

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
 2 Representative Artiles offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

6 Section 1. Paragraph (m) of subsection (3) of section
 7 11.45, Florida Statutes, is amended, and present paragraphs (n)
 8 through (x) are redesignated as paragraphs (m) through (w),
 9 respectively, to read:

11.45 Definitions; duties; authorities; reports; rules.—

(3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The
 Auditor General may, pursuant to his or her own authority, or at
 the direction of the Legislative Auditing Committee, conduct
 audits or other engagements as determined appropriate by the
 Auditor General of:

~~(m) The transportation corporations under contract with
 the Department of Transportation that are acting on behalf of
 the state to secure and obtain rights-of-way for urgently needed
 transportation systems and to assist in the planning and design
 of such systems pursuant to ss. 339.401-339.421.~~

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21 Section 2. Paragraph (b) of subsection (2) and paragraph
22 (d) of subsection (3) of section 20.23, Florida Statutes, are
23 amended to read:

24 20.23 Department of Transportation.—There is created a
25 Department of Transportation which shall be a decentralized
26 agency.

27 (2)

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

29 1. Recommend major transportation policies for the
30 Governor's approval, and assure that approved policies and any
31 revisions thereto are properly executed.

32 2. Periodically review the status of the state
33 transportation system including highway, transit, rail, seaport,
34 intermodal development, and aviation components of the system
35 and recommend improvements therein to the Governor and the
36 Legislature.

37 3. Perform an in-depth evaluation of the annual department
38 budget request, the Florida Transportation Plan, and the
39 tentative work program for compliance with all applicable laws
40 and established departmental policies. Except as specifically
41 provided in s. 339.135(4)(c)2., (d), and (f), the commission may
42 not consider individual construction projects, but shall
43 consider methods of accomplishing the goals of the department in
44 the most effective, efficient, and businesslike manner.

45 4. Monitor the financial status of the department on a
46 regular basis to assure that the department is managing revenue
47 and bond proceeds responsibly and in accordance with law and
48 established policy.

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49 5. Monitor on at least a quarterly basis, the efficiency,
50 productivity, and management of the department, using
51 performance and production standards developed by the commission
52 pursuant to s. 334.045.

53 6. Perform an in-depth evaluation of the factors causing
54 disruption of project schedules in the adopted work program and
55 recommend to the Legislature and the Governor methods to
56 eliminate or reduce the disruptive effects of these factors.

57 7. Recommend to the Governor and the Legislature
58 improvements to the department's organization in order to
59 streamline and optimize the efficiency of the department. In
60 reviewing the department's organization, the commission shall
61 determine if the current district organizational structure is
62 responsive to Florida's changing economic and demographic
63 development patterns. The initial report by the commission must
64 be delivered to the Governor and Legislature by December 15,
65 2000, and each year thereafter, as appropriate. The commission
66 may retain such experts as are reasonably necessary to
67 effectuate this subparagraph, and the department shall pay the
68 expenses of such experts.

69 8. Monitor the efficiency, productivity, and management of
70 the authorities created under chapters 345, 348 and 349,
71 including any authority formed using the provisions of part I of
72 chapter 348; the Mid-Bay Bridge Authority created pursuant to
73 chapter 2000-411, Laws of Florida; and any authority formed
74 under chapter 343 which is not monitored under subsection (3).
75 The commission shall also conduct periodic reviews of each
76 authority's operations and budget, acquisition of property,

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77 management of revenue and bond proceeds, and compliance with
78 applicable laws and generally accepted accounting principles.

79 (3) There is created the Florida Statewide Passenger Rail
80 Commission.

81 (d) The commission is assigned to the Office of the
82 Secretary of the Department of Transportation for administrative
83 and fiscal accountability purposes, but it shall otherwise
84 function independently of the control and direction of the
85 department ~~except that reasonable expenses of the commission~~
86 ~~shall be subject to approval by the Secretary of Transportation.~~
87 ~~The department shall provide administrative support and service~~
88 ~~to the commission.~~ The executive director and assistant
89 executive director of the Florida Transportation Commission
90 shall serve as the executive director and assistant executive
91 director of the Florida Statewide Passenger Rail Commission. The
92 staff of the Florida Transportation Commission shall provide
93 administrative support and service to the Florida Statewide
94 Passenger Rail Commission.

95 Section 3. Paragraph (j) of subsection (2) of section
96 110.205, Florida Statutes, is amended to read:

97 110.205 Career service; exemptions.—

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

100 (j) The appointed secretaries and the State Surgeon
101 General, assistant secretaries, deputy secretaries, and deputy
102 assistant secretaries of all departments; the executive
103 directors, assistant executive directors, deputy executive
104 directors, and deputy assistant executive directors of all

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105 departments; the directors of all divisions and those positions
106 determined by the department to have managerial responsibilities
107 comparable to such positions, which positions include, but are
108 not limited to, program directors, assistant program directors,
109 district administrators, deputy district administrators, the
110 Director of Central Operations Services of the Department of
111 Children and Family Services, the State Transportation
112 Development Administrator, State Freight and Logistics ~~Public~~
113 ~~Transportation and Modal~~ Administrator, district secretaries,
114 district directors of transportation development, transportation
115 operations, transportation support, and the managers of the
116 offices specified in s. 20.23(4)(b), of the Department of
117 Transportation. Unless otherwise fixed by law, the department
118 shall set the salary and benefits of these positions in
119 accordance with the rules of the Senior Management Service; and
120 the county health department directors and county health
121 department administrators of the Department of Health.

122 Section 4. Paragraph (b) of subsection (1) of section
123 125.35, Florida Statutes, is amended to read:

124 125.35 County authorized to sell real and personal
125 property and to lease real property.-

126 (1)

127 (b) Notwithstanding the provisions of paragraph (a), the
128 board of county commissioners is expressly authorized to:

129 1. Negotiate the lease of an airport or seaport facility;

130 2. Modify or extend an existing lease of real property for
131 an additional term not to exceed 25 years, where the improved

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132 value of the lease has an appraised value in excess of \$20
133 million; ~~or~~

134 3. Lease a professional sports franchise facility financed
135 by revenues received pursuant to s. 125.0104 or s. 212.20; or

136 4. Lease real or personal property, belonging to the
137 county, pursuant to s. 125.045;

138
139 under such terms and conditions as negotiated by the board.

140 Section 5. Subsection (5) of section 125.42, Florida
141 Statutes, is amended to read:

142 125.42 Water, sewage, gas, power, telephone, other
143 utility, and television lines along county roads and highways.-

144 (5) In the event of widening, repair, or reconstruction of
145 any such road, the licensee shall move or remove such water,
146 sewage, gas, power, telephone, and other utility lines and
147 television lines at no cost to the county should they be found
148 by the county to be unreasonably interfering, except as provided
149 in s. 337.403(1) (d)-(i)~~(e)~~.

150 Section 6. Section 316.010, Florida Statutes, is created
151 to read:

152 316.010 Vehicular access to state universities.-- A local
153 government entity as defined in s. 334.03(13), may not prevent
154 vehicular ingress or egress on a transportation facility into or
155 out of a state university facility that is regulated by the
156 Board of Governors of the State University System as provided in
157 s. 20.155.

158 Section 7. Subsections (3) and (4) of section 316.530,
159 Florida Statutes, are amended to read:

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160 316.530 Towing requirements.—

161 ~~(3) Whenever a motor vehicle becomes disabled upon the~~
162 ~~highways of this state and a wrecker or tow truck is required to~~
163 ~~remove it to a repair shop or other appropriate location, if the~~
164 ~~combined weights of those two vehicles and the loads thereon~~
165 ~~exceed the maximum allowable weights as established by s.~~
166 ~~316.535, no penalty shall be assessed either vehicle or driver.~~
167 ~~However, this exception shall not apply to the load limits for~~
168 ~~bridges and culverts established by the department as provided~~
169 ~~in s. 316.555.~~

170 ~~(3)(4)~~ A violation of this section is a noncriminal
171 traffic infraction, punishable as a moving violation as provided
172 in chapter 318.

173 Section 8. Paragraph (c) of subsection (3) of section
174 316.545, Florida Statutes, is amended to read:

175 316.545 Weight and load unlawful; special fuel and motor
176 fuel tax enforcement; inspection; penalty; review.—

177 (3) Any person who violates the overloading provisions of
178 this chapter shall be conclusively presumed to have damaged the
179 highways of this state by reason of such overloading, which
180 damage is ~~hereby~~ fixed as follows:

181 (c) For a vehicle equipped with fully functional idle-
182 reduction technology, any penalty shall be calculated by
183 reducing the actual gross vehicle weight or the internal bridge
184 weight by the certified weight of the idle-reduction technology
185 or by 550 ~~400~~ pounds, whichever is less. The vehicle operator
186 must present written certification of the weight of the idle-
187 reduction technology and must demonstrate or certify that the

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188 idle-reduction technology is fully functional at all times. This
189 calculation is not allowed for vehicles described in s.
190 316.535(6);

191 Section 9. Section 331.360, Florida Statutes, is amended to
192 read:

193 331.360 Spaceport system ~~Joint participation agreement or~~
194 ~~assistance; spaceport master plan.-~~

195 ~~(1) It shall be the duty, function, and responsibility of~~
196 ~~the Department of Transportation to promote the further~~
197 ~~development and improvement of aerospace transportation~~
198 ~~facilities; to address intermodal requirements and impacts of~~
199 ~~the launch ranges, spaceports, and other space transportation~~
200 ~~facilities; to assist in the development of joint-use facilities~~
201 ~~and technology that support aviation and aerospace operations;~~
202 ~~to coordinate and cooperate in the development of spaceport~~
203 ~~infrastructure and related transportation facilities contained~~
204 ~~in the Strategic Intermodal System Plan; to encourage, where~~
205 ~~appropriate, the cooperation and integration of airports and~~
206 ~~spaceports in order to meet transportation-related needs; and to~~
207 ~~facilitate and promote cooperative efforts between federal and~~
208 ~~state government entities to improve space transportation~~
209 ~~capacity and efficiency. In carrying out this duty and~~
210 ~~responsibility, the department may assist and advise, cooperate~~
211 ~~with, and coordinate with federal, state, local, or private~~
212 ~~organizations and individuals. The department may~~
213 ~~administratively house its space transportation responsibilities~~
214 ~~within an existing division or office.~~

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215 ~~(2) Notwithstanding any other provision of law, the~~
216 ~~Department of Transportation may enter into a joint~~
217 ~~participation agreement with, or otherwise assist, Space Florida~~
218 ~~as necessary to effectuate the provisions of this chapter and~~
219 ~~may allocate funds for such purposes in its 5-year work program.~~
220 ~~However, the department may not fund the administrative or~~
221 ~~operational costs of Space Florida.~~

222 ~~(1)(3)~~ Space Florida shall develop a spaceport system
223 ~~master plan that addresses statewide spaceport goals and the~~
224 need for expansion and modernization of space transportation
225 facilities within spaceport territories as defined in s.
226 331.303. The plan shall contain recommended projects to meet
227 current and future commercial, national, and state space
228 transportation requirements. Space Florida shall submit the plan
229 to all any appropriate metropolitan planning organizations
230 ~~organization~~ for review of intermodal impacts. Space Florida
231 shall submit the spaceport system master plan to the Department
232 of Transportation, which may include those portions of the
233 system plan relevant to the department's mission and such plan
234 ~~may be included~~ within the department's 5-year work program of
235 qualifying projects aerospace discretionary capacity improvement
236 ~~under subsection (4)~~. The plan shall identify appropriate
237 funding levels for each project and include recommendations on
238 ~~appropriate sources of revenue that may be developed to~~
239 ~~contribute to the State Transportation Trust Fund.~~

240 (2) The Department of Transportation shall promote the
241 further development and improvement of aerospace transportation
242 facilities; address intermodal requirements and impacts of the

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243 launch ranges, spaceports, and other space transportation
244 facilities; assist in the development of joint-use facilities
245 and technology that support aviation and aerospace operations;
246 coordinate and cooperate in the development of spaceport
247 infrastructure and related transportation facilities contained
248 in the Strategic Intermodal System Plan; encourage, where
249 appropriate, the cooperation and integration of airports and
250 spaceports in order to meet transportation-related needs; and
251 facilitate and promote cooperative efforts between federal and
252 state government entities to improve space transportation
253 capacity and efficiency. In carrying out such duties and
254 responsibilities, the department may assist and advise,
255 cooperate with, and coordinate with federal, state, local, or
256 private entities and individuals. The department may
257 administratively house its space transportation responsibilities
258 within an existing division or office.

259 (3) Notwithstanding any other provision of law, the
260 Department of Transportation may enter into an agreement with,
261 or otherwise assist, Space Florida as necessary to effectuate
262 the provisions of this chapter and may allocate funds for such
263 purposes in its 5-year work program. However, the department may
264 not fund the administrative or operational costs of Space
265 Florida.

266 (4) (a) Beginning in fiscal year 2013-2014, a minimum of
267 \$15 million annually may be made available from the State
268 Transportation Trust Fund to fund space transportation projects.
269 The funds for this initiative shall be from the funds dedicated
270 to public transportation projects pursuant to s. 206.46(3)

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271 ~~Subject to the availability of appropriated funds, the~~
272 ~~department may participate in the capital cost of eligible~~
273 ~~spaceport discretionary capacity improvement projects. The~~
274 ~~annual legislative budget request shall be based on the proposed~~
275 ~~funding requested for approved spaceport discretionary capacity~~
276 ~~improvement projects.~~

277 (b) Before executing an agreement, Space Florida must
278 provide project-specific information to the Department of
279 Transportation in order to demonstrate that the project includes
280 transportation and aerospace benefits. Project information to be
281 provided includes, but is not limited to:

- 282 1. Project description, characteristics, and scope.
283 2. Project funding sources and costs.
284 3. Project financing considerations with emphasis on
285 federal, local, and private participation.
286 4. Financial feasibility and risk analysis, including
287 efforts to protect the state's investment and ensure project
288 goals are realized.
289 5. Demonstration that the project will encourage, enhance,
290 or create economic benefits.

291 (c) The Department of Transportation is authorized to fund
292 up to 50 percent of eligible project costs. The department may
293 fund up to 100 percent of eligible project costs if the project:

- 294 1. Provides important access and on-spaceport capacity
295 improvements;
296 2. Provides capital improvements to strategically position
297 the state to maximize opportunities in the aerospace industry or

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298 foster growth and development of a sustainable and world-leading
299 aerospace industry in the state;

300 3. Meets state goals of an integrated intermodal
301 transportation system; and

302 4. Demonstrates the feasibility and availability of
303 matching funds through federal, local, or private partners.

304 Section 10. Subsection (11) is added to section 332.007,
305 Florida Statutes, to read:

306 332.007 Administration and financing of aviation and
307 airport programs and projects; state plan.—

308 (11) (a) The department is authorized to fund strategic
309 airport investment projects that:

310 1. Provide important access and on-airport capacity
311 improvements;

312 2. Provide capital improvements to strategically position
313 the state to maximize opportunities in international trade,
314 logistics, and the aviation industry;

315 3. Achieve state goals of an integrated intermodal
316 transportation system; and

317 4. Demonstrate the feasibility and availability of
318 matching funds through federal, local, or private partners.

319 (b) Strategic airport investment projects may be funded at
320 up to 100 percent of the project's cost.

321 Section 11. Subsections (16) and (26) of section 334.044,
322 Florida Statutes, are amended to read:

323 334.044 Department; powers and duties.—The department
324 shall have the following general powers and duties:

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325 (16) To plan, acquire, lease, construct, maintain, and
326 operate toll facilities; to authorize the issuance and refunding
327 of bonds; and to fix and collect tolls or other charges for
328 travel on any such facilities. Effective July 1, 2013, and
329 notwithstanding any other law to the contrary, the department
330 may not enter into any lease-purchase agreement with any
331 expressway authority, regional transportation authority, or
332 other entity. This provision does not invalidate any lease-
333 purchase agreement authorized under chapter 348 or chapter 2000-
334 411, Laws of Florida, and existing as of July 1, 2013, and does
335 not limit the department's authority under s. 334.30.

336 (26) To provide for the enhancement of environmental
337 benefits, including air and water quality; to prevent roadside
338 erosion; to conserve the natural roadside growth and scenery;
339 and to provide for the implementation and maintenance of
340 roadside conservation, enhancement, and stabilization programs.
341 No less than 1.5 percent of the amount contracted for
342 construction projects shall be allocated by the department on a
343 statewide basis for the purchase of plant materials. Department
344 districts may not expend funds for landscaping in connection
345 with any project that is limited to resurfacing existing lanes
346 unless the expenditure has been approved by the department's
347 secretary or the secretary's designee. To the greatest extent
348 practical, a minimum of 50 percent of the funds allocated under
349 this subsection shall be allocated for large plant materials and
350 the remaining funds for other plant materials. Except as
351 prohibited by applicable federal law or regulation, all plant
352 materials shall be purchased from Florida commercial nursery

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353 stock in this state on a uniform competitive bid basis. The
354 department shall develop grades and standards for landscaping
355 materials purchased through this process. To accomplish these
356 activities, the department may contract with nonprofit
357 organizations having the primary purpose of developing youth
358 employment opportunities.

359 Section 12. Section 335.055, Florida Statutes, is amended
360 to read:

361 335.055 Routine maintenance contracts.—

362 (1) The Department of Transportation may enter into
363 contracts with counties, ~~and~~ municipalities, and community
364 development districts to perform routine maintenance work on the
365 State Highway System within the appropriate boundaries.

366 (2) Each county, ~~or~~ municipality, or community development
367 district that ~~which~~ completes the work described in subsection
368 (1) shall be relieved from any tort liability arising after
369 completion of such work if the completed project conforms to the
370 standards of the contract as agreed to by the department.

371 (3) Each county, ~~or~~ municipality, or community development
372 district shall be entitled to receive payment or reimbursement
373 from the department, in accordance with the contract, if the
374 work is completed to the standards of the contract as agreed to
375 by the department.

376 (4) Nothing contained in this section shall impair,
377 suspend, contract, enlarge, extend, or affect in any manner the
378 powers and duties of the department.

379 Section 13. Section 335.06, Florida Statutes, is amended
380 to read:

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381 335.06 Access roads to the state park system.—Any road
382 which provides access to property within the state park system
383 shall be maintained by the department if the road is a part of
384 the State Highway System and may be improved and maintained by
385 the department if the road is part of a county road system or
386 city street system. If the department does not maintain a county
387 or city road that provides access to the state park system, the
388 road ~~or~~ shall be maintained by the appropriate county or
389 municipality ~~if the road is a part of the county road system or~~
390 ~~the city street system.~~

391 Section 14. Subsection (13) of section 337.11, Florida
392 Statutes, is amended to read:

393 337.11 Contracting authority of department; bids;
394 emergency repairs, supplemental agreements, and change orders;
395 combined design and construction contracts; progress payments;
396 records; requirements of vehicle registration.—

397 (13) Each contract let by the department for the
398 performance of road or bridge construction or maintenance work
399 shall require ~~contain a provision requiring the contractor to~~
400 ~~provide proof to the department, in the form of a notarized~~
401 ~~affidavit from the contractor, that all motor vehicles that~~ the
402 contractor ~~he or she~~ operates or causes to be operated in this
403 state to be ~~are~~ registered in compliance with chapter 320.

404 Section 15. Subsection (1) of section 337.14, Florida
405 Statutes, is amended to read:

406 337.14 Application for qualification; certificate of
407 qualification; restrictions; request for hearing.—

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408 (1) Any person desiring to bid for the performance of any
409 construction contract with a proposed budget estimate in excess
410 of \$250,000 which the department proposes to let must first be
411 certified by the department as qualified pursuant to this
412 section and rules of the department. The rules of the department
413 shall address the qualification of persons to bid on
414 construction contracts with proposed budget estimates in excess
415 of \$250,000 and shall include requirements with respect to the
416 equipment, past record, experience, financial resources, and
417 organizational personnel of the applicant necessary to perform
418 the specific class of work for which the person seeks
419 certification. The department may limit the dollar amount of any
420 contract upon which a person is qualified to bid or the
421 aggregate total dollar volume of contracts such person is
422 allowed to have under contract at any one time. Each applicant
423 seeking qualification to bid on construction contracts with
424 proposed budget estimates in excess of \$250,000 shall furnish
425 the department a statement under oath, on such forms as the
426 department may prescribe, setting forth detailed information as
427 required on the application. Each application for certification
428 shall be accompanied by the latest annual financial statement of
429 the applicant completed within the last 12 months. If the
430 application or the annual financial statement shows the
431 financial condition of the applicant more than 4 months before
432 ~~prior to~~ the date on which the application is received by the
433 department, then an interim financial statement must be
434 submitted and be accompanied by an updated application. The
435 interim financial statement must cover the period from the end

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436 date of the annual statement and must show the financial
437 condition of the applicant no more than 4 months before ~~prior to~~
438 the date the interim financial statement is received by the
439 department. However, upon request by the applicant, an
440 application and accompanying annual or interim financial
441 statement received by the department within 15 days after either
442 4-month period under this subsection shall be considered timely.
443 Each required annual or interim financial statement must be
444 audited and accompanied by the opinion of a certified public
445 accountant. An applicant desiring to bid exclusively for the
446 performance of construction contracts with proposed budget
447 estimates of less than \$1 million may submit reviewed annual or
448 reviewed interim financial statements prepared by a certified
449 public accountant. The information required by this subsection
450 is confidential and exempt from the provisions of s. 119.07(1).
451 The department shall act upon the application for qualification
452 within 30 days after the department determines that the
453 application is complete. The department may waive the
454 requirements of this subsection for projects having a contract
455 price of \$500,000 or less if the department determines that the
456 project is of a noncritical nature and the waiver will not
457 endanger public health, safety, or property.

458 Section 16. Subsection (2) of section 337.168, Florida
459 Statutes, is amended to read:

460 337.168 Confidentiality of official estimates, identities
461 of potential bidders, and bid analysis and monitoring system.—

462 (2) A document that reveals ~~revealing~~ the identity of a
463 person who has ~~persons who have~~ requested or obtained a bid

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464 package, plan ~~packages, plans,~~ or specifications pertaining to
465 any project to be let by the department is confidential and
466 exempt from the provisions of s. 119.07(1) for the period that
467 ~~which~~ begins 2 working days before ~~prior to~~ the deadline for
468 obtaining bid packages, plans, or specifications and ends with
469 the letting of the bid. A document that reveals the identity of
470 a person who has requested or obtained a bid package, plan, or
471 specifications pertaining to any project to be let by the
472 department before the 2 working days before the deadline for
473 obtaining bid packages, plans, or specifications remains a
474 public record subject to the provisions of s. 119.07(1).

475 Section 17. Section 337.25, Florida Statutes, is amended
476 to read:

477 337.25 Acquisition, lease, and disposal of real and
478 personal property.-

479 (1) (a) The department may purchase, lease, exchange, or
480 otherwise acquire any land, property interests, or buildings or
481 other improvements, including personal property within such
482 buildings or on such lands, necessary to secure or utilize
483 transportation rights-of-way for existing, proposed, or
484 anticipated transportation facilities on the State Highway
485 System, on the State Park Road System, in a rail corridor, or in
486 a transportation corridor designated by the department. Such
487 property shall be held in the name of the state.

488 (b) The department may accept donations of any land or
489 buildings or other improvements, including personal property
490 within such buildings or on such lands with or without such
491 conditions, reservations, or reverter provisions as are

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492 acceptable to the department. Such donations may be used as
493 transportation rights-of-way or to secure or utilize
494 transportation rights-of-way for existing, proposed, or
495 anticipated transportation facilities on the State Highway
496 System, on the State Park Road System, or in a transportation
497 corridor designated by the department.

498 (c) When lands, buildings, or other improvements are
499 needed for transportation purposes, but are held by a federal,
500 state, or local governmental entity and utilized for public
501 purposes other than transportation, the department may
502 compensate the entity for such properties by providing
503 functionally equivalent replacement facilities. The providing of
504 replacement facilities under this subsection may only be
505 undertaken with the agreement of the governmental entity
506 affected.

507 (d) The department may contract pursuant to s. 287.055 for
508 auction services used in the conveyance of real or personal
509 property or the conveyance of leasehold interests under the
510 provisions of subsections (4) and (5). The contract may allow
511 for the contractor to retain a portion of the proceeds as
512 compensation for its services.

513 (2) A complete inventory shall be made of all real or
514 personal property immediately upon possession or acquisition.
515 Such inventory shall include a statement of the location or site
516 of each piece of realty, structure, or severable item ~~an~~
517 ~~itemized listing of all appliances, fixtures, and other~~
518 ~~severable items; a statement of the location or site of each~~
519 ~~piece of realty, structure, or severable item; and the serial~~

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520 ~~number assigned to each.~~ Copies of each inventory shall be filed
521 in the district office in which the property is located. Such
522 inventory shall be carried forward to show the final disposition
523 of each item of property, both real and personal.

524 (3) The inventory of real property which was acquired by
525 the state after December 31, 1988, which has been owned by the
526 state for 10 or more years, and which is not within a
527 transportation corridor or within the right-of-way of a
528 transportation facility shall be evaluated to determine the
529 necessity for retaining the property. If the property is not
530 needed for the construction, operation, and maintenance of a
531 transportation facility, or is not located within a
532 transportation corridor, the department may dispose of the
533 property pursuant to subsection (4).

534 (4) The department may convey ~~sell~~, in the name of the
535 state, any land, building, or other property, real or personal,
536 which was acquired under the provisions of subsection (1) and
537 which the department has determined is not needed for the
538 construction, operation, and maintenance of a transportation
539 facility. ~~With the exception of any parcel governed by paragraph~~
540 ~~(c), paragraph (d), paragraph (f), paragraph (g), or paragraph~~
541 ~~(i), the department shall afford first right of refusal to the~~
542 ~~local government in the jurisdiction of which the parcel is~~
543 ~~situated.~~ When such a determination has been made, property may
544 be disposed of through negotiation, sealed competitive bid,
545 auction, or any other means the department deems to be in its
546 best interest, with due advertisement for property valued by the
547 department at greater than \$10,000. A sale may not occur at a

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548 price less than the department's current estimate of value
549 except as provided in paragraphs (a)-(d). The department may
550 afford the right of first refusal to the local government or
551 other political subdivision in the jurisdiction in which the
552 parcel is situated, except in conveyances transacted under
553 paragraphs (a), (c), or (e). ~~in the following manner:~~

554 (a) If ~~a~~ the value of the property has been donated to the
555 state for transportation purposes, the facility has not been
556 constructed for a period of at least 5 years, no plans have been
557 prepared for the construction of such facility, and the property
558 is not located in a transportation corridor, the governmental
559 entity may authorize reconveyance of the donated property for no
560 consideration to the original donor or the donor's heirs,
561 successors, assigns, or representatives ~~is \$10,000 or less as~~
562 determined by department estimate, the department may negotiate
563 the sale.

564 (b) If the ~~value of the~~ property is to be used for a
565 public purpose, the property may be conveyed to a governmental
566 entity without consideration ~~exceeds \$10,000 as determined by~~
567 department estimate, such property may be sold to the highest
568 bidder through receipt of sealed competitive bids, after due
569 advertisement, or by public auction held at the site of the
570 improvement which is being sold.

571 (c) If ~~the~~ property was originally acquired specifically
572 to provide replacement housing for persons displaced by
573 transportation projects, the department may negotiate for the
574 sale of such property as replacement housing. As compensation,
575 the state shall receive no less than its investment in such

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576 properties or the department's current estimate of value,
577 whichever is lower. It is expressly intended that this benefit
578 be extended only to those persons actually displaced by such
579 project. Disposition to any other person must be for no less
580 than the department's current estimate of value, ~~in the~~
581 ~~discretion of the department, public sale would be inequitable,~~
582 ~~properties may be sold by negotiation to the owner holding title~~
583 ~~to the property abutting the property to be sold, provided such~~
584 ~~sale is at a negotiated price not less than fair market value as~~
585 ~~determined by an independent appraisal, the cost of which shall~~
586 ~~be paid by the owner of the abutting land. If negotiations do~~
587 ~~not result in the sale of the property to the owner of the~~
588 ~~abutting land and the property is sold to someone else, the cost~~
589 ~~of the independent appraisal shall be borne by the purchaser;~~
590 ~~and the owner of the abutting land shall have the cost of the~~
591 ~~appraisal refunded to him or her. If, however, no purchase takes~~
592 ~~place, the owner of the abutting land shall forfeit the sum paid~~
593 ~~by him or her for the independent appraisal. If, due to action~~
594 ~~of the department, the property is removed from eligibility for~~
595 ~~sale, the cost of any appraisal prepared shall be refunded to~~
596 ~~the owner of the abutting land.~~

597 (d) If the department determines that the property will
598 require significant costs to be incurred or that continued
599 ownership of the property exposes the department to significant
600 liability risks, the department may use the projected
601 maintenance costs over the next 10 years to offset the
602 property's value in establishing a value for disposal of the
603 property, even if that value is zero ~~property acquired for use~~

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604 ~~as a borrow pit is no longer needed, the department may sell~~
605 ~~such property to the owner of the parcel of abutting land from~~
606 ~~which the borrow pit was originally acquired, provided the sale~~
607 ~~is at a negotiated price not less than fair market value as~~
608 ~~determined by an independent appraisal, the cost of which shall~~
609 ~~be paid by the owner of such abutting land.~~

610 (e) If, in the discretion of the department, a sale to
611 anyone other than an abutting property owner would be
612 inequitable, the property may be sold to the abutting owner for
613 the department's current estimate of value ~~the department begins~~
614 ~~the process for disposing of the property on its own initiative,~~
615 ~~either by negotiation under the provisions of paragraph (a),~~
616 ~~paragraph (c), paragraph (d), or paragraph (i), or by receipt of~~
617 ~~sealed competitive bids or public auction under the provisions~~
618 ~~of paragraph (b) or paragraph (i), a department staff appraiser~~
619 ~~may determine the fair market value of the property by an~~
620 ~~appraisal.~~

621 ~~(f) Any property which was acquired by a county or by the~~
622 ~~department using constitutional gas tax funds for the purpose of~~
623 ~~a right-of-way or borrow pit for a road on the State Highway~~
624 ~~System, State Park Road System, or county road system and which~~
625 ~~is no longer used or needed by the department may be conveyed~~
626 ~~without consideration to that county. The county may then sell~~
627 ~~such surplus property upon receipt of competitive bids in the~~
628 ~~same manner prescribed in this section.~~

629 ~~(g) If a property has been donated to the state for~~
630 ~~transportation purposes and the facility has not been~~
631 ~~constructed for a period of at least 5 years and no plans have~~

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632 ~~been prepared for the construction of such facility and the~~
633 ~~property is not located in a transportation corridor, the~~
634 ~~governmental entity may authorize reconveyance of the donated~~
635 ~~property for no consideration to the original donor or the~~
636 ~~donor's heirs, successors, assigns, or representatives.~~

637 ~~(h) If property is to be used for a public purpose, the~~
638 ~~property may be conveyed without consideration to a governmental~~
639 ~~entity.~~

640 ~~(i) If property was originally acquired specifically to~~
641 ~~provide replacement housing for persons displaced by~~
642 ~~transportation projects, the department may negotiate for the~~
643 ~~sale of such property as replacement housing. As compensation,~~
644 ~~the state shall receive no less than its investment in such~~
645 ~~properties or fair market value, whichever is lower. It is~~
646 ~~expressly intended that this benefit be extended only to those~~
647 ~~persons actually displaced by such project. Dispositions to any~~
648 ~~other persons must be for fair market value.~~

649 ~~(j) If the department determines that the property will~~
650 ~~require significant costs to be incurred or that continued~~
651 ~~ownership of the property exposes the department to significant~~
652 ~~liability risks, the department may use the projected~~
653 ~~maintenance costs over the next 5 years to offset the market~~
654 ~~value in establishing a value for disposal of the property, even~~
655 ~~if that value is zero.~~

656 (5) The department may convey a leasehold interest for
657 commercial or other purposes, in the name of the state, to any
658 land, building, or other property, real or personal, which was
659 acquired under the provisions of subsection (1). A lease may not

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660 occur at a price less than the department's current estimate of
661 value.

662 (a) All leases shall be entered into by negotiation,
663 sealed competitive bid, auction, or any other means the
664 department deems to be in its best interest. ~~The department may~~
665 negotiate such a lease at the prevailing market value with the
666 owner from whom the property was acquired; with the holders of
667 leasehold estates existing at the time of the department's
668 acquisition; or, if public bidding would be inequitable, with
669 the owner holding title to privately owned abutting property, if
670 reasonable notice is provided to all other owners of abutting
671 property. The department may allow an outdoor advertising sign
672 to remain on the property acquired, or be relocated on
673 department property, and such sign shall not be considered a
674 nonconforming sign pursuant to chapter 479.

675 (b) If, in the discretion of the department, a lease to
676 anyone other than an abutting property owner or a tenant with a
677 leasehold interest in the abutting property would be
678 inequitable, the property may be leased to the abutting owner or
679 tenant for no less than the department's current estimate of
680 value. ~~All other leases shall be by competitive bid.~~

681 (c) A ~~No~~ lease signed pursuant to paragraph (a) may not ~~or~~
682 paragraph (b) shall be for a period of more than 5 years;
683 however, the department may renegotiate or extend such a lease
684 for an additional term of 5 years as the department deems
685 appropriate ~~without rebidding.~~

686 (d) Each lease shall provide that unless otherwise
687 directed by the lessor, any improvements made to the property

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688 during the term of the lease shall be removed at the lessee's
689 expense.

690 (e) If property is to be used for a public purpose,
691 ~~including a fair, art show, or other educational, cultural, or~~
692 ~~fundraising activity,~~ the property may be leased without
693 consideration to a governmental entity ~~or school board~~. Any
694 public-purpose lease is exempt from the term limits provided in
695 paragraph (c).

696 (f) Paragraphs (c) and (e) ~~(d)~~ do not apply to leases
697 entered into pursuant to s. 260.0161(3), except as provided in
698 such a lease.

699 (g) No lease executed under this subsection may be
700 utilized by the lessee to establish the ~~4 years'~~ standing
701 required by s. 73.071(3) (b) if the business had not been
702 established for the specified number of 4 years on the date
703 title passed to the department.

704 (h) The department may enter into a long-term lease
705 without compensation with a public port listed in s.
706 403.021(9) (b) for rail corridors used for the operation of a
707 short-line railroad to the port.

708 (6) Nothing in this chapter prevents the joint use of
709 right-of-way for alternative modes of transportation; provided
710 that the joint use does not impair the integrity and safety of
711 the transportation facility.

712 (7) The department's estimate of value, as required in
713 subsections (4) and (5), shall be prepared in accordance with
714 department procedures, guidelines, and rules for valuation of
715 real property. If the value of the property exceeds \$50,000 as

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716 determined by department estimate, the sale will be at a
717 negotiated price not less than fair market value as determined
718 by an independent appraisal prepared in accordance with
719 department procedures, guidelines, and rules for valuation of
720 real property, the cost of which shall be paid by the party
721 seeking the purchase of the property. If the estimated value is
722 \$50,000 or below, the department may use a department staff
723 appraiser or obtain an independent appraisal. ~~appraisal required~~
724 ~~by paragraphs (4) (c) and (d) shall be prepared in accordance~~
725 ~~with department guidelines and rules by an independent appraiser~~
726 ~~who has been certified by the department. If federal funds were~~
727 ~~used in the acquisition of the property, the appraisal shall~~
728 ~~also be subject to the approval of the Federal Highway~~
729 ~~Administration.~~

730 (8) A "due advertisement" under this section is an
731 advertisement in a newspaper of general circulation in the area
732 of the improvements of not less than 14 calendar days prior to
733 the date of the receipt of bids or the date on which a public
734 auction is to be held.

735 (9) The department, with the approval of the Chief
736 Financial Officer, is authorized to disburse state funds for
737 real estate closings in a manner consistent with good business
738 practices and in a manner minimizing costs and risks to the
739 state.

740 (10) The department is authorized to purchase title
741 insurance in those instances where it is determined that such
742 insurance is necessary to protect the public's investment in
743 property being acquired for transportation purposes. The

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744 department shall adopt procedures to be followed in making the
745 determination to purchase title insurance for a particular
746 parcel or group of parcels which, at a minimum, shall set forth
747 criteria which the parcels shall ~~must~~ meet.

748 (11) This section does not modify the requirements of s.
749 73.013.

750 Section 18. Subsection (2) of section 337.251, Florida
751 Statutes, is amended to read:

752 337.251 Lease of property for joint public-private
753 development and areas above or below department property.-

754 (2) The department may request proposals for the lease of
755 such property or, if the department receives a proposal for to
756 negotiate a lease of particular department property that the
757 department desires to consider, it shall publish a notice in a
758 newspaper of general circulation at least once a week for 2
759 weeks, stating that it has received the proposal and will
760 accept, for 120 ~~60~~ days after the date of publication, other
761 proposals for lease of the particular property ~~use of the space~~.
762 A copy of the notice must be mailed to each local government in
763 the affected area. The department shall adopt rules establishing
764 an application fee for the submission of proposals under this
765 section. The fee must be limited to the amount needed to pay the
766 anticipated costs of evaluating the proposals. The department
767 may engage the services of private consultants to assist in the
768 evaluation. Before approval, the department must determine that
769 the proposed lease:

770 (a) Is in the public's best interest;

771 (b) Would not require state funds to be used; and

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772 (c) Would have adequate safeguards in place to ensure that
773 no additional costs or service disruptions would be realized by
774 the traveling public and residents of the state in the event of
775 default by the private lessee or upon termination or expiration
776 of the lease.

777 Section 19. Paragraphs (h) and (i) are added to and
778 paragraph (g) subsection (1) of section 337.403, Florida
779 Statutes, is amended to read:

780 337.403 Interference caused by ~~relocation of~~ utility;
781 expenses.—

782 (1) If a utility that is placed upon, under, over, or
783 along any public road or publicly owned rail corridor is found
784 by the authority to be unreasonably interfering in any way with
785 the convenient, safe, or continuous use, or the maintenance,
786 improvement, extension, or expansion, of such public road or
787 publicly owned rail corridor, the utility owner shall, upon 30
788 days' written notice to the utility or its agent by the
789 authority, initiate the work necessary to alleviate the
790 interference at its own expense except as provided in paragraphs
791 (a)–~~(i)~~~~(g)~~. The work must be completed within such reasonable
792 time as stated in the notice or such time as agreed to by the
793 authority and the utility owner.

794 (g) An authority may bear the costs of utility work
795 required to eliminate an unreasonable interference when the
796 utility is not able to establish that it has a compensable
797 property right in the particular property where the utility is
798 located if:

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799 1. The utility was physically located on the particular
800 property before the authority acquired rights in the property;

801 2. The utility demonstrates that it has a compensable
802 property right in ~~all~~ adjacent properties along the alignment of
803 the utility or, after due diligence, certifies that the utility
804 does not have evidence to prove or disprove that it has a
805 compensable property right in the particular property where the
806 utility is located; and

807 3. The information available to the authority does not
808 establish the relative priorities of the authority's and the
809 utility's interests in the particular property.

810 (h) If the relocation of utility facilities is
811 necessitated by the construction of a commuter rail service
812 project or an inter-city passenger rail service project and the
813 cost of the project is eligible and approved for reimbursement
814 by the Federal Government, then in that event the utility owning
815 or operating such facilities located by permit on a department
816 owned rail corridor shall perform any necessary utility
817 relocation work upon notice from the department, and the
818 department shall pay the expense properly attributable to such
819 utility relocation work in the same proportion as Federal funds
820 are expended on the commuter rail service project or an inter-
821 city passenger rail service project after deducting therefrom
822 any increase in the value of a new facility and any salvage
823 value derived from an old facility. In no event shall the state
824 be required to use state dollars for such utility relocation
825 work. This subsection shall not apply to any phase of the
826 Central Florida Rail Corridor project known as SunRail.

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827 (i) If a city or county owned utility is located in a
828 rural area of critical economic concern, designated pursuant to
829 s. 288.0656, and the department's comptroller determines that
830 the utility is not able, and will not within the following 10
831 years be able, to pay for the cost of utility work necessitated
832 by a department project on the State Highway System, the
833 department may pay the cost of such utility work performed by
834 the department or the department's contractor, in whole or in
835 part.

836 Section 20. (1) The Florida Transportation Commission
837 shall conduct a study of the potential for the state to obtain
838 revenue from any parking meters or other parking time-limit
839 devices that regulate designated parking spaces located within
840 or along the right-of-way limits of a state road. The commission
841 may retain such experts as are reasonably necessary to complete
842 the study, and the department shall pay the expenses of such
843 experts. On or before August 31, 2013, each municipality and
844 county that receives revenue from any parking meters or other
845 parking time-limit devices that regulate designated parking
846 spaces located within or along the right-of-way limits of a
847 state road shall provide the commission a written inventory of
848 the location of each such meter or device and the total revenue
849 collected from such locations during the last 3 fiscal years.
850 Each municipality and county shall at the same time inform the
851 commission of any pledge or commitment by the municipality or
852 county of such revenues to the payment of debt service on any
853 bonds or other debt issued by the municipality or county. The
854 commission shall consider the information provided by the

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855 municipalities and counties, together with such other matters as
856 it deems appropriate, and shall develop policy recommendations
857 regarding the manner and extent that revenues generated by
858 regulating parking within the right-of-way limits of a state
859 road may be allocated between the department and municipalities
860 and counties. The commission shall develop specific
861 recommendations concerning the allocation of revenues generated
862 by meters or devices regulating such parking that were installed
863 before July 1, 2013, and the allocation of revenues that may be
864 generated by meters or devices installed thereafter. The
865 commission shall complete the study and provide a written report
866 of its findings and conclusions to the Governor, the President
867 of the Senate, the Speaker of the House of Representatives, and
868 the chairs of each of the appropriations committees of the
869 Legislature by October 31, 2013.

870 (2) If, by August 31, 2013, a municipality or county does
871 not provide the information requested by the commission, the
872 department is authorized to remove the parking meters or parking
873 time-limit devices that regulate designated parking spaces
874 located within or along the right-of-way limits of a state road,
875 and all costs incurred in connection with the removal shall be
876 assessed against and collected from the municipality or county.

877 (3) The Legislature finds that preservation of the status
878 quo pending the commission's study and the Legislature's review
879 of the commission's report is appropriate and desirable. From
880 July 1, 2013, through July 1, 2014, no county or municipality
881 shall install any parking meters or other parking time-limit
882 devices that regulate designated parking spaces located within

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883 or along the right-of-way limits of a state road. This
884 subsection does not prohibit the replacement of meters or
885 similar devices installed before July 1, 2013, with new devices
886 that regulate the same designated parking spaces.

887 (4) This section shall take effect upon this act becoming
888 law.

889 Section 21. Subsection (5) of section 338.161, Florida
890 Statutes, is amended to read:

891 338.161 Authority of department or toll agencies to
892 advertise and promote electronic toll collection; expanded uses
893 of electronic toll collection system; authority of department to
894 collect tolls, fares, and fees for private and public entities.-

895 (5) If the department finds that it can increase nontoll
896 revenues or add convenience or other value for its customers,
897 and if a public or private transportation facility owner agrees
898 that its facility will become interoperable with the
899 department's electronic toll collection and video billing
900 systems, the department is authorized to enter into an agreement
901 with the owner of such facility under which the department uses
902 ~~private or public entities for the department's use of its~~
903 ~~electronic toll collection and video billing systems to collect~~
904 ~~and enforce for the owner tolls, fares, administrative fees, and~~
905 ~~other applicable charges due imposed in connection with use of~~
906 ~~the owner's facility transportation facilities of the private or~~
907 ~~public entities that become interoperable with the department's~~
908 ~~electronic toll collection system.~~ The department may modify its
909 rules regarding toll collection procedures and the imposition of
910 administrative charges to be applicable to toll facilities that

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911 are not part of the turnpike system or otherwise owned by the
912 department. This subsection may not be construed to limit the
913 authority of the department under any other provision of law or
914 under any agreement entered into before ~~prior to~~ July 1, 2012.

915 Section 22. Subsection (4) of section 338.165, Florida
916 Statutes, is amended to read:

917 338.165 Continuation of tolls.—

918 (4) Notwithstanding any other law to the contrary,
919 pursuant to s. 11, Art. VII of the State Constitution, and
920 subject to the requirements of subsection (2), the Department of
921 Transportation may request the Division of Bond Finance to issue
922 bonds secured by toll revenues collected on the Alligator Alley,
923 the Sunshine Skyway Bridge, ~~the Beeline East Expressway, the~~
924 ~~Navarre Bridge,~~ and the Pinellas Bayway to fund transportation
925 projects located within the county or counties in which the
926 project is located and contained in the adopted work program of
927 the department.

928 Section 23. Subsections (3) and (4) of section 338.26,
929 Florida Statutes, are amended to read:

930 338.26 Alligator Alley toll road.—

931 (3) Fees generated from tolls shall be deposited in the
932 State Transportation Trust Fund, and any amount of funds
933 generated annually in excess of that required to reimburse
934 outstanding contractual obligations, to operate and maintain the
935 highway and toll facilities, including reconstruction and
936 restoration, to pay for those projects that are funded with
937 Alligator Alley toll revenues and that are contained in the
938 1993-1994 adopted work program or the 1994-1995 tentative work

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939 program submitted to the Legislature on February 22, 1994, and
940 to design and construct ~~develop and operate~~ a fire station at
941 mile marker 63 on Alligator Alley, which may be used by Collier
942 County or other appropriate local governmental entity to provide
943 fire, rescue, and emergency management services ~~to the adjacent~~
944 ~~counties~~ along Alligator Alley, may be transferred to the
945 Everglades Fund of the South Florida Water Management District
946 in accordance with the memorandum of understanding of June 30,
947 1997, between the district and the department. The South Florida
948 Water Management District shall deposit funds for projects
949 undertaken pursuant to s. 373.4592 in the Everglades Trust Fund
950 pursuant to s. 373.45926(4)(a). Any funds remaining in the
951 Everglades Fund may be used for environmental projects to
952 restore the natural values of the Everglades, subject to
953 compliance with any applicable federal laws and regulations.
954 Projects must ~~shall~~ be limited to:

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

957 (b) Water conveyance projects to enable more water
958 resources to reach Florida Bay to replenish marine estuary
959 functions.

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

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

966 (e) Other Everglades Construction Projects as described in

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967 the February 15, 1994, conceptual design document.

968 ~~(4) The district may issue revenue bonds or notes under s.~~
969 ~~373.584 and pledge the revenue from the transfers from the~~
970 ~~Alligator Alley toll revenues as security for such bonds or~~
971 ~~notes. The proceeds from such revenue bonds or notes shall be~~
972 ~~used for environmental projects; at least 50 percent of said~~
973 ~~proceeds must be used for projects that benefit Florida Bay, as~~
974 ~~described in this section subject to resolutions approving such~~
975 ~~activity by the Board of Trustees of the Internal Improvement~~
976 ~~Trust Fund and the governing board of the South Florida Water~~
977 ~~Management District and the remaining proceeds must be used for~~
978 ~~restoration activities in the Everglades Protection Area.~~

979 Section 24. Paragraph (a) of subsection (2) and
980 subsections (3) and (4) of section 339.175, Florida Statutes,
981 are amended, and paragraph (f) is added to subsection (2) of
982 that section, to read:

983 339.175 Metropolitan planning organization.—

984 (2) DESIGNATION.—

985 (a)1. An M.P.O. shall be designated for each urbanized
986 area of the state; however, this does not require that an
987 individual M.P.O. be designated for each such area. The M.P.O.
988 ~~Such~~ designation shall be accomplished by agreement between the
989 Governor and units of general-purpose local government that
990 together represent ~~representing~~ at least 75 percent of the
991 population, including the largest incorporated municipality,
992 based on population, ~~of the urbanized area; however, the unit of~~
993 ~~general-purpose local government that represents the central~~
994 ~~city or cities within the M.P.O. jurisdiction,~~ as named defined

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995 by the United States Bureau of the Census, ~~must be a party to~~
996 ~~such agreement.~~

997 2. To the extent possible, only one M.P.O. shall be
998 designated for each urbanized area or group of contiguous
999 urbanized areas. More than one M.P.O. may be designated within
1000 an existing urbanized area only if the Governor and the existing
1001 M.P.O. determine that the size and complexity of the existing
1002 urbanized area makes the designation of more than one M.P.O. for
1003 the area appropriate.

1004 (f) Notwithstanding any other provision of this section,
1005 any county operating under a home rule charter adopted pursuant
1006 to s. 11, Art. VIII of the Constitution of 1885, as preserved by
1007 s. 6(e), Art. VIII of the Constitution of 1968, shall be
1008 designated a separate M.P.O. coterminous with the boundaries of
1009 such county.

1010
1011 Each M.P.O. required under this section must be fully operative
1012 no later than 6 months following its designation.

1013 (3) VOTING MEMBERSHIP.—

1014 (a) The voting membership of an M.P.O. shall consist of
1015 not fewer than 5 or more than 19 apportioned members, the exact
1016 number to be determined on an equitable geographic-population
1017 ratio ~~basis by the Governor~~, based on an agreement among the
1018 affected units of general-purpose local government and the
1019 Governor as required by federal ~~rules and~~ regulations. The
1020 voting membership of an M.P.O. that is redesignated after the
1021 effective date of this act as a result of the expansion of the
1022 M.P.O. to include a new urbanized area or the consolidation of

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1023 two or more M.P.O.'s may consist of no more than 25 members. The
1024 Governor, in accordance with 23 U.S.C. s. 134, may also provide
1025 for M.P.O. members who represent municipalities to alternate
1026 with representatives from other municipalities within the
1027 metropolitan planning area that do not have members on the
1028 M.P.O. County commission members shall compose not less than
1029 one-third of the M.P.O. membership, except for an M.P.O. with
1030 more than 15 members located in a county with a 5-member county
1031 commission or an M.P.O. with 19 members located in a county with
1032 no more than 6 county commissioners, in which case county
1033 commission members may compose less than one-third percent of
1034 the M.P.O. membership, but all county commissioners must be
1035 members. All voting members shall be elected officials of
1036 general-purpose local governments, except that an M.P.O. may
1037 include, as part of its apportioned voting members, a member of
1038 a statutorily authorized planning board, an official of an
1039 agency that operates or administers a major mode of
1040 transportation, or an official of Space Florida. As used in this
1041 section, the term "elected officials of a general-purpose local
1042 government" excludes ~~shall exclude~~ constitutional officers,
1043 including sheriffs, tax collectors, supervisors of elections,
1044 property appraisers, clerks of the court, and similar types of
1045 officials. County commissioners shall compose not less than 20
1046 percent of the M.P.O. membership if an official of an agency
1047 that operates or administers a major mode of transportation has
1048 been appointed to an M.P.O.

1049 (b) In metropolitan areas in which authorities or other
1050 agencies have been or may be created by law to perform

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1051 transportation functions and are performing transportation
1052 functions that are not under the jurisdiction of a general-
1053 purpose local government represented on the M.P.O., they may
1054 ~~shall~~ be provided voting membership on the M.P.O. In all other
1055 M.P.O.'s where transportation authorities or agencies are to be
1056 represented by elected officials from general-purpose local
1057 governments, the M.P.O. shall establish a process by which the
1058 collective interests of such authorities or other agencies are
1059 expressed and conveyed.

1060 (c) Any other provision of this section to the contrary
1061 notwithstanding, a chartered county with a population of more
1062 than ~~over~~ 1 million ~~population~~ may elect to reapportion the
1063 membership of an M.P.O. whose jurisdiction is wholly within the
1064 county. The charter county may exercise the provisions of this
1065 paragraph if:

1066 1. The M.P.O. approves the reapportionment plan by a
1067 three-fourths vote of its membership;

1068 2. The M.P.O. and the charter county determine that the
1069 reapportionment plan is needed to fulfill specific goals and
1070 policies applicable to that metropolitan planning area; and

1071 3. The charter county determines the reapportionment plan
1072 otherwise complies with all federal requirements pertaining to
1073 M.P.O. membership.

1074
1075 A ~~Any~~ charter county that elects to exercise the provisions of
1076 this paragraph shall notify the Governor in writing.

1077 (d) Any other provision of this section to the contrary
1078 notwithstanding, a ~~any~~ county chartered under s. 6(e), Art. VIII

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1079 of the State Constitution may elect to have its county
1080 commission serve as the M.P.O., if the M.P.O. jurisdiction is
1081 wholly contained within the county. ~~A Any~~ charter county that
1082 elects to exercise the provisions of this paragraph shall so
1083 notify the Governor in writing. Upon receipt of the ~~such~~
1084 notification, the Governor must designate the county commission
1085 as the M.P.O. The Governor must appoint four additional voting
1086 members to the M.P.O., one of whom must be an elected official
1087 representing a municipality within the county, one of whom must
1088 be an expressway authority member, one of whom must be a person
1089 who does not hold elected public office and who resides in the
1090 unincorporated portion of the county, and one of whom must be a
1091 school board member.

1092 (4) APPORTIONMENT.—

1093 (a) Each metropolitan planning organization shall review
1094 the composition of its membership in conjunction with the
1095 decennial census, as prepared by the United States Department of
1096 Commerce, Bureau of the Census, and, with the agreement of the
1097 affected units of general-purpose local government and the
1098 Governor, reapportion the membership as necessary to comply with
1099 subsection (3) The Governor shall, with the agreement of the
1100 affected units of general-purpose local government as required
1101 by federal rules and regulations, apportion the membership on
1102 the applicable M.P.O. among the various governmental entities
1103 within the area.

1104 (b) At the request of a majority of the affected units of
1105 general-purpose local government comprising an M.P.O., the
1106 Governor and a majority of units of general-purpose local

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1107 government serving on an M.P.O. shall cooperatively agree upon
1108 and prescribe who may serve as an alternate member and a method
1109 for appointing alternate members who may vote at any M.P.O.
1110 meeting that an alternate member attends in place of a regular
1111 member. The method must ~~shall~~ be set forth as a part of the
1112 interlocal agreement describing the M.P.O.'s membership or in
1113 the M.P.O.'s operating procedures and bylaws. The governmental
1114 entity so designated shall appoint the appropriate number of
1115 members to the M.P.O. from eligible officials. Representatives
1116 of the department shall serve as nonvoting advisers to the
1117 M.P.O. governing board. Additional nonvoting advisers may be
1118 appointed by the M.P.O. as deemed necessary; however, to the
1119 maximum extent feasible, each M.P.O. shall seek to appoint
1120 nonvoting representatives of various multimodal forms of
1121 transportation not otherwise represented by voting members of
1122 the M.P.O. An M.P.O. shall appoint nonvoting advisers
1123 representing major military installations located within the
1124 jurisdictional boundaries of the M.P.O. upon the request of the
1125 aforesaid major military installations and subject to the
1126 agreement of the M.P.O. All nonvoting advisers may attend and
1127 participate fully in governing board meetings but may not vote
1128 or be members of the governing board. ~~The Governor shall review~~
1129 ~~the composition of the M.P.O. membership in conjunction with the~~
1130 ~~decennial census as prepared by the United States Department of~~
1131 ~~Commerce, Bureau of the Census, and reapportion it as necessary~~
1132 ~~to comply with subsection (3).~~

1133 (c) ~~(b)~~ Except for members who represent municipalities on
1134 the basis of alternating with representatives from other

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1135 municipalities that do not have members on the M.P.O. as
1136 provided in paragraph (3) (a), the members of an M.P.O. shall
1137 serve 4-year terms. Members who represent municipalities on the
1138 basis of alternating with representatives from other
1139 municipalities that do not have members on the M.P.O. as
1140 provided in paragraph (3) (a) may serve terms of up to 4 years as
1141 further provided in the interlocal agreement described in
1142 paragraph (2) (b). The membership of a member who is a public
1143 official automatically terminates upon the member's leaving his
1144 or her elective or appointive office for any reason, or may be
1145 terminated by a majority vote of the total membership of the
1146 entity's governing board represented by the member. A vacancy
1147 shall be filled by the original appointing entity. A member must
1148 ~~may~~ be reappointed for one or more additional 4-year terms.

1149 (d) ~~(e)~~ If a governmental entity fails to fill an assigned
1150 appointment to an M.P.O. within 60 days after notification by
1151 the Governor of its duty to appoint, that appointment shall be
1152 made by the Governor from the eligible representatives of that
1153 governmental entity.

1154 Section 25. Paragraph (a) of subsection (1) and
1155 subsections (4) and (5) of section 339.2821, Florida Statutes,
1156 are amended to read:

1157 339.2821 Economic development transportation projects.—

1158 (1) (a) The department, in consultation with the Department
1159 of Economic Opportunity and Enterprise Florida, Inc., may make
1160 and approve expenditures and contract with the appropriate
1161 governmental body for the direct costs of transportation
1162 projects. The Department of Economic Opportunity and the

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1163 Department of Environmental Protection may formally review and
1164 comment on recommended transportation projects, although the
1165 department has final approval authority for any project
1166 authorized under this section.

1167 (4) A contract between the department and a governmental
1168 body for a transportation project must:

1169 (a) Specify that the transportation project is for the
1170 construction of a new or expanding business and specify the
1171 number of full-time permanent jobs that will result from the
1172 project.

1173 (b) Identify the governmental body and require that the
1174 governmental body award the construction of the particular
1175 transportation project to the lowest and best bidder in
1176 accordance with applicable state and federal statutes or rules
1177 unless the transportation project can be constructed using
1178 existing local governmental employees within the contract period
1179 specified by the department.

1180 (c) Require that the governmental body provide the
1181 department with ~~quarterly~~ progress reports. Each ~~quarterly~~
1182 progress report must contain:

1183 1. A narrative description of the work completed and
1184 whether the work is proceeding according to the transportation
1185 project schedule;

1186 2. A description of each change order executed by the
1187 governmental body;

1188 3. A budget summary detailing planned expenditures
1189 compared to actual expenditures; and

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1190 4. The identity of each small or minority business used as
1191 a contractor or subcontractor.

1192 (d) Require that the governmental body make and maintain
1193 records in accordance with accepted governmental accounting
1194 principles and practices for each progress payment made for work
1195 performed in connection with the transportation project, each
1196 change order executed by the governmental body, and each payment
1197 made pursuant to a change order. The records are subject to
1198 financial audit as required by law.

1199 (e) Require that the governmental body, upon completion
1200 and acceptance of the transportation project, certify to the
1201 department that the transportation project has been completed in
1202 compliance with the terms and conditions of the contract between
1203 the department and the governmental body and meets the minimum
1204 construction standards established in accordance with s.
1205 336.045.

1206 (f) Specify that ~~the department transfer funds will not be~~
1207 transferred to the governmental body unless construction has
1208 begun on the facility of the not more often than quarterly, upon
1209 receipt of a request for funds from the governmental body and
1210 consistent with the needs of the transportation project. The
1211 governmental body shall expend funds received from the
1212 department in a timely manner. The department may not transfer
1213 funds unless construction has begun on the facility of a
1214 business on whose behalf the award was made. If construction of
1215 the transportation project does not begin within 4 years after
1216 the date of the initial grant award, the grant award is

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1217 ~~terminated A contract totaling less than \$200,000 is exempt from~~
1218 ~~the transfer requirement.~~

1219 (g) Require that funds be used only on a transportation
1220 project that has been properly reviewed and approved in
1221 accordance with the criteria set forth in this section.

1222 (h) Require that the governing board of the governmental
1223 body adopt a resolution accepting future maintenance and other
1224 attendant costs occurring after completion of the transportation
1225 project if the transportation project is constructed on a county
1226 or municipal system.

1227 (5) For purposes of this section, Space Florida may serve
1228 as the governmental body or as the contracting agency for a
1229 ~~transportation~~ project within a spaceport territory as defined
1230 by s. 331.304.

1231 Section 26. Sections 339.401, 339.402, 339.403, 339.404,
1232 339.405, 339.406, 339.407, 339.408, 339.409, 339.410, 339.411,
1233 339.412, 339.414, 339.415, 339.416, 339.417, 339.418, 339.419,
1234 339.420, and 339.421, Florida Statutes, are repealed.

1235 Section 27. Subsection (2) and paragraph (i) of subsection
1236 (7) of section 339.55, Florida Statutes, are amended to read:

1237 339.55 State-funded infrastructure bank.—

1238 (2) The bank may lend capital costs or provide credit
1239 enhancements for:

1240 (a) A transportation facility project that is on the State
1241 Highway System or that provides for increased mobility on the
1242 state's transportation system or provides intermodal
1243 connectivity with airports, seaports, spaceports, rail

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1244 facilities, and other transportation terminals, pursuant to s.
1245 341.053, for the movement of people and goods.

1246 (b) Projects of the Transportation Regional Incentive
1247 Program which are identified pursuant to s. 339.2819(4).

1248 (c)1. Emergency loans for damages incurred to public-use
1249 commercial deepwater seaports, public-use airports, public-use
1250 spaceports, and other public-use transit and intermodal
1251 facilities that are within an area that is part of an official
1252 state declaration of emergency pursuant to chapter 252 and all
1253 other applicable laws. Such loans:

1254 a. May not exceed 24 months in duration except in extreme
1255 circumstances, for which the Secretary of Transportation may
1256 grant up to 36 months upon making written findings specifying
1257 the conditions requiring a 36-month term.

1258 b. Require application from the recipient to the
1259 department that includes documentation of damage claims filed
1260 with the Federal Emergency Management Agency or an applicable
1261 insurance carrier and documentation of the recipient's overall
1262 financial condition.

1263 c. Are subject to approval by the Secretary of
1264 Transportation and the Legislative Budget Commission.

1265 2. Loans provided under this paragraph must be repaid upon
1266 receipt by the recipient of eligible program funding for damages
1267 in accordance with the claims filed with the Federal Emergency
1268 Management Agency or an applicable insurance carrier, but no
1269 later than the duration of the loan.

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1270 (7) The department may consider, but is not limited to,
1271 the following criteria for evaluation of projects for assistance
1272 from the bank:

1273 (i) The extent to which the project will provide for
1274 connectivity between the State Highway System and airports,
1275 seaports, spaceports, rail facilities, and other transportation
1276 terminals and intermodal options pursuant to s. 341.053 for the
1277 increased accessibility and movement of people and goods.

1278 Section 28. Subsection (11) of section 341.031, Florida
1279 Statutes, is amended to read:

1280 341.031 Definitions relating to Florida Public Transit
1281 Act.—As used in ss. 341.011-341.061, the term:

1282 (11) "Intercity bus service" means regularly scheduled bus
1283 service for the general public which operates with limited stops
1284 over fixed routes connecting two or more urban areas not in
1285 close proximity; has the capacity for transporting baggage
1286 carried by passengers; and makes meaningful connections with
1287 scheduled intercity bus service to more distant points, if such
1288 service is available; ~~maintains scheduled information in the~~
1289 ~~National Official Bus Guide; and provides package express~~
1290 ~~service incidental to passenger transportation.~~

1291 Section 29. Subsection (3) of section 341.052, Florida
1292 Statutes, is amended to read:

1293 341.052 Public transit block grant program;
1294 administration; eligible projects; limitation.—

1295 (3) The following limitations shall apply to the use of
1296 public transit block grant program funds:

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1297 (a) State participation in eligible capital projects shall
1298 be limited to 50 percent of the nonfederal share of such project
1299 costs.

1300 (b) State participation in eligible public transit
1301 operating costs may not exceed 50 percent of such costs or an
1302 amount equal to the total revenue, excluding farebox, charter,
1303 and advertising revenue and federal funds, received by the
1304 provider for operating costs, whichever amount is less.

1305 (c) No eligible public transit provider shall use public
1306 transit block grant funds to supplant local tax revenues made
1307 available to such provider for operations in the previous year;
1308 however, the Secretary of Transportation may waive this
1309 provision for public transit providers located in a county
1310 recovering from a state of emergency declared pursuant to part I
1311 of chapter 252.

1312 (d) Notwithstanding any law to the contrary, no eligible
1313 public transit provider shall use public transit block grant
1314 funds in pursuit of strategies or actions leading to or
1315 promoting the levying of new or additional taxes through public
1316 referenda. To the extent that a public transit provider uses
1317 other public funds in pursuit of strategies or actions leading
1318 to or promoting the levying of new or additional taxes through
1319 public referenda, the amount of the provider's grant must be
1320 reduced by the same amount. As used in this paragraph, the term
1321 "public funds" means all moneys under the jurisdiction or
1322 control of a federal agency, the state, a county, or a
1323 municipality, including any district, authority, commission,
1324 board, or agency thereof for any public purpose.

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1325 ~~(e)-(d)~~ The state may not give any county more than 39
1326 percent of the funds available for distribution under this
1327 section or more than the amount that local revenue sources
1328 provide to that transit system.

1329 Section 30. Section 341.053, Florida Statutes, is amended
1330 to read:

1331 341.053 Intermodal Development Program; administration;
1332 eligible projects; limitations.-

1333 (1) There is created within the Department of
1334 Transportation an Intermodal Development Program to provide for
1335 major capital investments in fixed-guideway transportation
1336 systems, access to seaports, airports, spaceports, and other
1337 transportation terminals, providing for the construction of
1338 intermodal or multimodal terminals; and to plan or fund
1339 construction of airport, spaceport, seaport, transit, and rail
1340 projects that otherwise facilitate the intermodal or multimodal
1341 movement of people and goods.

1342 (2) The Intermodal Development Program shall be used for
1343 projects that support statewide goals as outlined in the Florida
1344 Transportation Plan, the Strategic Intermodal System Plan, the
1345 Freight Mobility and Trade Plan, or the appropriate department
1346 modal plan. ~~In recognition of the department's role in the~~
1347 ~~economic development of this state, the department shall develop~~
1348 ~~a proposed intermodal development plan to connect Florida's~~
1349 ~~airports, deepwater seaports, rail systems serving both~~
1350 ~~passenger and freight, and major intermodal connectors to the~~
1351 ~~Strategic Intermodal System highway corridors as the primary~~
1352 ~~system for the movement of people and freight in this state in~~

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1353 ~~order to make the intermodal development plan a fully integrated~~
1354 ~~and interconnected system. The intermodal development plan must:~~

1355 ~~(a) Define and assess the state's freight intermodal~~
1356 ~~network, including airports, seaports, rail lines and terminals,~~
1357 ~~intercity bus lines and terminals, and connecting highways.~~

1358 ~~(b) Prioritize statewide infrastructure investments,~~
1359 ~~including the acceleration of current projects, which are found~~
1360 ~~by the Freight Stakeholders Task Force to be priority projects~~
1361 ~~for the efficient movement of people and freight.~~

1362 ~~(c) Be developed in a manner that will assure maximum use~~
1363 ~~of existing facilities and optimum integration and coordination~~
1364 ~~of the various modes of transportation, including both~~
1365 ~~government owned and privately owned resources, in the most~~
1366 ~~cost-effective manner possible.~~

1367 (3) The Intermodal Development Program shall be
1368 administered by the department.

1369 (4) The department shall review funding requests from a
1370 rail authority created pursuant to chapter 343. The department
1371 may include projects of the authorities, including planning and
1372 design, in the tentative work program.

1373 ~~(5) No single transportation authority operating a fixed-~~
1374 ~~guideway transportation system, or single fixed-guideway~~
1375 ~~transportation system not administered by a transportation~~
1376 ~~authority, receiving funds under the Intermodal Development~~
1377 ~~Program shall receive more than 33 1/3 percent of the total~~
1378 ~~intermodal development funds appropriated between July 1, 1990,~~
1379 ~~and June 30, 2015. In determining the distribution of funds~~
1380 ~~under the Intermodal Development Program in any fiscal year, the~~

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1381 ~~department shall assume that future appropriation levels will be~~
1382 ~~equal to the current appropriation level.~~

1383 (5) ~~(6)~~ The department is authorized to fund projects
1384 within the Intermodal Development Program, which are consistent,
1385 to the maximum extent feasible, with approved local government
1386 comprehensive plans of the units of local government in which
1387 the project is located. Projects that are eligible for funding
1388 under this program include planning studies, major capital
1389 investments in public rail, and fixed-guideway transportation or
1390 freight facilities and systems that ~~which~~ provide intermodal
1391 access; road, rail, intercity bus service, or fixed-guideway
1392 access to, from, or between seaports, airports, spaceports,
1393 intermodal logistics centers, and other transportation
1394 terminals; construction of intermodal or multimodal terminals,
1395 including projects on airports, spaceports, intermodal logistics
1396 centers or seaports that assist in the movement or transfer of
1397 people or goods; development and construction of dedicated bus
1398 lanes; and projects that ~~which~~ otherwise facilitate the
1399 intermodal or multimodal movement of people and goods.

1400 Section 31. Section 341.8203, Florida Statutes, is amended
1401 to read:

1402 341.8203 Definitions.—As used in ss. 341.8201-341.842,
1403 unless the context clearly indicates otherwise, the term:

1404 (1) "Associated development" means property, equipment,
1405 buildings, or other related facilities which are built,
1406 installed, used, or established to provide financing, funding,
1407 or revenues for the planning, building, managing, and operation
1408 of a high-speed rail system and which are associated with or

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1409 part of the rail stations. The term includes air and subsurface
1410 rights, services that provide local area network devices for
1411 transmitting data over wireless networks, parking facilities,
1412 retail establishments, restaurants, hotels, offices,
1413 advertising, or other commercial, civic, residential, or support
1414 facilities.

1415 (2) "Communication facilities" means the
1416 communication systems related to high-speed passenger rail
1417 operations, including those which are built, installed, used, or
1418 established for the planning, building, managing, and operation
1419 of a high-speed rail system. The term includes the land,
1420 structures, improvements, rights-of-way, easements, positive
1421 train control systems, wireless communication towers and
1422 facilities that are designed to provide voice and data services
1423 for the safe and efficient operation of the high-speed rail
1424 system and as amenities that may be made available to crew and
1425 passengers as part of a high-speed rail service, and any other
1426 facilities or equipment used for operation of, or the
1427 facilitation of communications for, a high-speed rail system.

1428 (3)-2) "Enterprise" means the Florida Rail Enterprise.

1429 (4)-3) "High-speed rail system" means any high-speed fixed
1430 guideway system for transporting people or goods, which system
1431 is, by definition of the United States Department of
1432 Transportation, reasonably expected to reach speeds of at least
1433 110 miles per hour, including, but not limited to, a monorail
1434 system, dual track rail system, suspended rail system, magnetic
1435 levitation system, pneumatic repulsion system, or other system
1436 approved by the enterprise. The term includes a corridor,

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1437 associated intermodal connectors, and structures essential to
1438 the operation of the line, including the land, structures,
1439 improvements, rights-of-way, easements, rail lines, rail beds,
1440 guideway structures, switches, yards, parking facilities, power
1441 relays, switching houses, and rail stations and also includes
1442 facilities or equipment used exclusively for the purposes of
1443 design, construction, operation, maintenance, or the financing
1444 of the high-speed rail system.

1445 (5)~~(4)~~ "Joint development" means the planning, managing,
1446 financing, or constructing of projects adjacent to, functionally
1447 related to, or otherwise related to a high-speed rail system
1448 pursuant to agreements between any person, firm, corporation,
1449 association, organization, agency, or other entity, public or
1450 private.

1451 (6)~~(5)~~ "Rail station," "station," or "high-speed rail
1452 station" means any structure or transportation facility that is
1453 part of a high-speed rail system designed to accommodate the
1454 movement of passengers from one mode of transportation to
1455 another at which passengers board or disembark from
1456 transportation conveyances and transfer from one mode of
1457 transportation to another.

1458 (7) "Railroad company" means a person providing high speed
1459 passenger rail service.

1460 (8)~~(6)~~ "Selected person or entity" means the person or
1461 entity to whom the enterprise awards a contract to establish a
1462 high-speed rail system pursuant to ss. 341.8201-341.842.

1463 Section 32. Paragraph (c) is added to subsection (2) of
1464 section 341.822, Florida Statutes, to read:

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1465 341.822 Powers and duties.—

1466 (2)

1467 (c) The enterprise shall establish a process to issue
1468 permits to railroad companies for the construction of
1469 communication facilities within a new or existing public or
1470 private high speed rail system. The enterprise shall have the
1471 authority to adopt procedural rules pursuant to ss. 120.536(1)
1472 and 120.54 to administer such permits, including rules regarding
1473 the form, content, and necessary supporting documentation for
1474 permit applications, the process for submitting applications,
1475 and any fees for issuing a permit.

1476 Section 33. Section 341.825, Florida Statutes, is created
1477 to read:

1478 341.825 Communication facilities.—

1479 (1) LEGISLATIVE INTENT.—The Legislature intends to:

1480 (a) Establish a streamlined process to authorize the
1481 location, construction, operation, and maintenance of
1482 communication facilities within new and existing high-speed rail
1483 systems.

1484 (b) Expedite the expansion of the high-speed rail system's
1485 wireless voice and data coverage and capacity for the safe and
1486 efficient operation of the high-speed rail system and the
1487 safety, use, and efficiency of its crew and passengers as a
1488 critical communication facilities component.

1489 (2) APPLICATION SUBMISSION.—A railroad company may submit
1490 to the enterprise an application to obtain a permit to construct
1491 communication facilities within a new or existing high speed
1492 rail system. The application shall include an application fee

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1493 limited to the amount needed to pay the anticipated costs of
1494 reviewing the application not to exceed \$10,000, which shall be
1495 deposited into the State Transportation Trust Fund. The
1496 application shall include the following information:

1497 (a) The location of the proposed communication facilities.

1498 (b) A description of the proposed communication
1499 facilities.

1500 (c) Any other information reasonably required by the
1501 enterprise.

1502 (3) APPLICATION REVIEW.—The enterprise shall review each
1503 application for completeness within 30 days after receipt of the
1504 application.

1505 (a) If the enterprise determines that an application is
1506 not complete, the enterprise shall, within 30 days after the
1507 receipt of the initial application, notify the applicant in
1508 writing of any errors or omissions. An applicant shall have 30
1509 days within which to correct the errors or omissions in the
1510 initial application.

1511 (b) If the enterprise determines that an application is
1512 complete, the enterprise shall act upon the permit application
1513 within 60 days of the receipt of the completed application by
1514 approving in whole, approving with conditions as the enterprise
1515 deems appropriate, or denying the application, and stating the
1516 reason for issuance or denial. In determining whether an
1517 application should be approved, approved with modifications or
1518 conditions, or denied, the enterprise shall consider the extent
1519 to which the proposed communication facilities:

1520 1. Are located in a manner that is appropriate for the

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1521 communication technology specified by the applicant.

1522 2. Serve an existing or projected future need for
1523 communication facilities.

1524 3. Provide sufficient wireless voice and data coverage and
1525 capacity for the safe and efficient operation of the high-speed
1526 rail system and the safety, use, and efficiency of its crew and
1527 passengers.

1528 (4) EFFECT OF PERMIT.—Subject to the conditions set forth
1529 therein, a permit issued by the enterprise shall constitute the
1530 sole permit of the state and any agency as to the approval of
1531 the location, construction, operation, and maintenance of the
1532 communication facilities within the new or existing high speed
1533 rail system.

1534 (a) A permit authorizes the permittee to locate,
1535 construct, operate, and maintain the communication facilities
1536 within a new or existing high speed rail system, subject only to
1537 the conditions set forth in the permit. Such activities are not
1538 subject to local government land use or zoning regulations.

1539 (b) A permit may include conditions that constitute
1540 variances and exemptions from rules of the enterprise or any
1541 other agency, which would otherwise be applicable to the
1542 communication facilities within the new or existing high speed
1543 rail system.

1544 (c) The permit shall be in lieu of any license, permit,
1545 certificate, or similar document required by any state,
1546 regional, or local agency under, but not limited to, chapter
1547 125, chapter 161, chapter 163, chapter 166, chapter 186, chapter
1548 253, chapter 258, chapter 298, chapter 373, chapter 376, chapter

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1549 379, chapter 380, chapter 381, chapter 403, chapter 404, chapter
1550 553, the Florida Transportation Code.

1551 (d) If any provision of this section is in conflict with
1552 any other provision, limitation, or restriction under any law,
1553 rule, regulation, or ordinance of this state or any political
1554 subdivision, municipality, or agency, this section shall control
1555 and such law, rule, regulation, or ordinance shall be deemed
1556 superseded. Nothing in this section is intended to impose
1557 procedures or restrictions on railroad companies that are
1558 subject to the exclusive jurisdiction of the federal Surface
1559 Transportation Board pursuant to the Interstate Commerce
1560 Commission Termination Act of 1995, 49 U.S.C. ss. 10101, et seq.

1561 (5) MODIFICATION OF PERMIT.—A permit may be modified by
1562 the applicant after issuance upon the filing of a petition with
1563 the enterprise.

1564 (a) A petition for modification must set forth the
1565 proposed modification and the factual reasons asserted for the
1566 modification.

1567 (b) The enterprise shall act upon the petition within 30 days
1568 by approving or denying the application, and stating the reason
1569 for issuance or denial.

1570 Section 34. Paragraph (b) of subsection (2) of section
1571 341.840, Florida Statutes, is amended to read:

1572 341.840 Tax exemption.—

1573 (2)

1574 (b) For the purposes of this section, any item or property
1575 that is within the definition of the term "associated
1576 development" in s. 341.8203(1) may not be considered part of the

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1577 high-speed rail system as defined in s. 341.8203(4) ~~s.~~

1578 ~~341.8203(3)~~.

1579 Section 35. Paragraph (d) of subsection (3) of section
1580 343.82, Florida Statutes, is amended to read:

1581 343.82 Purposes and powers.—

1582 (3)

1583 (d) The authority may undertake projects or other
1584 improvements in the master plan in phases as particular projects
1585 or segments thereof become feasible, as determined by the
1586 authority. In carrying out its purposes and powers, the
1587 authority may request funding and technical assistance from the
1588 department and appropriate federal and local agencies,
1589 including, but not limited to, state infrastructure bank loans,
1590 ~~advances from the Toll Facilities Revolving Trust Fund,~~ and from
1591 any other sources.

1592 Section 36. Subsection (4) of section 343.922, Florida
1593 Statutes, is amended to read:

1594 343.922 Powers and duties.—

1595 (4) The authority may undertake projects or other
1596 improvements in the master plan in phases as particular projects
1597 or segments become feasible, as determined by the authority. The
1598 authority shall coordinate project planning, development, and
1599 implementation with the applicable local governments. The
1600 authority's projects that are transportation oriented shall be
1601 consistent to the maximum extent feasible with the adopted local
1602 government comprehensive plans at the time they are funded for
1603 construction. Authority projects that are not transportation
1604 oriented and meet the definition of development pursuant to s.

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1605 380.04 shall be consistent with the local comprehensive plans.
1606 In carrying out its purposes and powers, the authority may
1607 request funding and technical assistance from the department and
1608 appropriate federal and local agencies, including, but not
1609 limited to, state infrastructure bank loans, ~~advances from the~~
1610 ~~Toll Facilities Revolving Trust Fund,~~ and funding and technical
1611 assistance from any other source.

1612 Section 37. Chapter 345, Florida Statutes, consisting of
1613 sections 345.0001, 345.0002, 345.0003, 345.0004, 345.0005,
1614 345.0006, 345.0007, 345.0008, 345.0009, 345.0010, 345.0011,
1615 345.0012, 345.0013, and 345.0014, is created to read:

1616 345.0001 Short title.-This chapter may be cited as the
1617 "Florida Regional Transportation Finance Authority Act."

1618 345.0002 Definitions.-

1619 (1) As used in this chapter, the term:

1620 (a) "Agency of the state" means the state and a department
1621 of, or corporation, agency, or instrumentality heretofore or
1622 hereafter created, designated, or established by, the state.

1623 (b) "Area served" means the geographical area of the
1624 counties for which an authority is established.

1625 (c) "Authority" means a regional transportation finance
1626 authority, a body politic and corporate and an agency of the
1627 state, established pursuant to this chapter.

1628 (d) "Bonds" means the notes, bonds, refunding bonds, or
1629 other evidences of indebtedness or obligations, in temporary or
1630 definitive form, which an authority is authorized to issue
1631 pursuant to this chapter.

1632 (e) "Department" means the Department of Transportation.

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1633 (f) "Division" means the Division of Bond Finance of the
1634 State Board of Administration.

1635 (g) "Federal agency" means the United States, the
1636 President of the United States, and any department of, or
1637 bureau, corporation, agency, or instrumentality heretofore or
1638 hereafter created, designated, or established by, the United
1639 States.

1640 (h) "Members" means the governing body of an authority,
1641 and the term "member" means one of the individuals constituting
1642 such governing body.

1643 (i) "Regional system" or "system" means, generally, a
1644 modern highway system of roads, bridges, causeways, and tunnels
1645 within any area of the authority, with access limited or
1646 unlimited as an authority may determine, and such buildings and
1647 structures and appurtenances and facilities related thereto,
1648 including all approaches, streets, roads, bridges, and avenues
1649 of access for such system.

1650 (j) "Revenues" means all tolls, revenues, rates, fees,
1651 charges, receipts, rentals, contributions, and other income
1652 derived from or in connection with the operation or ownership of
1653 a regional system, including the proceeds of any use and
1654 occupancy insurance on any portion of the system but excluding
1655 any state funds available to an authority and any other city or
1656 county funds available to an authority under any agreement with
1657 a city or county.

1658 (2) Words importing singular number include the plural
1659 number in each case and vice versa, and words importing persons
1660 include firms and corporations.

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1661 345.0003 Transportation finance authority; formation;
1662 membership.-

1663 (1) Any county, or two or more contiguous counties, may,
1664 with the approval of the Legislature, form a regional
1665 transportation finance authority for the purposes of financing,
1666 constructing, maintaining, and operating transportation projects
1667 in a region of this state. An authority shall be governed in
1668 accordance with this chapter. An authority may only be created
1669 with the approval of the Legislature and the approval of the
1670 county commission of each county that will be a part of the
1671 authority. An authority may not be created to serve a particular
1672 area of the state as provided in this section if a regional
1673 transportation finance authority has been created and is
1674 operating within all or a portion of the same area served
1675 pursuant to an act of the Legislature. Each authority shall be
1676 the only authority created and operating pursuant to this
1677 chapter within the area served by the authority.

1678 (2) The governing body of an authority shall consist of a
1679 board of voting members, as follows:

1680 (a) The county commission of each county in the area
1681 served by the authority shall each appoint a member who must be
1682 a resident of the county from which he or she is appointed. The
1683 county commission of each county with a population of more than
1684 250,000 shall appoint a second member who must be a resident of
1685 the county. Insofar as possible, each member shall represent the
1686 business and civic interests of the community.

1687 (b) The Governor shall appoint an equal number of members
1688 to the board as those appointed by the county commissions. The

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1689 members appointed by the Governor must be residents of the area
1690 served by the authority.

1691 (c) The secretary of the Department of Transportation
1692 shall appoint one of the district secretaries, or his or her
1693 designee, for the districts within which the area served by the
1694 authority is located.

1695 (3) Each member's term of office shall be 4 years or until
1696 his or her successor is appointed and qualified.

1697 (4) A member may not hold an elected office.

1698 (5) A vacancy occurring in the governing body before the
1699 expiration of the member's term shall be filled by the
1700 respective appointing authority in the same manner as the
1701 original appointment and only for the balance of the unexpired
1702 term.

1703 (6) Each member, before entering upon his or her official
1704 duties, shall take and subscribe to an oath before an official
1705 authorized by law to administer oaths that he or she will
1706 honestly, faithfully, and impartially perform the duties
1707 devolving upon him or her in office as a member of the governing
1708 body of the authority and that he or she will not neglect any
1709 duty imposed upon him or her by this chapter.

1710 (7) Members of an authority may be removed from office by
1711 the Governor for misconduct, malfeasance, misfeasance, or
1712 nonfeasance in office.

1713 (8) The authority shall designate one of its members as
1714 chair.

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1715 (9) The members of the authority shall serve without
1716 compensation but are entitled to receive travel and other
1717 necessary expenses as provided in s. 112.061.

1718 (10) A majority of the members of the authority shall
1719 constitute a quorum, and resolutions enacted or adopted by a
1720 vote of a majority of the members present and voting at any
1721 meeting shall take effect without publication, posting, or any
1722 further action of the authority.

1723 345.0004 Powers and duties.—

1724 (1) (a) An authority created and established or governed by
1725 this chapter may plan, develop, finance, construct, reconstruct,
1726 improve, own, operate, and maintain a regional system in the
1727 area served by the authority.

1728 (b) An authority may not exercise the powers in paragraph
1729 (a) with respect to an existing system for transporting people
1730 and goods by any means which is owned by another entity without
1731 the consent of that entity. If an authority acquires, purchases,
1732 or inherits an existing entity, the authority shall also inherit
1733 and assume all rights, assets, appropriations, privileges, and
1734 obligations of the existing entity.

1735 (2) Each authority may exercise all powers necessary,
1736 appurtenant, convenient, or incidental to the carrying out of
1737 the purposes under this section, including, but not limited to,
1738 the following rights and powers:

1739 (a) To sue and be sued, implead and be impleaded, and
1740 complain and defend in all courts in its own name.

1741 (b) To adopt and use a corporate seal.

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1742 (c) To have the power of eminent domain, including the
1743 procedural powers granted under chapters 73 and 74.

1744 (d) To acquire, purchase, hold, lease as a lessee, and use
1745 any property, real, personal, or mixed, tangible or intangible,
1746 or any interest therein, necessary or desirable for carrying out
1747 the purposes of the authority.

1748 (e) To sell, convey, exchange, lease, or otherwise dispose
1749 of any real or personal property acquired by the authority,
1750 which the authority and the department have determined is not
1751 needed for the construction, operation, and maintenance of the
1752 system, including air rights.

1753 (f) To fix, alter, charge, establish, and collect rates,
1754 fees, rentals, and other charges for the use of any system owned
1755 or operated by the authority, which rates, fees, rentals, and
1756 other charges shall always be sufficient to comply with any
1757 covenant made with the holders of any bonds issued pursuant to
1758 this chapter; however, such right and power may be assigned or
1759 delegated by the authority to the department.

1760 (g) To borrow money and make and issue negotiable notes,
1761 bonds, refunding bonds, and other evidences of indebtedness or
1762 obligations, either in temporary or definitive form, for the
1763 purpose of financing all or part of the improvement of the
1764 authority's system and appurtenant facilities, including all
1765 approaches, streets, roads, bridges, and avenues of access for
1766 said system and for any other purpose authorized by this
1767 chapter, said bonds to mature no more than 30 years after the
1768 date of the issuance thereof, and to secure the payment of such
1769 bonds or any part thereof by a pledge of any or all of its

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1770 revenues, rates, fees, rentals, or other charges, including any
1771 or all city or county funds received by the authority pursuant
1772 to the terms of any agreement between the authority and a city
1773 or county; and in general to provide for the security of said
1774 bonds and the rights and remedies of the holders thereof.

1775 However, no city or county funds may be pledged for the
1776 construction of any project for which a toll is to be charged
1777 unless the anticipated tolls are reasonably estimated by the
1778 governing board of the city or county, at the date of its
1779 resolution pledging said funds, to be sufficient to cover the
1780 principal and interest of such obligations during the period
1781 when said pledge of funds are in effect. An authority shall
1782 reimburse any city or county for any sums expended from city or
1783 county funds used for the payment of such obligations.

1784 (h) To make contracts of every name and nature, including,
1785 but not limited to, partnerships providing for participation in
1786 ownership and revenues, and to execute all instruments necessary
1787 or convenient for the carrying on of its business.

1788 (i) Without limitation of the foregoing, to cooperate
1789 with, accept grants from, and to enter into contracts or other
1790 transactions with any federal agency, the state, any agency of
1791 the state, or with any other public body of the state.

1792 (j) To employ an executive director, attorney, staff, and
1793 consultants. Upon the request of an authority, the department
1794 shall furnish the services of a department employee to act as
1795 the executive director of the authority.

1796 (k) To accept funds or other property from private
1797 donations.

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1798 (1) To do all acts and things necessary or convenient for
1799 the conduct of its business and the general welfare of the
1800 authority, in order to carry out the powers granted to it by
1801 this chapter or any other law.

1802 (3) An authority does not have the power at any time or in
1803 any manner to pledge the credit or taxing power of the state or
1804 any political subdivision or agency thereof, nor shall any of an
1805 authority's obligations be deemed to be obligations of the state
1806 or of any other political subdivision or agency thereof, nor
1807 shall the state or any political subdivision or agency thereof,
1808 except the authority, be liable for the payment of the principal
1809 of or interest on such obligations.

1810 (4) An authority shall have no power, other than by
1811 consent of the affected county or any affected city, to enter
1812 into any agreement that would legally prohibit the construction
1813 of any road by the county or the city.

1814 (5) Any authority formed pursuant to this chapter shall
1815 comply with all statutory requirements of general application
1816 which relate to the filing of any report or documentation
1817 required by law, including the requirements of ss. 189.4085,
1818 189.415, 189.417, and 189.418.

1819 345.0005 Bonds.—

1820 (1) (a) Bonds may be issued on behalf of an authority
1821 pursuant to the State Bond Act.

1822 (b) Alternatively, an authority may issue bonds in such
1823 principal amount as, in the opinion of the authority, is
1824 necessary to provide sufficient moneys for achieving its
1825 corporate purposes, including construction, reconstruction,

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1826 improvement, extension, and repair of the system; the cost of
1827 acquisition of all real property; interest on bonds during
1828 construction and for a reasonable period thereafter;
1829 establishment of reserves to secure bonds; and all other
1830 expenditures of the authority incident to and necessary or
1831 convenient to carry out its corporate purposes and powers.

1832 (2) (a) Bonds issued by an authority pursuant to paragraph
1833 (1) (a) or paragraph (1) (b) must be authorized by resolution of
1834 the members of the authority and shall bear such date or dates;
1835 mature at such time or times, not exceeding 30 years after their
1836 respective dates; bear interest at such rate or rates, not
1837 exceeding the maximum rate fixed by general law for authorities;
1838 be in such denominations; be in such form, either coupon or
1839 fully registered; carry such registration, exchangeability, and
1840 interchangeability privileges; be payable in such medium of
1841 payment and at such place or places; be subject to such terms of
1842 redemption; and be entitled to such priorities of lien on the
1843 revenues and other available moneys as such resolution or any
1844 resolution subsequent to the bonds' issuance may provide. The
1845 bonds shall be executed either by manual or facsimile signature
1846 by such officers as the authority shall determine, provided that
1847 such bonds shall bear at least one signature that is manually
1848 executed thereon. The coupons attached to such bonds shall bear
1849 the facsimile signature or signatures of such officer or
1850 officers as designated by the authority. Such bonds shall have
1851 the seal of the authority affixed, imprinted, reproduced, or
1852 lithographed thereon.

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1853 (b) Bonds issued pursuant to paragraph (1)(a) or paragraph
1854 (1)(b) shall be sold at public sale in the same manner provided
1855 in the State Bond Act. Pending the preparation of definitive
1856 bonds, temporary bonds or interim certificates may be issued to
1857 the purchaser or purchasers of such bonds and may contain such
1858 terms and conditions as the authority may determine.

1859 (3) Any such resolution or resolutions authorizing any
1860 bonds may contain provisions that shall be part of the contract
1861 with the holders of such bonds as to:

1862 (a) The pledging of all or any part of the revenues,
1863 available city or county funds, or other charges or receipts of
1864 the authority derived from the regional system.

1865 (b) The construction, reconstruction, improvement,
1866 extension, repair, maintenance, and operation of the system, or
1867 any part thereof, and the duties and obligations of the
1868 authority with reference thereto.

1869 (c) Limitations on the purposes to which the proceeds of
1870 the bonds, then or thereafter to be issued, or of any loan or
1871 grant by any federal agency or the state or any political
1872 subdivision thereof may be applied.

1873 (d) The fixing, charging, establishing, revising,
1874 increasing, reducing, and collecting of tolls, rates, fees,
1875 rentals, or other charges for use of the services and facilities
1876 of the system or any part thereof.

1877 (e) The setting aside of reserves or of sinking funds and
1878 the regulation and disposition thereof.

1879 (f) Limitations on the issuance of additional bonds.

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1880 (g) The terms and provisions of any deed of trust or
1881 indenture securing the bonds, or under which the bonds may be
1882 issued.

1883 (h) Any other or additional matter, of like or different
1884 character, which in any way affects the security or protection
1885 of the bonds.

1886 (4) The authority may enter into any deeds of trust,
1887 indentures, or other agreements with any bank or trust company
1888 within or without the state, as security for such bonds and may,
1889 under such agreements, assign and pledge all or any of the
1890 revenues and other available moneys, including all or any
1891 available city or county funds, pursuant to the terms of this
1892 chapter. Such deed of trust, indenture, or other agreement may
1893 contain such provisions as are customary in such instruments or
1894 as the authority may authorize, including, but not limited to:

1895 (a) The pledging of all or any part of the revenues or
1896 other moneys lawfully available therefor.

1897 (b) The application of funds and the safeguarding of funds
1898 on hand or on deposit.

1899 (c) The rights and remedies of the trustee and the holders
1900 of the bonds.

1901 (d) The terms and provisions of the bonds or the
1902 resolutions authorizing the issuance of the same.

1903 (e) Any other or additional matter, of like or different
1904 character, which in any way affects the security or protection
1905 of the bonds.

1906 (5) Bonds issued pursuant to this chapter are, and are
1907 hereby declared to be, negotiable instruments, and shall have

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1908 all the qualities and incidents of negotiable instruments under
1909 the law merchant and the negotiable instruments law of the
1910 state.

1911 (6) Any resolution authorizing the issuance of authority
1912 bonds and pledging the revenues of the system shall require that
1913 revenues of the system be periodically deposited into
1914 appropriate accounts in such sums as will be sufficient to pay
1915 the costs of operation and maintenance of the system for the
1916 current fiscal year as set forth in the annual budget of the
1917 authority and to reimburse the department for any unreimbursed
1918 costs of operation and maintenance of the system from prior
1919 fiscal years before revenues of the system are deposited into
1920 accounts for the payment of interest or principal owing or that
1921 may become owing on such bonds.

1922 (7) State funds may not be used or pledged to pay the
1923 principal or interest of any authority bonds, and all such bonds
1924 shall contain a statement on their face to this effect.

1925 345.0006 Remedies of bondholders.—

1926 (1) The rights and the remedies herein conferred upon or
1927 granted to authority bondholders are in addition to, and do not
1928 limit, any rights and remedies lawfully granted to such
1929 bondholders by the resolution or indenture providing for the
1930 issuance of bonds, or by any deed of trust, indenture, or other
1931 agreement under which the bonds may be issued or secured. If an
1932 authority defaults in the payment of the principal of or
1933 interest on any of the bonds issued pursuant to this chapter
1934 after such principal of or interest on the bonds becomes due,
1935 whether at maturity or upon call for redemption, as provided in

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1936 said resolution or indenture, and such default continues for a
1937 period of 30 days, or, if the authority fails or refuses to
1938 comply with this chapter or any agreement made with or for the
1939 benefit of the holders of the bonds, the holders of 25 percent
1940 in aggregate principal amount of the bonds then outstanding
1941 shall be entitled as of right to the appointment of a trustee to
1942 represent such bondholders for the purposes of this section;
1943 however, such holders of 25 percent in aggregate principal
1944 amount of the bonds then outstanding must first give to the
1945 authority and to the department written notice of their
1946 intention to appoint a trustee.

1947 (2) Such trustee and any trustee under any deed of trust,
1948 indenture, or other agreement may, and, upon written request of
1949 the holders of 25 percent or such other percentage as may be
1950 specified in any deed of trust, indenture, or other agreement in
1951 principal amount of the bonds then outstanding, shall, in any
1952 court of competent jurisdiction, in his, her, or its own name:

1953 (a) By mandamus or other suit, action, or proceeding at
1954 law or in equity, enforce all rights of the bondholders,
1955 including the right to require the authority to fix, establish,
1956 maintain, collect, and charge rates, fees, rentals, and other
1957 charges adequate to carry out any agreement as to or pledge of
1958 the revenues, and to require the authority to carry out any
1959 other covenants and agreements with or for the benefit of the
1960 bondholders, and to perform its and their duties under this
1961 chapter.

1962 (b) Bring suit upon the bonds.

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1963 (c) By action or suit in equity require the authority to
1964 account as if it were the trustee of an express trust for the
1965 bondholders.

1966 (d) By action or suit in equity enjoin any act or thing
1967 that may be unlawful or in violation of the rights of the
1968 bondholders.

1969 (3) Any trustee when appointed as aforesaid, or acting
1970 under a deed of trust, indenture, or other agreement, and
1971 whether or not all bonds have been declared due and payable,
1972 shall be entitled as of right to the appointment of a receiver,
1973 who may enter upon and take possession of the system or the
1974 facilities or any part or parts thereof, the revenues and other
1975 pledged moneys, for and on behalf of and in the name of, the
1976 authority and the bondholders, and collect and receive all
1977 revenues and other pledged moneys in the same manner as the
1978 authority might, and shall deposit all such revenues and moneys
1979 in a separate account and apply all such revenues and moneys
1980 remaining after allowance for payment of all costs of operation
1981 and maintenance of the system in such manner as the court shall
1982 direct. In any suit, action, or proceeding by the trustee, the
1983 fees, counsel fees, and expenses of the trustee, and said
1984 receiver, if any, and all costs and disbursements allowed by the
1985 court shall be a first charge on any revenues after payment of
1986 the costs of operation and maintenance of the system. In
1987 addition, such trustee shall have and possess all other powers
1988 necessary or appropriate for the exercise of any function
1989 specifically set forth in this chapter or incident to the

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1990 representation of the bondholders in the enforcement and
1991 protection of their rights.

1992 (4) Nothing in this chapter authorizes any receiver
1993 appointed pursuant to this section for the purpose of operating
1994 and maintaining the system or any facility or part or parts
1995 thereof to sell, assign, mortgage, or otherwise dispose of any
1996 of the assets of whatever kind and character belonging to the
1997 authority. It is the intention of this chapter to limit the
1998 powers of such receiver to the operation and maintenance of the
1999 system, or any facility or part or parts thereof, and the
2000 collection and application of revenues and other moneys due the
2001 authority, in the name and for and on behalf of the authority
2002 and the bondholders, and no holder of bonds nor any trustee
2003 shall ever have the right in any suit, action, or proceeding at
2004 law or in equity to compel a receiver, nor shall any receiver be
2005 authorized or any court be empowered to direct the receiver, to
2006 sell, assign, mortgage or otherwise dispose of any assets of
2007 whatever kind or character belonging to the authority.

2008 345.0007 Department to construct, operate, and maintain
2009 facilities.-

2010 (1) The department is the agent of each authority for the
2011 purpose of performing all phases of a project, including, but
2012 not limited to, constructing improvements and extensions to the
2013 system. The authority shall provide to the department complete
2014 copies of the documents, agreements, resolutions, contracts, and
2015 instruments relating thereto and shall request that the
2016 department perform such construction work, including the
2017 planning, surveying, design, and actual construction of the

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2018 completion, extensions, and improvements to the system. After
2019 the issuance of bonds to finance construction of any improvement
2020 or addition to the system, the authority shall transfer to the
2021 credit of an account of the department in the State Treasury the
2022 necessary funds for construction. The department shall proceed
2023 with construction and use the funds for the purpose authorized
2024 and as otherwise provided by law for construction of roads and
2025 bridges. An authority may alternatively, with the consent and
2026 approval of the department, elect to appoint a local agency
2027 certified by the department to administer federal aid projects
2028 in accordance with federal law as its agent for the purpose of
2029 performing all phases of a project.

2030 (2) Notwithstanding subsection (1), the department is the
2031 agent of each authority for the purpose of operating and
2032 maintaining the system. The department shall operate and
2033 maintain the system, and the costs incurred by the department
2034 for operation and maintenance shall be reimbursed from revenues
2035 of the system. This appointment of the department as agent for
2036 each authority shall not be construed to create an independent
2037 obligation of the department to operate and maintain a system.
2038 Each authority shall remain obligated as principal to operate
2039 and maintain its system and an authority's bondholders shall
2040 have no independent right to compel the department to operate or
2041 maintain the authority's system.

2042 (3) Each authority shall fix, alter, charge, establish,
2043 and collect tolls, rates, fees, rentals, and other charges for
2044 the authority's facilities, as otherwise provided in this
2045 chapter.

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2046 345.0008 Department contributions to authority projects.-

2047 (1) The department may agree with an authority to provide
2048 for or contribute to the payment of costs of financial or
2049 engineering and traffic feasibility studies and the design,
2050 financing, acquisition, or construction of an authority project
2051 or system included in the 10-year Strategic Intermodal Plan,
2052 subject to appropriation by the Legislature.

2053 (a) In the manner required by chapter 216, the department
2054 shall include any issue or issues in its legislative budget
2055 request for funding the payment of costs of financial or
2056 engineering and traffic feasibility studies and the design,
2057 financing, acquisition, or construction of an authority project
2058 or system. The request for funding may be included as part of
2059 the 5-year Tentative Work Program; however, it will be decided
2060 upon separately as a distinct funding item for consideration by
2061 the Legislature. The department must include a financial
2062 feasibility test to accompany such legislative budget request
2063 for consideration of funding any authority project.

2064 (b) As determined by the Legislature in the General
2065 Appropriations Act, funding provided for authority projects
2066 shall be appropriated in a specific fixed capital outlay
2067 appropriation category that clearly identifies the authority
2068 project.

2069 (c) The department may not request legislative approval of
2070 acquisition or construction of a proposed authority project
2071 unless the estimated net revenues of the proposed project will
2072 be sufficient to pay at least 50 percent of the annual debt
2073 service on the bonds associated with the project by the end of

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2074 the 12th year of operation and to pay at least 100 percent of
2075 the debt service on the bonds by the end of the 30th year of
2076 operation.

2077 (2) The department may use its engineering and other
2078 personnel, including consulting engineers and traffic engineers,
2079 to conduct feasibility studies under subsection (1). The
2080 department may participate in authority-funded projects that, at
2081 a minimum:

2082 (a) Serve national, statewide, or regional functions and
2083 function as part of an integrated regional transportation
2084 system.

2085 (b) Are identified in the capital improvements element of
2086 a comprehensive plan that has been determined to be in
2087 compliance with part II of chapter 163. Further, the project
2088 shall be in compliance with local government comprehensive plan
2089 policies relative to corridor management.

2090 (c) Are consistent with the Strategic Intermodal System
2091 Plan developed under s. 339.64.

2092 (d) Have a commitment for local, regional, or private
2093 financial matching funds as a percentage of the overall project
2094 cost.

2095 (3) Before approval, the department must determine that
2096 the proposed project:

2097 (a) Is in the public's best interest;

2098 (b) Would not require state funds to be used unless the
2099 project is on the State Highway System;

2100 (c) Would have adequate safeguards in place to ensure that
2101 no additional costs or service disruptions would be realized by

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2102 the traveling public and residents of the state in the event of
2103 default or cancellation of the agreement by the department; and

2104 (d) Would have adequate safeguards in place to ensure that
2105 the department and the regional transportation finance authority
2106 have the opportunity to add capacity to the proposed project and
2107 other transportation facilities serving similar origins and
2108 destinations.

2109 (4) An obligation or expense incurred by the department
2110 under this section is a part of the cost of the authority
2111 project for which the obligation or expense was incurred. The
2112 department may require money contributed by the department under
2113 this section to be repaid from tolls of the project on which the
2114 money was spent, other revenue of the authority, or other
2115 sources of funds.

2116 (5) (a) The department shall receive from an authority a
2117 share of the authority's net revenues equal to the ratio of the
2118 department's total contributions to the authority under this
2119 section to the sum of the department's total contributions under
2120 this section, contributions by any local government to the cost
2121 of revenue-producing authority projects, and the sale proceeds
2122 of authority bonds after payment of costs of issuance.

2123 (b) As used in this subsection, "net revenues" means gross
2124 revenues of an authority after payment of debt service,
2125 administrative expenses, operations and maintenance expenses,
2126 and all reserves required to be established under any resolution
2127 under which authority bonds are issued.

2128 345.0009 Acquisition of lands and property.-

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2129 (1) For the purposes of this chapter, an authority may
2130 acquire private or public property and property rights,
2131 including rights of access, air, view, and light, by gift,
2132 devise, purchase, condemnation by eminent domain proceedings, or
2133 transfer from another political subdivision of the state, as the
2134 authority deems necessary for any of the purposes of this
2135 chapter, including, but not limited to, any lands reasonably
2136 necessary for securing applicable permits, areas necessary for
2137 management of access, borrow pits, drainage ditches, water
2138 retention areas, rest areas, replacement access for landowners
2139 whose access is impaired due to the construction of a facility,
2140 and replacement rights-of-way for relocated rail and utility
2141 facilities; for existing, proposed, or anticipated
2142 transportation facilities on the system or in a transportation
2143 corridor designated by the authority; or for the purposes of
2144 screening, relocating, removing, or disposing of junkyards and
2145 scrap metal processing facilities. Each authority shall also
2146 have the power to condemn any material and property necessary
2147 for such purposes.

2148 (2) The right of eminent domain conferred in this section
2149 shall be exercised by an authority in the manner provided by
2150 law.

2151 (3) When an authority acquires property for a
2152 transportation facility or in a transportation corridor, it is
2153 not subject to any liability imposed by chapter 376 or chapter
2154 403 for preexisting soil or groundwater contamination due solely
2155 to its ownership. This section does not affect the rights or
2156 liabilities of any past or future owner of the acquired property

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2157 and does not affect the liability of any governmental entity for
2158 the results of its actions that create or exacerbate a pollution
2159 source. An authority and the Department of Environmental
2160 Protection may enter into interagency agreements for the
2161 performance, funding, and reimbursement of the investigative and
2162 remedial acts necessary for property acquired by the authority.

2163 345.0010 Cooperation with other units, boards, agencies,
2164 and individuals.-Any county, municipality, drainage district,
2165 road and bridge district, school district, or other political
2166 subdivision, board, commission, or individual in or of the state
2167 may make and enter into with an authority any contract, lease,
2168 conveyance, partnership, or other agreement within the
2169 provisions and purposes of this chapter. Each authority is
2170 authorized to make and enter into contracts, leases,
2171 conveyances, partnerships, and other agreements with any
2172 political subdivision, agency, or instrumentality of the state
2173 and any federal agency, corporation, and individual for the
2174 purpose of carrying out the provisions of this chapter.

2175 345.0011 Covenant of the state.-The state pledges to and
2176 agrees with any person, firm, or corporation or federal or state
2177 agency subscribing to or acquiring the bonds to be issued by an
2178 authority for the purposes of this chapter that the state will
2179 not limit or alter the rights vested by this chapter in the
2180 authority and the department until all bonds at any time issued,
2181 together with the interest thereon, are fully paid and
2182 discharged insofar as the same affects the rights of the holders
2183 of bonds issued hereunder. The state further pledges to and
2184 agrees with the United States that in the event a federal agency

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2185 shall construct or contribute funds for the completion,
2186 extension, or improvement of the system, or a part or portion
2187 thereof, the state will not alter or limit the rights and powers
2188 of the authority and the department in a manner that would be
2189 inconsistent with the continued maintenance and operation of the
2190 system or the completion, extension, or improvement thereof, or
2191 that would be inconsistent with the due performance of an
2192 agreement between the authority and such federal agency, and the
2193 authority and the department shall continue to have and may
2194 exercise all powers herein granted, so long as the same are
2195 necessary or desirable for the carrying out of the purposes of
2196 this chapter and the purposes of the United States in the
2197 completion, extension, or improvement of the system or a part
2198 thereof.

2199 345.0012 Exemption from taxation.—The effectuation of the
2200 authorized purposes of an authority created under this chapter
2201 is, in all respects, for the benefit of the people of the state,
2202 for the increase of their commerce and prosperity, and for the
2203 improvement of their health and living conditions; and, because
2204 such authority will be performing essential governmental
2205 functions in effectuating such purposes, such authority is not
2206 required to pay any taxes or assessments of any kind or nature
2207 whatsoever upon any property acquired or used by it for such
2208 purposes, or upon any rates, fees, rentals, receipts, income, or
2209 charges at any time received by it; and the bonds issued by the
2210 authority, their transfer, and the income therefrom, including
2211 any profits made on the sale thereof, shall at all times be free
2212 from taxation of any kind by the state, or by any political

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2213 subdivision, taxing agency, or instrumentality thereof. The
2214 exemption granted by this section does not apply to any tax
2215 imposed by chapter 220 on interest, income, or profits on debt
2216 obligations owned by corporations.

2217 345.0013 Eligibility for investments and security.-Any
2218 bonds or other obligations issued pursuant to this chapter
2219 constitute legal investments for banks, savings banks, trustees,
2220 executors, administrators, and all other fiduciaries, and for
2221 all state, municipal, and other public funds; and constitute
2222 securities eligible for deposit as security for all state,
2223 municipal, or other public funds, notwithstanding any other law
2224 to the contrary.

2225 345.0014 This chapter complete and additional authority.-

2226 (1) The powers conferred by this chapter are in addition
2227 and supplemental to the powers conferred by any other law, and
2228 this chapter does not repeal any provisions of general, special,
2229 or local law, but supersedes such other laws in the exercise of
2230 the powers provided in this chapter, and provides a complete
2231 method for the exercise of the powers granted in this chapter.
2232 The extension and improvement of a system, and the issuance of
2233 bonds hereunder to finance all or part of the cost thereof, may
2234 be accomplished upon compliance with the provisions of this
2235 chapter without regard to or necessity for compliance with the
2236 provisions, limitations, or restrictions contained in any other
2237 general, special, or local law, including, but not limited to,
2238 s. 215.821, and no approval of any bonds issued under this
2239 chapter by the qualified electors or qualified electors who are
2240 freeholders in the state or in any political subdivision of the

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2241 state shall be required for the issuance of such bonds pursuant
2242 to this act.

2243 (2) This chapter does not repeal, rescind, or modify any
2244 other law relating to the State Board of Administration, the
2245 Department of Transportation, or relating to authorities created
2246 pursuant to chapters 343, 348, or 349, or the Division of Bond
2247 Finance of the State Board of Administration, nor does it
2248 supersede any provision of chapters 343, 348 or 349, but
2249 supersedes any other law that is inconsistent with the
2250 provisions of this chapter, including, but not limited to, s.
2251 215.821.

2252 (3) Nothing in this section should be construed to
2253 supersede any applicable requirements of Part II of Chapter 163,
2254 s. 339.155, or s. 339.175.

2255 Section 38. Paragraph (d) of subsection (2) of section
2256 348.754, Florida Statutes, is amended to read:

2257 348.754 Purposes and powers.—

2258 (2) The authority is hereby granted, and shall have and
2259 may exercise all powers necessary, appurtenant, convenient or
2260 incidental to the carrying out of the aforesaid purposes,
2261 including, but without being limited to, the following rights
2262 and powers:

2263 (d) To enter into and make leases for terms not exceeding
2264 99 ~~40~~ years, as either lessee or lessor, in order to carry out
2265 the right to lease as set forth in this part.

2266 Section 39. Subsections (13), (14), and (15) are added to
2267 section 373.406, Florida Statutes, to read:

2268 373.406 Exemptions.—The following exemptions shall apply:

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2269 (13) Nothing in this part, or in any rule, regulation, or
2270 order adopted pursuant to this part, applies to construction,
2271 alteration, operation, or maintenance of any wholly owned,
2272 manmade excavated farm ponds, as defined in s. 403.927,
2273 constructed entirely in uplands. Alteration or maintenance may
2274 not involve any work to connect the farm pond to, or expand the
2275 farm pond into, other wetlands or other surface waters.

2276 (14) Nothing in this part, or in any rule, regulation, or
2277 order adopted pursuant to this part, may require a permit for
2278 activities affecting wetlands created solely by the unauthorized
2279 flooding or interference with the natural flow of surface water
2280 caused by an unaffiliated adjoining landowner. Requests to
2281 qualify for this exemption must be made within 7 years of the
2282 cause of such unauthorized flooding or unauthorized interference
2283 with the natural flow of surface water and must be submitted in
2284 writing to the district or department. Such activities may not
2285 begin without a written determination from the district or
2286 department confirming that the activity qualifies for the
2287 exemption. This exemption does not expand the jurisdiction of
2288 the department or water management districts and does not apply
2289 to activities that discharge dredged or fill material into
2290 waters of the United States, including wetlands, subject to
2291 federal jurisdiction under section 404 of the federal Clean
2292 Water Act, 33 U.S.C. s. 1344.

2293 (15) Any independent water control district created and
2294 operating pursuant to chapter 298 for which a valid
2295 environmental resource permit or management and storage of
2296 surface waters permit has been issued pursuant to this part is

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2297 exempt from further wetlands regulation imposed pursuant to
2298 chapters 125, 163, and 166.

2299 Section 40. Section 373.4137, Florida Statutes, is amended
2300 to read:

2301 373.4137 Mitigation requirements for specified
2302 transportation projects.—

2303 (1) The Legislature finds that environmental
2304 mitigation for the impact of transportation projects proposed by
2305 the Department of Transportation or a transportation authority
2306 established pursuant to chapter 348 or chapter 349 can be more
2307 effectively achieved by regional, long-range mitigation planning
2308 rather than on a project-by-project basis. It is the intent of
2309 the Legislature that mitigation to offset the adverse effects of
2310 these transportation projects be funded by the Department of
2311 Transportation and be carried out by the use of mitigation banks
2312 and any other mitigation options that satisfy state and federal
2313 requirements in a manner that promotes efficiency, timeliness in
2314 project delivery, and cost-effectiveness.

2315 (2) Environmental impact inventories for transportation
2316 projects proposed by the Department of Transportation or a
2317 transportation authority established pursuant to chapter 348 or
2318 chapter 349 shall be developed as follows:

2319 (a) By July 1 of each year, the Department of
2320 Transportation, or a transportation authority established
2321 pursuant to chapter 348 or chapter 349 which chooses to
2322 participate in the program, shall submit to the water management
2323 districts a list of its projects in the adopted work program and
2324 an environmental impact inventory of habitat impacts and the

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2325 anticipated amount of mitigation needed to offset impacts as
2326 described in paragraph (b). The environmental impact inventory
2327 must be based on ~~habitats addressed in~~ the rules adopted
2328 pursuant to this part, and s. 404 of the Clean Water Act, 33
2329 U.S.C. s. 1344, and ~~which may be impacted by the Department of~~
2330 Transportation's ~~its~~ plan of construction for transportation
2331 projects in the next 3 years of the tentative work program. The
2332 Department of Transportation or a transportation authority
2333 established pursuant to chapter 348 or chapter 349 may also
2334 include in its environmental impact inventory the habitat
2335 impacts and the anticipated amount of mitigation needed for ~~of~~
2336 any future transportation project. The Department of
2337 Transportation and each transportation authority established
2338 pursuant to chapter 348 or chapter 349 may fund any mitigation
2339 activities for future projects using current year funds.

2340 (b) The environmental impact inventory must ~~shall~~ include
2341 a description of ~~these~~ habitat impacts, including ~~their~~
2342 location, acreage, and type; the anticipated amount of
2343 mitigation needed based on the functional loss as determined
2344 through the Uniform Mitigation Assessment Method (UMAM) adopted
2345 in Chapter 62-345, F.A.C.; identification of the proposed
2346 mitigation option; state water quality classification of
2347 impacted wetlands and other surface waters; any other state or
2348 regional designations for these habitats; and a list of
2349 threatened species, endangered species, and species of special
2350 concern affected by the proposed project.

2351 (c) Before projects are identified for inclusion in a
2352 water management district mitigation plan as described in

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2353 subsection (4), the Department of Transportation must consider
2354 using credits from a permitted mitigation bank. The Department
2355 of Transportation must consider availability of suitable and
2356 sufficient mitigation bank credits within the transportation
2357 project's area, ability to satisfy commitments to regulatory and
2358 resource agencies, availability of suitable and sufficient
2359 mitigation purchased or developed through this section, ability
2360 to complete existing water management district or Department of
2361 Environmental Protection suitable mitigation sites initiated
2362 with Department of Transportation mitigation funds, and ability
2363 to satisfy state and federal requirements including long-term
2364 maintenance and liability.

2365 (3) (a) To implement the mitigation option ~~fund development~~
2366 ~~and implementation of the mitigation plan for the projected~~
2367 ~~impacts~~ identified in the environmental impact inventory
2368 described in subsection (2), the Department of Transportation
2369 may purchase credits for current and future use directly from a
2370 mitigation bank; purchase mitigation services through the water
2371 management districts or the Department of Environmental
2372 Protection; conduct its own mitigation; or use other mitigation
2373 options that meet state and federal requirements. ~~shall identify~~
2374 ~~funds quarterly in an escrow account within the State~~
2375 ~~Transportation Trust Fund for the environmental mitigation phase~~
2376 ~~of projects budgeted by~~ Funding for the identified mitigation
2377 option as described in the environmental impact inventory must
2378 be included in the Department of Transportation's work program
2379 developed pursuant to s. 339.135. ~~for the current fiscal year.~~
2380 ~~The escrow account shall be maintained by the Department of~~

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2381 ~~Transportation for the benefit of the water management~~
2382 ~~districts. Any interest earnings from the escrow account shall~~
2383 ~~remain with the Department of Transportation. The amount~~
2384 ~~programmed each year by the Department of Transportation and~~
2385 ~~participating transportation authorities established pursuant to~~
2386 ~~chapter 348 or chapter 349 must correspond to an estimated cost~~
2387 ~~per credit of \$150,000 multiplied by the projected number of~~
2388 ~~credits identified in the environmental impact inventory~~
2389 ~~described in subsection (2). This estimated cost per credit will~~
2390 ~~be adjusted every 2 years by the Department of Transportation~~
2391 ~~based on the average cost per UMAM credit paid through this~~
2392 ~~section.~~

2393 (b) Each transportation authority established pursuant to
2394 chapter 348 or chapter 349 that chooses to participate in this
2395 program shall create an escrow account within its financial
2396 structure and deposit funds in the account to pay for the
2397 environmental mitigation phase of projects budgeted for the
2398 current fiscal year. The escrow account shall be maintained by
2399 the authority for the benefit of the water management districts.
2400 Any interest earnings from the escrow account shall remain with
2401 the authority.

2402 (c) For mitigation implemented by the water management
2403 district or the Department of Environmental Protection, as
2404 appropriate, the amount paid each year must be based on
2405 mitigation services provided by the water management districts
2406 or Department of Environmental Protection pursuant to an
2407 approved water management district plan, as described in
2408 subsection (4). ~~Except for current mitigation projects in the~~

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2409 ~~monitoring and maintenance phase and except as allowed by~~
2410 ~~paragraph (d),~~ The water management districts or the Department
2411 of Environmental Protection, as appropriate, may request payment
2412 ~~a transfer of funds from an escrow account~~ no sooner than 30
2413 days before the date the funds are needed to pay for activities
2414 associated with development or implementation of ~~the~~ permitted
2415 mitigation meeting the requirements pursuant to this part, 33
2416 U.S.C. s. 1344, and 33 C.F.R. s. 332, in the approved mitigation
2417 plan described in subsection (4) for the current fiscal year. 7
2418 ~~including, but not limited to, design, engineering, production,~~
2419 ~~and staff support. Actual conceptual plan preparation costs~~
2420 ~~incurred before plan approval may be submitted to the Department~~
2421 ~~of Transportation or the appropriate transportation authority~~
2422 ~~each year with the plan. The conceptual plan preparation costs~~
2423 ~~of each water management district will be paid from mitigation~~
2424 ~~funds associated with the environmental impact inventory for the~~
2425 ~~current year. The amount transferred to the escrow accounts each~~
2426 ~~year by the Department of Transportation and participating~~
2427 ~~transportation authorities established pursuant to chapter 348~~
2428 ~~or chapter 349 shall correspond to a cost per acre of \$75,000~~
2429 ~~multiplied by the projected acres of impact identified in the~~
2430 ~~environmental impact inventory described in subsection (2).~~
2431 ~~However, the \$75,000 cost per acre does not constitute an~~
2432 ~~admission against interest by the state or its subdivisions and~~
2433 ~~is not admissible as evidence of full compensation for any~~
2434 ~~property acquired by eminent domain or through inverse~~
2435 ~~condemnation. Each July 1, the cost per acre shall be adjusted~~
2436 ~~by the percentage change in the average of the Consumer Price~~

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2437 ~~Index issued by the United States Department of Labor for the~~
2438 ~~most recent 12-month period ending September 30, compared to the~~
2439 ~~base year average, which is the average for the 12-month period~~
2440 ~~ending September 30, 1996. Each quarter, the projected amount of~~
2441 ~~mitigation must aereage of impact shall~~ be reconciled with the
2442 ~~actual amount of mitigation needed for aereage of impact of~~
2443 ~~projects as permitted, including permit modifications, pursuant~~
2444 ~~to this part and s. 404 of the Clean Water Act, 33 U.S.C. s.~~
2445 ~~1344. The subject year's programming transfer of funds shall be~~
2446 ~~adjusted accordingly to reflect the mitigation aereage of~~
2447 ~~impacts as permitted. The Department of Transportation and~~
2448 ~~participating transportation authorities established pursuant to~~
2449 ~~chapter 348 or chapter 349 are authorized to transfer such funds~~
2450 ~~from the escrow accounts to the water management districts to~~
2451 ~~carry out the mitigation programs. Environmental mitigation~~
2452 ~~funds that are identified for or maintained in an escrow account~~
2453 ~~for the benefit of a water management district may be released~~
2454 ~~if the associated transportation project is excluded in whole or~~
2455 ~~part from the mitigation plan. For a mitigation project that is~~
2456 ~~in the maintenance and monitoring phase, the water management~~
2457 ~~district may request and receive a one-time payment based on the~~
2458 ~~project's expected future maintenance and monitoring costs. If~~
2459 ~~the water management district excludes a project from an~~
2460 ~~approved water management district mitigation plan, cannot~~
2461 ~~timely permit a mitigation site to offset the impacts of a~~
2462 ~~Department of Transportation project identified in the~~
2463 ~~environmental impact inventory, or if the proposed mitigation~~
2464 ~~does not meet state and federal requirements, the Department of~~

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2465 Transportation may use the associated funds for the purchase of
2466 mitigation bank credits or any other mitigation option that
2467 satisfies state and federal requirements. Upon final
2468 disbursement of the final maintenance and monitoring payment for
2469 mitigation of a transportation project as permitted, the
2470 obligation of the Department of Transportation or the
2471 participating transportation authority is satisfied and the
2472 water management district or the Department of Environmental
2473 Protection, as appropriate, will have continuing responsibility
2474 for the mitigation project. , the escrow account for the project
2475 established by the Department of Transportation or the
2476 participating transportation authority may be closed. Any
2477 interest earned on these disbursed funds shall remain with the
2478 water management district and must be used as authorized under
2479 this section.

2480 (d) Beginning with the March 2014 water management
2481 district mitigation plans, in the 2005-2006 fiscal year, each
2482 water management district or the Department of Environmental
2483 Protection, as appropriate, shall invoice the Department of
2484 Transportation for mitigation services to offset only the
2485 impacts of a Department of Transportation project identified in
2486 the environmental impact inventory, including planning, design,
2487 construction, maintenance and monitoring, and other costs
2488 necessary to meet requirements pursuant to this section, 33
2489 U.S.C. s. 1344, and 33 C.F.R. s. 332. be paid a lump sum amount
2490 of \$75,000 per acre, adjusted as provided under paragraph (c),
2491 for federally funded transportation projects that are included
2492 on the environmental impact inventory and that have an approved

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2493 ~~mitigation plan. Beginning in the 2009-2010 fiscal year, each~~
2494 ~~water management district shall be paid a lump-sum amount of~~
2495 ~~\$75,000 per acre, adjusted as provided under paragraph (c), for~~
2496 ~~federally funded and nonfederally funded transportation projects~~
2497 ~~that have an approved mitigation plan. All mitigation costs,~~
2498 ~~including, but not limited to, the costs of preparing conceptual~~
2499 ~~plans and the costs of design, construction, staff support,~~
2500 ~~future maintenance, and monitoring the mitigated acres shall be~~
2501 ~~funded through these lump-sum amounts. If the water management~~
2502 ~~district identifies the use of mitigation bank credits to offset~~
2503 ~~a Department of Transportation impact, the water management~~
2504 ~~district shall exclude that purchase from the mitigation plan,~~
2505 ~~and the Department of Transportation must purchase the bank~~
2506 ~~credits.~~

2507 (e) For mitigation activities occurring on existing water
2508 management district or Department of Environmental Protection
2509 mitigation sites initiated with Department of Transportation
2510 mitigation funds before July 1, 2013, the water management
2511 district or Department of Environmental Protection shall invoice
2512 the Department of Transportation or a participating
2513 transportation authority at a cost per acre of \$75,000
2514 multiplied by the projected acres of impact as identified in the
2515 environmental impact inventory. The cost per acre must be
2516 adjusted by the percentage change in the average of the Consumer
2517 Price Index issued by the United States Department of Labor for
2518 the most recent 12-month period ending September 30, compared to
2519 the base year average, which is the average for the 12-month
2520 period ending September 30, 1996. When implementing the

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2521 mitigation activities necessary to offset the permitted impacts
2522 as provided in the approved mitigation plan, the water
2523 management district shall maintain records of the costs incurred
2524 in implementing the mitigation. The records must include, but
2525 are not limited to, costs for planning, land acquisition,
2526 design, construction, staff support, long-term maintenance and
2527 monitoring of the mitigation site, and other costs necessary to
2528 meet the requirements of 33 U.S.C. s. 1344 and 33 C.F.R. s. 332.

2529 (f) For purposes of preparing and implementing the
2530 mitigation plans to be adopted by the water management districts
2531 on or before March 1, 2013, for impacts based on the July 1,
2532 2012, environmental impact inventory, the funds identified in
2533 the Department of Transportation's work program or participating
2534 transportation authorities' escrow accounts must correspond to a
2535 cost per acre of \$75,000 multiplied by the project acres of
2536 impact as identified in the environmental impact inventory. The
2537 cost per acre shall be adjusted by the percentage change in the
2538 average of the Consumer Price Index issued by the United States
2539 Department of Labor for the most recent 12-month period ending
2540 September 30, compared to the base year average, which is the
2541 average for the 12-month period ending September 30, 1996.

2542 Payment as provided under this paragraph is limited to those
2543 mitigation activities that are identified in the first year of
2544 the 2013 mitigation plan and for which the transportation
2545 project is permitted and is in the Department of
2546 Transportation's adopted work program, or equivalent for a
2547 transportation authority. When implementing the mitigation
2548 activities necessary to offset the permitted impacts as provided

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2549 in the approved mitigation plan, the water management district
2550 shall maintain records of the costs incurred in implementing the
2551 mitigation. The records must include, but are not limited to,
2552 costs for planning, land acquisition, design, construction,
2553 staff support, long-term maintenance and monitoring of the
2554 mitigation site, and other costs necessary to meet the
2555 requirements of 33 U.S.C. s. 1344 and 33 C.F.R. s. 332. To the
2556 extent moneys paid to a water management district by the
2557 Department of Transportation or a participating transportation
2558 authority exceed the amount expended by the water management
2559 districts in implementing the mitigation to offset the permitted
2560 impacts, these funds must be refunded to the Department of
2561 Transportation or participating transportation authority. This
2562 paragraph expires June 30, 2014.

2563 (4) Before March 1 of each year, each water management
2564 district shall develop a mitigation plan to offset only the
2565 impacts of transportation projects in the environmental impact
2566 inventory for which a water management district is implementing
2567 mitigation that meets the requirements of this section, 33
2568 U.S.C. s. 1344, and 33 C.F.R. s. 332. The water management-
2569 district mitigation plan must be developed, in consultation with
2570 the Department of Environmental Protection, the United States
2571 Army Corps of Engineers, the Department of Transportation,
2572 participating transportation authorities established pursuant to
2573 chapter 348 or chapter 349, and other appropriate federal,
2574 state, and local governments, and other interested parties,
2575 including entities operating mitigation banks, ~~shall develop a~~
2576 ~~plan for the primary purpose of complying with the mitigation~~

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2577 ~~requirements adopted pursuant to this part and 33 U.S.C. s.~~
2578 ~~1344.~~ In developing such plans, the water management districts
2579 shall use sound ecosystem management practices to address
2580 significant water resource needs and consider ~~shall focus on~~
2581 activities of the Department of Environmental Protection and the
2582 water management districts, such as surface water improvement
2583 and management (SWIM) projects and lands identified for
2584 potential acquisition for preservation, restoration, or
2585 enhancement, and the control of invasive and exotic plants in
2586 wetlands and other surface waters, to the extent that the
2587 activities comply with the mitigation requirements adopted under
2588 this part, ~~and 33 U.S.C. s. 1344,~~ and 33 C.F.R. s. 332. The
2589 water management district mitigation plan must identify each
2590 site where the water management district will mitigate for a
2591 transportation project. For each mitigation site, the water
2592 management district shall provide the scope of the mitigation
2593 services, provide the functional gain as determined through the
2594 UMAM per Chapter 62-345, F.A.C., describe how the mitigation
2595 offsets the impacts of each transportation project as permitted,
2596 and provide a schedule for the mitigation services. The water
2597 management districts shall maintain records of costs incurred
2598 and payments received for providing these services. Records must
2599 include, but are not limited to, planning, land acquisition,
2600 design, construction, staff support, long-term maintenance and
2601 monitoring of the mitigation site, and other costs necessary to
2602 meet the requirements of 33 U.S.C. s. 1344 and 33 C.F.R. s. 332.
2603 To the extent monies paid to a water management district by the
2604 Department of Transportation or a participating transportation

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2605 authority exceed the amount expended by the water management
2606 districts in providing the mitigation services to offset the
2607 permitted transportation project impacts, these monies must be
2608 refunded to the Department of Transportation or participating
2609 transportation authority. ~~In determining the activities to be~~
2610 ~~included in the plans, the districts shall consider the purchase~~
2611 ~~of credits from public or private mitigation banks permitted~~
2612 ~~under s. 373.4136 and associated federal authorization and shall~~
2613 ~~include the purchase as a part of the mitigation plan when the~~
2614 ~~purchase would offset the impact of the transportation project,~~
2615 ~~provide equal benefits to the water resources than other~~
2616 ~~mitigation options being considered, and provide the most cost-~~
2617 ~~effective mitigation option.~~ The mitigation plan shall be
2618 submitted to the water management district governing board, or
2619 its designee, for review and approval. At least 14 days before
2620 approval by the governing board, the water management district
2621 shall provide a copy of the draft mitigation plan to the
2622 Department of Environmental Protection and any person who has
2623 requested a copy. Subsequent to governing board approval, the
2624 mitigation plan must be submitted to the Department of
2625 Environmental Protection for approval. The plan may not be
2626 implemented until it is submitted to and approved, in part or in
2627 its entirety, by the Department of Environmental Protection.

2628 ~~(a) For each transportation project with a funding request~~
2629 ~~for the next fiscal year, the mitigation plan must include a~~
2630 ~~brief explanation of why a mitigation bank was or was not chosen~~
2631 ~~as a mitigation option, including an estimation of identifiable~~
2632 ~~costs of the mitigation bank and nonbank options and other~~

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2633 ~~factors such as time saved, liability for success of the~~
2634 ~~mitigation, and long term maintenance.~~

2635 (a)-(b) Specific projects may be excluded from the
2636 mitigation plan, in whole or in part, and are not subject to
2637 this section upon the election of the Department of
2638 Transportation, a transportation authority if applicable, or the
2639 appropriate water management district. The Department of
2640 Transportation or a participating transportation authority may
2641 not exclude a transportation project from the mitigation plan
2642 when mitigation is scheduled for implementation by the water
2643 management district in the current fiscal year, except when the
2644 transportation project is removed from the Department of
2645 Transportation's work program or transportation authority
2646 funding plan, the mitigation cannot be timely permitted to
2647 offset the impacts of a Department of Transportation project
2648 identified in the environmental impact inventory, or the
2649 proposed mitigation does not meet state and federal
2650 requirements. If a project is removed from the work program or
2651 the mitigation plan, costs expended by the water management
2652 district prior to removal are eligible for reimbursement by the
2653 Department of Transportation or participating transportation
2654 authority.

2655 (b)-(e) When determining which projects to include in or
2656 exclude from the mitigation plan, the Department of
2657 Transportation shall investigate using credits from a permitted
2658 mitigation bank before those projects are submitted for
2659 inclusion in a water management district mitigation ~~the~~ plan.
2660 ~~The investigation shall consider the cost-effectiveness of~~

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2661 ~~mitigation bank credits, including, but not limited to, factors~~
2662 ~~such as time saved, transfer of liability for success of the~~
2663 ~~mitigation, and long-term maintenance.~~ The Department of
2664 Transportation shall exclude a project from the mitigation plan
2665 if the investigation undertaken pursuant to this paragraph
2666 results in the conclusion that the use of credits from a
2667 permitted mitigation bank promotes efficiency, timeliness in
2668 project delivery, cost-effectiveness, and transfer of liability
2669 for success and long-term maintenance.

2670 (5) The water management district shall ensure that
2671 mitigation requirements pursuant to 33 U.S.C. s. 1344 and 33
2672 C.F.R. s. 332 are met for the impacts identified in the
2673 environmental impact inventory for which the water management
2674 district will implement mitigation described in subsection (2),
2675 by implementation of the approved mitigation plan described in
2676 subsection (4) to the extent funding is provided by the
2677 Department of Transportation, or a transportation authority
2678 established pursuant to chapter 348 or chapter 349, if
2679 applicable. In developing and implementing the mitigation plan,
2680 the water management district shall comply with federal
2681 permitting requirements pursuant to 33 U.S.C. s. 1344 and 33
2682 C.F.R. s. 332. During the federal permitting process, the water
2683 management district may deviate from the approved mitigation
2684 plan in order to comply with federal permitting requirements
2685 upon notice and coordination with the Department of
2686 Transportation or participating transportation authority.

2687 (6) The water management district mitigation plans shall
2688 be updated annually to reflect the most current Department of

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2689 Transportation work program and project list of a transportation
2690 authority established pursuant to chapter 348 or chapter 349, if
2691 applicable, and may be amended throughout the year to anticipate
2692 schedule changes or additional projects which may arise. Before
2693 amending the mitigation plan to include new projects, the
2694 Department of Transportation shall consider mitigation banks and
2695 other available mitigation options that meet state and federal
2696 requirements. Each update and amendment of the mitigation plan
2697 shall be submitted to the governing board of the water
2698 management district or its designee for approval. However, such
2699 approval shall not be applicable to a deviation as described in
2700 subsection (5).

2701 (7) Upon approval by the governing board of the water
2702 management district and the Department of Environmental
2703 Protection ~~or its designee~~, the mitigation plan shall be deemed
2704 to satisfy the mitigation requirements under this part for
2705 impacts specifically identified in the environmental impact
2706 inventory described in subsection (2) and any other mitigation
2707 requirements imposed by local, regional, and state agencies for
2708 these same impacts. The approval of the governing board of the
2709 water management district ~~or its designee~~ and the Department of
2710 Environmental Protection shall authorize the activities proposed
2711 in the mitigation plan, and no other state, regional, or local
2712 permit or approval shall be necessary.

2713 (8) This section shall not be construed to eliminate the
2714 need for the Department of Transportation or a transportation
2715 authority established pursuant to chapter 348 or chapter 349 to
2716 comply with the requirement to implement practicable design

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2717 modifications, including realignment of transportation projects,
2718 to reduce or eliminate the impacts of its transportation
2719 projects on wetlands and other surface waters as required by
2720 rules adopted pursuant to this part, or to diminish the
2721 authority under this part to regulate other impacts, including
2722 water quantity or water quality impacts, or impacts regulated
2723 under this part that are not identified in the environmental
2724 impact inventory described in subsection (2).

2725 ~~(9) The process for environmental mitigation for the~~
2726 ~~impact of transportation projects under this section shall be~~
2727 ~~available to an expressway, bridge, or transportation authority~~
2728 ~~established under chapter 348 or chapter 349. Use of this~~
2729 ~~process may be initiated by an authority depositing the~~
2730 ~~requisite funds into an escrow account set up by the authority~~
2731 ~~and filing an environmental impact inventory with the~~
2732 ~~appropriate water management district. An authority that~~
2733 ~~initiates the environmental mitigation process established by~~
2734 ~~this section shall comply with subsection (6) by timely~~
2735 ~~providing the appropriate water management district with the~~
2736 ~~requisite work program information. A water management district~~
2737 ~~may draw down funds from the escrow account as provided in this~~
2738 ~~section.~~

2739 Section 41. Section 373.6053, Florida Statutes, is created
2740 to read:

2741 373.6053 Designation of positions for water management
2742 districts.--Notwithstanding the provisions of s. 121.055(2)(a),
2743 effective July 1, 2013, each water management district may
2744 between July 1, 2013, and December 31, 2013, reassess its

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2745 designation of positions as allowed under s. 121.055(1)(b)1.b.,
2746 for inclusion in the Senior Management Service Class as provided
2747 in paragraph (1)(b), and may request removal from the class of
2748 any such positions that it deems appropriate. Such removal of
2749 any previously designated positions shall be effective on the
2750 first day of the month following written notification of removal
2751 to the Division of Management Services prior to January 1, 2014.

2752 Section 42. Except as otherwise expressly provided in this
2753 act, this act shall take effect July 1, 2013.

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T I T L E A M E N D M E N T

2759

Remove everything before the enacting clause and insert:

2760

An act relating to the Department of Transportation; amending s.

2761

11.45, F.S.; removing a provision for audits of certain

2762

transportation corporations by the Auditor General; amending s.

2763

20.23, F.S.; revising provisions relating to functions of the

2764

Florida Transportation Commission to add certain monitoring of

2765

Regional Transportation Finance Authorities and the Mid-Bay

2766

Bridge Authority; removing Secretary of Transportation review of

2767

the expenses of the Florida Statewide Passenger Rail Commission;

2768

revising the administrative support requirement for the Florida

2769

Statewide Passenger Rail Commission; designating an executive

2770

director and assistant executive director of the statewide

2771

passenger rail commission; amending s. 110.205, F.S.; relating

2772

to career service exempt positions; revising the title of an

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2773 existing department position; amending s. 125.35, F.S.;

2774 authorizing counties to lease real or personal property

2775 belonging to the county; amending s. 125.42 ,F.S.; providing

2776 that the licensee shall move certain utility lines should they

2777 be found by the county to be unreasonably interfering; creating

2778 s. 316.010, F.S.; providing that a local government entity may

2779 not prevent vehicular ingress or egress on transportation

2780 facilities into or out of a state university facility; amending

2781 s. 316.530, F.S., relating to towing requirements; removing a

2782 provision that prohibits assessment of a penalty for the

2783 combined weights of a disabled vehicle and a wrecker or tow

2784 truck; amending s. 316.545, F.S.; revising the maximum amount

2785 the gross vehicle weight may be reduced for calculation of a

2786 penalty for excess weight when an auxiliary power units is

2787 installed on a commercial motor vehicle; amending s. 331.360,

2788 F.S., relating to aerospace facilities; removing provisions for

2789 a spaceport master plan; directing Space Florida to develop a

2790 spaceport system plan for certain purposes; providing for

2791 content of the plan; directing Space Florida to submit the plan

2792 to metropolitan planning organizations for review of intermodal

2793 impact and to the department; authorizing the department to

2794 include relevant portions in the 5-year work program; revising

2795 responsibilities of the department relating to aerospace

2796 facilities; authorizing the department to administratively house

2797 its space transportation responsibilities within an existing

2798 division or office; authorizing the department to enter into an

2799 agreement with Space Florida for specified purposes; authorizing

2800 the department to allocate certain funds under specified

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2801 conditions; requiring Space Florida to provide certain
2802 information to the department before an agreement is executed;
2803 amending s. 332.007, F.S.; authorizing the department to fund
2804 strategic airport investment projects that meet specified
2805 criteria; amending s. 334.044, F.S.; prohibiting the department
2806 from entering into any lease-purchase agreement with any
2807 expressway authority, regional transportation authority, or
2808 other entity; providing the prohibition does not invalidate
2809 existing specified lease-purchase agreements or limit the
2810 department's authority relating to certain public-private
2811 transportation facilities; providing an exception from the
2812 requirement to purchase all plant materials from Florida
2813 commercial nursery stock when prohibited by applicable federal
2814 law or regulation; amending s. 335.055, F.S.; authorizing the
2815 department to enter into contracts with community development
2816 districts to perform routine maintenance work on the State
2817 Highway System; limiting liability; amending s. 335.06, F.S.;
2818 authorizing the department to improve and maintain any road that
2819 is part of a county road system or city street system that
2820 provides access to property within the state park system;
2821 requiring the county or city to maintain such road if the
2822 department does not; amending s. 337.11, F.S.; removing the
2823 requirement that a contractor provide a notarized affidavit as
2824 proof of motor vehicle registration; amending s. 337.14, F.S.;
2825 revising requirements for a person desiring to bid for the
2826 performance of certain department construction contracts to be
2827 prequalified; amending s. 337.168, F.S., relating to
2828 confidentiality of bid information; providing that a document

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2829 that reveals the identity of a person who has requested or
2830 received certain information before a certain time is a public
2831 record; amending s. 337.25, F.S.; revising provisions for
2832 disposition of property by the department; authorizing the
2833 department to contract for auction services for conveyance of
2834 property; revising requirements for an inventory of property;
2835 amending s. 337.251, F.S.; revising provisions for lease of
2836 property; requiring the department to publish a notice of
2837 receipt of a proposal for lease of particular department
2838 property and accept other proposals; revising notice procedures;
2839 requiring the department to establish by rule an application fee
2840 for lease proposals; authorizing the department to engage the
2841 services of private consultants to assist in evaluating
2842 proposals; requiring the department to make specified
2843 determinations before approving a proposed lease; amending s.
2844 337.403, F.S., revising the catch-line; conforming a cross-
2845 reference; provides for certification when the utility cannot
2846 prove or disprove it has a compensable property right where the
2847 utility is located; requiring the department to pay for utility
2848 work related to commuter rail or intercity passenger rail under
2849 certain circumstances; providing an exception; authorizing the
2850 department to pay for utility relocation in rural areas of
2851 critical economic concern under certain circumstances; requiring
2852 the Florida Transportation Commission to study the potential for
2853 state revenue from parking meters and other parking time-limit
2854 devices; authorizing to commission to retain experts; requiring
2855 the department to pay for the experts; requiring certain
2856 information from municipalities and counties; requiring certain

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2857 information to be considered in the study; requiring a written
2858 report; providing for the removal of parking meters and parking
2859 time limit devices under certain circumstance; providing for
2860 municipalities and counties to pay the cost of removal;
2861 providing for a moratorium on new parking meters of other
2862 parking time-limit devices on the state right-of-way; providing
2863 an exception; amending s. 338.161, F.S.; revising provisions for
2864 the department to enter into agreements for certain purposes
2865 with public or private transportation facility owners whose
2866 systems become interoperable with the department's systems;
2867 amending s. 338.165, F.S.; removing references to certain
2868 facilities from the list of facilities the department is
2869 authorized to request bond issuance secured by facility revenues
2870 amending s. 338.26, F.S.; revising the uses of fees generated
2871 from tolls to include the design and construction of a fire
2872 station that may be used by certain local governments in
2873 accordance with a specified memorandum; removing a provision
2874 that authorizes a district to issue bonds or notes; amending s.
2875 339.175, F.S.; revising provisions for designation of
2876 metropolitan planning organizations and provisions for voting
2877 membership; revising the criteria that qualify a local
2878 government for participation in a metropolitan planning
2879 organization; providing that certain counties shall be
2880 designated separate metropolitan planning organizations;
2881 revising the criteria to determine voting membership of a
2882 metropolitan planning organization; providing that each
2883 metropolitan planning organization shall review its membership
2884 and reapportion it as necessary; providing criteria; removing

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2885 the requirement that the Governor review and apportion the
2886 voting membership among the various governmental entities within
2887 the metropolitan planning area; amending s. 339.2821, F.S.;

2888 authorizing Enterprise Florida, Inc., to be a consultant to the
2889 Department of Transportation for consideration of expenditures
2890 associated with and contracts for transportation projects;

2891 revising the requirements for economic development
2892 transportation project contracts between the department and a
2893 governmental entity; repealing ss. 339.401-339.421, F.S.,
2894 relating to the Florida Transportation Corporation Act,
2895 definitions, legislative findings and purpose, authorization of
2896 corporations, type and structure and income of corporation,
2897 contract between the department and the corporation, articles of
2898 incorporation, boards of directors and advisory directors,
2899 bylaws, meetings and records, amendment of articles of
2900 incorporation, powers of corporations, use of state property,
2901 exemption from taxation, authority to alter or dissolve
2902 corporation, dissolution upon completion of purposes, transfer
2903 of funds and property upon dissolution, department rules,
2904 construction of provisions, and issuance of debt; amending s.
2905 339.55, F.S.; providing for the state-funded infrastructure bank
2906 to lend capital costs or provide credit enhancements for
2907 projects that provide intermodal connectivity with spaceports
2908 and to make emergency loans for damages to public-use
2909 spaceports; revising criteria the department may consider for
2910 evaluation of projects for assistance from the bank; amending s.
2911 341.031, F.S.; revising the definition of the term "intercity
2912 bus service," as used in the Florida Public Transit Act;

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2913 amending s. 341.052, F.S.; prohibiting an eligible public
2914 transit provider from using public transit block grant funds to
2915 pursue or promote the levying of new or additional taxes through
2916 public referenda; requiring the amount of the provider's grant
2917 to be reduced by any amount so spent; defining the term "public
2918 funds" for purposes of the prohibition; amending s. 341.053,
2919 F.S.; revising provisions for use of Intermodal Development
2920 Program funds; amending s. 341.8203, F.S., defining
2921 "communications facilities" and "railroad company;" amending s.
2922 341.822, F.S., requiring the rail enterprise to establish a
2923 process to issue permits for railroad companies to establish
2924 communication facilities within a high speed rail system;
2925 provides rulemaking authority; provides for fees for issuing a
2926 permit; creating s. 341.825, F.S.; providing legislative intent
2927 regarding the process for communications facilities within a
2928 high-speed rail system; provides for application submission;
2929 provides for a application fee; provides an application review
2930 process; provides for the effects of a permit; provides that a
2931 permit is in lieu of licenses, permits, certificate, or similar
2932 documents required under certain laws; provides for a
2933 modification of a permit; amends s. 341.840, F.S.; conforming a
2934 cross-reference; amending ss. 343.82 and 343.922, F.S.; removing
2935 reference to advances from the Toll Facilities Revolving Trust
2936 Fund as a source of funding for certain projects by an
2937 authority; creating ch. 345, F.S., relating to the Florida
2938 Regional Transportation Finance Authority Act; creating s.
2939 345.0001, F.S.; providing a short title; creating s. 345.0002,
2940 F.S.; providing definitions; creating s. 345.0003, F.S.;

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2941 providing for counties to form a regional transportation finance
2942 authority to construct, maintain, or operate transportation
2943 projects in a region of the state; providing for governance of
2944 an authority; providing for membership and organization of an
2945 authority; creating s. 345.0004, F.S.; providing for the powers
2946 and duties of an authority; limiting an authority's power with
2947 respect to an existing system; prohibiting an authority from
2948 pledging the credit or taxing power of the state or any
2949 political subdivision or agency of the state; requiring that an
2950 authority comply with certain reporting and documentation
2951 requirements; creating s. 345.0005, F.S.; authorizing an
2952 authority to issue bonds; providing that the issued bonds must
2953 meet certain requirements; providing that the resolution that
2954 authorizes the issuance of bonds meet certain requirements;
2955 authorizing an authority to enter into security agreements for
2956 issued bonds with a bank or trust company; providing that the
2957 issued bonds are negotiable instruments and have certain
2958 qualities; providing that a resolution authorizing the issuance
2959 of bonds and pledging of revenues of the system must meet
2960 certain requirements; prohibiting the use or pledge of state
2961 funds to pay principal or interest of an authority's bonds;
2962 creating s. 345.0006, F.S.; providing rights and remedies
2963 granted to certain bondholders; providing actions a trustee may
2964 take on behalf of the bondholders; providing for the appointment
2965 of a receiver; providing for the authority of the receiver;
2966 providing limitations to a receiver's authority; creating s.
2967 345.0007, F.S.; providing that the Department of Transportation
2968 is the agent of each authority for specified purposes; providing

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2969 for the administration and management of projects by the
2970 department; providing limits on the department as an agent;
2971 providing for the fiscal responsibilities of the authority;
2972 creating s. 345.0008, F.S.; authorizing the department to
2973 provide resources for an authority project or system if included
2974 in a specific plan and approved by the Legislature; providing
2975 for feasibility studies; requiring certain criteria to be met
2976 before department approval; providing for payment of expenses
2977 incurred by the department on behalf of an authority; requiring
2978 the department to receive a share of the revenue from the
2979 authority; providing for disbursement of revenues; creating s.
2980 345.0009, F.S.; authorizing the authority to acquire private or
2981 public property and property rights for a project or plan;
2982 authorizing the authority to exercise the right of eminent
2983 domain; providing for the rights and liabilities and remedial
2984 actions relating to property acquired for a transportation
2985 project or corridor; creating s. 345.0010, F.S.; providing for
2986 contracts between certain entities and an authority; creating s.
2987 345.0011, F.S.; providing that the state will not limit or alter
2988 the vested rights of a bondholder with regard to any issued
2989 bonds or rights relating to the bonds under certain conditions;
2990 creating s. 345.0012, F.S.; exempting the authority from paying
2991 certain taxes or assessments for property acquired or used for
2992 certain public purposes or for revenues received relating to the
2993 issuance of bonds; providing exceptions; creating s. 345.0013,
2994 F.S.; providing that the bonds or obligations issued are legal
2995 investments of specified entities; creating s. 345.0014, F.S.;
2996 providing applicability; amending s. 348.754, F.S.; revising the

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2997 term limitation for leases that the Orlando-Orange County
2998 Expressway Authority may enter; amending s. 373.406, F.S.;
2999 exempting specified ponds, ditches, and wetlands from surface
3000 water management and storage requirements; exempting certain
3001 water control districts from certain wetlands regulation;
3002 amending s. 373.4137, F.S.; providing legislative intent that
3003 mitigation be implemented in a manner that promotes efficiency,
3004 timeliness, and cost-effectiveness in project delivery; revising
3005 the criteria of the environmental impact inventory; revising the
3006 criteria for mitigation of projected impacts identified in the
3007 environmental impact inventory; requiring the Department of
3008 Transportation to include funding for environmental mitigation
3009 for its projects in its work program; revising the process and
3010 criteria for the payment by the department or participating
3011 transportation authorities of mitigation implemented by water
3012 management districts or the Department of Environmental
3013 Protection; revising the requirements for the payment to a water
3014 management district or the Department of Environmental
3015 Protection of the costs of mitigation planning and
3016 implementation of the mitigation required by a permit; revising
3017 the payment criteria for preparing and implementing mitigation
3018 plans adopted by water management districts for transportation
3019 impacts based on the environmental impact inventory; adding
3020 federal requirements for the development of a mitigation plan;
3021 providing for transportation projects in the environmental
3022 mitigation plan for which mitigation has not been specified;
3023 revising a water management district's responsibilities relating
3024 to a mitigation plan; creating s. 373.6053, F.S., authorizing

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3025 | water management districts to reassess the designation of
3026 | positions for inclusion in the Senior Management Service Class;
3027 | authorizing the removal of positions from the classs; providing
3028 | effective dates.