access is impaired due to the construction of a facility,
2297 and replacement rights-of-way for relocated rail and utility
2298 facilities; for existing, proposed, or anticipated
2299 transportation facilities on the system or in a transportation
2300 corridor designated by the authority; or for the purposes of
2301 screening, relocation, removal, or disposal of junkyards and
2302 scrap metal processing facilities. Each authority shall also
2303 have the power to condemn any material and property necessary
2304 for such purposes.

2305 (2) An authority shall exercise the right of eminent domain
2306 conferred under this section in the manner provided by law.

2307 (3) If an authority acquires property for a transportation
2308 facility or in a transportation corridor, it is not subject to
2309 any liability imposed by chapter 376 or chapter 403 for
2310 preexisting soil or groundwater contamination due solely to its
2311 ownership. This section does not affect the rights or
2312 liabilities of any past or future owners of the acquired
2313 property or affect the liability of any governmental entity for
2314 the results of its actions which create or exacerbate a
2315 pollution source. An authority and the Department of
2316 Environmental Protection may enter into interagency agreements
2317 for the performance, funding, and reimbursement of the
2318 investigative and remedial acts necessary for property acquired
2319 by the authority.

2320 345.0010 Cooperation with other units, boards, agencies,

22-00495B-13

20131132

2321 and individuals.-A county, municipality, drainage district, road
2322 and bridge district, school district, or any other political
2323 subdivision, board, commission, or individual in, or of, the
2324 state may make and enter into a contract, lease, conveyance,
2325 partnership, or other agreement with an authority within the
2326 provisions and purposes of this chapter. Each authority may make
2327 and enter into contracts, leases, conveyances, partnerships, and
2328 other agreements with any political subdivision, agency, or
2329 instrumentality of the state and any federal agency,
2330 corporation, and individual, to carry out the purposes of this
2331 chapter.

2332 345.0011 Covenant of the state.-The state pledges to, and
2333 agrees with, any person, firm, or corporation, or federal or
2334 state agency subscribing to, or acquiring the bonds to be issued
2335 by an authority for the purposes of this chapter that the state
2336 will not limit or alter the rights vested by this chapter in the
2337 authority and the department until all bonds at any time issued,
2338 together with the interest thereon, are fully paid and
2339 discharged insofar as the payment and discharge affect the
2340 rights of the holders of bonds issued pursuant to this chapter.
2341 The state further pledges to, and agrees with, the United States
2342 that if a federal agency constructs or contributes any funds for
2343 the completion, extension, or improvement of the system, or any
2344 parts of the system, the state will not alter or limit the
2345 rights and powers of the authority and the department in any
2346 manner that is inconsistent with the continued maintenance and
2347 operation of the system or the completion, extension, or
2348 improvement of the system, or which would be inconsistent with
2349 the due performance of any agreements between the authority and

22-00495B-13

20131132

2350 any such federal agency, and the authority and the department
2351 shall continue to have and may exercise all powers granted in
2352 this section, so long as the powers are necessary or desirable
2353 to carry out the purposes of this chapter and the purposes of
2354 the United States in the completion, extension, or improvement
2355 of the system, or any part of the system.

2356 345.0012 Exemption from taxation.—The authority created
2357 under this chapter is for the benefit of the people of the
2358 state, for the increase of their commerce and prosperity, and
2359 for the improvement of their health and living conditions, and
2360 because the authority will be performing essential governmental
2361 functions pursuant to this chapter, the authority is not
2362 required to pay any taxes or assessments of any kind or nature
2363 whatsoever upon any property acquired or used by it for such
2364 purposes, or upon any rates, fees, rentals, receipts, income, or
2365 charges received by it, and the bonds issued by the authority,
2366 their transfer and the income from their issuance, including any
2367 profits made on the sale of the bonds, shall be free from
2368 taxation by the state or by any political subdivision, taxing
2369 agency, or instrumentality of the state. The exemption granted
2370 by this section does not apply to any tax imposed by chapter 220
2371 on interest, income, or profits on debt obligations owned by
2372 corporations.

2373 345.0013 Eligibility for investments and security.—Any
2374 bonds or other obligations issued pursuant to this chapter are
2375 legal investments for banks, savings banks, trustees, executors,
2376 administrators, and all other fiduciaries, and for all state,
2377 municipal, and other public funds and are also securities
2378 eligible for deposit as security for all state, municipal, or

22-00495B-13

20131132

2379 other public funds, notwithstanding the provisions of any other
2380 law to the contrary.

2381 345.0014 Applicability.—

2382 (1) The powers conferred by this chapter are in addition to
2383 the powers conferred by other law and do not repeal the
2384 provisions of any other general or special law or local
2385 ordinance, but supplement such other laws in the exercise of the
2386 powers provided in this chapter, and provide a complete method
2387 for the exercise of the powers granted in this chapter. The
2388 extension and improvement of a system, and the issuance of bonds
2389 pursuant to this chapter to finance all or part of the cost
2390 thereof, may be accomplished upon compliance with the provisions
2391 of this chapter without regard to or necessity for compliance
2392 with the provisions, limitations, or restrictions contained in
2393 any other general, special, or local law, including, but not
2394 limited to, s. 215.821, and approval of any bonds issued under
2395 this act by the qualified electors or qualified electors who are
2396 freeholders in the state or in any political subdivision of the
2397 state is not required for the issuance of such bonds pursuant to
2398 this chapter.

2399 (2) This act does not repeal, rescind, or modify any other
2400 law or laws relating to the State Board of Administration, the
2401 Department of Transportation, or the Division of Bond Finance of
2402 the State Board of Administration, but supersedes any other law
2403 that is inconsistent with the provisions of this chapter,
2404 including, but not limited to, s. 215.821.

2405 345.0015 Northwest Florida Regional Tollway Authority.—

2406 (1) There is hereby created and established a body politic
2407 and corporate, an agency of the state, to be known as the

22-00495B-13

20131132

2408 Northwest Florida Regional Tollway Authority, hereinafter
2409 referred to as the "authority."

2410 (2) The area served by the authority shall be Escambia and
2411 Santa Rosa Counties.

2412 (3) The purposes and powers of the authority are as
2413 identified in the Florida Regional Tollway Authority Act for the
2414 area served by the authority, and the authority operates in the
2415 manner provided by the Florida Regional Tollway Authority Act.

2416 345.0016 Okaloosa-Bay Regional Tollway Authority.—

2417 (1) There is hereby created and established a body politic
2418 and corporate, an agency of the state, to be known as the
2419 Okaloosa-Bay Regional Tollway Authority, hereinafter referred to
2420 as the "authority."

2421 (2) The area served by the authority shall be Okaloosa,
2422 Walton, and Bay Counties.

2423 (3) The purposes and powers of the authority are as
2424 identified in the Florida Regional Tollway Authority Act for the
2425 area served by the authority, and the authority operates in the
2426 manner provided by the Florida Regional Tollway Authority Act.

2427 345.0017 Suncoast Regional Tollway Authority.—

2428 (1) There is hereby created and established a body politic
2429 and corporate, an agency of the state, to be known as the
2430 Suncoast Regional Tollway Authority, hereinafter referred to as
2431 the "authority."

2432 (2) The area served by the authority shall be Citrus, Levy,
2433 Marion, and Alachua Counties.

2434 (3) The purposes and powers of the authority are as
2435 identified in the Florida Regional Tollway Authority Act for the
2436 area served by the authority, and the authority operates in the

22-00495B-13

20131132

2437 manner provided by the Florida Regional Tollway Authority Act.

2438 Section 27. Transfer to the Okaloosa-Bay Regional Tollway
2439 Authority.—The governance and control of the Mid-Bay Bridge
2440 Authority System, created pursuant to chapter 2000-411, Laws of
2441 Florida, is transferred to the Okaloosa-Bay Regional Tollway
2442 Authority.

2443 (1) The assets, facilities, tangible and intangible
2444 property and any rights in such property, and any other legal
2445 rights of the bridge authority, including the bridge system
2446 operated by the authority, are transferred to the regional
2447 tollway authority. All powers of the bridge authority shall
2448 succeed to the regional tollway authority, and the operations
2449 and maintenance of the bridge system shall be under the control
2450 of the regional tollway authority, pursuant to this section.

2451 Revenues collected on the bridge system may be considered
2452 regional tollway authority revenues, and the Mid-Bay Bridge may
2453 be considered part of the regional tollway authority system, if
2454 bonds of the bridge authority are not outstanding. The regional
2455 tollway authority also assumes all liability for bonds of the
2456 bridge authority pursuant to the provisions of subsection (2).

2457 The regional tollway authority may review other contracts,
2458 financial obligations, and contractual obligations and
2459 liabilities of the bridge authority and may assume legal
2460 liability for the obligations that are determined to be
2461 necessary for the continued operation of the bridge system.

2462 (2) The transfer pursuant to this section is subject to the
2463 terms and covenants provided for the protection of the holders
2464 of the Mid-Bay Bridge Authority bonds in the lease-purchase
2465 agreement and the resolutions adopted in connection with the

22-00495B-13

20131132

2466 issuance of the bonds. Further, the transfer does not impair the
2467 terms of the contract between the bridge authority and the
2468 bondholders, does not act to the detriment of the bondholders,
2469 and does not diminish the security for the bonds. After the
2470 transfer, until the bonds of the bridge authority are fully
2471 defeased or paid in full, the department shall operate and
2472 maintain the bridge system and any other facilities of the
2473 authority in accordance with the terms, conditions, and
2474 covenants contained in the bond resolutions and lease-purchase
2475 agreement securing the bonds of the bridge authority. The
2476 Department of Transportation, as the agent of the regional
2477 tollway authority, shall collect toll revenues and apply them to
2478 the payment of debt service as provided in the bond resolution
2479 securing the bonds. The regional tollway authority shall
2480 expressly assume all obligations relating to the bonds to ensure
2481 that the transfer will have no adverse impact on the security
2482 for the bonds of the bridge authority. The transfer does not
2483 make the obligation to pay the principal and interest on the
2484 bonds a general liability of the regional tollway authority or
2485 pledge the regional tollway authority system revenues to payment
2486 of the bridge authority bonds. Revenues that are generated by
2487 the bridge system and other facilities of the bridge authority
2488 and that were pledged by the bridge authority to the payment of
2489 the bonds remain subject to the pledge for the benefit of the
2490 bondholders. The transfer does not modify or eliminate any prior
2491 obligation of the Department of Transportation to pay certain
2492 costs of the bridge system from sources other than revenues of
2493 the bridge system. With regard to the bridge authority's current
2494 long-term debt of \$16.1 million due to the department as of June

22-00495B-13

20131132

2495 30, 2011, and to the extent permitted by the bond resolutions
2496 and lease-purchase agreement securing the bonds, the regional
2497 tollway authority shall make payment annually to the State
2498 Transportation Trust Fund, for the purpose of repaying the
2499 bridge authority's long-term debt due to the department, from
2500 any bridge system revenues obtained under this section which
2501 remain after the payment of the costs of operations,
2502 maintenance, renewal, and replacement of the bridge system; the
2503 payment of current debt service; and other payments required in
2504 relation to the bonds. The regional tollway authority shall make
2505 the annual payments, not to exceed \$1 million per year, to the
2506 State Transportation Trust Fund until all remaining authority
2507 long-term debt due to the department has been repaid.

2508 (3) Any remaining toll revenue from the facilities of the
2509 Mid-Bay Bridge Authority collected by the Okaloosa-Bay Regional
2510 Tollway Authority after meeting the requirements of subsections
2511 (1) and (2) shall be used for the construction, maintenance, or
2512 improvement of any toll facility of the Okaloosa-Bay Regional
2513 Tollway Authority within the county or counties in which the
2514 revenue was collected.

2515 Section 28. Except as otherwise expressly provided in this
2516 act, this act shall take effect upon becoming a law.