

Tab 1 SB 754 by Diaz; (Compare to CS/H 00139) Electronic Transactions for Title Certificates and Registrations							
428452	D	S	RCS	TR, Diaz	Delete everything after	03/24	09:27 AM

Tab 2 SB 1082 by Albritton; (Similar to CS/H 00077) Diesel Exhaust Fluid							
607478	D	S	RCS	TR, Albritton	Delete everything after	03/25	08:21 AM

Tab 3 SB 1194 by Hooper; (Similar to CS/H 00057) Transportation							
745468	A	S	RCS	TR, Hooper	Delete L.61 - 86:	03/25	08:22 AM
296808	A	S	RCS	TR, Hooper	btw L.122 - 123:	03/25	08:22 AM

Tab 4 SB 1412 by Perry; (Similar to H 01113) Traffic and Pedestrian Safety							
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Tab 5 SB 1660 by Burgess; (Identical to H 01283) Tampa-Hillsborough County Expressway Authority							
755890	D	S		TR, Burgess	Delete everything after	03/23	08:25 AM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

TRANSPORTATION
Senator Harrell, Chair
Senator Perry, Vice Chair

MEETING DATE: Wednesday, March 24, 2021
TIME: 8:30—11:00 a.m.
PLACE: *Toni Jennings Committee Room*, 110 Senate Building

MEMBERS: Senator Harrell, Chair; Senator Perry, Vice Chair; Senators Berman, Bracy, Gainer, Jones, Rodriguez, and Wright

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
PUBLIC TESTIMONY WILL BE RECEIVED FROM ROOM A1 AT THE DONALD L. TUCKER CIVIC CENTER, 505 W. PENSACOLA STREET, TALLAHASSEE, FL 32301			
1	SB 754 Diaz (Compare CS/H 139)	Electronic Transactions for Title Certificates and Registrations; Authorizing tax collectors to accept applications for motor vehicle certificates of title by electronic or telephonic means and to collect electronic mail addresses for use as a method of notification; specifying tax collection systems for which certain fees may be used for integration with the Florida Real Time Vehicle Information System; authorizing tax collectors to accept applications for vessel certificates of title by electronic or telephonic means and to collect electronic mail addresses for use as a method of providing renewal notices, etc. TR 03/24/2021 Fav/CS ATD AP	Fav/CS Yeas 6 Nays 1
2	SB 1082 Albritton (Similar CS/H 77)	Diesel Exhaust Fluid; Requiring the governing body of each public airport that meets certain criteria to create a diesel exhaust fluid safety mitigation and exclusion plan for submission to the Department of Transportation; providing plan requirements; requiring an annual certification of compliance, etc. TR 03/03/2021 Temporarily Postponed TR 03/24/2021 Fav/CS ATD AP	Fav/CS Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Transportation

Wednesday, March 24, 2021, 8:30—11:00 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	SB 1194 Hooper (Similar CS/H 57, Compare CS/S 1500)	Transportation; Providing that certain governmental entities may not prohibit certain vendors from responding to competitive solicitations of certain contractual services; requiring contractors wishing to bid on certain contracts to first be certified by the Department of Transportation as qualified; exempting airports from certain restrictions regarding entities performing engineering and inspection services; revising and providing definitions; revising requirements for arbitration of certain contracts by the State Arbitration Board, etc. TR 03/24/2021 Fav/CS ATD AP	Fav/CS Yeas 7 Nays 0
4	SB 1412 Perry (Similar H 1113)	Traffic and Pedestrian Safety; Citing this act as the "Sophia Nelson Pedestrian Safety Act"; requiring a traffic engineering study to be conducted which recommends installation of a specified pedestrian crosswalk before such installation occurs; requiring a pedestrian crosswalk on a public highway, street, or road which is located at any point other than at an intersection with another public highway, street, or road to conform to specified requirements; providing coordination requirements for certain devices and signals; requiring that traffic control signal devices at adjacent intersections be taken into consideration, etc. TR 03/24/2021 Favorable ATD AP	Favorable Yeas 7 Nays 0
5	SB 1660 Burgess (Identical H 1283)	Tampa-Hillsborough County Expressway Authority; Renaming the Tampa-Hillsborough County Expressway Authority as the "West Florida Expressway Authority"; providing for the transfer of governance and control, property and legal rights, powers, responsibilities, and obligations from the Tampa-Hillsborough County Expressway Authority to the West Florida Expressway Authority; authorizing the authority to construct certain facilities within the expressway system; deleting provisions relating to interest on gasoline tax funds repaid to Hillsborough County; specifying lands and property the authority may acquire, etc. TR 03/24/2021 Temporarily Postponed ATD AP	Temporarily Postponed

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 754

INTRODUCER: Committee on Transportation and Senator Diaz

SUBJECT: Motor Vehicle and Vessel Registration Data

DATE: March 25, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Proctor	Vickers	TR	Fav/CS
2.			ATD	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 754 includes the following provisions:

- Authorizes tax collectors to contract with vendors for technology services in order to provide electronic and telephonic motor vehicle and vessel titling transactions to customers;
- Defines a vendor-built technology system for motor vehicle, mobile home, and vessel renewal transactions as a “tax collection system”;
- Authorizes the Department of Highway Safety and Motor Vehicles (DHSMV), upon a tax collector’s request, to provide ancillary technology to integrate other tax collection systems used by tax collectors in order to provide tax collectors with data access and uniform interface functionalities for registration renewal transactions performed at a tax collector’s office or online through a tax collector’s website; and
- Requires the DHSMV to provide a tax collectors’ vendor with the ability to record registration renewals in the Florida Real Time Vehicle Information System (FRVIS) in real time and with the ability to do bulk data reporting.

The bill may have an indeterminate, though likely significant, impact on the DHSMV associated with the expansion of the FRVIS data access and interface functionality. See Section V. Fiscal Impact Statement.

The bill takes effect on July 1, 2021.

II. Present Situation:

Tax Collectors as Agents of the DHSMV

Sixty-five counties currently have elected tax collectors who are constitutional officers.¹ Broward and Miami-Dade counties currently have appointed tax collectors under each county's charter government.²

Chapters 320, 322, and 328, F.S., provide that tax collectors are agents of the DHSMV for the limited purposes of providing motor vehicle and driver license services. Specifically, with regards to the issuance of registration certificates, license plates, and validation stickers (motor vehicle services), the tax collectors in the several counties of the state are "authorized agents of the department [DHSMV] ... subject to the requirements of the law."³ This principal/agent relationship is memorialized by written agreement in the form of a memorandum of understanding (MOU) between the DHSMV and tax collectors throughout the state, providing that tax collectors are acting as agents of the DHSMV carrying out state law duties at a local level in a uniform and accountable manner.

While the tax collector itself is not a state agency, in its role as an authorized agent of the DHSMV, it is considered a "state agency" when acting pursuant to s. 320.03, F.S., in providing motor vehicle services.⁴ The Florida Attorney General has also concluded that tax collectors are under the direction and control of the DHSMV when providing services under ch. 320 (motor vehicle licenses) and 322 (driver licenses), F.S.⁵

As a result of Florida Constitutional Amendment 10 (amending Section 3 of Article III, Sections 4 and 11 of Article IV, and Sections 1 and 6 of Article VIII of the Florida Constitution) that passed in 2018, Volusia, Broward and Miami-Dade county tax collector offices will be elected positions. The tax collector in Volusia County took office in 2021 and the Broward and Miami-Dade county tax collectors will take office in 2025. Currently, the motor vehicle services in these charter counties are predominately provided by private tag agency/license plate agent/license tag agencies/private license plate agencies⁶ (collectively referred to as "LPA") that have an

¹ Volusia County formerly had an appointed tax collector. However, pursuant to s. 1(d), Art. VIII of the State Constitution and effective January 5, 2021, Volusia County has an elected tax collector.

² Pursuant to s. 1(d), Art. VIII of the State Constitution, Broward and Miami Dade counties will have elected tax collectors effective January 7, 2025.

³ Section 320.03(1), F.S.

⁴ *Dealer Tag Agency, Inc. v. First Hillsborough County Auto Tag Agency, Inc.*, 14 So. 3d 1238, 1240 (Fla. 2d DCA 2009). The trial court declared the contract void as a matter of law, because the tax collector established no bid protest procedures as required by Chapter 287, F.S. On appeal, the Second DCA held that the trial court erred, because the tax collector was not an executive branch of the state government bound by Chapters 287 or 120. Instead, the tax collector is a constitutional entity created by Article VIII, Section 1(d) of the Florida Constitution. The court held that "The fact that the Tax Collector is described as an "authorized agent" of the DHSMV for the provisions of section 320.03, F.S, does not make it a state agency for the provisions of chapter 287 and 120." *Id.* at 1240.

⁵ "The tax collector, who acts as the agent of and under the direction and control of the department in the sale of motor vehicle license plates, is not acting as a county officer and the bond required to be posted protects only the department and not the county for other tax revenues received by the collector." FL AGO 74-101 (Apr. 1, 1974).

⁶ Various combinations of these words are used interchangeably.

agreement with the county to charge an additional county service fee set by the county commission.⁷

Sixteen counties have, or have until recently had, contracts with LPAs to operate 57 offices to perform title and registration services for motor vehicles, mobile homes, and vessels, as follows:

- Alachua – 1
- Bay – 1
- Broward – 7
- Highlands – 1
- Hillsborough – 1
- Jefferson – 2
- Lee – 1 (opens in 2021)
- Leon – 1
- Manatee – 1
- Miami-Dade – 25
- Orange – 4
- Palm Beach – 2
- Pasco – 1
- Pinellas – 3
- Polk – 3
- Volusia - 3⁸

Many tax collectors in Florida hire information technology vendors to assist with mailing, cashiering, deploying kiosks, providing online services, and performing other duties. When requested by a tax collector, the DHSMV routinely provides access to data, both in real-time and through batch processes, to the tax collector's vendors for the purpose of providing support to the requesting tax collector. Some of the data provided contains personal information⁹ which is confidential pursuant to the federal Driver's Privacy Protection Act ("DPPA") of 1994.¹⁰ Such information may be released only as authorized by that act.

To ensure compliance with DPPA, the DHSMV practices data minimization, so that personal information from driver license records is provided to agents and vendors only when it is directly relevant to accomplish a specified task deemed necessary by the DHSMV or Legislature. Once the specified purpose has been completed, this practice requires that shared data is securely destroyed or otherwise rendered unreadable. Data minimization also decreases risks of data loss and breaches.¹¹

Registration Duties of Tax Collectors

Motor Vehicles

Tax collectors are authorized agents of the DHSMV that issue registration certificates, registration license plates, validation stickers, and mobile home stickers to applicants.¹² The DHSMV may require each tax collector to give a bond, payable to the DHSMV, conditioned that the tax collector faithfully and truly perform the duties imposed upon him or her according to the requirements of law and the rules and regulations of the DHSMV.¹³ Each tax collector must keep a full and complete record and account of all validation stickers, mobile home stickers, or other

⁷ In determining the appropriateness of public funding for equipment used by LPAs, the Attorney General noted for purposes of section 320.03, F.S., that "license tag agencies are the agents of the respective county tax collectors....[and that n]o pecuniary benefit inures to such agents or subagents." (emphasis added) FL AGO 082-81 (Oct. 11, 1982). The opinion goes on saying, "The license tag agencies in question are the agents of the county tax collector and as such subagents of the department...." *Id.*

⁸ These LPA offices operated prior to the elected Volusia County tax collector taking office on January 5, 2021. Currently, these offices are winding down operations and were to close by February 4, 2021.

⁹ See 18 U.S.C. s. 2725.

¹⁰ See 18 U.S.C. ss. 2721 et seq.

¹¹ Department of Highway Safety and Motor Vehicles, *2021 Legislative Bill Analysis for SB 754*, (March 5, 2021), p. 3 (on file with the Senate Committee on Transportation).

¹² Section 320.03(1), F.S.

¹³ Section 320.03(2), F.S.

properties received by him or her from the DHSMV.¹⁴ FRVIS must be installed in every tax collector's and license tag agent's office in accordance with a schedule established by the DHSMV in consultation with the tax collectors and contingent upon funds being made available for the system by the state.¹⁵

Vessels

Tax collectors must issue registration certificates and vessel numbers and decals to applicants, subject to the requirements of law and in accordance with the rules of the DHSMV.¹⁶ Each tax collector must keep a full and complete record and account of all vessel decals or other properties received by him or her from the DHSMV and must make prompt remittance of moneys collected by them at the times and in the manner prescribed by law.¹⁷

Florida Real Time Vehicle Information System

The FRVIS is composed of two processing environments. The first is a distributed environment that consists of the servers at local tax collector and tag agent offices that process tag, title, and registration transactions throughout the state. The second environment is the host portion that consists of the back-end processing that is conducted centrally at the DHSMV's primary data center.¹⁸

The DHSMV maintains the FRVIS that facilitates the collection of taxes and fees for tags, titles, and registrations associated with motor vehicles and vessels.¹⁹ Local tax collector and tag agent offices throughout the state process tag, title, and registration transactions through the FRVIS.²⁰ There is a \$0.50 fee on each motor vehicle, mobile home, and vessel registration to cover the operation of the FRVIS, and that fee is deposited into the Highway Safety Operating Trust Fund.²¹ According to the DHSMV, the FRVIS processed approximately 407.3 million transactions for the collection of approximately \$2.99 billion in revenue from taxes and fees associated with tags, titles, and registrations for motor vehicles and vessels during fiscal year 2019-20, including amounts retained by local tax collector and tag agent offices.²² These funds, together with all other sources of the DHSMV's revenue, are distributed through the FRVIS to various state agencies, including the DHSMV, and non-state entities in accordance with governing Florida Statutes.²³

Currently, any tax collector or LPA opening a new office or expanding existing offices initially purchases the equipment needed for title and registration services in that office. The DHSMV

¹⁴ Section 320.03(3), F.S.

¹⁵ Section 320.03(4)(b), F.S.

¹⁶ Section 328.73(1), F.S.

¹⁷ Section 328.73(2), F.S.

¹⁸ Department of Highway Safety and Motor Vehicles, *Florida Real Time Vehicle Information System (FRVIS): Information Technology Operational Audit*, at 1 (April 2014), available at https://flauditor.gov/pages/pdf_files/2014-183.pdf (last visited March 16, 2021).

¹⁹ *Id.*

²⁰ *Id.* at 1-2.

²¹ Sections 320.03(5) and 328.73(3), F.S.

²² Email from Kevin Jacobs, Legislative Affairs Director, Department of Highway Safety and Motor Vehicles, FW: FRVIS, (March 16, 2021).

²³ *Supra*, FN 18.

periodically refreshes outdated equipment and pays the cost of the new equipment (contingent upon appropriated funds) for both tax collector's and LPA's offices. LPAs reimburse the DHSMV for reoccurring circuit costs (i.e., Internet access) for each location, unless the LPA office is collocated with a tax collector's office and the circuit is shared.²⁴

The DHSMV administers the FRVIS in consultation with the Florida Tax Collectors, Inc., to ensure that each county tax collector's office is equipped with the necessary information technology to support the operation of the FRVIS. Only the DHSMV, tax collectors, and LPAs have access to the FRVIS. Access to the DHSMV systems and data is governed by various MOUs between the DHSMV, tax collectors, and other third-party entities. The MOUs document how the data will be used and protected, ensuring compliance with various state and federal laws, including DPPA.

In addition to residential street addresses, the DHSMV is authorized to collect and store (in the FRVIS) e-mail addresses. E-mail addresses may be used, in lieu of the United States Postal Service, to provide certain renewal notices, including registration renewal notices, driver license renewal notices, and vessel registration renewal notices.^{25, 26, 27, 28, 29}

FRVIS Interfaces

Over the years, the DHSMV has also created numerous custom interfaces to the FRVIS. These interfaces include:

- The Electronic Filing System³⁰ and Electronic Temporary Registration system³¹ which allow motor vehicle and vessel dealers the ability to conduct tag and title transactions in their dealerships;
- The motor vehicle kiosk interface which allows tax collector vendors the ability to place motor vehicle registration kiosks in their office and in off-site locations such as Publix; and
- The Motor Vehicle Eligibility Web Service that provides tax collectors a real time application interface to assist with processing mailed in motor vehicle renewals or motor vehicle renewals processed through their proprietary standalone websites.³²

Other Significant DHSMV Systems and Data Exchanges

The DHSMV also operates various other driving and traffic records systems including:

- Online Registration and Identity Operating Network for issuing driver licenses and identification cards;
- An electronic crash reporting system for law enforcement to submit crash reports; and

²⁴ *Supra*, FN 11.

²⁵ Section 319.40, F.S.

²⁶ Section 320.95, F.S.

²⁷ Section 322.08(10), F.S.

²⁸ Section 328.30, F.S.

²⁹ Section 328.80, F.S.

³⁰ The Electronic Filing System has been created using the new Online Registration and Identity Operating Network architecture which is being used for the Motorist Modernization Project.

³¹ Section 320.131, F.S.

³² *Supra*, FN 11.

- A uniform traffic citation processing system utilized by the clerks of court to submit traffic citations.³³

The DHSMV also maintains dozens of data exchanges with governmental and private entities to provide access to real time data to improve customer service and efficiency of operations. External stakeholders and their vendors routinely submit requests to the DHSMV to modify their motor vehicle, driver license and traffic records systems and interfaces to meet stakeholder needs. The DHSMV's stakeholders include state and local law enforcement, tax collectors, clerks of court, supervisors of elections, other states through the American Association of Motor Vehicle Administrators systems, Department of State, Department of Transportation, insurance companies, expressway tolling authorities, automobile dealers, and various other technology companies, that rely on the DHSMV data or systems to efficiently conduct business. When a stakeholder requests that the DHSMV modify an existing system or create a new system or interface, the DHSMV must evaluate the:

- Benefits of the modification, new system, or new interface to the DHSMV's and tax collectors' customers, third party system users, and to tax collectors' vendors;
- The cost to implement the change;
- Previously existing legislative, tax collector, and the DHSMV priorities; and
- Requested implementation schedule.³⁴

Collection of Electronic Mail Addresses

The DHSMV is authorized to collect electronic mail addresses and use electronic mail, in lieu, of the U.S. Postal Service, for purposes of renewal notices associated, respectively, with motor vehicle, mobile home, and trailer titling; motor vehicle, mobile home, and trailer registrations; and vessel registrations.³⁵ E-mail addresses collected by the DHSMV pursuant to s. 319.40(3), F.S., (relating to motor vehicle, mobile home, and trailer titling) and s. 320.95(2), F.S., (relating to motor vehicle, mobile home and trailer registrations) are exempt from disclosure pursuant to s. 119.07(1), F.S., and s. 24(1) of Article I of the State Constitution.³⁶

III. Effect of Proposed Changes:

The bill amends s. 320.03, F.S., to require each third party contracted with a tax collector who has online computer access to the DHSMV's systems or data must enter into a memorandum of understanding with the DHSMV.

The bill amends ss. 320.03 and 328.73, F.S., to provide that other tax collection systems include technology systems provided by a tax collector's approved vendors for registration renewal transactions, including, but not limited to, renewal of motor vehicle and mobile home registration certificates, registration license plates, validation stickers, vessel registration certificates, and vessel numbers and decals. Such transactions must be performed on behalf of an applicant either in person at a county tax collector's office or online through a county tax collector's website.

³³ *Id.*

³⁴ *Id.*

³⁵ Sections 319.40(1), 320.95(2), and 328.30(3), F.S.

³⁶ Section 119.0712(2)(c), F.S.

If requested by a tax collector, the DHSMV is authorized to provide ancillary technology to integrate other tax collection systems used by tax collectors in order to provide tax collectors with data access and uniform interface functionalities for registration renewal transactions performed at a tax collector's office or online through a tax collector's website. The provided data and functionality must be used for the purpose of processing renewal transactions and must include, but not be limited to, bulk data for vehicle and vessel registrations which includes each applicant's current residential address and electronic mail address and the ability to record registration renewals in the state system in real time. The provided data and functionality may be used only for purposes of fulfilling the tax collector's statutory duties and may not be resold or used for any other purpose.

The bill requires that the data access and uniform interface functionalities must be developed no later than July 1, 2023.

The bill directs the DHSMV in consultation with the Florida Tax Collectors, Inc., to ensure that tax collectors' approved vendors protect customer privacy and data collection.

The bill has an effective date of July 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Tax collector-approved agents and vendors, may experience a positive indeterminate fiscal impact as a result of improved operational efficiencies and service due to having the ability to record motor vehicle, mobile home, and vessel registration renewals in the FRVIS.

C. Government Sector Impact:

Tax collectors may experience a positive indeterminate fiscal impact as a result of improved operational efficiencies and service due to having the ability to record motor vehicle, mobile home, and vessel registration renewals in the FRVIS.

The bill authorizes the DHSMV, upon the request of any tax collector, to create and maintain interfaces to support the integration of their vendors' technology systems and provide their vendors with the ability to record motor vehicle, mobile home, and vessel registration renewals in the FRVIS in real-time. To the extent that the bill results in the DHSMV creating more interfaces to the FRVIS for tax collectors' vendor-provided systems, funding required to develop those interfaces may increase and potentially impair the ability of the Highway Safety Operating Trust Fund to fund all of the costs currently associated with FRVIS, its interfaces, and other DHSMV information technology costs as well as equipment refreshes and internet connections for tax collectors and LPAs.³⁷

Complying with the requirement to integrate a vendors technology systems may impact the DHSMV's ability to maintain the FRVIS within current resources. Presently, the DHSMV manages its resources for the FRVIS to maintain the system's functionality and capabilities to benefit the widest array of users. The potential new interfaces may limit the DHSMV's ability to prioritize use of resources for the FRVIS, including to make enhancements required by federal law, and to make enhancements that would benefit law enforcement, automobile dealers and other stakeholders.³⁸

VI. Technical Deficiencies:

None.

VII. Related Issues:

The DHSMV provided the following additional comments in the 2021 Legislative Bill Analysis for SB 754:

- The bill requires the DHSMV to provide the tax collector and his or her approved vendor with the ability to record registration renewals in the state system in real time. Neither the DHSMV's websites nor the tax collectors' websites update a cashiered renewal transaction in real time. The DHSMV will be required to build this functionality.
- The bill amends ss. 320.03(5) and 328.73(1), F.S., authorizing the DHSMV provide tax collectors and their approved third-party vendor's data access and interface functionality,

³⁷ *Supra*, FN 11.

³⁸ *Id.*

including bulk data transfers, which potentially could undermine the DHSMV's data minimization policies. Those policies are designed to protect customers against data loss, including personally identifying information, and to ensure compliance with the federal Drivers Privacy Protection Act of 1994.

- The bill amends s. 328.73(1), F.S., to authorize tax collectors to contract with vendors for technology services in order to provide those transactions by electronic and telephonic means. Currently FRVIS is the only system used to title and register motor vehicles, mobile homes, trailers, and vessels in Florida. The language appears to contemplate the tax collectors and their vendors would create a stand-alone system to conduct title and registration transactions. As this concept has not been previously discussed with the DHSMV, it is unclear as to how much it would cost the DHSMV to integrate the vendor systems in each requesting county.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 320.03 and 328.73.

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Committee on Transportation on March 24, 2021:

- Authorizes tax collectors to contract with vendors for technology services in order to provide electronic and telephonic motor vehicle and vessel titling transactions to customers;
- Defines a vendor-built technology system for motor vehicle, mobile home, and vessel renewal transactions as a “tax collection system”;
- Provides that if requested by a tax collector, the DHSMV is authorized to provide ancillary technology to integrate other tax collection systems used by tax collectors in order to provide tax collectors with data access and uniform interface functionalities for registration renewal transactions performed at a tax collector's office or online through a tax collector's website;
- Requires the DHSMV to provide a tax collectors' vendor with the ability to record registration renewals in the FRVIS in real time and with the ability to do bulk data reporting;
- Removed language in the underlying bill which provided for data access and interface functionalities, to the tax collectors and third parties contracting with a tax collector, that other third parties receive from the DHSMV; and
- Removed language in the underlying bill which provided that a tax collector and third parties contracting with a tax collector may collect electronic mail addresses.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/24/2021	.	
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	.	

The Committee on Transportation (Diaz) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (a) of subsection (4) and subsection
(5) of section 320.03, Florida Statutes, are amended to read:

320.03 Registration; duties of tax collectors;
International Registration Plan.—

(4) (a) Each tax collector, third party contracted with a
tax collector, or license tag agent who has online computer



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11 access to the department's systems or department data center or
12 other reasonable access thereto shall enter into a memorandum of
13 understanding with the department and shall, except when the
14 department has issued a registration renewal notice, upon
15 receipt of an application for the registration of any motor
16 vehicle, determine from the driver file of the applicant whether
17 the applicant's driver license has been canceled, suspended, or
18 revoked and, if so, whether the applicant has surrendered his or
19 her license to the department as required by s. 322.251. If the
20 applicant has not surrendered his or her license in accordance
21 with ~~the provisions of~~ that section, the tax collector must
22 ~~shall~~ refuse to register the vehicle until such time as the
23 applicant surrenders his or her driver license to the
24 department.

25 (5) (a) In addition to the fees required under s. 320.08, a
26 fee of 50 cents must ~~shall~~ be charged on every license
27 registration sold to cover the costs of the Florida Real Time
28 Vehicle Information System. The fees collected must ~~shall~~ be
29 deposited into the Highway Safety Operating Trust Fund to be
30 used exclusively to fund the system. The fee may only be used to
31 fund the system equipment, software, personnel associated with
32 the maintenance and programming of the system, and networks used
33 in the offices of the county tax collectors as agents of the
34 department and the ancillary technology necessary to integrate
35 the system with other tax collection systems. The department
36 shall administer this program upon consultation with the Florida
37 Tax Collectors, Inc., to ensure that each county tax collector's
38 office is technologically equipped and functional for the
39 operation of the Florida Real Time Vehicle Information System



40 and to ensure that all ancillary technology and other tax
41 collection systems used by tax collectors protect customer
42 privacy and data. Any designated revenue collected to support
43 functions of the county tax collectors and not used in a given
44 year must remain exclusively in the trust fund as a carryover to
45 the following year.

46 (b) Upon a tax collector's request, the department is
47 authorized to provide ancillary technology to integrate other
48 tax collection systems used by tax collectors in order to
49 provide tax collectors with data access and uniform interface
50 functionalities for registration renewal transactions performed
51 at a tax collector's office or online through a tax collector's
52 website. The department shall prescribe the best manner of
53 delivering the data access and uniform interface functionalities
54 to tax collectors for the purpose of processing registration
55 renewal transactions and shall provide the ability to record and
56 process registration renewal transactions in the state system in
57 real time and bulk data reporting for vehicle registrations,
58 including each applicant's electronic mail address collected
59 pursuant to s. 320.95. Such data and functionalities may be used
60 only for purposes of fulfilling the tax collector's statutory
61 duties pursuant to this chapter, chapter 319, chapter 322, or
62 chapter 328 and may not be resold or used for any other purpose.
63 Such data access and uniform interface functionalities must be
64 developed no later than July 1, 2023. For the purposes of this
65 paragraph, the term "registration renewal transactions" means
66 issuance of motor vehicle, mobile home, and trailer registration
67 certificates, registration license plates, and validation
68 stickers.



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69 Section 2. Subsection (1) of section 328.73, Florida
70 Statutes, is amended to read:

71 328.73 Registration; duties of tax collectors.—

72 (1) (a) The tax collectors in the counties of the state, as
73 authorized agents of the department, shall issue registration
74 certificates and vessel numbers and decals to applicants,
75 subject to the requirements of law and in accordance with rules
76 of the department.

77 (b) Upon a tax collector's request, the department is
78 authorized to provide ancillary technology to integrate other
79 tax collection systems used by tax collectors in order to
80 provide tax collectors with data access and uniform interface
81 functionalities for registration renewal transactions performed
82 at a tax collector's office or online through a tax collector's
83 website. The department shall prescribe the best manner of
84 delivering the data access and uniform interface functionalities
85 to tax collectors for the purpose of processing registration
86 renewal transactions and shall provide the ability to record and
87 process registration renewal transactions in the state system in
88 real time and bulk data reporting for vessel registrations,
89 including each applicant's electronic mail address collected
90 pursuant to s. 320.95. Such data and functionalities may be used
91 only for purposes of fulfilling the tax collector's statutory
92 duties pursuant to this chapter, chapter 319, chapter 320, or
93 chapter 322 and may not be resold or used for any other purpose.
94 Such data access and uniform interface functionalities must be
95 developed no later than July 1, 2023. For the purposes of this
96 paragraph, the term "registration renewal transactions" means
97 issuance of vessel registration certificates, vessel numbers,



98 and decals.

99 Section 3. This act shall take effect July 1, 2021.

100

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

102 And the title is amended as follows:

103 Delete everything before the enacting clause

104 and insert:

105 A bill to be entitled

106 An act relating to motor vehicle and vessel
107 registration data; amending s. 320.03, F.S.; requiring
108 tax collectors, third parties contracted with tax
109 collectors, and license tag agents to enter into a
110 memorandum of understanding with the Department of
111 Highway Safety and Motor Vehicles and make certain
112 determinations regarding registration applicants;
113 requiring the department to ensure that certain
114 technology used by tax collectors protects customer
115 privacy and data; authorizing the department to
116 provide certain technology to tax collectors, upon
117 request, in order to provide data access and uniform
118 interface functionalities for registration renewal
119 transactions; providing requirements for the
120 department; authorizing use of such data and
121 functionalities for certain purposes; requiring
122 development of data access and uniform interface
123 functionalities by a certain date; defining the term
124 "registration renewal transactions"; amending s.
125 328.73, F.S.; authorizing the department to provide
126 certain technology to tax collectors, upon request, in



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127 order to provide data access and uniform interface
128 functionalities for registration renewal transactions;
129 providing requirements for the department; authorizing
130 use of such data and functionalities for certain
131 purposes; requiring development of data access and
132 uniform interface functionalities by a certain date;
133 defining the term "registration renewal transactions";
134 providing an effective date.

By Senator Diaz

36-00785-21

2021754__

1 A bill to be entitled
 2 An act relating to electronic transactions for title
 3 certificates and registrations; amending s. 319.40,
 4 F.S.; authorizing tax collectors to accept
 5 applications for motor vehicle certificates of title
 6 by electronic or telephonic means and to collect
 7 electronic mail addresses for use as a method of
 8 notification; authorizing tax collectors to contract
 9 with vendors to provide electronic and telephonic
 10 transactions; providing that an electronic signature
 11 that meets certain requirements satisfies any
 12 signature required for an application for a
 13 certificate of title; providing an exception; amending
 14 s. 320.03, F.S.; specifying tax collection systems for
 15 which certain fees may be used for integration with
 16 the Florida Real Time Vehicle Information System;
 17 requiring the Department of Highway Safety and Motor
 18 Vehicles to provide tax collectors and their approved
 19 vendors with certain data access and interface
 20 functionality; specifying authorized uses for such
 21 data and functionality; defining the term "approved
 22 vendor"; requiring the department to ensure that
 23 approved vendors protect customer privacy and data
 24 collection; amending s. 328.30, F.S.; authorizing tax
 25 collectors to accept applications for vessel
 26 certificates of title by electronic or telephonic
 27 means and to collect electronic mail addresses for use
 28 as a method of providing renewal notices; authorizing
 29 tax collectors to contract with vendors to provide

Page 1 of 6

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

36-00785-21

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30 electronic and telephonic transactions; providing that
 31 an electronic signature that meets certain
 32 requirements satisfies any signature required for an
 33 application for a certificate of title; amending s.
 34 328.73, F.S.; authorizing certain tax collection
 35 systems for in-person and online transactions;
 36 requiring the department to provide tax collectors and
 37 their approved vendors with certain data access and
 38 interface functionality; specifying authorized uses
 39 for such data and functionality; providing an
 40 effective date.
 41
 42 Be It Enacted by the Legislature of the State of Florida:
 43
 44 Section 1. Section 319.40, Florida Statutes, is amended to
 45 read:
 46 319.40 Transactions by electronic or telephonic means.—
 47 (1) The department and tax collectors may accept any
 48 application provided for under this chapter by electronic or
 49 telephonic means.
 50 (2) The department may issue an electronic certificate of
 51 title in lieu of printing a paper title.
 52 (3) The department and tax collectors may collect
 53 electronic mail addresses and use electronic mail in lieu of the
 54 United States Postal Service as a method of notification.
 55 However, any notice regarding the potential forfeiture or
 56 foreclosure of an interest in property must be sent via the
 57 United States Postal Service.
 58 (4) Tax collectors may contract with vendors for technology

Page 2 of 6

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

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59 services in order to provide transactions by electronic and
60 telephonic means provided for under this chapter.

61 (5) An electronic signature that is consistent with chapter
62 668 satisfies any signature required for an application under
63 this chapter, except when the electronic signature must be
64 executed using an electronic signature as defined in s.
65 668.003(4), which uses a system providing an Identity Assurance
66 Level, an Authenticator Assurance Level, and a Federation
67 Assurance Level, as described in the National Institute of
68 Standards and Technology Special Publication 800-63-3, as of
69 December 1, 2017, which are equivalent to or greater than Level
70 2.

71 Section 2. Subsection (5) of section 320.03, Florida
72 Statutes, is amended to read:

73 320.03 Registration; duties of tax collectors;
74 International Registration Plan.—

75 (5) In addition to the fees required under s. 320.08, a fee
76 of 50 cents shall be charged on every license registration sold
77 to cover the costs of the Florida Real Time Vehicle Information
78 System. The fees collected shall be deposited into the Highway
79 Safety Operating Trust Fund to be used exclusively to fund the
80 system. The fee may only be used to fund the system equipment,
81 software, personnel associated with the maintenance and
82 programming of the system, and networks used in the offices of
83 the county tax collectors as agents of the department and the
84 ancillary technology necessary to integrate the system with
85 other tax collection systems. Other tax collection systems
86 include technology systems provided by a tax collector's
87 approved vendors for registration renewal transactions,

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88 including, but not limited to, renewal of motor vehicle and
89 mobile home registration certificates, registration license
90 plates, and validation stickers. Such registration renewal
91 transactions shall be performed on behalf of an applicant either
92 in person at a county tax collector's office or online via a
93 county tax collector's website. Upon a tax collector's request,
94 the department shall provide the tax collector and his or her
95 approved vendors with data access and interface functionality,
96 including, but not limited to, data access and interface
97 functionality that other third parties receive from the
98 department. Such data and functionality shall be used for the
99 purpose of processing renewal transactions and shall include,
100 but not be limited to, bulk data for vehicle registrations which
101 includes each applicant's current residential address and
102 electronic mail address collected under s. 320.95 and the
103 ability to record registration renewals in the state system in
104 real time. Such data and functionality may be used only for
105 purposes of fulfilling the tax collector's statutory duties and
106 may not be resold or used for any other purpose. For purposes of
107 this subsection, the term "approved vendor" means a third-party
108 entity that has a contract with tax collectors, and a memorandum
109 of understanding with the department, to assist tax collectors
110 in carrying out their duties under this chapter and in
111 accordance with federal and state law. The department shall
112 administer this subsection ~~program~~ upon consultation with the
113 Florida Tax Collectors, Inc., to ensure that each county tax
114 collector's office is technologically equipped and functional
115 for the operation of the Florida Real Time Vehicle Information
116 System and that tax collectors' approved vendors protect

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117 customer privacy and data collection. Any designated revenue
 118 collected to support functions of the county tax collectors and
 119 not used in a given year must remain exclusively in the trust
 120 fund as a carryover to the following year.

121 Section 3. Section 328.30, Florida Statutes, is amended to
 122 read:

123 328.30 Transactions by electronic or telephonic means.—

124 (1) The department and tax collectors may accept any
 125 application provided for under this chapter by electronic or
 126 telephonic means.

127 (2) The department may issue an electronic certificate of
 128 title in lieu of printing a paper title.

129 (3) The department and tax collectors may collect
 130 electronic mail addresses and use electronic mail in lieu of the
 131 United States Postal Service for the purpose of providing
 132 renewal notices.

133 (4) Tax collectors may contract with vendors for technology
 134 services in order to provide transactions by electronic and
 135 telephonic means provided for under this chapter.

136 (5) An electronic signature that is consistent with chapter
 137 668 satisfies any signature required for an application under
 138 this chapter.

139 Section 4. Subsection (1) of section 328.73, Florida
 140 Statutes, is amended to read:

141 328.73 Registration; duties of tax collectors.—

142 (1) The tax collectors in the counties of the state, as
 143 authorized agents of the department, shall issue registration
 144 certificates and vessel numbers and decals to applicants,
 145 subject to the requirements of law and in accordance with rules

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146 of the department. Tax collection systems may include technology
 147 systems provided by vendors contracted with tax collectors for
 148 in-person and online vessel registration certificates and vessel
 149 numbers and decals. Upon a tax collector's request, the
 150 department shall provide the tax collector and his or her
 151 approved vendors with data access and interface functionality,
 152 including, but not limited to, data access and interface
 153 functionality that other third parties receive from the
 154 department. Such data and functionality shall be used for the
 155 purpose of processing renewal transactions and shall include,
 156 but not be limited to, bulk data for vessel registrations which
 157 includes each applicant's current residential address and
 158 electronic mail address collected under s. 320.95 and the
 159 ability to record registration renewals in the state system in
 160 real time. Such data and functionality may be used only for
 161 purposes of fulfilling the tax collector's statutory duties and
 162 may not be resold or used for any other purpose.

163 Section 5. This act shall take effect July 1, 2021.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 1082

INTRODUCER: Transportation Committee and Senator Albritton

SUBJECT: Diesel Exhaust Fluid

DATE: March 24, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Vickers	TR	Fav/CS
2.			ATD	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1082 addresses safety issues associated with airport use of diesel exhaust fluid (DEF). Airports and airport tenants use DEF in diesel-powered vehicles used in an aircraft support role, including aircraft fire-fighting equipment, life-saving equipment, and emergency generators. DEF is also used to help meet the emission control standards mandated by the Environmental Protection Agency. In recent years, a number of aircraft have experienced engine shutdowns and other engine operability issues due to the contamination of jet fuel as a result of the inadvertent filling of anti-icing injection systems in aircraft fuel trucks with DEF, instead of a product used as a fuel additive to address potential freezing of water within jet fuel in an aircraft at altitude.

The bill requires each public airport with specified uses of DEF to require a safety mitigation and exclusion plan for each fixed-base operator that performs onsite treatment of aviation fuel with a fuel system icing inhibitor and provides minimum requirements for the plan. By January 1, 2022, each airport must make the plan available for review during inspections by the Florida Department of Transportation (FDOT).

The bill requires the FDOT, by September 1, 2021, to convene a workgroup of public airport representatives to develop uniform industry standards based on a National Air Transportation Association (NATA) best practice relating to the handling of DEF, and authorizes the FDOT to adopt rules to develop a uniform industry standards form for the required plans based on the workgroup recommendations.

The fiscal impact of the bill is indeterminate. See the “Fiscal Impact Statement” for additional information.

The bill takes effect July 1, 2021.

II. Present Situation:

Emission Control Standards

Under the federal Clean Air Act of 1990, the Environmental Protection Agency (EPA) has mandated strengthened emission control standards for vehicle engines to reduce health and environmental issues caused by air pollution. With respect to diesel engines, nitrogen oxides (NOx) are a major contributor to that pollution, and the EPA has identified NOx in diesel engine emissions for drastic reduction.¹

Vehicle and engine manufacturers have developed “aftertreatment” technologies to meet the strengthened EPA standards, such as Selective Catalytic Reduction (SCR). SCR reduces NOx emissions when DEF is injected directly into a catalytic converter² in the vehicle’s exhaust system. Heat from the exhaust helps to break DEF down into ammonia, which in the presence of the catalyst, reacts with the NOx in the exhaust to neutralize it, transforming it into harmless nitrogen gas and water.³

The EPA mandated emission standards for off-road diesel engines starting in 2014, which apply to airport support vehicles now equipped with SCR systems and therefore require DEF.⁴

According to the Federal Aviation Administration (FAA), DEF is not approved for use in jet fuel:

When mixed with jet fuel, DEF will react with certain jet fuel chemical components to form crystalline deposits in the fuel system. These deposits will flow through the aircraft fuel system and may accumulate on filters, fuel metering components, other fuel system components, or engine fuel nozzles. The deposits may also settle in the fuel tanks or other areas of the aircraft fuel system where they may potentially become dislodged over time and accumulate downstream in the fuel system as described above.⁵

¹ Aircraft Diesel Exhaust Fluid Contamination Working Group, *A Collaborative Industry Report on the Hazard of Diesel Exhaust Fluid Contamination of Aircraft Fuel*, June 11, 2019, at p. 3, available at https://download.aopa.org/advocacy/2019/2019_06_11_Aircraft_DEF_Contamination_Working_Group_Report_FINAL.pdf (last visited February 25, 2021).

² Merriam-Webster defines the term “catalytic converter” to mean “an automobile exhaust-system component containing a catalyst that causes conversion of harmful gases (such as carbon monoxide and uncombusted hydrocarbons) into mostly harmless products (such as water and carbon dioxide).” Merriam-Webster, *catalytic converter*, available at <https://www.merriam-webster.com/dictionary/catalytic%20converter> (last visited February 25, 2021).

³ *Supra* note 1.

⁴ *Supra* note 1 at p. 4.

⁵ U.S. Department of Transportation Federal Aviation Administration, *SAFO 1815, Jet Fuel Contaminated with Diesel Exhaust Fluid (DEF)*, November 13, 2018, available at https://www.faa.gov/other_visit/aviation_industry/airline_operators/airline_safety/safo/all_safos/media/2018/SAFO18015.pdf (last visited February 12, 2021).

Use of DEF at Airports

Airports and airport tenants use DEF in diesel-powered vehicles used in an aircraft support role, including aircraft fire-fighting equipment, life-saving equipment, and emergency generators. DEF is also used to help meet the EPA-mandated emission control standards.⁶ DEF is stored in separate tanks on vehicles having an installed SCR system, which treats the exhaust of those vehicle engines.⁷

In recent years, a number of aircraft have experienced engine shutdowns and other engine operability issues due to the contamination of jet fuel as a result of the inadvertent filling of anti-icing injection systems in aircraft fuel trucks with DEF, instead of fuel system icing inhibitor (FSII).⁸ One use of FSII is to mitigate against possible freezing of any water within jet fuel contained in an aircraft when at altitude.⁹ FSII injection systems require an FSII fluid reservoir mounted on the truck to supply the injecting system during aircraft refueling.¹⁰ However, since the 2014 application of the EPA mandated emissions standards to off-road diesel engines such as airport refuelers, refueling trucks at airports are often equipped with two reservoirs, one for DEF and one for FSII.¹¹ According to an industry report on DEF contamination of aircraft fuel, difficulty arises in the fact that both DEF and FSII are clear liquids, resulting in confusion and the accidental mixing with or replacement of FSII.¹²

Between November 2017 and May 2019, there were three instances, two in Florida, in which multiple aircraft had jet fuel contaminated with DEF or were refueled using equipment exposed to DEF. In all three cases, the FAA notes the occurrences resulted from the inadvertent adding of DEF to the fuel truck anti-icing injection system reservoirs, instead of FSII.¹³ Because of these instances, and others,¹⁴ numerous aircraft had to perform emergency landings. The FAA conducted a hazard analysis and issued preliminary recommendations to address the problem, including additional training for ground support crews, adoption of best management practices, and dyeing either DEF or FSII so they can be distinguished from each other.¹⁵

Airport Best Management Standards

In response to Florida incidents of fuel contamination from DEF, the Florida Airports Council (FAC) formed a working group to identify how best to educate airport managers and fuel service providers regarding DEF fuel contamination and promulgated a “Florida Statewide Diesel

⁶ See email from Lisa Waters, President/CEO of the Florida Airports Council, to House staff, November 4, 2019 (on file in the Senate Transportation Committee).

⁷ *Supra* note 4.

⁸ *Id.*

⁹ *Id.*

¹⁰ FAA, *Safety Assessment for Jet Fuel Contamination with Diesel Exhaust Fluid (DEF)*, August 30, 2019, p. 4, available at https://www.nata.aero/assets/Site_18/files/GIA/NATA_News/2019-08-30_Safety_Risk_Assessment_Report_DEF-Final.pdf (last visited February 25, 2021).

¹¹ *Id.*

¹² *Supra* note 1 at p. 9.

¹³ *Supra* note 10 at p. 1.

¹⁴ See National Air Transportation Association, *DEF Contamination Awareness*, available at <https://www.nata.aero/advocacy/def-awareness> (last visited February 25, 2021). See also *supra* note 5.

¹⁵ *Supra* note 10 at pp. 10-13.

Exhaust Fluid Best Management Practices Plan and requested airport managers to implement the plan, working with fuel providers, to reduce the risk of fuel contamination.¹⁶

Under the plan, if airport managers choose to implement it, each FBO that provides fueling services is responsible for implementing DEF handling and contamination prevention and is required to provide a copy of the FBO's best management practices to the relevant airport manager for record keeping purposes. Airport managers are responsible for making the FBO practices available for review by the FDOT during routine airport inspection. The document provides other sources for FBOs and airport staff relative to DEF contamination, including information from the Federal Aviation Administration, the National Transportation Safety Board, the NATA, and a report from the FAC Aircraft Diesel Exhaust Fluid Contamination Working Group & Recommendations.¹⁷

NATA Operational Best Practice No. 36, DEF Handling and Contamination

According to its website, "NATA is the leading national trade association representing the business interests of general aviation service companies on legislative and regulatory matters at the federal level, while also providing education, services, and benefits to our members to help ensure their long-term economic success."¹⁸ Its ground operational best practices were developed by its Safety Committee, made up of industry experts with years of aviation experience.¹⁹

NATA offers a free operational best practice on DEF Handling and Contamination and contamination prevention training.²⁰ Best practice No. 36, the purpose of which is "to reduce the risk of aircraft misfueling with Diesel Exhaust Fluid (DEF)," sets out recommended responsible airport personnel, aviation fuel additive storage and fluid handling policies, procedures for procurement and labeling of DEF and FSII, staff training, and auditing.²¹

FDOT Airport Inspections

The FDOT's rules, among other provisions, require a physical airport inspection as a condition of public airport licensing and an annual inspection for purposes of renewal of a public airport license.²²

¹⁶ See Florida Airports Council, *FAC initiates statewide effort to address aviation fuel contamination*, available at [Florida Airports Council](#) (last visited March 1, 2021).

¹⁷ See Florida Airports Council, *Florida Statewide Diesel Exhaust Fluid Best Management Practices Plan (BMP) January 1, 2021 - Updated February 8, 2021*, available at [final-def-bmp-2_9_2021.pdf \(floridaairports.org\)](#) (last visited March 1, 2021).

¹⁸ NATA, *About*, available at [National Air Transportation Association | About \(nata.aero\)](#) (last visited March 24, 2021).

¹⁹ NATA, *Operational Best Practices*, available at [NATA | National Air Transportation Association - Operational Best Practices](#) (last visited March 24, 2021).

²⁰ NATA, *Diesel Exhaust Fluid (DEF) Contamination Risk Alert*, available at [National Air Transportation Association | DEF Contamination Awareness \(nata.aero\)](#) (last visited March 24, 2021).

²¹ NATA, *Diesel Exhaust Fluid (DEF) Handling and Contamination Prevention No OBP-36*, revised August 31, 2020, available at [OBP 36-DEF Handling and Contamination Prevention \(nata.aero\)](#) (last visited March 24, 2021).

²² Rule 14-60.006, F.A.C.

III. Effect of Proposed Changes:

CS/SB 1082 creates s. 330.401, F.S., requiring each public airport (any publicly or privately owned airport open for public use²³) to require a DEF safety mitigation and exclusion plan for each fixed-base operator (FBO)²⁴ that performs onsite treatment of aviation fuel with a FSII. The requirement applies to each such airport at which:

- Aviation fuels receive onsite treatment with FSII;
- Aviation fuel is delivered by a publicly or privately owned FBO; and
- Any aircraft fuel delivery vehicle or ground service equipment that uses DEF is operated within 150 feet of any aircraft.

This provision effectively allows each public airport to assume responsibility for developing the DEF plan or to delegate the responsibility to an FBO operating at the airport.

At a minimum, the plan must include:

- A full inventory of all the FBO's DEF on the airport premises.
- Designation of specific areas of the airport premises where the FBO's DEF may be stored. To the extent practicable, such areas may not be located within or on a vehicle operated for the fueling or servicing of aircraft or at any aviation fuel transfer facility or bulk aviation fuel storage facility.
- Designation of specific areas where DEF may be added to vehicles. These areas may not be located in aircraft operating areas.
- Incorporation of best practices for ensuring the proper labeling and storage of DEF.
- Incorporation of training in the proper use and storage of DEF and FSII for all employees of the FBO who may come into contact with DEF or FSII in the ordinary course of their duties.
- Designation of specific areas where the FBO's FSII may be stored on the airport premises.
- Incorporation of best practices for ensuring the proper labeling and storage of the FBO's fuel system icing inhibitor.
- Physical measures to secure FSII fill points on the FBO's aircraft fuel delivery vehicles, which measures must prevent the addition of any fluid to the FSII fill point by unauthorized personnel.

Each public airport²⁵ must, by January 1, 2022, make the plan for each FBO available for review during FDOT inspections. By September 1, 2022, the bill requires the FDOT to convene a workgroup of public airport representatives to develop uniform industry standards based upon the minimal provisions required to be in a plan under the bill and on the NATA Operational Best

²³ Section 330.27, F.S.

²⁴ The term "fixed base operator" refers to commercial businesses allowed to operate on airport grounds to provide services to the airport, such as fueling services, aircraft maintenance services, and baggage handling. See Presidential, *What is a Fixed Base Operator or FBO*, available at <https://www.presidential-aviation.com/fbo/> (last visited February 25, 2021).

²⁵ Publicly owned airports in Florida operate under either a government department model (where the airport operates as a department of the local government) or an airport authority model (where the airport authority is created as either an independent or a dependent special district). Airport operation and administration is generally governed as part of the local government or special district that owns the airport. Privately owned airports open to public use may employ a variety of models for oversight of operations and maintenance, including, but not limited to, sole proprietorships, corporations, and homeowner's associations. See GlobalAir.com, "Airports" tab, "Florida," available at <https://www.globalair.com/airport/state.aspx> (last visited February 25, 2020).

Practice No. 36 relating to DEF Handling and Contamination, to ensure consistency of industry standards.

Lastly, the bill authorizes the FDOT to adopt rules to develop a uniform industry standards form for the DEF plan based on the workgroup's recommendations.

The bill takes effect July 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, Section 18(a) of the Florida Constitution provides that “no county or municipality shall be bound by any general law requiring such county or municipality to spend funds or to take an action requiring the expenditure of funds, unless certain conditions are met. Section 18(d) exempts from this provision laws having insignificant fiscal impact. The bill requires each public airport to require a DEF plan for each specified FBO. If such airports develop their own DEF plans, expenses may be incurred. However, the bill may have an insignificant fiscal impact and may, therefore, be exempt from the cited provision of the Florida Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

According to the FDOT, 129 public-use commercial service and general aviation airports currently operate in Florida.²⁶ Owners of private airports open to public use at which aviation fuels receive onsite treatment with FSII, at which aviation fuel is delivered by a publicly or privately owned FBO, and at which any aircraft fuel delivery vehicle or ground service equipment that uses DEF is operated within 150 feet of any aircraft must require a DEF plan for each FBO and must make the plans available during FDOT inspections. If such an airport delegates responsibility for the DEF plan to an FBO, the FBO may incur expenses in unknown amounts. To the extent that such owners participate in the required workgroup of airport representatives, expenses may be incurred in unknown amounts. The fiscal impact to such owners is indeterminate but likely insignificant.

C. Government Sector Impact:

Publicly owned airports must require a DEF plan for each FBO and must make the plans available during FDOT inspections. If such an airport does not delegate responsibility for the DEF plan to an FBO, the airport may incur expenses in unknown amounts. To the extent that such airports participate in the required workgroup of airport representatives, expenses may be incurred in unknown amounts. The fiscal impact to such owners is indeterminate but likely insignificant.

The bill does not otherwise appear to present a fiscal impact to local government revenues or expenditures.

The FDOT will likely incur indeterminate expenses associated with convening the required workgroup and, if the FDOT adopts the authorized rules, will incur indeterminate expenses associated with rulemaking. These expenses are expected to be absorbed within existing resources. The bill does not otherwise appear to present a fiscal impact to state revenues or expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 330.401 of the Florida Statutes.

²⁶ FDOT, *Florida Aviation System Plan*, available at <https://www.fdot.gov/aviation/FASP2035> (last visited February 25, 2020).

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Transportation on March 24, 2021:

The committee substitute:

- Requires each public airport with the specified uses of DEF to require a DEF safety and mitigation plan for each FBO, rather than to create a plan, effectively authorizing such airports to delegate plan responsibility to an FBO.
- Requires each public airport to make the plans available for review during inspections by the FDOT.
- Requires the FDOT to convene a workgroup of public airport representatives, by September 1, 2021, to develop uniform industry standards.
- Authorizes the FDOT to adopt rules.

- B. **Amendments:**

None.



607478

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2021	.	
	.	
	.	
	.	

The Committee on Transportation (Albritton) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 330.401, Florida Statutes, is created to
read:

330.401 Diesel exhaust fluid safety mitigation and
exclusion plan.—

(1) (a) Each public airport as defined in s. 330.27 at
which:



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11 1. Aviation fuels receive onsite treatment with fuel system
12 icing inhibitors;

13 2. Aviation fuel is delivered by a publicly or privately
14 owned fixed-base operator; and

15 3. Any aircraft fuel delivery vehicle or ground service
16 equipment that uses diesel exhaust fluid is operated within 150
17 feet of any aircraft,

18
19 shall require a diesel exhaust fluid safety mitigation and
20 exclusion plan for each fixed-base operator that performs onsite
21 treatment of aviation fuel with a fuel system icing inhibitor.

22 (b) The plan must include, at a minimum:

23 1. A full inventory of all the fixed-base operator's diesel
24 exhaust fluid on the premises of the airport.

25 2. Designation of specific areas where the fixed-base
26 operator's diesel exhaust fluid may be stored on the premises of
27 the airport. To the extent practicable, such areas may not be
28 located within or on a vehicle operated for the fueling or
29 servicing of aircraft or at any aviation fuel transfer facility
30 or bulk aviation fuel storage facility.

31 3. Designation of specific areas where diesel exhaust fluid
32 may be added to vehicles. Such areas may not be located in
33 aircraft operating areas.

34 4. Incorporation of best practices for ensuring the proper
35 labeling and storage of diesel exhaust fluid.

36 5. Incorporation of training in the proper use and storage
37 of diesel exhaust fluid for all employees of the fixed-base
38 operator who may come in contact with such fluid in the ordinary
39 course of their duties.



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40 6. Designation of specific areas where the fixed-base
41 operator's fuel system icing inhibitor may be stored on the
42 premises of the airport.

43 7. Incorporation of best practices for ensuring the proper
44 labeling and storage of the fixed-base operator's fuel system
45 icing inhibitor.

46 8. Incorporation of training in the proper use and storage
47 of fuel system icing inhibitors for all employees of the fixed-
48 base operator who may come in contact with fuel system icing
49 inhibitors in the ordinary course of their duties.

50 (2) Each public airport must, by January 1, 2022, make the
51 diesel exhaust fluid safety mitigation and exclusion plan for
52 each fixed-based operator available for review during
53 inspections by the Department of Transportation.

54 (3) The Department of Transportation shall, by September 1,
55 2021, convene a workgroup of public airport representatives to
56 develop uniform industry standards based upon the requirements
57 of paragraph (1)(b) and NATA Operational Best Practice No. 36,
58 DEF Handling and Contamination, to ensure consistency of
59 industry standards.

60 (4) The Department of Transportation may adopt rules to
61 develop a uniform industry standards form for the diesel exhaust
62 fluid safety mitigation and exclusion plan based upon the
63 recommendations provided by the workgroup pursuant to
64 subsection(3).

65 Section 2. This act shall take effect July 1, 2021.

66
67 ===== T I T L E A M E N D M E N T =====

68 And the title is amended as follows:



607478

69 Delete everything before the enacting clause
70 and insert:

71 A bill to be entitled
72 An act relating to diesel exhaust fluid; creating s.
73 330.401, F.S.; requiring specified public airports to
74 require a diesel exhaust fluid safety mitigation and
75 exclusion plan for certain fixed-base operators;
76 specifying plan requirements; requiring public
77 airports to make such plans available for review
78 during inspections by the Department of Transportation
79 after a specified date; requiring the department to
80 convene a workgroup of public airport representatives
81 by a specified date to develop specified uniform
82 industry standards; authorizing the department to
83 adopt rules; providing an effective date.

By Senator Albritton

26-00955-21

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1 A bill to be entitled
 2 An act relating to diesel exhaust fluid; creating s.
 3 330.401, F.S.; requiring the governing body of each
 4 public airport that meets certain criteria to create a
 5 diesel exhaust fluid safety mitigation and exclusion
 6 plan for submission to the Department of
 7 Transportation; providing plan requirements; requiring
 8 an annual certification of compliance; providing an
 9 effective date.

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

11 Section 1. Section 330.401, Florida Statutes, is created to
 12 read:

13 330.401 Diesel exhaust fluid safety mitigation and
 14 exclusion plan; certification.—
 15 (1) (a) The governing body of each public airport as defined
 16 in s. 330.27 at which:
 17 1. Aviation fuels receive onsite treatment with fuel system
 18 icing inhibitors;
 19 2. Aviation fuel is delivered by a publicly or privately
 20 owned fixed-base operator; and
 21 3. Any aircraft fuel delivery vehicle or ground service
 22 equipment that uses diesel exhaust fluid is operated within 150
 23 feet of any aircraft
 24 shall create a diesel exhaust fluid safety mitigation and
 25 exclusion plan for each fixed-base operator that performs onsite
 26 treatment of aviation fuel with a fuel system icing inhibitor.

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30 (b) The plan must include, at a minimum:
 31 1. A full inventory of all the fixed-base operator's diesel
 32 exhaust fluid on the premises of the airport.
 33 2. Designation of specific areas where the fixed-base
 34 operator's diesel exhaust fluid may be stored on the premises of
 35 the airport. To the extent practicable, such areas may not be
 36 located within or on a vehicle operated for the fueling or
 37 servicing of aircraft or at any aviation fuel transfer facility
 38 or bulk aviation fuel storage facility.
 39 3. Designation of specific areas where diesel exhaust fluid
 40 may be added to vehicles. Such areas may not be located in
 41 aircraft operating areas.
 42 4. Incorporation of best practices for ensuring the proper
 43 labeling and storage of diesel exhaust fluid.
 44 5. Incorporation of training in the proper use and storage
 45 of diesel exhaust fluid for all employees of the fixed-base
 46 operator who may come in contact with such fluid in the ordinary
 47 course of their duties.
 48 6. Designation of specific areas where the fixed-base
 49 operator's fuel system icing inhibitor may be stored on the
 50 premises of the airport.
 51 7. Incorporation of best practices for ensuring the proper
 52 labeling and storage of the fixed-base operator's fuel system
 53 icing inhibitor.
 54 8. Incorporation of training in the proper use and storage
 55 of fuel system icing inhibitors for all employees of the fixed-
 56 base operator who may come in contact with fuel system icing
 57 inhibitors in the ordinary course of their duties.
 58 9. Physical measures to secure fuel system icing inhibitor

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59 fill points on the fixed-base operator's aircraft fuel delivery
60 vehicles. Such measures shall prevent the addition of any fluid
61 to the fuel system icing inhibitor fill point by unauthorized
62 personnel.

63 (2) The diesel exhaust fluid safety mitigation and
64 exclusion plan must be approved by the governing body by
65 September 1, 2021. The governing body must, by October 1, 2021,
66 submit the plan to the Department of Transportation and certify
67 that all diesel exhaust fluid has been secured within the
68 premises of the airport.

69 (3) The diesel exhaust fluid safety mitigation and
70 exclusion plan must be fully implemented on the premises of each
71 airport by January 1, 2022.

72 (4) By January 1 of each year, beginning in 2023, each
73 public airport must certify to the department the airport's
74 compliance with its diesel exhaust fluid safety mitigation and
75 exclusion plan.

76 Section 2. This act shall take effect July 1, 2021.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 1194

INTRODUCER: Transportation Committee and Senator Hooper

SUBJECT: Transportation

DATE: March 24, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Vickers	TR	Fav/CS
2.			ATD	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1194 contains various transportation-related provisions, including:

- Precluding a governmental entity from prohibiting a bid relating to the entity's procurement of certain contractual services from a vendor possessing a valid certificate of qualification from the Florida Department of Transportation (FDOT) relating to certain road and bridge construction contracts or a license relating to construction, electrical and alarm, or septic tank contracting corresponding to the services being procured.
- Authorizing construction equipment in a work zone on roadways with a posted speed limit of 55 miles per hour or higher to display a combination of flashing green, amber, and red lights during periods when workers are present.
- Authorizing flashing lights on vehicles during periods of extremely low visibility on roadways posted with a speed limit of 55 miles per hour or more.
- Revising provisions relating to an annual cap on the FDOT's authorization to enter into contracts for innovative transportation projects.
- Amending financial statement requirements relating to applications for certificates of qualification to bid on contracts for the performance of work for the FDOT under certain construction contracts.
- Excluding certain airports from the prohibition against the same entity performing design and performing construction engineering and inspection services on a project funded by the FDOT and administered by a local governmental entity

- Substantially revising provisions relating to the State Arbitration Board, which hears claims for additional compensation arising out of construction and maintenance contracts between the FDOT and its contractors.
- Prohibiting the FDOT, and its contractors and subcontractors, from purchasing or using specified substances extracted from a borrow pit unless certification is provided by the operator showing the borrow pit is in compliance with certain existing requirements, and provides proof of currently valid permits required by the Florida Department of Environmental Protection and the appropriate water management district.
- Requiring the FDOT, if it determines substances are being obtained and used from a non-compliant borrow pit, to cease accepting any substances within 48 hours. The FDOT may resume acceptance of substances from the borrow pit once the pit is in compliance.
- Defining the term “borrow pit” and requiring a borrow pit operator to provide a notice of intent to extract to the FDEP.

The bill does not appear to impact state and local revenues but may present other fiscal impacts. See the “Fiscal Impact Statement” for further information.

The bill takes effect July 1, 2021.

II. Present Situation:

For ease of organization and readability, the present situation is discussed below in conjunction with the effect of the proposed changes.

III. Effect of Proposed Changes:

Procurement of Public Construction Services (Section 1)

Present Situation

Procurement Methods

Chapter 287, F.S., sets out provisions governing agency¹ procurement of personal property and services. Agencies may use different methods, depending on the cost and characteristics of the goods or services being procured, which include:

¹ “Agency” is defined as “any of the various state officers, departments, boards, commissions, divisions, bureaus, and councils and any other unit of organization, however designated, of the executive branch of state government,” but does not include university and college boards of trustees or the state universities and colleges. Section 287.012(1), F.S.

- Invitations to bid, used when an agency is capable of specifically defining the scope of work for which a contractual service² is required or of establishing precise specifications defining the actual commodity or group of commodities required.³
- Requests for proposals, used when the purposes and uses for which the commodity, group of commodities, or contractual service being sought can be specifically defined and the agency is capable of identifying necessary deliverables. Responsive vendors may propose various combinations or versions of commodities or contractual services to meet the agency's specifications.⁴
- Invitations to negotiate, used to determine the best method for achieving a specific goal or solving a particular problem. This procurement method identifies one or more responsive vendors with which the agency may negotiate to receive the best value.⁵
- Single source contracts, used when an agency determines that only one vendor is available to provide a commodity or service at the time of purchase, and which may be excepted from competitive-solicitation requirements.⁶

FDOT Certificate of Qualification

Current law requires any contractor desiring to bid on any FDOT construction contract in excess of \$250,000 to first be certified by the FDOT as qualified pursuant to s. 337.14, F.S., and the FDOT's rules.⁷ Those rules, as currently required, include requirements with respect to the equipment, past record, experience, financial resources, and organizational personnel of the applying contractor which are necessary to perform the specific class of work for which the contractor seeks certification and apply to applicants seeking to bid for the performance of road, bridge, or public transportation construction contracts in excess of \$250,000.⁸

² "Contractual service" is defined to mean "the rendering by a contractor of its time and effort rather than the furnishing of specific commodities. The term applies only to those services rendered by individuals and firms who are independent contractors, and such services may include, but are not limited to, evaluations; consultations; maintenance; accounting; security; management systems; management consulting; educational training programs; research and development studies or reports on the findings of consultants engaged thereunder; and professional, technical, and social services. The term does not include a contract for the furnishing of labor or materials for the construction, renovation, repair, modification, or demolition of a facility, building, portion of building, utility, park, parking lot, or structure or other improvement to real property entered into pursuant to chapter 255 and rules adopted thereunder."

³ Section 287.057(1)(a), F.S. "Commodity" is defined to mean "'Commodity" means any of the various supplies, materials, goods, merchandise, food, equipment, information technology, and other personal property, including a mobile home, trailer, or other portable structure that has less than 5,000 square feet of floor space, purchased, leased, or otherwise contracted for by the state and its agencies. The term also includes interest on deferred-payment commodity contracts approved pursuant to s. [287.063](#) entered into by an agency for the purchase of other commodities. However, commodities purchased for resale are excluded from this definition. Printing of publications shall be considered a commodity if procured pursuant to s. [283.33](#), whether purchased for resale or not."

⁴ Section 287.057(1)(b), F.S.

⁵ Section 287.057(1)(c), F.S.

⁶ "Competitive solicitation" is defined to mean "the process of requesting and receiving two or more sealed bids, proposals, or replies submitted by responsive vendors in accordance with the terms of a competitive process, regardless of the method of procurement."

⁷ Rule 14-22, F.A.C.

⁸ Section 337.14(1), F.S., and Rule 14-22.0011(1), F.A.C.

Licensure: Construction, Electrical and Alarm System, and Septic Tank Contracting

Chapter 489, F.S., is administered by the Department of Business and Professional Regulation and, in general, requires licensure of various types of contractors before contracting to perform work of the type for which they are licensed.⁹

Effect of Proposed Changes

Section 1 of the bill creates s. 287.05705, F.S., relating to procurements of road, bridge, and other specified public construction services. The bill, with respect to competitive solicitations¹⁰ for contractual services¹¹ that are limited to the classes of work for which the FDOT issues certificates of qualification and which services do not involve the construction, remodeling, repair, or improvement of any building, precludes a governmental entity¹² from prohibiting a response to a solicitation by a vendor who possesses a valid FDOT certificate of qualification or a license under ch. 489, F.S., corresponding to the contractual services being procured.

If a competitive solicitation is limited to the classes of work for which the FDOT issues certificates of qualification and does not involve the construction, remodeling, repair, or improvement of any building, or if a vendor holds an FDOT certificate of qualification or license under ch. 489, F.S., corresponding to the contractual service being procured, the procuring governmental entity may not prohibit a vendor from responding (*e.g.*, submitting a bid or proposal) to that entity's competitive solicitation. The bill applies these provisions to all competitive solicitations issued by a governmental entity on or after October 1, 2021.

Lights on Vehicles (Section 2)

Present Situation

Current law generally prohibits a person from driving or causing to be moved any vehicle or equipment on any highway with any lamp or device that displays a red, red and white, or blue light visible from directly in front of such vehicle or equipment, with certain exceptions.¹³

⁹ Part I of ch. 489, F.S., relating to construction contracting, expressly does not apply to contractors in work on bridges, roads, streets, highways, or railroads, and services incidental thereto. The Construction Industry Licensing Board, in agreement with the FDOT as directed by s. 489.103(1), F.S., for purposes of that subsection only, defines "services incidental thereto" to mean "all work on bridges, roads, streets, highways, and railroads except building construction and those subcontractor categories, defined in Sections 489.105(3)(d)-(q), F.S. However, notwithstanding the previous provision, services incidental thereto specifically includes storm drainage and excavation work necessary for the construction of bridges, roads, streets, highways, and railroads; and includes directly contracting with a governmental entity for work on bridges, roads, street, highways, and railroads when any building construction included in the contract is subcontracted to a contractor appropriately licensed under Chapter 489, Part I, F.S., to perform building construction or those subcontractor categories defined in Sections 489.105(3)(d)-(q), F.S., and such building construction does not constitute more than fifty (50) percent of the total contract amount." Rule 61G-4-12.011(9), F.A.C.

¹⁰ *Supra* note 6.

¹¹ *Supra* note 2.

¹² "Governmental entity" is defined to mean "a political subdivision or agency of this state or of any state of the United States, including, but not limited to, state government, county, municipality, school district, nonprofit public university or college, single-purpose or multipurpose special district, single-purpose or multipurpose public authority, metropolitan or consolidated government, separate legal entity or administrative entity, or any agency of the Federal Government." Section 287.012(14), F.S.

¹³ Section 316.2397(1), F.S.

The display of blue lights on any vehicle or equipment is prohibited, except police vehicles and vehicles owned, operated, or leased by the Florida Department of Corrections (FDOC) or any county correctional agency when responding to emergencies.¹⁴

The display of flashing lights on vehicles is also prohibited, except:¹⁵

- As a means of indicating a right or left turn, to change lanes, or to indicate that the vehicles is lawfully stopped or disabled upon the highway.
- When a motorist intermittently flashes his or her vehicles' headlamps at an oncoming vehicle notwithstanding the motorist's intent for doing so.
- Flashing blue lights on police, FDOC, or county correctional agency vehicles.
- Flashing red or red and white lights on vehicles such as those of a fire department, medical staff or facilities, and ambulances.
- Flashing amber lights on road or street maintenance equipment, road or street maintenance vehicles, road service vehicles, refuse collection vehicles, petroleum tankers, and mail carrier vehicles when in operation or a hazard exists, and on commercial motor vehicles or trailers designed to transport unprocessed logs or pulpwood.
- Flashing white lights or flashing white strobe lights on road maintenance and construction equipment and vehicles when in operation and where a hazard exists, and on school buses and vehicles used to transport farm workers.
- Flashing red lights on emergency response vehicles used by the Fish and Wildlife Conservation Commission, the FDEP, and the Department of Health when responding to an emergency in the line of duty.
- Flashing white and red lights on bicycles and bicycle riders.
- Additional flashing lights authorized under s. 316.235, F.S., relating to additionally authorized lighting equipment on vehicles.

Effect of Proposed Changes

Section 2 amends s. 316.2397, F.S., to authorize on roadways with a posted speed limit of 55 miles per hour or more:

- Flashing green, amber, and red lights on construction equipment within a work zone¹⁶ during periods when workers are present .
- Flashing lights on vehicles during periods of extremely low visibility.¹⁷

¹⁴ Section 316.2397(2), F.S.

¹⁵ Section 316.2397(7), F.S.

¹⁶ Section 316.003(105) defines “work zone *area*” to mean “the area and its approaches on any state-maintained highway, county-maintained highway, or municipal street where construction, repair, maintenance, or other street-related or highway-related work is being performed or where one or more lanes are closed to traffic.

¹⁷ With the exception of vehicles in funeral processions as provided in 315.1974(4)(c), F.S., Florida law does not expressly authorize the use of hazard lights on moving vehicles. The Florida Driver Handbook indicates that a driver should not use emergency flashers in instances of low visibility or rain, and may only use emergency flashers when a vehicle is disabled or stopped on the side of the road. Department of Highway Safety and Motor Vehicles, *Florida Driver Handbook*, at p. 48, available at Department of Highway Safety and Motor Vehicles, *Florida Driver Handbook*, available at: (last visited March 17, 2021).

Innovative Transportation Projects (Section 3)

Present Situation

The FDOT is currently authorized¹⁸ to establish a program for transportation projects that demonstrate innovative techniques of highway and bridge design, construction, maintenance, and finance having the intended effect of measuring resiliency and structural integrity and controlling time and cost increases on construction projects. These techniques may include, but are not limited to, state-of-the-art technology for pavement, safety, and other aspects of highway and bridge design, construction, and maintenance; innovative bidding and financing techniques; accelerated construction procedures; and techniques that have the potential to reduce project life cycle costs. To the maximum extent practical, the FDOT must use existing processes to award and administer construction and maintenance contracts.

When specific innovative techniques are to be used, the FDOT is not required to adhere to provisions of law that would prevent it from using the innovative technique. However, before using an innovative technique that is inconsistent with another provision of law, the FDOT must document the need for the exception and identify the benefits the traveling public and the affected communities are anticipated to receive.

The FDOT may enter into no more than \$120 million in contracts annually for the purposes of innovative transportation projects.¹⁹ This annual cap on contracts for innovative transportation projects does not apply to:

- Turnpike Enterprise projects.
- Transportation projects funded by the American Recovery and Reinvestment Act of 2009.

Section 337.11(7), F.S., authorizes the FDOT to combine the design and construction phases of a building, a major bridge, a limited access facility, or a rail corridor project into a single contract, referred to as a design-build contract. The FDOT refers to these contracts as “major design-build contracts,” which are *not* included in the \$120 million annual cap for innovative transportation projects.²⁰

However, according to the FDOT, “minor design-build contracts are defined as those projects not authorized under s. 337.11(7), F.S.,”²¹ or “bridges under \$10 million and other transportation projects (resurfacing).”²² These contracts *are* counted towards the \$120 million annual cap. The FDOT’s work program instructions indicate, “The resurfacing program deals with improvements to the structural condition of existing pavements on the State Highway System (SHS), including the interstate and turnpike enterprise. This program provides for pavement resurfacing, rehabilitation, minor reconstruction, and pavement milling and recycling. Such projects are

¹⁸ Section 337.025(1), F.S.

¹⁹ Section 337.025(2), F.S.

²⁰ FDOT Construction, *Design-Build Major*, available at <https://www.fdot.gov/construction/AltContract/General/DBMajor.shtm> (last visited March 17, 2021).

²¹ See the FDOT *Work Program Instructions FY 21/22 – 25/26*, September 18, 2020, at p. 348, available at <https://fdotewp1.dot.state.fl.us/fmsupportapps/Documents/development/WorkProgramInstructions.pdf> (last visited March 17, 2021).

²² FDOT Construction, *Design-Build Minor*, available at <https://www.fdot.gov/construction/AltContract/General/DBMinor.shtm> (last visited March 17, 2021).

intended to preserve the structural integrity of highway pavements. ... Major construction or reconstruction projects, such as adding lanes and bridge replacements, are not included in the resurfacing program.”²³ Whether all low-bid milling and resurfacing contracts are “innovative,” even with the design-build element, is unclear.

Effect of Proposed Changes

Section 3 amends s. 337.025, F.S., to remove redundant language relative to exclusion of Turnpike Enterprise projects, and obsolete language relative to exclusion of transportation projects funded by the American Recovery and Reinvestment Act of 2009, from the annual \$120 million cap; and to exclude low-bid design-build milling and resurfacing contracts from the annual cap.

The annual cap does not apply to Turnpike Enterprise projects under current law and under the bill. The annual cap, under the bill, also does not apply to low-bid design-build milling and resurfacing contracts. Such contracts would not be counted toward the annual cap for innovative transportation projects, possibly resulting in increased opportunities for the FDOT to engage in truly innovative transportation projects.

FDOT Certificates of Qualification (Section 5)

Present Situation

Contractor Certification

Any contractor desiring to bid for the performance of any FDOT construction contract in excess of \$250,000 must first be certified by the FDOT as qualified to perform the specific class of work for which the contractor seeks certification.²⁴ A contractor who is not already qualified and in good standing with the FDOT as of January 1, 2019, and who desires to bid on FDOT contracts in excess of \$50 million must have satisfactorily completed two projects, each in excess of \$15 million, for the FDOT or for any other state’s department of transportation.²⁵

When applying to the FDOT, each application for certification must be accompanied by the contractor’s latest annual financial statement, which must have been completed within the last 12 months. If the application or the annual financial statement shows the contractor’s financial condition more than four months prior to the date on which the FDOT receives the application, the contractor must also submit an interim financial statement²⁶ and an updated application. Each required annual or interim financial statement must be audited and accompanied by the opinion of a certified public accountant.²⁷

²³ *Supra* note 22 at p. 288.

²⁴ Section 337.14(1), F.S.

²⁵ *Id.*

²⁶ The interim statement must cover the period from the end date of the annual statement and must show the financial condition of the applying contractor no more than four months prior to the date the FDOT receives the interim statement but, upon request of the applicant, an application and accompanying annual or interim financial statement received by the FDOT within 15 days after either four-month period is considered timely.

²⁷ *Id.*

Contractor Maximum Capacity Rating

The FDOT's rules include requirements with respect to the equipment, past record, experience, financial resources, and organizational personnel of the applying contractor which are necessary to perform the specific class of work for which the contractor seeks certification. In so doing, the FDOT verifies and evaluates whether an applicant is competent and responsible and possesses the necessary financial resources to perform the requested work.²⁸

Part of the latter inquiry involves whether an applicant has the financial resources sufficient to establish a maximum capacity rating (MCR), which is defined as the total aggregate dollar amount of *uncompleted* work an applicant may have under contract at any one time as a prime contractor and/or subcontractor, regardless of the work location and with whom the applicant contracted.²⁹

According to the FDOT's rules, the MCR is established by a formula, one element of which is the "ability factor."³⁰ For example, for new applicants and applicants not qualified under the rule for more than two years, the "ability score" determines the ability factor, which is determined from the total ability score resulting from evaluations of the applicant's organization, management, work experience, and letters of recommendation.³¹

Currently, if an applicant for a certificate of qualification is found to possess the prescribed qualifications, the FDOT must issue the applicant a certificate which, unless revoked by the FDOT for good cause, is valid for a period of 18 months after the date of the applicant's financial statement or such shorter period as the FDOT prescribes. Submission of an application does not affect expiration of the certificate.³²

Effect of Proposed Changes

Section 5 amends s. 337.14(1) and (4), F.S., to clarify that any contractor desiring to bid on contracts in excess of \$50 million must first be certified by the FDOT as qualified, in addition to the existing requirement relating to satisfactory completion of two projects, each in excess of \$15 million.

The bill requires each application for certification to be accompanied by *audited, certified* financial statements prepared in accordance with generally accepted accounting principles and auditing standards by a certified public accountant licensed in this state or another state. The applying contractor's audited, certified financial statements must specifically address the applying contractor and must have been prepared within the immediately preceding 12 months. The FDOT may not consider any financial information relating to the parent entity of the applying contractor, if any, and may not certify as qualified any applying contractor that fails to submit the required audited, certified financial statements.

²⁸ Rule 14.22-003(1), F.A.C.

²⁹ *Id.*

³⁰ Rule 14.22-003(2), F.A.C.

³¹ *Id.*

³² Section 337.14(4), F.S.

If the application or the annual financial statement shows the applying contractor's financial condition more than four months before the date on which the FDOT receives the application, the applying contractor must also submit interim *audited, certified* financial statements prepared in accordance with generally accepted accounting and auditing principles and standards by a certified public accountant licensed in this state or another state.

The bill provides that submission of an application *and subsequent approval* do not affect expiration of a contractor's certificate of qualification and, additionally, do not affect a contractor's ability factor or the maximum capacity rating.

Construction, Engineering, and Inspection Services (Section 5)

Construction, engineering, and inspection (CEI) services include the activities required to review and inspect highway and bridge construction performed by a construction contractor for compliance with contract requirements. These services are critical to ensuring the safety of the traveling public.

Currently, a contractor³³ or affiliate³⁴ holding an FDOT certification of qualification may not also qualify to provide testing services, or construction, engineering, and inspection (CEI) services to the FDOT in connection with a construction contract under which the contractor is performing any work.³⁵ Simply stated, the contractor is prohibited from performing both the construction work *and* the CEI services on the same project, to avoid any conflict of interest that may arise in inspecting one's own work.³⁶

Legislation enacted in 2019³⁷ re-stated the prohibition with respect to projects funded by the FDOT and administered by a local governmental entity; *i.e.*, that the entity performing design services and CEI services may not be the same entity. Specified seaports³⁸ were made exempt from the prohibition in that legislation, but airports were not.

³³ Defined in s. 337.165(1)d), F.S., to mean "any person who bids or applies to bid on work let by the department or any counterpart agency of any other state or of the Federal Government or who provides professional services to the department or other such agency. The term "contractor" includes the officers, directors, executives, shareholders active in management, employees, and agents of the contractor."

³⁴ Defined in s. 337.165(1)(a), F.S., to mean "a predecessor or successor of a contractor under the same, or substantially the same, control or a group of business entities which are connected or associated so that one entity controls or has the power to control each of the other business entities. The term "affiliate" includes the officers, directors, executives, shareholders active in management, employees, and agents of the affiliate. The ownership by one business entity of a controlling interest in another business entity or a pooling of equipment or income among business entities shall be prima facie evidence that one business entity is an affiliate of another."

³⁵ Section 337.14(7), F.S.

³⁶ This limitation does not apply to any design-build prequalification pursuant to s. 337.11(7), F.S., and does not apply when the FDOT otherwise determines by written order entered at least 30 days before advertisement that the limitation is not in the public's best interests with respect to a particular contract for testing services or CEI services.

³⁷ Ch. 2019-153, L.O.F.

³⁸ Those listed in s. 311.09, which include the ports of Jacksonville, Port Canaveral, Port Citrus, Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key West, and Fernandina.

According to the Florida Airports Council, the current prohibition increases airport project construction costs, lengthens project schedules due to additional coordination with consultants, and reduces project efficiency. Further:

- Florida airports leverage many different delivery methods for conducting CEI activities, depending on the project.
- Airports deliver more than road projects, such as building, hangars, ramps, and runways, and the CEI methods and processes the FDOT uses do not accommodate airport construction projects.
- “Airports need to remain agile with the many types of projects that they deliver, particularly as it pertains to the unique and specialized nature of airport projects, to ensure that each project is completed safely, timely and cost effectively.”³⁹

Effect of Proposed Changes

Section 5 amends s. 337.14(7), F.S., to provide that with respect to projects funded by the FDOT and administered by a local governmental entity, airports as defined in s. 332.004, F.S.,⁴⁰ are likewise exempt from the prohibition against the same entity performing design services and CEI services.

State Arbitration Board (Section 6)

Present Situation

Current law creates the State Arbitration Board (SAB) within the FDOT to facilitate the prompt settlement of claims⁴¹ for additional compensation arising out of construction and maintenance contracts between the FDOT and its various contractors.⁴² Every contractual claim in an amount up to \$250,000 per contract or, at the claimant's option, up to \$1 million per contract or, upon agreement of the parties, up to \$2 million per contract, which cannot be resolved by negotiation between the FDOT and the contractor must be arbitrated by the SAB after the FDOT's acceptance of the project. However, either party may request that the claim be submitted to binding private arbitration. A court of law may not consider the settlement of a claim until the SAB process has been exhausted.⁴³

The SAB is composed of three members: one member is appointed by the head of the FDOT;⁴⁴ one member is elected by those construction or maintenance companies who are under contract with the FDOT; and the third member is chosen by agreement of the other two members. Whenever the third member has a conflict of interest regarding an affiliation with one of the parties, the other two members select an alternate member for that hearing. The FDOT secretary may select an alternative or substitute to serve as the FDOT's member for any hearing or term.

³⁹ See email to House committee staff relating to HB 1441 (2020) (on file in the Senate Transportation Committee).

⁴⁰ That section defines the term “airport” to mean “any area of land or water, or any manmade object or facility located therein, which is used, or intended for public use, for the landing and takeoff of aircraft, and any appurtenant areas which are used, or intended for public use, for airport buildings or other airport facilities or rights-of-way.

⁴¹ For the purpose of s. 337.185, F.S., the term “claim” means the aggregate of all outstanding claims by a party arising out of a construction or maintenance contract.

⁴² Section 337.185(1), F.S.

⁴³ Section 337.185(1), F.S.

⁴⁴ The head of the FDOT is the Secretary of Transportation.

Each member serves a two-year term. The SAB elects a chair, each term, who is the administrator of the SAB and custodian of its records.⁴⁵

An arbitration hearing may be requested by the FDOT or by a contractor who has a dispute with the FDOT.⁴⁶ For all contracts entered into after June 30, 1993, the request must be made to the SAB within 820 days after the final acceptance of the work. The SAB must conduct the hearing within 45 days of the request. The party requesting the SAB's consideration must give notice of the hearing to each SAB member. If the SAB finds that a third party is necessary to resolve the dispute, the SAB may vote to dismiss the claim, which may thereafter be pursued in accordance with Florida law.⁴⁷ All members must be present to conduct a meeting. Upon being called into session, the SAB must promptly proceed to a determination of the issue or issues in dispute.⁴⁸

When a valid contract is in effect defining the rights, duties, and liabilities of the parties with respect to any matter in dispute, the SAB may only determine the proper interpretation and application of the appropriate contract provisions. Any investigation made by less than the whole membership of the SAB must be by authority of a written directive by the chair, and the investigation must be summarized in writing and considered by the SAB as part of the record of its proceedings.⁴⁹ The SAB must hand down its order within 60 days after it is called into session. If all three SAB members do not agree, the order of the majority constitutes the order of the SAB.⁵⁰

The SAB members may receive compensation for the performance of their duties from administrative fees received by the SAB, except that an FDOT employee may not receive compensation. The compensation amount is determined by the SAB, but may not exceed \$125 per hour, up to \$1,000 per day for each member authorized to receive compensation. This does not prevent the member elected by construction or maintenance companies from being an employee of an association affiliated with the industry, even if the sole responsibility of that member is service on the SAB. Travel expenses for the industry member may be paid by an industry association, if necessary. The SAB may allocate funds annually for clerical and other administrative services.⁵¹

The party requesting arbitration must pay a fee to the SAB in accordance with a schedule established by it, to cover the cost of administration and compensation of the SAB, not to exceed:

- \$500 per claim which is \$25,000 or less;
- \$1,000 per claim which is in excess of \$25,000 but not exceeding \$50,000;
- \$1,500 per claim which is in excess of \$50,000 but not exceeding \$100,000;
- \$2,000 per claim which is in excess of \$100,000 but not exceeding \$200,000;

⁴⁵ Section 337.185(2), F.S.

⁴⁶ Current State Arbitration Board procedures are available at: https://cdn.ymaws.com/ftba.site-ym.com/resource/resmgr/website_files/arbitration_board/11-19-20_State_Arbitration_B.pdf (last visited December 22, 2020).

⁴⁷ Section 337.185(3), F.S.

⁴⁸ Section 337.185(4), F.S.

⁴⁹ Section 337.185(5), F.S.

⁵⁰ Section 337.185(6), F.S.

⁵¹ Section 337.185(7), F.S.

- \$3,000 per claim which is in excess of \$200,000 but not exceeding \$300,000;
- \$4,000 per claim which is in excess of \$300,000 but not exceeding \$400,000; and
- \$5,000 per claim which is in excess of \$400,000.⁵²

The SAB in its order may apportion the above fees, and the cost of recording and preparing a transcript of the hearing, among the parties in accordance with the SAB's finding of liability.⁵³

Dispute Resolution Board

The FDOT advises, however, that by contract specification, it requires its contractors to take any dispute before what is called a Dispute Review Board (DRB) before invoking the SAB process. As described by the FDOT, “When disputes arise in a contract, the following steps are followed:

- Contractor preserves rights by notice to the Department and following the steps in the FDOT 5.12 specification.
- The Contractor and Department are encouraged to work towards resolution of entitlement at project level.
- If project level resolution cannot be achieved then contractor can request DRB ruling.
- Specification requires the DRB be used prior to filing any legal proceeding. Litigation cannot be filed until the contract is complete. Project level DRBs are *not* binding and can be rejected by either party.
- Based on the claim amount and arbitration limit, the contractor can exercise the state arbitration board after the contract is complete. This would yield less exposure of legal fees than full litigation.
- The arbitration board ruling *is* binding.
- The contract can move directly to litigation based on claim amount and arbitration limit or preference to skip arbitration board post final acceptance.”⁵⁴

As to DRB member compensation, by agreement between the DRB, the FDOT, and the contractor, each DRB member is paid \$1,300 per day for each day the DRB meets for regularly scheduled project meetings and includes salary and all expenses related to membership on the DRB. Any subsequent change in the daily rate must be authorized by a supplemental agreement. The FDOT may authorize in advance additional days for payment to each DRB member or to the DRB chair when the FDOT determines additional compensation is necessary for the DRB or the DRB chair to perform their obligations effectively.⁵⁵

The agreement establishes a per hearing cost of \$9,000 to provide compensation to all DRB members for participation in an actual hearing, with the DRB chair receiving \$3,500 and the other two members receiving \$2,750 each. The FDOT and the contractor equally provide compensation to the DRB for participation in an actual hearing. The FDOT compensates the contractor in the amount of \$4,500 as its contribution to the hearing cost.⁵⁶

⁵² Section 337.185(8), F.S.

⁵³ Section 337.185(9), F.S.

⁵⁴ See the FDOT email to committee staff, March 2, 2021 (on file in the Senate Transportation Committee). Emphasis added.

⁵⁵ See the *Dispute Review Board Three Party Agreement*, at p. 5 (on file in the Senate Transportation Committee).

⁵⁶ *Id.*

While hearings are not intended to last longer than a single day, more time is needed in some cases, but “any additional time and/or compensation” is allowed only upon prior written approval of the FDOT and the contractor. If any additional days for the hearing are granted, the applicable rate is the \$3,900 per day regular meeting rate, payment of which is split equally between the FDOT and the contractor.⁵⁷

Effect of Proposed Changes

Section 6 substantially revises s. 337.185, F.S., relating to the SAB, and provides the following definitions:

- “Claim” means the aggregate of all outstanding written requests for additional monetary compensation, time, or other adjustments to the contract, the entitlement or impact of which is disputed by the FDOT and could not be resolved by negotiations between the FDOT and the contractor.
- “Contractor” means a person or firm having a contract for rendering services to the FDOT relating to the construction or maintenance of a transportation facility.
- “Final acceptance” means that the contractor has completely performed the work provided for under the contract, the FDOT or its agent has determined that the contractor has satisfactorily completed the work provided for under the contract, and the FDOT or its agent has submitted written notice of final acceptance to the contractor.

The bill requires that every claim of up to \$250,000 per contract that could not be resolved by negotiations between the FDOT and the contractor be arbitrated by the SAB. Authorization for either party to request that a claim be submitted to binding private arbitration is removed. An award issued by the SAB is final and enforceable by a court of law.

A contractor may submit a claim greater than \$250,000 up to \$1 million per contract or, upon agreement of the parties, up to \$2 million per contract, to be arbitrated by the SAB. An award issued by the SAB is final if a request for a trial de novo⁵⁸ is not filed within the time provided by Rule 1.830, Florida Rules of Civil Procedure.⁵⁹ At the trial de novo, the court may not admit evidence that there has been an arbitration proceeding, the nature or amount of the award, or any other matter concerning the conduct of the arbitration proceeding, except that testimony given at an arbitration hearing may be used for any purpose otherwise permitted by the Florida Evidence Code.⁶⁰ If a request for trial de novo is not filed within the time provided, the award issued by the board is final and enforceable by a court of law.

An arbitration request may not be made to the SAB before final acceptance, but must be made within 820 days after final acceptance. The SAB must still schedule a hearing within 45 days after an arbitration request but, if possible, must now conduct the hearing within 90 days after the request instead of the previous 45-day deadline.

⁵⁷ *Id.*

⁵⁸ A trial de novo refers to a new trial on the entire case and is conducted as if there had been no trial in the first instance. <https://definitions.uslegal.com/t/trial-de-novo/> (last visited March 18, 2021).

⁵⁹ Rule 1.830, Florida Rules of Civil Procedure, relates to voluntary binding arbitration. The rule provides that a voluntary binding arbitration decision may be appealed within 30 days after service of the decision on the parties. Appeal is limited to the grounds specified in s. 44.104(10), F.S.

⁶⁰ Ch. 90, F.S.

The bill authorizes the SAB to administer oaths and conduct the proceedings as provided by court rules. The bill requires the hearing must be conducted informally, with the presentation of testimony and evidence being kept to a minimum. The bill requires matters to be presented to the arbitrators primarily through the statements and arguments of counsel. The SAB must address the scope of discovery, presentation of testimony, and evidence at a preliminary hearing by considering the size, subject matter, and complexity of the dispute. Any party to the arbitration may petition the SAB, for good cause shown, to issue subpoenas for the attendance of witnesses and the production of books, records, documents, and other evidence at the arbitration and may petition the SAB for orders compelling such attendance and production at the arbitration. Subpoenas must be served and are enforceable in the manner provided by law.

The SAB must issue its award within 45 days after the conclusion of the arbitration hearing (rather than within 60 days after being called into session under current law). If all three members of the board do not agree, the award agreed to by the majority of the board constitutes the award of the board.

The board is still composed of three members who are selected in the same manner as in current law. If the first or second member has a conflict of interest regarding affiliation with one of the parties, the appointing entity must appoint an alternate member for that hearing. If the third member has such a conflict, the first and second members must select an alternate. Each member serves a four-year term, instead of the current two-year term. As under current law, the SAB still elects a chair for each term, and the chair is the SAB administrator and custodian of its records. The presence of all SAB members is required to conduct a meeting, whether in person or via videoconferencing.

The bill requires that SAB members receive compensation from deposits made by the parties based on an estimate of compensation by the SAB, except that, again, an FDOT employee may not receive SAB compensation. All deposits must be held in escrow by the chair in advance of the hearing. Each member eligible for compensation must be compensated at \$200 per hour, up to a maximum of \$1,500 per day (currently not to exceed \$125 per hour up to a maximum of \$1,000 per day), and a member must be reimbursed for the actual cost of his or her travel expenses. The SAB is authorized to allocate funds annually for clerical and other administration services.

The bill effectively maintains the same schedule of filing fees as in current law, based on the dollar amount of a claim, and authorizes the SAB to apportion the filing fees and the cost of recording and preparing a transcript of the hearing among the parties in its award.

Borrow Pits (Sections 4, 7, 8 and 9)

Present Situation

Currently, the term “borrow pit” is not defined in Florida law.

Part III of Ch. 378, F.S., contains the Resource Extraction Reclamation Act,⁶¹ which prohibits an operator⁶² from beginning the process of extracting clay, peat, gravel, sand, or any other solid substance of commercial value found in natural deposits or in the earth, except fuller's earth clay, heavy minerals, limestone, or phosphate, which are regulated elsewhere in Ch. 378, F.S., at a new mine⁶³ without notifying the secretary of FDEP of the intention to mine.⁶⁴ The operator's notice of intent to mine must consist of the operator's estimated life of the mine and the operator's signed acknowledgment of the performance standards provided in s. 378.803, F.S.⁶⁵

The act also provides that after January 1, 1989, all operators of existing mines for the extraction of resources as described above must meet the performance standards provided by s. 378.803, F.S., for any new surface area disturbed at such mines.⁶⁶

Section 378.803, F.S., provides the following performance standards for the reclamation of other resources:⁶⁷

- Reclamation must achieve the stormwater, drainage, wetlands, and other surface and groundwater requirements of DEP and the appropriate water management district.
- The final slopes must be at such an angle as to minimize the possibility of slides and may not exceed the natural angle of repose of the material being mined.
- Provisions for safety to persons, wildlife, and adjoining property must be provided.
- Any overburden and spoil must be left in a configuration which is in accordance with accepted soil conservation practices and which is suitable for the proposed future use of the land.
- Reclamation must be designed to avoid the collection of water in pools which are, or are likely to become, noxious, odious, or foul.
- All reclamation activities must, to the extent possible, be coordinated with resource extraction and in any event must be initiated at the earliest practicable time.
- Reclamation activities must be consistent with all applicable local government ordinances at least as stringent as the criteria and standards contained in s. 378.803, F.S.

Effect of Proposed Changes

Section 4 creates s. 337.0262, F.S., to prohibit the FDOT, and any contractor or subcontractor of the FDOT, from purchasing or using any clay, peat, gravel, sand, or other solid substance extracted from a borrow pit as defined above unless:

- The operator certifies to the FDOT, the contractor, or the subcontractor that the borrow pit is in compliance with the notice requirement and the substantive requirements of s. 378.801, F.S.,⁶⁸ and

⁶¹ Section 378.401, F.S.

⁶² Section 378.403(13), F.S., defines the term "operator" as any person engaged in an operation.

⁶³ Section 348.403(10), F.S., defines the term "mine" as an area of land upon which mining operations have been conducted, are being conducted, or are planned to be conducted, as the term is commonly used in the trade.

⁶⁴ Section 378.801(1), F.S.

⁶⁵ Section 378.801(2), F.S.

⁶⁶ Section 378.802, F.S.

⁶⁷ Section 378.403(17), F.S., defines the term "resource" as soil, clay, peat, stone, gravel, sand, limerock, metallic ore, or any other solid substance of commercial value found in natural deposits on or in the earth, except phosphate, which is regulated by part III.

⁶⁸ *Supra* notes 65 and 66,

- The operator is in compliance with the performance standards described above, including without limitation, providing proof of currently valid permits required by the FDEP and the appropriate water management district.

The bill mandates that all contracts and purchase orders executed by the FDOT, and all subcontracts and purchase orders executed by contractors or subcontractors after July 1, 2021, must include specific requirements for compliance with the bill's provisions.

If the FDOT determines that substances are being obtained and used from a borrow pit not in compliance with the bill's provisions, the FDOT is required to cease accepting any substances from that pit within 48 hours but is authorized to resume acceptance once the pit has re-established compliance with the bill's provisions.

Section 7 amends s. 378.403, F.S., to define the term "borrow pit," meaning an area of land upon which excavation of surface resources has been conducted, is being conducted, or is planned to be conducted, as the term is commonly used in the mining trade, and is not considered a mine. Such resources are limited to soil, organic soil, sand, or clay that can be removed with construction excavating equipment and loaded on a haul truck with no additional processing.

Section 8 amends s. 378.801, F.S., revising the title to address a notice of intent to extract, rather than to mine. The bill prohibits an operator from beginning the operation of a borrow pit (in addition to the current prohibition against beginning the process of extracting clay, peat, gravel, etc.) at a new *location* (instead of at a new mine) without notifying the FDEP secretary of the intent to *extract* (instead of the intent to mine). The operator's notice of intent to *extract* must consist of the operator's estimated life of the *extraction location* (instead of the estimate life of the mine).

Section 9 amends s. 378.802, F.S., revising the title to address existing extraction locations (rather than existing mines). The bill provides that after January 1, 1989, all operators of existing *locations* for the extraction of the resources described in s. 378.801, F.S., to meet the performance standards in s. 378.803, F.S., for any new surface area disturbed at such *locations*.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill increases hourly compensation for SAB members from \$150 to \$200, and increases the daily maximum compensation from \$1,000 to \$1,500 per member. Both current law and the bill require parties bringing arbitrations to the SAB to pay fees, based on the amount of the dispute, to defray the costs of operating the board. Contractors requesting arbitration through the SAB may experience indeterminate increased costs associated with submitting a claim to the SAB.

To the extent the bill results in contractors believing the new procedural and evidentiary provisions governing SAB proceedings warrant hiring legal counsel, the bill may result in increased costs to contractors in the form of legal representation.

Contractors seeking certificates of qualification may experience indeterminate increased costs associated with the bill's requirements for audited, certified financial statements.

C. Government Sector Impact:

As to the increased SAB compensation, the fees are static. The extent of time for which the fees will adequately cover SAB costs is unknown.

Local governments operating airports may experience a reduction in expenditures due to the exemption from the CEI requirements. Any reduction is dependent on project specifics and is therefore indeterminate.

The bill does not otherwise appear to impact state or local government revenues.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Under the revised SAB provisions, proceedings must be conducted "as provided by court rules." The bill also requires a preliminary hearing not currently required. The FDOT will presumably

continue to require the DRB process, by contract, before a contractor may submit a claim to the SAB. The bill requires SAB hearings to be conducted informally, with the presentation of testimony and evidence kept to a minimum, yet matters are to be presented to the SAB primarily through the statements and arguments of counsel.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 316.2397, 337.025, 337.14, 337.185, 378.403, 378.801, and 378.802.

This bill creates the following sections of the Florida Statutes: 287.05705 and 337.0262.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Transportation on March 24, 2021:

The committee substitute:

- Authorizes construction equipment in a work zone on roadways with a posted speed limit of 55 miles per hour or higher to display a combination of flashing green, amber, and red lights during periods when workers are present.
- Prohibits the FDOT, and its contractors and subcontractors, from purchasing or using specified substances extracted from a borrow pit unless certification is provided by the operator showing the borrow pit is in compliance with certain existing requirements, and provides proof of currently valid permits required by the FDEP and the appropriate water management district.
- Mandates that all contracts and purchase orders executed by the FDOT, and all subcontracts and purchase orders executed by contractors or subcontractors after July 1, 2021, must include specific requirements for compliance with the bill's provisions.
- Requires the FDOT, if it determines substances are being obtained and used from a non-compliant borrow pit, to cease accepting any substances within 48 hours. The FDOT may resume acceptance of substances from the borrow pit once the pit is in compliance.

- B. **Amendments:**

None.



745468

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2021	.	
	.	
	.	
	.	

The Committee on Transportation (Hooper) recommended the following:

Senate Amendment (with directory and title amendments)

Delete lines 61 - 86
and insert:
equipment, except police vehicles, to show or display blue lights. However, vehicles owned, operated, or leased by the Department of Corrections or any county correctional agency may show or display blue lights when responding to emergencies.

(5) Road maintenance and construction equipment and vehicles may display flashing white lights or flashing white



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11 strobe lights when in operation and where a hazard exists.
12 Construction equipment in a work zone on roadways with a posted
13 speed limit of 55 miles per hour or higher may show or display a
14 combination of flashing green, amber, and red lights in
15 conjunction with periods when workers are present. Additionally,
16 school buses and vehicles used to transport farm workers may
17 display flashing white strobe lights.

18 (7) Flashing lights are prohibited on vehicles except:

19 (a) As a means of indicating a right or left turn, to
20 change lanes, or to indicate that the vehicle is lawfully
21 stopped or disabled upon the highway;

22 (b) When a motorist intermittently flashes his or her
23 vehicle's headlamps at an oncoming vehicle notwithstanding the
24 motorist's intent for doing so;

25 (c) During periods of extremely low visibility on roadways
26 with a posted speed limit of 55 miles per hour or higher; and

27 (d)~~(e)~~ For the lamps authorized under subsections (1), (2),
28 (3), (4), and (9), s. 316.2065, or s. 316.235(6) which may
29 flash.

30
31 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

32 And the directory clause is amended as follows:

33 Delete lines 55 - 58

34 and insert:

35 Section 2. Subsections (2), (5), and (7) of section
36 316.2397, Florida Statutes, are amended to read:

37
38 ===== T I T L E A M E N D M E N T =====

39 And the title is amended as follows:



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40 Delete line 8
41 and insert:
42 authorizing vehicles and equipment to show or display
43 flashing



296808

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2021	.	
	.	
	.	
	.	

The Committee on Transportation (Hooper) recommended the following:

Senate Amendment (with title amendment)

Between lines 122 and 123

insert:

Section 4. Section 337.0262, Florida Statutes, is created to read:

337.0262 Purchase and use of clay, peat, gravel, sand, or any other solid substance extracted from borrow pits.-

(1) The department, and any contractor or subcontractor of the department, may not purchase or use any clay, peat, gravel,



296808

11 sand, or other solid substance extracted from a borrow pit as
12 defined in s. 378.403 unless:

13 (a) Certification is provided to the department,
14 contractor, or subcontractor by the operator of the borrow pit
15 that it is in compliance with the notice requirements and
16 substantive requirements of s. 378.801; and

17 (b) The operator of the borrow pit is in compliance with
18 the performance standards in s. 378.803, including, but not
19 limited to, providing proof of currently valid permits required
20 by the Department of Environmental Protection and the
21 appropriate water management district.

22 (2) All contracts and purchase orders executed by the
23 department, and all subcontracts and purchase orders executed by
24 contractors or subcontractors after July 1, 2021, must include
25 specific requirements for compliance with this section.

26 (3) In the event that the department determines that
27 substances are being obtained and used from a borrow pit that is
28 not in compliance with this section, the department must cease
29 to accept any substances from that borrow pit within 48 hours
30 after such determination. The department may resume acceptance
31 of substances from the borrow pit once the borrow pit is in
32 compliance with this section.

33
34 ===== T I T L E A M E N D M E N T =====

35 And the title is amended as follows:

36 Between lines 11 and 12

37 insert:

38 creating s. 337.0262, F.S.; prohibiting the Department
39 of Transportation and contractors and subcontractors



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40 of the department from purchasing specified substances
41 from a borrow pit unless specified conditions are
42 satisfied; requiring certain contracts, subcontracts,
43 and purchase orders to require compliance with the
44 prohibition; requiring the department to cease
45 acceptance of substances from a borrow pit under
46 certain conditions; authorizing the department to
47 resume acceptance of such substances under certain
48 conditions;

By Senator Hooper

16-00746B-21

20211194__

1 A bill to be entitled
 2 An act relating to transportation; creating s.
 3 287.05705, F.S.; providing that certain governmental
 4 entities may not prohibit certain vendors from
 5 responding to competitive solicitations of certain
 6 contractual services; providing applicability;
 7 amending s. 316.2397, F.S.; revising provisions
 8 authorizing vehicles to show or display flashing
 9 lights; amending s. 337.025, F.S.; revising the type
 10 of transportation project contracts that are subject
 11 to an annual cap; revising application of such cap;
 12 amending s. 337.14, F.S.; requiring contractors
 13 wishing to bid on certain contracts to first be
 14 certified by the Department of Transportation as
 15 qualified; revising requirements for applying for and
 16 issuing a certificate of qualification; providing
 17 construction with respect to submission and approval
 18 of an application for such certificate; exempting
 19 airports from certain restrictions regarding entities
 20 performing engineering and inspection services;
 21 amending s. 337.185, F.S.; revising and providing
 22 definitions; revising requirements for arbitration of
 23 certain contracts by the State Arbitration Board;
 24 revising requirements regarding arbitration requests,
 25 hearings, procedures, and awards; revising membership
 26 and meeting requirements; revising compensation of
 27 board members; amending s. 378.403, F.S.; defining the
 28 term "borrow pit"; amending s. 378.801, F.S.;
 29 prohibiting operation of a borrow pit at a new

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

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30 location without notifying the Secretary of
 31 Environmental Protection of the intent to extract;
 32 conforming provisions to changes made by the act;
 33 amending s. 378.802, F.S.; revising application of
 34 provisions to exclude existing locations; providing an
 35 effective date.
 36
 37 Be It Enacted by the Legislature of the State of Florida:
 38
 39 Section 1. Section 287.05705, Florida Statutes, is created
 40 to read:
 41 287.05705 Procurements of road, bridge, and other specified
 42 public construction services.-
 43 (1) With respect to competitive solicitations for the
 44 procurement of contractual services that are limited to the
 45 classes of work for which the Department of Transportation
 46 issues certificates of qualification pursuant to s. 337.14, and
 47 which services do not involve the construction, remodeling,
 48 repair, or improvement of any building, a governmental entity
 49 procuring such services may not prohibit a response from a
 50 vendor possessing a valid certificate of qualification under s.
 51 337.14 or license under chapter 489 corresponding to the
 52 contractual services being procured.
 53 (2) This section applies to all competitive solicitations
 54 issued by a governmental entity on or after October 1, 2021.
 55 Section 2. Present subsection (10) of section 316.2397,
 56 Florida Statutes, is redesignated as subsection (12), new
 57 subsections (10) and (11) are added to that section, and
 58 subsections (2) and (7) of that section are amended, to read:

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

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59 316.2397 Certain lights prohibited; exceptions.-
 60 (2) It is expressly prohibited for any vehicle or
 61 equipment, except police vehicles and vehicles and equipment
 62 specified in subsections (10) and (11), to show or display blue
 63 lights. However, vehicles owned, operated, or leased by the
 64 Department of Corrections or any county correctional agency may
 65 show or display blue lights when responding to emergencies.
 66 (7) Flashing lights are prohibited on vehicles except:
 67 (a) As a means of indicating a right or left turn, to
 68 change lanes, or to indicate that the vehicle is lawfully
 69 stopped or disabled upon the highway;
 70 (b) When a motorist intermittently flashes his or her
 71 vehicle's headlamps at an oncoming vehicle notwithstanding the
 72 motorist's intent for doing so;
 73 (c) During periods of extremely low visibility on roadways
 74 with a posted speed limit of 55 miles per hour or higher; and
 75 (d) (e) For the lamps authorized under subsections (1), (2),
 76 (3), (4), and (9), s. 316.2065, or s. 316.235(6) which may
 77 flash.
 78 (10) Construction vehicles within a work zone on roadways
 79 with a posted speed limit of 55 miles per hour or higher may
 80 show or display flashing blue lights while performing paving
 81 operations or where a hazard exists.
 82 (11) Under the direction of a law enforcement officer,
 83 portable radar speed display units in advance of a work zone on
 84 roadways with a posted speed limit of 55 miles per hour or
 85 higher may show or display flashing red and blue lights when
 86 workers are present.
 87 Section 3. Section 337.025, Florida Statutes, is amended to

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20211194__

88 read:
 89 337.025 Innovative transportation projects; department to
 90 establish program.-
 91 (1) The department may establish a program for
 92 transportation projects demonstrating innovative techniques of
 93 highway and bridge design, construction, maintenance, and
 94 finance which have the intended effect of measuring resiliency
 95 and structural integrity and controlling time and cost increases
 96 on construction projects. Such techniques may include, but are
 97 not limited to, state-of-the-art technology for pavement,
 98 safety, and other aspects of highway and bridge design,
 99 construction, and maintenance; innovative bidding and financing
 100 techniques; accelerated construction procedures; and those
 101 techniques that have the potential to reduce project life cycle
 102 costs. To the maximum extent practical, the department must use
 103 the existing process to award and administer construction and
 104 maintenance contracts. When specific innovative techniques are
 105 to be used, the department is not required to adhere to those
 106 provisions of law that would prevent, preclude, or in any way
 107 prohibit the department from using the innovative technique.
 108 However, before using an innovative technique that is
 109 inconsistent with another provision of law, the department must
 110 document in writing the need for the exception and identify what
 111 benefits the traveling public and the affected community are
 112 anticipated to receive. The department may enter into no more
 113 than \$120 million in contracts awarded annually for the purposes
 114 authorized by this section.
 115 (2) The annual cap on contracts provided in subsection (1)
 116 does shall not apply to:

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117 (a) Turnpike enterprise projects, ~~and turnpike enterprise~~
 118 ~~projects shall not be counted toward the department's annual~~
 119 ~~cap.~~

120 (b) Low-bid design-build milling and resurfacing contracts
 121 ~~Transportation projects funded by the American Recovery and~~
 122 ~~Reinvestment Act of 2009.~~

123 Section 4. Subsections (1), (4), and (7) of section 337.14,
 124 Florida Statutes, are amended to read:

125 337.14 Application for qualification; certificate of
 126 qualification; restrictions; request for hearing.-

127 (1) Any contractor desiring to bid for the performance of
 128 any construction contract in excess of \$250,000 which the
 129 department proposes to let must first be certified by the
 130 department as qualified pursuant to this section and rules of
 131 the department. The rules of the department must address the
 132 qualification of contractors to bid on construction contracts in
 133 excess of \$250,000 and must include requirements with respect to
 134 the equipment, past record, experience, financial resources, and
 135 organizational personnel of the applying contractor which are
 136 necessary to perform the specific class of work for which the
 137 contractor seeks certification. Any contractor who desires to
 138 bid on contracts in excess of \$50 million and who is not
 139 qualified and in good standing with the department as of January
 140 1, 2019, must first be certified by the department as qualified
 141 ~~and desires to bid on contracts in excess of \$50 million~~ must
 142 have satisfactorily completed two projects, each in excess of
 143 \$15 million, for the department or for any other state
 144 department of transportation. The department may limit the
 145 dollar amount of any contract upon which a contractor is

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146 qualified to bid or the aggregate total dollar volume of
 147 contracts such contractor is allowed to have under contract at
 148 any one time. Each applying contractor seeking qualification to
 149 bid on construction contracts in excess of \$250,000 shall
 150 furnish the department a statement under oath, on such forms as
 151 the department may prescribe, setting forth detailed information
 152 as required on the application. Each application for
 153 certification must be accompanied by audited, certified
 154 financial statements prepared in accordance with generally
 155 accepted accounting principles and auditing standards by a
 156 certified public accountant licensed in this state or another
 157 state. The audited, certified financial statements must be for
 158 the applying contractor and must have been prepared the latest
 159 annual financial statement of the applying contractor completed
 160 within the immediately preceding last 12 months. The department
 161 may not consider any financial information of the parent entity
 162 of the applying contractor, if any. The department may not
 163 certify as qualified any applying contractor who fails to submit
 164 the audited, certified financial statements required by this
 165 subsection. If the application or the annual financial statement
 166 shows the financial condition of the applying contractor more
 167 than 4 months ~~before prior to~~ the date on which the application
 168 is received by the department, the applicant must also submit an
 169 interim audited, certified financial statements prepared in
 170 accordance with generally accepted accounting principles and
 171 auditing standards by a certified public accountant licensed in
 172 this state or another state statement and an updated application
 173 ~~must be submitted.~~ The interim financial statements statement
 174 must cover the period from the end date of the annual statement

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175 and must show the financial condition of the applying contractor
 176 no more than 4 months ~~before~~ prior to the date that the interim
 177 financial ~~statements are~~ statement is received by the
 178 department. However, upon the request of the applying
 179 contractor, an application and accompanying annual or interim
 180 financial statement received by the department within 15 days
 181 after either 4-month period under this subsection shall be
 182 considered timely. ~~Each required annual or interim financial~~
 183 ~~statement must be audited and accompanied by the opinion of a~~
 184 ~~certified public accountant.~~ An applying contractor desiring to
 185 bid exclusively for the performance of construction contracts
 186 with proposed budget estimates of less than \$1 million may
 187 submit reviewed annual or reviewed interim financial statements
 188 prepared by a certified public accountant. The information
 189 required by this subsection is confidential and exempt from s.
 190 119.07(1). The department shall act upon the application for
 191 qualification within 30 days after the department determines
 192 that the application is complete. The department may waive the
 193 requirements of this subsection for projects having a contract
 194 price of \$500,000 or less if the department determines that the
 195 project is of a noncritical nature and the waiver will not
 196 endanger public health, safety, or property.

197 (4) If the applicant is found to possess the prescribed
 198 qualifications, the department shall issue to him or her a
 199 certificate of qualification that, unless thereafter revoked by
 200 the department for good cause, will be valid for a period of 18
 201 months after the date of the applicant's financial statement or
 202 such shorter period as the department prescribes. Submission of
 203 an application and subsequent approval do ~~shall~~ not affect

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204 expiration of the certificate of qualification, the ability
 205 factor of the applicant, or the maximum capacity rating of the
 206 applicant. If the department finds that an application is
 207 incomplete or contains inadequate information or information
 208 that cannot be verified, the department may request in writing
 209 that the applicant provide the necessary information to complete
 210 the application or provide the source from which any information
 211 in the application may be verified. If the applicant fails to
 212 comply with the initial written request within a reasonable
 213 period of time as specified therein, the department shall
 214 request the information a second time. If the applicant fails to
 215 comply with the second request within a reasonable period of
 216 time as specified therein, the application shall be denied.

217 (7) A "contractor" as defined in s. 337.165(1)(d) or his or
 218 her "affiliate" as defined in s. 337.165(1)(a) qualified with
 219 the department under this section may not also qualify under s.
 220 287.055 or s. 337.105 to provide testing services, construction,
 221 engineering, and inspection services to the department. This
 222 limitation does not apply to any design-build prequalification
 223 under s. 337.11(7) and does not apply when the department
 224 otherwise determines by written order entered at least 30 days
 225 before advertisement that the limitation is not in the best
 226 interests of the public with respect to a particular contract
 227 for testing services, construction, engineering, and inspection
 228 services. This subsection does not authorize a contractor to
 229 provide testing services, or provide construction, engineering,
 230 and inspection services, to the department in connection with a
 231 construction contract under which the contractor is performing
 232 any work. Notwithstanding any other provision of law to the

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233 contrary, for a project that is wholly or partially funded by
 234 the department and administered by a local governmental entity,
 235 except for a seaport listed in s. 311.09 or an airport as
 236 defined in s. 332.004, the entity performing design and
 237 construction engineering and inspection services may not be the
 238 same entity.

239 Section 5. Section 337.185, Florida Statutes, is amended to
 240 read:

241 (Substantial rewording of section. See
 242 s. 337.185, F.S., for present text.)

243 337.185 State Arbitration Board.-

244 (1) To facilitate the prompt resolution of claims arising
 245 out of or in connection with a construction or maintenance
 246 contract with the department, the Legislature establishes the
 247 State Arbitration Board, referred to in this section as the
 248 "board."

249 (2) As used in this section, the term:

250 (a) "Claim" means the aggregate of all outstanding written
 251 requests for additional monetary compensation, time, or other
 252 adjustments to the contract, the entitlement or impact of which
 253 is disputed by the department and could not be resolved by
 254 negotiation between the department and the contractor.

255 (b) "Contractor" means a person or firm having a contract
 256 for rendering services to the department relating to the
 257 construction or maintenance of a transportation facility.

258 (c) "Final acceptance" means that the contractor has
 259 completely performed the work provided for under the contract,
 260 the department or its agent has determined that the contractor
 261 has satisfactorily completed the work provided for under the

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262 contract, and the department or its agent has submitted written
 263 notice of final acceptance to the contractor.

264 (3) Every claim in an amount of up to \$250,000 per contract
 265 that could not be resolved by negotiation between the department
 266 and the contractor must be arbitrated by the board. An award
 267 issued by the board pursuant to this section is final and
 268 enforceable by a court of law.

269 (4) The contractor may submit a claim greater than \$250,000
 270 up to \$1 million per contract or, upon agreement of the parties,
 271 up to \$2 million per contract to be arbitrated by the board. An
 272 award issued by the board pursuant to this subsection is final
 273 if a request for a trial de novo is not filed within the time
 274 provided by Rule 1.830, Florida Rules of Civil Procedure. At the
 275 trial de novo, the court may not admit evidence that there has
 276 been an arbitration proceeding, the nature or amount of the
 277 award, or any other matter concerning the conduct of the
 278 arbitration proceeding, except that testimony given at an
 279 arbitration hearing may be used for any purpose otherwise
 280 permitted by the Florida Evidence Code. If a request for trial
 281 de novo is not filed within the time provided, the award issued
 282 by the board is final and enforceable by a court of law.

283 (5) An arbitration request may not be made to the board
 284 before final acceptance but must be made to the board within 820
 285 days after final acceptance.

286 (6) The board shall schedule a hearing within 45 days after
 287 an arbitration request and, if possible, shall conduct the
 288 hearing within 90 days after the request. The board may
 289 administer oaths and conduct the proceedings as provided by the
 290 rules of the court. The hearing shall be conducted informally.

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291 Presentation of testimony and evidence shall be kept to a
 292 minimum, and matters shall be presented to the arbitrators
 293 primarily through the statements and arguments of counsel. The
 294 board shall address the scope of discovery, presentation of
 295 testimony, and evidence at a preliminary hearing by considering
 296 the size, subject matter, and complexity of the dispute. Any
 297 party to the arbitration may petition the board, for good cause
 298 shown, to issue subpoenas for the attendance of witnesses and
 299 the production of books, records, documents, and other evidence
 300 at the arbitration and may petition the board for orders
 301 compelling such attendance and production at the arbitration.
 302 Subpoenas shall be served and are enforceable in the manner
 303 provided by law.

304 (7) The board must issue an award within 45 days after the
 305 conclusion of the arbitration hearing. If all three members of
 306 the board do not agree, the award agreed to by the majority
 307 shall constitute the award of the board.

308 (8) The board shall be composed of three members. The first
 309 member shall be appointed by the Secretary of Transportation,
 310 and the second member shall be elected by those construction or
 311 maintenance companies that are under contract with the
 312 department. The third member shall be chosen by agreement of the
 313 first and second members. If the first or second member has a
 314 conflict of interest regarding affiliation with one of the
 315 parties to an arbitration hearing, the appointing entity shall
 316 appoint an alternate member for that hearing. If the third
 317 member has such a conflict of interest, the first and second
 318 members shall select an alternate member. Each member shall
 319 serve a 4-year term. The board shall elect a chair for each

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320 term, who shall be the administrator of the board and custodian
 321 of its records.

322 (9) The presence of all board members is required to
 323 conduct a meeting in person or via videoconferencing.

324 (10) The members of the board shall receive compensation
 325 for the performance of their duties from deposits made by the
 326 parties based on an estimate of compensation by the board,
 327 except that an employee of the department may not receive
 328 compensation from the board. All deposits will be held in escrow
 329 by the chair in advance of the hearing. Each member eligible for
 330 compensation shall be compensated at \$200 per hour, up to a
 331 maximum of \$1,500 per day. A member shall be reimbursed for the
 332 actual cost of his or her travel expenses. The board may
 333 allocate funds annually for clerical and other administrative
 334 services.

335 (11) To cover the cost of administration and initial
 336 compensation of the board, the party requesting arbitration
 337 shall pay a filing fee to the board, according to a schedule
 338 established by the board, of:

339 (a) Up to \$500 for a claim that is \$25,000 or less.

340 (b) Up to \$1,000 for a claim that is more than \$25,000 but
 341 is \$50,000 or less.

342 (c) Up to \$1,500 for a claim that is more than \$50,000 but
 343 is \$100,000 or less.

344 (d) Up to \$2,000 for a claim that is more than \$100,000 but
 345 is \$200,000 or less.

346 (e) Up to \$3,000 for a claim that is more than \$200,000 but
 347 is \$300,000 or less.

348 (f) Up to \$4,000 for a claim that is more than \$300,000 but

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349 is \$400,000 or less.

350 (g) Up to \$5,000 for a claim that is more than \$400,000.

351
352 The board may apportion the filing fees and the cost of
353 recording and preparing a transcript of the hearing among the
354 parties in its award.

355 Section 6. Present subsections (3) through (19) of section
356 378.403, Florida Statutes, are redesignated as subsections (4)
357 through (20), respectively, and a new subsection (3) is added to
358 that section, to read:

359 378.403 Definitions.—As used in this part, the term:

360 (3) "Borrow pit" means an area of land upon which
361 excavation of surface resources has been conducted, is being
362 conducted, or is planned to be conducted, as the term is
363 commonly used in the mining trade, and is not considered a mine.
364 Such resources are limited to soil, organic soil, sand, or clay
365 that can be removed with construction excavating equipment and
366 loaded on a haul truck with no additional processing.

367 Section 7. Section 378.801, Florida Statutes, is amended to
368 read:

369 378.801 Other resources; notice of intent to extract mine
370 required.—

371 (1) An ~~Ne~~ operator may not begin the operation of a borrow
372 pit, or the process of extracting clay, peat, gravel, sand, or
373 any other solid substance of commercial value found in natural
374 deposits or in the earth, except fuller's earth clay, heavy
375 minerals, limestone, or phosphate, which are regulated elsewhere
376 in this chapter, at a new location mine without notifying the
377 secretary of the intention to extract mine.

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378 (2) The operator's notice of intent to extract mine shall
379 consist of the operator's estimated life of the extraction
380 location mine and the operator's signed acknowledgment of the
381 performance standards provided by s. 378.803.

382 Section 8. Section 378.802, Florida Statutes, is amended to
383 read:

384 378.802 Existing extraction locations mines.—After January
385 1, 1989, all operators of existing locations mines for the
386 extraction of resources as described in s. 378.801 shall meet
387 the performance standards provided by s. 378.803 for any new
388 surface area disturbed at such locations mines.

389 Section 9. This act shall take effect July 1, 2021.

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THE FLORIDA SENATE

APPEARANCE RECORD

March 24, 2021

Meeting Date

1194

Bill Number (if applicable)

745468

Amendment Barcode (if applicable)

Topic Emergency lights on non-emergency vehicles

Name Jennifer Cook Pritt

Job Title Deputy Executive Director

Address PO Box 14038

Street

Tallahassee

City

FL

State

32317

Zip

Phone 8502193631

Email jpritt@fpca.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing The Florida Police Chiefs Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

3/24/2021

Meeting Date

SB 1194

Bill Number (if applicable)

296808

Amendment Barcode (if applicable)

Topic Tranportation (supporting amendment 296808)

Name Beth Alvi

Job Title Director of Policy

Address 208 N. Monroe

Street

Tallahassee

City

State

Zip

Phone 850-9991028

Email beth.alvi@Audubon.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Audubon Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/24/21

Meeting Date

SB 1194

Bill Number (if applicable)

Topic TRANSPORTATION

Amendment Barcode (if applicable)

Name MARK MUSSELMAN

Job Title PRESIDENT

Address 1007 DESOTO PARK DR

Phone 850-445-6981

Street

Email mmusselman@acaf.org

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing ASPHALT CONTRACTORS ASSOCIATION OF FLORIDA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 1412

INTRODUCER: Senator Perry

SUBJECT: Traffic and Pedestrian Safety

DATE: March 24, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Vickers	TR	Favorable
2.			ATD	
3.			AP	

I. Summary:

SB 1412 seeks to address vehicular and pedestrian safety with respect to pedestrian crosswalks located at any point other than at an intersection with another public highway, street, or road, which are referred to as midblock crosswalks. The bill requires, before installation of a midblock crosswalk on a public highway, street, or road after October 1, 2021, a traffic engineering study to be conducted by a Florida licensed professional engineer which recommends the installation.

Notwithstanding any other law, the bill requires a midblock crosswalk:

- On a public roadway that has a posted speed limit of 30 miles per hour (mph) or more to conform to certain national standards and applicable Florida Department of Transportation (FDOT) standards, and to include a pedestrian-facing sign containing language stating duties applicable to a pedestrian; and
- On a public roadway posted at 29 mph or less, to include a pedestrian-facing sign containing language stating duties applicable to a pedestrian.

By October 1, 2022, the bill requires the FDOT to submit to the federal government a request for authorization to allow certain traffic control devices at midblock crosswalks that use yellow indications to be replaced by red indications. If the request is granted, the state, county, or municipality with jurisdiction, as appropriate, must replace all such traffic control devices having yellow indications with traffic control devices that use red indications, within 12 months after the date of federal authorization. If the request is denied, the jurisdictional entity must remove all such traffic control devices from each midblock crosswalk described in the bill by October 1, 2025.

By October 1, 2024, the entity with jurisdiction over a public roadway with a midblock crosswalk that is in existence on October 1, 2021, must ensure that the crosswalk is controlled by coordinated traffic control signal devices and pedestrian control signals as required under the bill. Alternatively, the entity with jurisdiction may remove any such existing crosswalk.

The bill also provides a finding that the act fulfills an important state interest.

The bill will likely have a significant negative fiscal impact to state and local governments. See “Fiscal Impact Statement” for details.

The bill takes effect October 1, 2021.

II. Present Situation:

The MUTCD and FDOT Specifications

Traffic control signal devices provide for the control of vehicular and pedestrian traffic. They assign the right-of-way to various traffic movements and influence pedestrian and vehicle traffic flow. When properly designed such devices provide for the orderly movement of traffic, increase the traffic capacity of an intersection, reduce the frequency and severity of crashes, provide for predictable movement of traffic and pedestrians, and interrupt heavy traffic at intervals to permit vehicles and pedestrians to cross safely.¹

The MUTCD “is a compilation of national standards for all traffic control devices, including road markings, highway signs, and traffic signals.”² States are currently required to adopt the 2009 edition of the MUTCD (which includes revisions and interim approvals) as the legal state standard for traffic control devices.³ Florida law requires the FDOT to adopt the MUTCD as the uniform system of traffic control devices for use on the streets and highways of this state.⁴ The FDOT has additional specifications that apply to given roadway markings, highway signs, and traffic signals and that are recognized by the Federal Highway Administration.⁵

The MUTCD provides transportation engineers with information necessary to make appropriate decisions regarding the use of all traffic control devices. There are both provisions that are mandatory and provisions that require the use of engineering judgment. Part 4 of the MUTCD addresses highway traffic signals and recites a basic tenant found throughout the MUTCD: “The selection and use of traffic control signals should be based on an engineering study of roadway, traffic, and other conditions.” Further, “[e]ngineering judgment should be applied in the review of operating traffic control signals to determine whether the type of installation and the timing program meet the current requirements of all forms of traffic.”⁶

Midblock Crosswalks

Crosswalks at any location other than at an intersection are referred to as “midblock” crosswalks, crossings, or locations in the MUTCD (and in this analysis). The design treatment of traffic

¹ See Federal Highway Administration (FHWA), *Manual on Uniform Traffic Control Devices for Streets and Highways*, Section 4B.03, available at <https://mutcd.fhwa.dot.gov/pdfs/2009r1r2/part4.pdf> (last visited March 20, 2021).

² *Id.*, under *Current Edition*, available at <https://mutcd.fhwa.dot.gov/index.htm> (last visited March 20, 2021).

³ *Id.*

⁴ Section 316.0745, F.S.

⁵ See FHWA, *MUTCDs & Traffic Control Devices Information by State, Florida*, available at https://mutcd.fhwa.dot.gov/resources/state_info/florida/fl.htm (last visited March 20, 2021).

⁶ *Supra* note 1 at Section 4B.02 available at <https://mutcd.fhwa.dot.gov/pdfs/2009r1r2/part4.pdf> (last visited March 20, 2021).

control and pedestrian signals takes various forms and can range, for example, from a flashing yellow pedestrian crossing signal to use of full (red, yellow, and green displays) traffic control signals.

The MUTCD contains a number of provisions relating to installing traffic control signals at midblock crosswalks. For example, these provisions direct the entity with jurisdiction over the crosswalk to consider detailed criteria related to:

- The distances to the nearest traffic control signal, side streets, and highways;⁷ and
- The number of vehicles using and the number of pedestrians crossing the street per hour.⁸

The MUTCD contains other applicable provisions. However, the focus of the MUTCD is that installation of a traffic control signal at any location, including midblock locations, must be based on an engineering study of traffic conditions, pedestrian characteristics, and physical characteristics of the particular location. The same focus is present in the MUTCD with respect to related pedestrian signals at any location, including midblock locations. “The design and operation of traffic control signals shall take into consideration the needs of pedestrians as well as vehicular traffic.”⁹

Rectangular Rapid-Flashing Beacons (RRFBs)

The FDOT advises, on the State Highway System (SHS), midblock crosswalks are either controlled (pedestrian traffic signal or pedestrian hybrid beacon) or uncontrolled traffic control devices such as pedestrian-activated flashing beacons, rectangular rapid flashing beacons (RRFBs), in-roadway lights, in-street signs, pedestrian warning signs, and/or pedestrian crosswalk markings only.¹⁰ Concerns have been raised about RRFBs at midblock crosswalks which are activated by a pedestrian wishing to cross a roadway but which do not use red indications to warn approaching vehicular traffic of pedestrian presence and to come to a stop.¹¹

In contrast to pedestrian hybrid beacons¹² that use red indications, an RRFB is “a traffic control device consisting of two rapidly and alternately flashing rectangular *yellow* indications having

⁷ Section 4D.01 of Chapter 4D of Part 4 of the MUTCD at p. 449, available at <https://mutcd.fhwa.dot.gov/pdfs/2009r1r2/part4.pdf> (last visited March 21, 2021).

⁸ Section 4C.05 of Chapter 4C of Part 4 of the MUTCD at p. 442, available at <https://mutcd.fhwa.dot.gov/pdfs/2009r1r2/part4.pdf> (last visited March 21, 2021).

⁹ Section 4D.03 of Chapter 4D of Part 4 of the MUTCD at p. 450, available at <https://mutcd.fhwa.dot.gov/pdfs/2009r1r2/part4.pdf> (last visited March 21, 2021).

¹⁰ See the FDOT Updated 2021 Analysis of similar HB 1113 at p. 3 (on file in the Senate Transportation Committee).

¹¹ *Infra* note 27.

¹² A pedestrian hybrid beacon is a special type of hybrid beacon used to warn and control traffic at an unsignalized location to assist pedestrians in crossing a street or highway at a marked crosswalk. A pedestrian hybrid beacon may be considered for installation to facilitate pedestrian crossings at a location that does not meet traffic signal warrants, or at a location that meets traffic signal warrants but a decision is made to not install a traffic control signal. If used, pedestrian hybrid beacons must be used in conjunction with signs and pavement markings to warn and control traffic at locations where pedestrians enter or cross a street or highway. A pedestrian hybrid beacon may only be installed at a marked crosswalk. MUTCD at p. 549 available at <https://mutcd.fhwa.dot.gov/pdfs/2009r1r2/mutcd2009r1r2edition.pdf>. See also Figure 4F-3, showing a graphic of the sequence of a pedestrian hybrid beacon, which uses both yellow and red indications, providing yellow indications upon pedestrian activation to warn approaching traffic and then red indications to warn traffic to stop.

LED array-based pulsing light sources that function as a warning beacon.”¹³ The FHWA has granted the FDOT interim approval¹⁴ for optional use of certain pedestrian-activated RRFBs at uncontrolled marked crosswalks, including midblock crosswalks,¹⁵ to supplement standard pedestrian and school crossing warning signs, but under specifically detailed conditions.¹⁶ Most relevantly, each RRFB unit must consist of two rapidly flashing rectangular-shaped *yellow* indications with an LED-array-based light source, designed, located, and operated in accordance with additional detailed requirements.¹⁷

The FHWA granted its approval based in part on a conclusion that “the RRFB offers significant potential safety and cost benefits because it achieves high rates of compliance at a low relative cost in comparison to other more restrictive devices that provide comparable results, such as full midblock signalization or pedestrian hybrid beacons.”

The FDOT advises that research and safety studies reflect beneficial results from use of RRFBs (and other uncontrolled traffic control devices) in midblock crosswalks and cites a current survey indicating that of 28 states responding, all allow the use of RRFBs at midblock crosswalks.¹⁸

Pedestrian and Driver Duties

In general, pedestrians are required by law to obey traffic control signal devices and pedestrian control signals.¹⁹ If sidewalks are provided and no impediment exists to the pedestrian’s use of it, a pedestrian is barred from walking on a roadway that is paved for vehicular traffic.²⁰ Otherwise, when practicable, pedestrians must walk only on the shoulder on the left side of the roadway in relation to the pedestrian’s direction of travel, facing traffic that may approach from the opposite direction.²¹ A pedestrian may not suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.²² Between intersections at which traffic control signals are in place, a pedestrian may not cross a roadway at any place except at a marked crosswalk.²³ A pedestrian crossing a roadway at any point other than within a marked crosswalk must yield to vehicles.²⁴

¹³ FDOT, *Traffic Engineering Manual, Treatments for Pedestrian Crosswalks at Midblock and Unsignalized Intersections*, Section 5.2 at 5.2.3, available at [traffic-engineering-manual.pdf \(windows.net\)](https://www.fdot.state.fl.us/traffic-engineering-manual.pdf) (last visited March 20, 2021).

¹⁴ Interim approval is necessary because, “The RRFB does not meet the current standards for flashing warning beacons as contained in the [] MUTCD, Chapter 4L, which requires a warning beacon to be circular in shape and either 8 or 12 inches in diameter, to flash at a rate of approximately once per second, and to be located no less than 12 inches outside the nearest edge of the warning sign it supplements. The RRFB uses rectangular-shaped high-intensity light-emitting-diode (LED)-based indications, flashes rapidly in a combination wig-wag and simultaneous flash pattern, and may be mounted immediately adjacent to the crossing sign.” *Infra* note 16.

¹⁵ Any portion of a roadway at an intersection *or elsewhere* distinctly indicated for pedestrian crossing by lines or other markings on the surface. Section 316.003(16)(b), F.S.

¹⁶ See *Interim Approval 21 – Rectangular Rapid-Flashing Beacons at Crosswalks*, available at https://mutcd.fhwa.dot.gov/resources/interim_approval/ia21/index.htm (last visited March 20, 2021).

¹⁷ *Id.*

¹⁸ *Supra* note 10.

¹⁹ Section 316.130(1) and (2), F.S.

²⁰ Section 316.130(3), F.S.

²¹ Section 316.130(4), F.S.

²² Section 316.130(8), F.S.

²³ Section 316.130(11), F.S.

²⁴ Section 316.130(10), F.S.

A driver of a vehicle must stop for a pedestrian who is walking in the crosswalk when either a traffic control signal or a signage indicates the driver to stop.²⁵ In the absence of a signal or signage, a driver must yield to a pedestrian who is on the half of the roadway on which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.²⁶ Every driver must exercise due care to avoid colliding with any pedestrian.²⁷

III. Effect of Proposed Changes:

Section 1 cites the act as the “Sophia Nelson Pedestrian Safety Act.”

In December of 2019, 12-year-old Sophia Nelson was struck and killed by a vehicle while attempting to cross State Road A1A near Ellwood Avenue in Satellite Beach, using a midblock crosswalk. No criminal charges were brought against the driver due to a lack of any evidence that the driver was operating the vehicle in a dangerous or reckless manner. Sophia is survived by her parents, Mark and Jill Nelson, who have supported legislation relating to mid-block crosswalks to reduce driver confusion and increase pedestrian safety.²⁸

Section 2 creates s. 316.0756, F.S., requiring, before installation of a midblock crosswalk on a public highway, street, or road after October 1, 2021, a traffic engineering study to be conducted by a Florida licensed professional engineer which recommends the installation. Notwithstanding any other law, the bill requires:

- A midblock crosswalk on a public highway, street, or road that has a posted speed limit of 30 miles per hour (mph) or more to conform to the requirements of chapters 4D and 4E of the most recent MUTCD and other applicable FDOT standards, manuals, and specifications and must include a pedestrian-facing sign containing language stating duties applicable to a pedestrian, as provided in chapter 316, F.S.
- A midblock crosswalk on a public highway, street, or road posted at 29 mph or less to include a pedestrian-facing sign containing language stating duties applicable to a pedestrian, as provided chapter 316, F.S.

Additionally, the bill requires traffic control signal devices and pedestrian control signals at midblock crosswalks posted at 30 mph or more to be coordinated with traffic control signal devices at intersections adjacent to the crosswalk, and such traffic control signal devices at intersections adjacent to the crosswalk must be taken into consideration as provided in the most recent MUTCD and other applicable FDOT specifications.

By October 1, 2022, the bill requires the FDOT to submit to the federal government a request for authorization to allow yellow RRFB traffic control devices to be replaced by red RRFB traffic control devices. If the request is granted, the jurisdictional entity must replace all yellow RRFB traffic control devices at each midblock crosswalk described in the bill with red RRFB traffic

²⁵ Section 316.130(7), F.S.

²⁶ *Id.*

²⁷ Section 316.130(15), F.S.

²⁸ See Florida Today, *Sophia Nelson’s family forgives driver in fatal A1A crosswalk crash in Satellite Beach*, available at [Sophia Nelson’s family forgives driver in fatal A1A crosswalk crash in Satellite Beach \(floridatoday.com\)](https://www.floridatoday.com/story/news/local/2021/03/21/sophia-nelson-family-forgives-driver-in-fatal-a1a-crosswalk-crash-in-satellite-beach/7048110002) (last visited March 21, 2021).

control devices, within 12 months after the date of federal authorization. If the request is denied, the jurisdictional entity must remove all yellow RRFB traffic control devices from each midblock crosswalk described in the bill by October 1, 2025.

By October 1, 2024, the entity with jurisdiction over a public highway, street, or road with a midblock crosswalk that is in existence on October 1, 2021, shall ensure that the crosswalk is controlled by coordinated traffic control signal devices and pedestrian control signals as required under the bill. Alternatively, the entity with jurisdiction may remove any such existing crosswalk.

According to the FDOT, both controlled and uncontrolled midblock crosswalks on the SHS are “typically justified and installed as a result of a signed and sealed traffic engineering or safety study.” To meet the requirements of the MUTCD and the FDOT’s standards, a minimum of 133 pedestrians in the peak hour must be present to justify a fully signalized midblock crosswalk. “This requirement typically would not be met for the majority of existing uncontrolled [midblock crosswalks], and therefore the [midblock crosswalks] would be removed from the roadway.”²⁹

Further, “The Department’s efforts would be limited to sites on the [SHS]. Since the Department has very few, if any [midblock crosswalks] on State Roads less than 30 mph, the proposed bill would require removal or retrofit of most, if not all, [midblock crosswalks] on State Roads.”³⁰

Section 3 includes a Legislative finding and declaration that the act fulfills an important state interest.

The bill takes effect October 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, s. 18(a) of the Florida Constitution provides that no county or municipality shall be bound by any general law requiring such county or municipality to spend funds or to take an action requiring the expenditure of funds unless the Legislature has determined that such law fulfills an important state interest and unless, among other exceptions, the expenditure is required to comply with a law that applies to all persons similarly situated, including the state and local governments. The bill applies to both state and local governments and includes a legislative determination that it fulfills an important state interest as required by the Florida Constitution.

B. Public Records/Open Meetings Issues:

None.

²⁹ *Supra* note 10 at p. 6.

³⁰ *Id.*

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Unknown.

C. Government Sector Impact:

The number, and the design and treatment, of midblock crosswalks on local roads is unknown. The bill presents an indeterminate but likely significantly negative fiscal impact to counties and municipalities responsible for studying, retrofitting, or removing midblock crosswalks in accordance with the bill's requirements.

The FDOT provided the following estimate with respect to midblock crosswalks on the SHS:

Controlled:

- Total with traffic signals = 7
- Total with pedestrian hybrid beacons = 15

Uncontrolled:

- Total with warning signs and pavement markings only = 83
- Total with yellow circular flashing beacons = 5
- Total with Yellow RFRBs = 231³¹

With respect to cost, the FDOT expects a negative total fiscal impact of approximately \$14.9 million in capital costs and \$159,000 in annual recurring costs.³²

³¹ *Supra* note 10 at pp. 4-5.

³² *Id.* at p. 9. *See also* pp. 8-9 for a breakdown of the estimated cost.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The FDOT advises:

- Pedestrians would have significantly fewer locations to cross State Roads and only be able to legally cross at intersections. Pedestrian travel times may increase generally and specifically at locations retrofitted to full pedestrian traffic signals near adjacent signalized intersections due to the required traffic signal coordination. Connectivity between pedestrian “generators” and “attractors,” including some schools, may be disrupted.
- On roads with one or more midblock crosswalks, vehicle delay may decrease. However, removing midblock crosswalks and associated countermeasures may increase pedestrian crashes and result in increased pedestrian fatalities and serious injuries. For uncontrolled midblock crosswalks replaced with a pedestrian traffic signal, fatal and serious injury pedestrian crashes may decrease, but less serious rear-end vehicle crashes typically increase with installation of a traffic signal.³³

VIII. Statutes Affected:

This bill creates section 316.0756 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.

³³ *Id.*

By Senator Perry

8-01079C-21

20211412__

A bill to be entitled

An act relating to traffic and pedestrian safety; providing a short title; creating s. 316.0756, F.S.; requiring a traffic engineering study to be conducted which recommends installation of a specified pedestrian crosswalk before such installation occurs; requiring a pedestrian crosswalk on a public highway, street, or road which is located at any point other than at an intersection with another public highway, street, or road to conform to specified requirements; providing coordination requirements for certain devices and signals; requiring that traffic control signal devices at adjacent intersections be taken into consideration; requiring, by a specified date, the entity with jurisdiction over a public highway, street, or road with a certain pedestrian crosswalk to ensure that the crosswalk conforms to specified requirements; authorizing such entity, alternatively, to remove any such crosswalk; requiring, by a specified date, the Department of Transportation to submit a certain request for authorization to the Federal Government; requiring applicable entities to replace specified traffic control devices within a specified timeframe after the date of federal authorization; requiring applicable entities to remove specified traffic control devices by a specified date under certain conditions; providing a declaration of important state interest; providing an effective date.

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

8-01079C-21

20211412__

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

Section 1. This act may be cited as the "Sophia Nelson Pedestrian Safety Act."

Section 2. Section 316.0756, Florida Statutes, is created to read:

316.0756 Traffic control signal devices and pedestrian control signals at crosswalks other than at intersections.-

(1) (a) Before the installation of a pedestrian crosswalk after October 1, 2021, on a public highway, street, or road which is located at any point other than at an intersection with another public highway, street, or road, a traffic engineering study must be conducted by a Florida licensed professional engineer which recommends the installation of such crosswalk.

(b) Notwithstanding any law to the contrary:

1. A pedestrian crosswalk on a public highway, street, or road that has a posted speed limit of 30 miles per hour or more which is located at any point other than at an intersection with another public highway, street, or road must conform to the requirements of chapters 4D and 4E of the most recent Manual on Uniform Traffic Control Devices and other applicable Department of Transportation standards, manuals, and specifications and must include a pedestrian-facing sign containing language stating duties applicable to a pedestrian, as provided in this chapter.

2. A pedestrian crosswalk on a public highway, street, or road that has a posted speed limit of 29 miles per hour or less which is located at any point other than at an intersection with another public highway, street, or road must include a

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59 pedestrian-facing sign containing language stating duties
60 applicable to a pedestrian, as provided in this chapter.

61 (c) Traffic control signal devices and pedestrian control
62 signals at crosswalk locations described in subparagraph (b)1.
63 must be coordinated with traffic control signal devices at
64 intersections adjacent to the crosswalk, and such traffic
65 control signal devices at intersections adjacent to the
66 crosswalk must be taken into consideration as provided in the
67 most recent Manual on Uniform Traffic Control Devices and other
68 applicable Department of Transportation specifications.

69 (2) By October 1, 2024, the entity with jurisdiction over a
70 public highway, street, or road with a crosswalk described in
71 subsection (1) which is in existence on October 1, 2021, shall
72 ensure that such crosswalk is controlled by coordinated traffic
73 control signal devices and pedestrian control signals as
74 required under subsection (1). Alternatively, the entity with
75 jurisdiction may remove any such existing crosswalk.

76 (3) By October 1, 2022, the Department of Transportation
77 shall submit to the Federal Government a request for
78 authorization to allow yellow rectangular rapid flashing beacon
79 traffic control devices to be replaced by red rectangular rapid
80 flashing beacon traffic control devices. If the Federal
81 Government grants the request, the applicable entity must
82 replace all yellow rectangular rapid flashing beacon traffic
83 control devices at each crosswalk described in subsection (1) or
84 subsection (2) with red rectangular rapid flashing beacon
85 traffic control devices within 12 months after the date of
86 federal authorization. If the Federal Government denies the
87 request, the applicable entity must remove all yellow

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88 rectangular rapid flashing beacon traffic control devices from
89 each crosswalk described in subsection (1) or subsection (2) by
90 October 1, 2025.

91 Section 3. The Legislature finds and declares that this act
92 fulfills an important state interest.

93 Section 4. This act shall take effect October 1, 2021.

Page 4 of 4

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 1660

INTRODUCER: Senator Burgess

SUBJECT: Tampa-Hillsborough County Expressway Authority

DATE: March 22, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Vickers	TR	Pre-meeting
2.			ATD	
3.			AP	

I. Summary:

SB 1660 re-names the Tampa-Hillsborough County Expressway Authority (THEA) as the West Florida Expressway Authority (WFX or authority) and potentially expands the area served by the WFX to include the counties of Citrus, Hernando, Manatee, Pasco, Pinellas, and Polk. The bill directs the WFX to assume governance and control of the existing THEA expressway system, including THEA’s assets, personnel, contracts, obligations, liabilities, facilities, and personal property, and to succeed to and assume the powers, responsibilities, and obligations of the former THEA.

In addition, the bill:

- Revises the composition of the WFX governing board, potentially increasing the board to no more than 13 members as the area served is expanded to the identified counties.
- Authorizes WFX meetings and workshops to be conducted using communications media technology and requires a specified notice for any such meeting or workshop.
- Authorizes the WFX to construct any extensions, additions, or improvements to the system or appurtenant facilities, including all necessary approaches, roads, bridges, avenues of access, and boulevards, with any changes, modifications, or revisions of any project which are deemed desirable and proper.
- Prohibits toll revenues attributable to a toll rate increase for the use of a portion of the expressway system that become effective on or after the jurisdiction of the authority is expanded to include any one or more expansion counties from being used to construct or expand a different portion of the system unless a two-thirds majority of the members of the WFX governing board vote to approve such use, with exceptions.
- Removes existing language mandating that interest upon the amount of gasoline tax funds to be repaid to the county (Hillsborough) pursuant to s. 348.60, F.S., relating to LPAs, be paid out of revenues and other available moneys not required to meet the authority’s obligations.

- Removes a 20-year limitation on the term of any lease of the authority's property or facilities or of the right to use the property or facilities.
- Authorizes the WFX to enter into partnerships, contracts, and agreements, including without limitation, interlocal agreements, with any federal, state, or local governmental entity with respect to the WFX's purposes.
- Provides that capital projects that the WFX is authorized to acquire, construct, reconstruct, equip, operate, and maintain are approved to be financed or refinanced by revenue bonds, but any such financing may still not pledge the full faith and credit of the state.
- Authorizes the WFX to enter into lease-purchase agreements with a city, a county, or with the FDOT.
- Provides that a duly adopted county commission resolution pledging surplus gasoline tax funds under any LPA may authorize the execution and delivery of an interlocal agreement between the WFX and the county setting forth the terms and provisions for use by the WFX of any such gasoline tax funds.
- Authorizes the WFX to acquire any lands reasonably necessary for securing applicable permits, areas necessary for management of access, borrow pits, drainage ditches, water retention areas, rest areas, and replacement access for landowners whose access is impaired due to the construction of a transportation facility.
- Repeals a requirement for THEA to consult with the Hillsborough County City-County Planning Commission, and a requirement to follow or be superior to design standards adopted by the National System of Interstate and Defense Highways when construction the expressway system.
- Makes numerous revisions to conform terminology to the re-naming or to other revisions in the bill, and makes grammatical and editorial revisions to improve readability.

Because the details of any projects to be undertaken by the WFX, and the details of any financing in support of those projects, are unknown, the fiscal impact to state and local revenues is indeterminate.

The bill takes effect upon becoming a law.

II. Present Situation:

Tampa-Hillsborough County Expressway Authority

An agency of the state, THEA currently serves Hillsborough County and is authorized to construct, reconstruct, improve, extend, repair, maintain, and operate the expressway system in that county,¹ as well as outside the jurisdictional boundaries of Hillsborough County with the consent of contiguous counties (Hardee, Manatee, Pasco, Pinellas, and Polk) within whose jurisdiction the activities occur.²

THEA's governing board consists of seven members. The Governor appoints four of the members, subject to confirmation by the Senate, which members serve four-year terms. One member is the mayor or designee, who is the chair of the City Council of the city in Hillsborough

¹ Section 348.53, F.S.

² Section 348.54(15), F.S.

County having the largest population (Tampa); one is a member of the Hillsborough County Board of County Commissioners, selected by that board, who serves as a member *ex officio*; and one is the Florida Department of Transportation (FDOT) district secretary (District 7), who serves *ex officio*.³

THEA currently owns, maintains, and operates four facilities within Hillsborough County: The Lee Roy Selmon Expressway, a limited access toll road approximately 15 miles in length, crossing the City of Tampa from Gandy Boulevard and MacDill Air Force Base in the South, through downtown Tampa and east to Brandon. Elevated and at-grade reversible express lanes are operated within the existing facility and connect to the Brandon Parkway and Meridian Avenue, also THEA-owned and maintained.⁴ The fourth facility is the Selmon Greenway, a 1.7-mile multi-use trail that runs east-west under the Selmon Expressway, connecting with Tampa's Riverwalk and the Meridian Trail.⁵

Currently, THEA owes to the FDOT long-term debt in the amount of \$213,833,835,⁶ which includes advances for operating, maintenance, and replacement and renewal costs, as well as loans from the State Transportation Trust Fund (STTF). According to the Florida Transportation Commission:

In December 2012, THEA issued \$404.3 million in fixed rate Refunding Revenue Bonds (Series 2012A, 2012B and 2012D, of which \$70.1 million is taxable) and \$40.4 million in fixed rate Taxable Revenue Bonds (Series 2012C). THEA attained financial independence from the State of Florida and the Lease-Purchase Agreement (LPA) between THEA and FDOT was terminated. FDOT confirmed THEA's absolute ownership of the Lee Roy Selmon Expressway and other assets. The LPA had required FDOT to pay, from sources other than revenues, the costs of operations, routine maintenance and renewals and replacements on the facility, if needed. Since FY 2001, the Authority had reimbursed FDOT for its annual operating and routine maintenance expenses pursuant to the adopted budget. Pursuant to other agreements with FDOT, renewal and replacement costs were added to THEA's long term debt until 2013. [A]s of June 30, 2019, \$213.9 million is owed to FDOT for operating, maintenance, and renewal and replacement expense advances, and FDOT STTF loans to facilitate expansion of the Selmon Expressway. THEA agreed to a repayment schedule of 20 annual installments of \$10.7 million to be paid by THEA to FDOT beginning in 2025.⁷

³ Section 348.52, F.S.

⁴ See the Florida Transportation Commission, *Transportation Authority Monitoring and Oversight, Toll Authorities*, Fiscal Year 2019 Report at p. 43 (the latest available) available at <http://www.ftc.state.fl.us/documents/reports/TAMO/fy-2019-tamo-toll-report.pdf> (last visited March 29, 2021).

⁵ See Tampa-Hillsborough County Expressway Authority, *About Us*, available at [About The Authority – Tampa Hillsborough Expressway Authority \(tampa-xway.com\)](http://www.tampa-xway.com) (last visited March 29, 2021).

⁶ See memo from THEA's executive director dated March 2, 2021 (on file in the Senate Transportation Committee). See also *supra* note 4 at p. 44.

⁷ *Id.*

FDOT Lease-Purchase Agreement Authority

FDOT authorization to enter into lease-purchase agreements (LPAs) is reflected in various parts of chapter 348, F.S., relating to expressway and bridge authorities. Generally, the authorization allows such agreements to provide for the leasing of an expressway system to the FDOT, with the FDOT paying rentals as lessee, and may include provisions, *e.g.*, relating to bonds, construction, maintenance, repair, and operation of the system.

However, the Legislature in 2014 amended the FDOT's powers and duties, expressly prohibiting the FDOT from entering into a lease-purchase agreement with an expressway authority, regional transportation authority, or other entity. That provision preserved the validity of LPAs authorized under chapter 348, F.S., existing on July 1, 2013.⁸

The legislative policy prohibiting the FDOT from entering into LPAs was extended in the same 2014 session, in legislation similar to the subject bill,⁹ which transferred governance and control, legal rights and powers, responsibilities, terms, and obligations of the Orlando-Orange County Expressway Authority (OOCEA) and its expressway system to the Central Florida Expressway Authority (CFX). The legislation also expanded the area served by CFX to include Seminole, Lake, and Osceola counties, in addition to Orange County.

Section 348.754(2)(e), F.S., relating to CFX, currently acknowledges the LPA (as amended) that existed between the former OOCEA and the FDOT, to which CFX is a party, but also prohibited CFX from entering into other LPAs with the FDOT and prohibited any further amendment of the existing agreements in a manner that expands or increases the FDOT's obligations unless the FDOT determines that the agreement or amendment is necessary to permit the refunding of bonds issued before July 13, 2013.

While Florida law continues to authorize CFX to enter into LPAs with the FDOT, the 2014 Legislature repeated the established policy in s. 348.757(8), F.S., which currently recites that the only LPA being authorized by that section is the existing LPA described above.

Additional present situation is discussed below in the effect of proposed changes.

III. Effect of Proposed Changes:

Generally, the bill re-names THEA as the WFX, expands the area served by the WFX to include the counties of Citrus, Hernando, Manatee, Pasco, Pinellas, and Polk; and directs the WFX to assume governance and control of the existing THEA expressway system.

Short Title

Section 1 amends s. 348.50, F.S., to change the short title of part II of chapter 348, F.S., from the "Tampa-Hillsborough County Expressway Authority Law" to the "West Florida Expressway Authority Law."

⁸ Ch. 2014-223, L.O.F. The legislation also preserved the validity of an LPA between the FDOT and the Mid-Bay Bridge Authority.

⁹ Ch. 2014-171, L.O.F.

Definitions

Section 2 amends s. 348.51, F.S., to re-define or define:

- “County” to mean each county located within the jurisdictional limits of the WFX, including Hillsborough County and any expansion county, as applicable.
- “County gasoline tax funds” to mean all the 80-percent surplus gasoline tax funds or 20-percent surplus gasoline tax funds accruing in each year to the FDOT or a county, as the case may be, for use in a (rather than “the,” meaning Hillsborough) county under s. 9, Art. XII of the State Constitution, after deduction, if and only to the extent necessary, of any amounts of such gasoline tax funds pledged by the FDOT or a county for outstanding obligations.
- “Expansion county” to mean a county in which the WFX constructs or acquires a transportation facility, which may include Citrus, Hernando, Manatee, Pasco, Pinellas, and Polk counties.
- “Expansion event” to mean the adoption of a resolution or other formal action by the WFX governing board for the WFX to construct, complete, or acquire a transportation facility located in an expansion county and to include the expansion county within its jurisdictional limits.
- “Transportation facility” to mean the mobile and fixed assets, and the associated real or personal property or rights, used in the transportation of persons or property by any means of conveyance which the WFX may acquire, construct, and equip pursuant to its authorization, and all appurtenances, including, but not limited to, highways; limited or controlled access lanes, avenues of access, and facilities; and administrative and other office space, for the exercise by the WFX of its powers and obligations.

The bill includes in the existing definition of “expressway system” or “system,” the directive that a transportation facility shall become part of the expressway system upon the WFX governing board’s designation of such facility as part of its system.

This section of the bill also deletes the definition of “city,” meaning the City of Tampa.

Re-naming and Transfer

Section 3 amends s. 348.52, F.S., in which THEA is currently established, to replace and re-name THEA as the WFX. Immediately on July 1, 2021, the bill requires the WFX to assume the governance and control of the expressway system operated by the former THEA, including its assets, personnel, contracts, obligations, liabilities, facilities, and tangible and intangible property. Any rights in such property and other legal rights of the former THEA are transferred to the WFX. The WFX must immediately succeed to and assume the powers, responsibilities, and obligations of the former THEA.

The transfer is subject to the terms and covenants provided for the protection of the holders of the former THEA bonds in the LPA and the resolutions adopted in connection with the issuance of the bonds and any and all bonds issued pursuant to a resolution or trust indenture subsequent to the LPA. Further, the transfer does not impair the terms of the contract between the WFX and the bondholders, does not act to the detriment of the bondholders, and does not diminish the security for the bonds.

After the transfer, the WFX must operate and maintain the expressway system and any other facilities of the authority in accordance with the terms, conditions, and covenants contained in the bond resolutions securing the bonds. The WFX must collect toll revenues and apply them to the payment of debt service as provided in the bond resolution securing all bonds and shall expressly assume all obligations relating to all bonds to ensure that the transfer has no adverse impact on the security for all bonds.

The transfer does not make the obligation to pay the principal and interest on the bonds a general liability of the WFX or pledge additional expressway system revenues to payment of the bonds. Expressway system revenues that are generated by the expressway system and other facilities of the WFX which were pledged by the former THEA to payment of the bonds will remain subject to the pledge for the benefit of the bondholders.

Unlike the language used in the 2014 law that transferred the OOCEA to the CFX, this bill does not include the following text: “The transfer does not modify or eliminate any prior obligation of the department to pay certain costs of the expressway system from sources other than revenues of the expressway system.”

Governing Board Composition and Expansion

This section of the bill also revises the composition of the WFX governing body, providing that the body shall *initially* consist of a board of seven members, but shall be subject to increase to no more than 13 members through the addition of a new member for each expansion county upon the expansion of the WFX’s jurisdiction to include such expansion county. Of the four members appointed by the Governor, one must be a resident of Hillsborough County, and the remainder may be residents of Hillsborough County or any expansion county upon the expansion of the WFX’s jurisdiction to include such expansion county. A member serving an unexpired term on the former THEA as of July 1, 2021, continues to serve the remainder of his or her unexpired term. The remaining three members continue to be the mayor or mayor’s designee (currently, of Tampa), a member of the Hillsborough County Board of County Commissioners serving *ex officio*, and the FDOT’s district secretary, also a member *ex officio*.

After an expansion event in a particular expansion county, the WFX board is increased by one additional *ex officio* voting member for each such expansion county, who must be a member of the board of county commissioners of such county, selected by that board. The increase is effective on the date that such county member takes the required oath.

The bill specifies that the WFX’s jurisdictional boundaries are automatically expanded to include any one or more expansion counties upon the occurrence of an expansion, but an expansion event must occur on or before:

- The date that the authority makes a final written determination to undertake a transportation facility located in the jurisdictional limits of an expansion county by adding elements of the study, design, engineering, acquisition, construction, or equipping of such transportation facility to its work plan; or
- The effective date that the authority becomes the owner of a transportation facility located in the jurisdictional limits of an expansion county.

The bill makes each member of the WFX governing board, including each member representing an expansion county, subject to the following existing requirements:

- Each member's term is still for four years, or until a successor is appointed and qualified, but the bill additionally authorizes the respective initial term of one or more members representing an expansion county to be for two years at the sole discretion of the WFX board to achieve staggered terms of office for its members.
- A vacancy occurring in the governing board for any member before expiration of the affected term must be filled for the unexpired term.
- The Governor may still remove any member of the board in the manner and for cause defined by Florida law.
- Each member must still take and subscribe to an oath, before entering upon official duties, to honestly, faithfully, and impartially perform the member's duties.

Meetings and Workshops

Section 3 also authorizes WFX meetings and workshops to be conducted using communications media technology, defined to mean "conference telephone, video conference, or other communications technology by which all persons attending a public meeting or workshop may audibly communicate. The notice for any such public meeting or workshop must state that the meeting or workshop will be conducted through the use of communications media technology, specify how persons interested in attending may do so, and provide a location where communications media technology facilities are available. The participation by a member in an authority meeting or workshop conducted using communications media technology constitutes that member's presence at such meeting or workshop and counts toward a quorum.

Purposes of the WFX

Section 4 amends s. 348.53, F.S., relating to purposes of the authority. The bill authorizes the WFX, in the construction of the expressway system, to construct any extensions, additions, or improvements to the system or appurtenant facilities, including all necessary approaches, roads, bridges, avenues of access, and boulevards, with any changes, modifications, or revisions of any project which are deemed desirable and proper. This language is identical to that granted to the CFX in 2014, with the exception that the CFX language included rapid transit, trams, fixed guideways, and thoroughfares.¹⁰

Powers of the WFX

Section 5 amends s. 348.54, F.S., relating to the authority's powers. With respect to the existing authority to establish and collect tolls and other charges (which can be assigned or delegated by the authority to the lessee under an LPA), the bill provides that toll revenues attributable to a toll rate increase for the use of a portion of the expressway system that become effective on or after the date that the jurisdiction of the authority is first expanded to include any one or more expansion counties may not be used to construct or expand a different portion of the system unless a two-thirds majority of the members of the authority governing board, determined as of

¹⁰ Section 348.754(1)(b), F.S.

the time of such vote, votes to approve such use. This requirement does not apply if and to the extent that application of the requirement would:

- Violate any covenant established in a resolution or trust indenture under which bonds were issued by the authority on or before the first date that the authority's jurisdiction is expanded to include one or more expansion counties; or
- Cause the authority to be unable to meet its obligations under the terms of the October 2012 memorandum of agreement between the authority and the department.

This language is identical to that enacted in 2014 relative to CFX, except with reference to the 2012 memorandum of agreement between THEA and the FDOT.¹¹

In addition, this section of the bill:

- Removes existing language mandating that interest upon the amount of gasoline tax funds to be repaid to the county (Hillsborough) pursuant to s. 348.60, F.S., relating to LPAs, be paid out of revenues and other available moneys not required to meet the authority's obligations.
- Removes a 20-year limitation on the term of any lease of the authority's property or facilities or of the right to use the property or facilities, resulting in no limitation on the term of any such lease.
- Authorizes the WFX to enter into partnerships, contracts, and agreements, including without limitation, interlocal agreements, with any federal, state, or local governmental entity with respect to the WFX's purposes.

Revenue Bonds for Specified Projects

Section 6 amends s. 348.565, F.S., to remove a list of projects and improvements (some or all of which are completed) approved to be financed or refinanced by the issuance of revenue bonds, which currently includes capital projects, provided that any financing does not pledge the full faith and credit of the state. The bill provides that capital projects that the WFX is authorized to acquire, construct, reconstruct, equip, operate, and maintain are approved to be financed or refinanced by revenue bonds, but any such financing may still not pledge the full faith and credit of the state.

Lease-Purchase Agreements

Section 7 amends s. 348.60, F.S., which continues to authorize the WFX to enter into LPAs with a city or a county, but also with the FDOT, which appears to be in direct conflict with the prohibition in s. 334.044(16)(b), F.S., prohibiting the FDOT from doing so. The bill does not contain language, such as that in the 2014 law transferring the former OOCEA to the CFX, nor does it repeat the prohibition with respect to the WFX. This provision may be construed to again authorize the FDOT to enter into LPAs with the WFX, as the latest expression of legislative intent, but that authority would exist only with respect to the WFX and not as to any other expressway authority, regional transportation authority, or other entity.¹²

¹¹ Section 348.754(2)(f), F.S.

¹² Assuming the bill does, in fact, reinstitute the FDOT's authority to enter into an LPA with the WFX, the FDOT would be authorized to pay all or any part of the cost of the operation, maintenance, repair, renewal, and replacement of the expressway

This section of the bill also provides that a duly adopted county commission resolution pledging surplus gasoline tax funds under any LPA may authorize the execution and delivery of an interlocal agreement between the WFX and the county setting forth the terms and provisions for use by the WFX of any such gasoline tax funds.

Acquisition of Lands and Property

Section 9 amends s. 348.62, F.S., which currently authorizes THEA, and would authorize the WFX, to acquire private or public property and property rights, including rights of access, air, view, and light, by gift, devise, purchase, or condemnation by eminent domain proceedings, as the authority deems necessary. The bill additionally includes without limitation acquisition of any lands reasonably necessary for securing applicable permits, areas necessary for management of access, borrow pits, drainage ditches, water retention areas, rest areas, and replacement access for landowners whose access is impaired due to the construction of a transportation facility. Similar language was included in the 2014 law relating to the transfer of the former OOCEA to CFX.¹³

Consultation with the Hillsborough County City-County Planning Commission

Section 10 repeals s. 348.68, F.S., which currently requires THEA to consult with the Planning Commission in determining the routes, the design, and the type of construction in connection with constructing the expressway system.

Design Standards

Section 10 also repeals s. 348.681, F.S., which currently requires the geometric design standards used in connection with construction of the expressway system or any extension thereof to follow or be superior to design standards adopted by the National System of Interstate and Defense Highways. No other entity established in chapter 348, F.S., operates under the same express requirement.

Conforming, Technical, and Editorial Revisions

Every section of the bill discussed above makes technical revisions to conform terminology to the re-naming or to other revisions in the bill, or makes grammatical and editorial revisions to improve readability. In addition, for the same purpose or purposes, the bill amends:

- Section 348.61, F.S., relating to appointment of the FDOT as agent of the WFX for construction. (Section 8)
- Section 348.70, F.S., relating to complete and additional authority, but which is also re-numbered as s. 348.62, F.S. (Section 11)
- Section 343.975, relating to complete and additional authority with respect to the Tampa Bay Area Regional Transportation Authority. (Section 12)

system, and any part of the cost of completing such system, to the extent that the proceeds of bonds issued therefor are insufficient, from sources other than expressway system revenues and county gasoline tax funds.

¹³ Section 348.759, F.S.

- Section 348.545, F.S., relating to facility improvement and bond financing authority. (Section 13)
- Section 348.56, F.S., relating to bonds of the authority. (Section 14)
- Section 348.57, F.S., relating to refunding bonds. (Section 15)
- Section 348.58, F.S., relating to remedies of the bondholders. (Section 16)
- Section 348.59, F.S., relating to traffic control. (Section 17)
- Section 348.63, F.S., relating to cooperation with other units, boards, agencies, and individuals. (Section 18)
- Section 348.64, F.S., relating to the covenant of the state, but also including the state's pledge not to limit or alter the rights vested in the authority, the FDOT, a county, and a city to collect, in addition to currently authorized system revenues and county gasoline tax funds, any other moneys. (Section 19)
- Section 348.65, F.S., relating to exemption from taxation. (Section 20)
- Section 348.67, F.S., relating to pledges enforceable for bondholders. (Section 21)

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Indeterminate, as the details of any project or project financing is unknown.

C. Government Sector Impact:

Indeterminate, as the details of any project or project financing is unknown. The bill appears to re-instate authorization for the FDOT to enter into LPAs with the WFX. However, the fiscal impact of such reauthorization is unknown.

According to the FDOT, the most recent annual audited financial statements indicate that THEA has approximately \$675.7 million in outstanding senior lien bonds. The current long-term debt to be assumed by the WFX and currently owed to the FDOT is approximately \$214 million in unreimbursed expenses incurred by the FDOT under the now-terminated LPA for operation and maintenance of the THEA expressway system and for other loans to the authority.

Further, toll revenues for the period were about \$88 million, with current operating and administrative expenses of about \$22 million. In addition, approximately \$40 million is paid for annual debt service on outstanding debt obligations. The authority's obligation to repay the FDOT is subordinate to the rights of senior lien bondholders. Issuance of additional significant senior lien debt to finance new facilities outside the authority's current geographical area could potentially impact the FDOT's assurance of repayment.¹⁴

VI. Technical Deficiencies:

None.

VII. Related Issues:

While it is asserted "the ability for the Authority to offer transportation services in expansion counties beyond Hillsborough County remains permission based, meaning the Authority **and** the expansion County's Board of County Commissioners must agree on a new project in that County,"¹⁵ no language in the bill expressly supports the assertion. Clarification of intent may be in order.

The FDOT also suggests:

- Deletion of the authority to enter into LPAs with the FDOT, with appropriate conforming changes.
- Clarification that designation of a facility by the WFX does not operate to include any portion of a facility as part of the WFX expressway system without the advance written consent of the owner of the underlying right-of-way.
- Consideration could be given to including a specific reference to debt payment obligations under the Memorandum of Agreement as a limitation on WFX authority to issue additional bonds or obligations for new projects.
- Clarification that broad authorization to construct any extensions, additions, or improvements to the system or appurtenant facilities does not extend to any appurtenant facility without the advance written consent of the owner of the underlying right-of-way.

¹⁴ See the FDOT's 2021 Agency Analysis of the identical HB 1283 at p. 9 (on file in the Senate Transportation Committee).

¹⁵ See email to committee staff dated March 15, 2021 (on file in the Senate Transportation Committee).

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: 348.50, 348.51, 348.52, 348.53, 348.54, 348.565, 348.60, 348.61, 348.62 amending and renumbering 348.70 as 348.682, 343.975, 348.545, 348.56, 348.57, 348.58, 348.59, 348.63, 348.64, 348.65, and 348.67.

This bill repeals the following sections of the Florida Statutes: 348.68 and 348.681.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



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LEGISLATIVE ACTION

Senate

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House

The Committee on Transportation (Burgess) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 348.50, Florida Statutes, is amended to
read:

348.50 Title of law.—This part shall be known and may be
cited as the "West Florida ~~Tampa-Hillsborough County~~ Expressway
Authority Law."

Section 2. Section 348.51, Florida Statutes, is amended to



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11 read:

12 348.51 Definitions. ~~As The following terms whenever used or~~
13 ~~referred to~~ in this part shall have the following meanings,
14 unless except in those instances where the context clearly
15 indicates otherwise, the term:

16 (1) "Agency of the state" means ~~and includes~~ the state and
17 any department of, or corporation, agency, or instrumentality
18 ~~heretofore or hereafter~~ created, designated, or established by,
19 the state.

20 (2) "Authority" means the body politic, corporate, and
21 agency of the state created by this part.

22 (3) "Bonds" means ~~and includes~~ the notes, bonds, refunding
23 bonds, or other evidences of indebtedness or obligations, in
24 either temporary or definitive form, which the authority is
25 authorized to issue pursuant to this part.

26 (4) ~~"City" means the City of Tampa.~~

27 ~~(5)~~ "County" means each county located within the
28 jurisdictional limits of the authority, including the County of
29 Hillsborough County and any expansion county, as applicable.

30 (5) "County gasoline tax funds" means all the 80 percent
31 surplus gasoline tax funds or 20 percent surplus gasoline tax
32 funds accruing in each year to a county for use in a county
33 under s. 9, Art. XII of the State Constitution, after deduction,
34 if and only to the extent necessary, of any amounts of such
35 gasoline tax funds pledged by a county for outstanding
36 obligations.

37 (6) "Department" means the Department of Transportation ~~of~~
38 ~~Florida~~ and any successor thereto.

39 (7) "Expansion county" means a county with the consent of



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40 which and in which the authority constructs or acquires a
41 transportation facility, which may include Citrus, Hernando,
42 Manatee, Pasco, Pinellas, and Polk Counties.

43 (8) "Expansion event" means the adoption of a resolution or
44 other formal action by the governing board of the authority for
45 the authority to construct, complete, or acquire a
46 transportation facility located in an expansion county and to
47 include the expansion county within its jurisdictional limits.

48 (9)~~(7)~~ "Expressway system" or "system" means, generally, a
49 modern highway system of roads, bridges, causeways, and tunnels
50 ~~in the metropolitan area of the city, or within any area of the~~
51 ~~county, with access limited or unlimited access as the authority~~
52 ~~may determine, and such buildings, and structures, and~~
53 ~~appurtenances, and facilities related thereto, including all~~
54 ~~approaches, streets, roads, bridges, and avenues of access for~~
55 ~~such system.~~

56 (10)~~(8)~~ "Federal agency" means ~~and includes~~ the United
57 States, the President of the United States, and any department
58 of, or bureau, corporation, agency, or instrumentality
59 ~~heretofore or hereafter~~ created, designated, or established by,
60 the United States.

61 ~~(9) "Hillsborough County gasoline tax funds" means all the~~
62 ~~80-percent surplus gasoline tax funds or 20-percent surplus~~
63 ~~gasoline tax funds accruing in each year to the Department of~~
64 ~~Transportation or the county, as the case may be, for use in~~
65 ~~Hillsborough County under the provisions of s. 9, Art. XII of~~
66 ~~the State Constitution, after deduction, if and only to the~~
67 ~~extent necessary, of any amounts of said gasoline tax funds~~
68 ~~heretofore pledged by the Department of Transportation or the~~



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69 ~~county for outstanding obligations.~~

70 (11)~~(10)~~ "Lease-purchase agreement" ~~or "lease-purchase~~
71 ~~agreements"~~ means a the lease-purchase agreement or agreements
72 ~~which the authority may execute is authorized pursuant to this~~
73 ~~part to execute.~~

74 (12)~~(11)~~ "Members" means the governing body of the
75 authority, and the term "member" means one of the individuals
76 constituting such governing body.

77 (13)~~(12)~~ "Revenues" means all tolls, revenues, rates, fees,
78 charges, receipts, rentals, contributions, including, but not
79 limited to, contributions of revenues from a county,
80 municipality, or other local governmental entity, and other
81 income derived from or in connection with the operation or
82 ownership of the expressway system, including the proceeds of
83 any use and occupancy insurance on any portion of the system ~~but~~
84 ~~excluding any Hillsborough County gasoline tax funds.~~

85 (14) "Transportation facility" means the mobile and fixed
86 assets, and the associated real or personal property or rights,
87 used in the transportation of persons or property by any means
88 of conveyance which the authority may acquire, construct, and
89 equip pursuant to this part, and all appurtenances, including,
90 but not limited to, highways; limited or controlled access
91 lanes, avenues of access, and facilities; and administrative and
92 other office space, for the exercise by the authority of the
93 powers and obligations granted in this part.

94 (15)~~(13)~~ Words importing singular number include the plural
95 number in each case and vice versa, and words importing persons
96 include firms and corporations.

97 Section 3. Section 348.52, Florida Statutes, is amended to



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98 read:

99 348.52 West Florida ~~Tampa-Hillsborough County~~ Expressway
100 Authority.—

101 (1) There is ~~hereby~~ created and established a body politic
102 and corporate, an agency of the state, to be known as the "West
103 Florida ~~Tampa-Hillsborough County~~ Expressway Authority."

104 (2) (a) Immediately on July 1, 2021, the West Florida
105 Expressway Authority shall assume the governance and control of
106 the expressway system operated by the former Tampa-Hillsborough
107 County Expressway Authority, including its assets, personnel,
108 contracts, obligations, liabilities, facilities, and tangible
109 and intangible property. Any rights in such property and other
110 legal rights of the former Tampa-Hillsborough County Expressway
111 Authority are transferred to the West Florida Expressway
112 Authority. The West Florida Expressway Authority shall
113 immediately succeed to and assume the powers, responsibilities,
114 and obligations of the former Tampa-Hillsborough County
115 Expressway Authority.

116 (b) The transfer pursuant to this subsection is subject to
117 the terms and covenants provided for the protection of the
118 holders of the former Tampa-Hillsborough County Expressway
119 Authority bonds in any agreement executed by the former
120 authority and assumed by the West Florida Expressway Authority
121 and the resolutions adopted in connection with the issuance of
122 the bonds and any and all bonds issued pursuant to a resolution
123 or trust indenture subsequent to any such agreement. Further,
124 the transfer does not impair the terms of the contract between
125 the West Florida Expressway Authority and the bondholders, does
126 not act to the detriment of the bondholders, and does not



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127 diminish the security for the bonds. After the transfer, the
128 West Florida Expressway Authority shall operate and maintain the
129 expressway system and any other facilities of the West Florida
130 Expressway Authority in accordance with the terms, conditions,
131 and covenants contained in the bond resolutions securing the
132 bonds of the authority. The West Florida Expressway Authority
133 shall collect toll revenues and apply them to the payment of
134 debt service as provided in the bond resolution securing all
135 bonds and shall expressly assume all obligations relating to all
136 bonds to ensure that the transfer has no adverse impact on the
137 security for all bonds. The transfer does not make the
138 obligation to pay the principal and interest on the bonds a
139 general liability of the West Florida Expressway Authority or
140 pledge additional expressway system revenues to payment of the
141 bonds. Expressway system revenues that are generated by the
142 expressway system and other facilities of the West Florida
143 Expressway Authority which were pledged by the former Tampa-
144 Hillsborough County Expressway Authority to payment of the bonds
145 will remain subject to the pledge for the benefit of the
146 bondholders. The transfer does not modify or eliminate any prior
147 obligation of the department to pay certain costs of the
148 expressway system from sources other than revenues of the
149 expressway system, nor does the transfer modify or eliminate the
150 terms and conditions of the memorandum of agreement dated
151 October 26, 2010, as amended by the amendment to memorandum of
152 agreement dated March 28, 2012, and the second amendment to
153 memorandum of agreement dated October 8, 2012, between the
154 former authority and the department and assumed by the West
155 Florida Expressway Authority.



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156 (3)~~(2)~~ The governing body of the authority shall initially
157 consist of a board of seven members but shall be subject to
158 increase to no more than 13 members through the addition of a
159 new member for each expansion county upon the expansion of the
160 authority's jurisdiction to include such expansion county in
161 accordance with subsection (6).

162 (a) Four of the members shall be appointed by the Governor,
163 one of whom must be a resident of Hillsborough County, and the
164 remainder of whom may be residents of Hillsborough County or any
165 expansion county upon the expansion of the authority's
166 jurisdiction to include such expansion county, subject to
167 confirmation by the Senate at the next regular session of the
168 Legislature. Refusal or failure of the Senate to confirm an
169 appointment shall create a vacancy. A board member currently
170 serving an unexpired term on the former Tampa-Hillsborough
171 County Expressway Authority as of the effective date of this act
172 shall continue to serve the remainder of his or her unexpired
173 term. Each member of the governing board, including each member
174 representing an expansion county, shall be subject to the
175 following:

176 1. Each ~~such~~ member's term of office shall be for 4 years
177 or until his or her successor is shall have been appointed and
178 qualified. However, the respective initial term of one or more
179 members representing an expansion county may be for 2 years at
180 the sole discretion of the governing board in order to achieve
181 staggered terms of office for its governing board members.

182 2. A vacancy ~~Vacancies~~ occurring in the governing board
183 body for any member before such members prior to the expiration
184 of the affected term shall be filled for the unexpired term.



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185 3. The Governor may ~~shall have the authority to~~ remove from
186 office any ~~such~~ member of the governing board ~~body~~ in the manner
187 and for cause defined by the laws of this state.

188 4. Each ~~such~~ member, before entering upon his or her
189 official duties, shall take and subscribe to an oath before an
190 ~~some~~ official authorized by law to administer oaths that he or
191 she will honestly, faithfully, and impartially perform the
192 duties devolving upon him or her in office as a member of the
193 governing board ~~body~~ of the authority and that he or she will
194 not neglect any duties imposed upon him or her by this part.

195 (b) One member shall be the mayor, or the mayor's designee
196 ~~designate~~, who shall be the chair of the city council of the
197 city in Hillsborough County having the largest population,
198 according to the latest decennial census, who shall serve as a
199 member ex officio.

200 (c) One member shall be a member of the Board of County
201 Commissioners of Hillsborough County, selected by such board,
202 who shall serve as a member ex officio.

203 (d) One member shall be the district secretary of the
204 department ~~of Transportation~~ serving in the district that
205 contains Hillsborough County, who shall serve as a member ex
206 officio.

207 (e) After the occurrence of an expansion event in a
208 particular expansion county, the governing board shall be
209 increased by one additional ex officio voting member for each
210 such expansion county, which member must be a member of the
211 board of county commissioners of such expansion county, selected
212 by such board of county commissioners. Such increase in board
213 membership shall become effective on the date that such



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214 expansion county member takes the oath required under
215 subparagraph (a)4.

216 (4)~~(3)~~ The authority shall designate one of its members as
217 chair. The members of the authority are ~~shall not be~~ entitled to
218 compensation but are ~~shall be~~ entitled to receive their travel
219 and other necessary expenses as provided in s. 112.061. A
220 majority of the members of the authority shall constitute a
221 quorum, and resolutions enacted or adopted by a vote of a
222 majority of the members present and voting at any meeting shall
223 become effective without publication or posting or any further
224 action of the authority.

225 (5) Authority meetings and workshops may be conducted using
226 communications media technology. The notice for any such public
227 meeting or workshop shall state that the meeting or workshop
228 will be conducted through the use of communications media
229 technology, specify how persons interested in attending may do
230 so, and provide a location where communications media technology
231 facilities are available. The participation by a member in an
232 authority meeting or workshop conducted using communications
233 media technology constitutes that member's presence at such
234 meeting or workshop and shall count toward a quorum. For
235 purposes of this subsection, the term "communications media
236 technology" means conference telephone, video conference, or
237 other communications technology by which all persons attending a
238 public meeting or workshop may audibly communicate.

239 (6) The authority's jurisdictional boundaries shall be
240 automatically expanded to include any one or more expansion
241 counties upon the occurrence of an expansion. However, an
242 expansion event must occur on or before:



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243 (a) The date that the authority makes a final written
244 determination to undertake a transportation facility located in
245 the jurisdictional limits of an expansion county by adding
246 elements of the study, design, engineering, acquisition,
247 construction, or equipping of such transportation facility to
248 its work plan; or

249 (b) The effective date that the authority becomes the owner
250 of a transportation facility located in the jurisdictional
251 limits of an expansion county.

252
253 A delay in the designation of an expansion county board member
254 shall not affect the expansion of the authority's jurisdiction
255 under this part.

256 (7)-(4) The authority may employ a secretary and executive
257 director, its own counsel and legal staff, and such legal,
258 financial, and other professional consultants, technical
259 experts, engineers, and employees, permanent or temporary, as it
260 may require and may determine the qualifications and fix the
261 compensation of such persons, firms, or corporations. The
262 authority may contract with the Division of Bond Finance of the
263 State Board of Administration for any financial services
264 authorized herein.

265 (8)-(5) The authority may delegate to one or more of its
266 officers or employees such of its powers as it deems ~~shall deem~~
267 necessary to carry out the purposes of this part, subject always
268 to the supervision and control of the authority. A member
269 ~~Members~~ of the governing board ~~authority~~ may be removed from
270 ~~their~~ office by the Governor for misconduct, malfeasance,
271 misfeasance, or ~~and~~ nonfeasance in office.



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272 Section 4. Section 348.53, Florida Statutes, is amended to
273 read:

274 348.53 Purposes of the authority.—

275 (1) The purposes of the authority are, and the authority
276 has the is created for the purposes and shall have power, to
277 construct, reconstruct, improve, extend, repair, maintain, and
278 operate the expressway system. It is hereby found and declared
279 that such purposes are in all respects for the benefit of the
280 people of the State of Florida, the City of Tampa, and the West
281 Florida region County of Hillsborough for the increase of their
282 pleasure, convenience, and welfare; for the improvement of their
283 health; and to facilitate transportation, including managed
284 lanes and other transit supporting facilities, for their
285 recreation and commerce and for the common defense. The
286 authority is performing a public purpose and a governmental
287 function in carrying out its corporate purpose and in exercising
288 the powers granted in this section herein.

289 (2) (a) In the construction of the expressway system, the
290 authority may construct any extensions, additions, or
291 improvements to the system or appurtenant facilities, including
292 all necessary approaches, roads, bridges, avenues of access, and
293 boulevards, with any changes, modifications, or revisions of any
294 project which are deemed desirable and proper. However, the
295 authorization provided in this subsection does not extend to any
296 appurtenant facility without the advance written consent of the
297 owner of the underlying right-of-way.

298 (b) A transportation facility shall become part of the
299 expressway system of the authority upon the authority governing
300 board's designation of such transportation facility as part of



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301 its expressway system. However, no such designation may be
302 construed to include any portion of a facility as part of the
303 expressway system without the advance written consent of the
304 owner of the underlying right-of-way of such facility.

305 Section 5. Section 348.54, Florida Statutes, is amended to
306 read:

307 348.54 Powers of the authority.—Except as otherwise limited
308 herein, the authority shall have the power:

309 (1) To sue and be sued, implead and be impleaded, and
310 complain and defend in all courts.

311 (2) To adopt, use, and alter at will, ~~and~~ a seal.

312 (3) To acquire, purchase, hold, lease as lessee, and use
313 any franchise, property, real, personal or mixed, tangible or
314 intangible, or any interest therein, necessary or desirable for
315 carrying out the purposes of the authority, and to sell, lease
316 as lessor, transfer, and dispose of any property or interest
317 therein at any time acquired by it.

318 (4) To construct, reconstruct, or improve on or along the
319 expressway system suitable facilities for gas stations,
320 restaurants, and other facilities for the public. ~~Such~~ Such
321 facilities may be publicly offered for leasing for operation
322 under rules and regulations to be established by the authority.

323 (5) To enter into and make lease-purchase agreements as
324 provided in s. 348.60 for terms not exceeding 40 years, or until
325 all bonds secured by a pledge thereunder, and all refundings
326 thereof, are fully paid as to both principal and interest,
327 whichever is longer.

328 (6) To fix, alter, charge, establish, and collect tolls,
329 rates, fees, rentals, and other charges for the services and



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330 facilities of the expressway system, which tolls, rates, fees,
331 rentals, and other charges shall always be sufficient to comply
332 with any covenants made with the holders of any bonds.~~+~~
333 ~~provided,~~ However, ~~that~~ such right and power, or any part
334 thereof, may be assigned or delegated~~+~~ by the authority~~+~~ to the
335 lessee under a lease-purchase agreement. Toll revenues
336 attributable to a toll rate increase for the use of a portion of
337 the expressway system that become effective on or after the date
338 that the jurisdiction of the authority is first expanded to
339 include any one or more expansion counties may not be used to
340 construct or expand a different portion of the system unless a
341 two-thirds majority of the members of the authority governing
342 board, determined as of the time of such vote, votes to approve
343 such use. This requirement does not apply if and to the extent
344 that application of the requirement would:

345 (a) Violate any covenant established in a resolution or
346 trust indenture under which bonds were issued by the authority
347 on or before the first date that the authority's jurisdiction is
348 expanded to include one or more expansion counties; or

349 (b) Cause the authority to be unable to meet its
350 obligations under the terms of the memorandum of agreement dated
351 October 26, 2010, as amended by the amendment to memorandum of
352 agreement dated March 28, 2012, and the second amendment to
353 memorandum of agreement dated October 8, 2012, between the
354 former authority and the department and assumed by the West
355 Florida Expressway Authority.

356 (7) To borrow money and to make and issue negotiable bonds,
357 notes, refunding bonds, and other evidences of indebtedness or
358 obligations, either in temporary or definitive form, referred to



359 ~~hereinafter~~ in this chapter ~~referred to~~ as "bonds of the
360 authority," for the purpose of financing all or part of the
361 improvement or extension of the expressway system and
362 appurtenant facilities, including all approaches, streets,
363 roads, bridges, and avenues of access for the ~~expressway~~ system,
364 and for any other purpose authorized by this part, and to
365 provide for the rights of the holders thereof.

366 (8) To secure the payment of bonds by a pledge of all or
367 any portion of the expressway system revenues or such other
368 moneys legally available therefor and of all or any portion of a
369 county's ~~the Hillsborough County~~ gasoline tax funds in the
370 manner provided by this part; and in general to provide for the
371 security of the bonds and the rights and remedies of the holders
372 thereof. ~~Interest upon the amount of gasoline tax funds to be~~
373 ~~repaid to the county pursuant to s. 348.60 shall be payable, at~~
374 ~~the highest rate applicable to any outstanding bonds of the~~
375 ~~authority, out of revenues and other available moneys not~~
376 ~~required to meet the authority's obligations to its bondholders.~~
377 The authority may not, ~~shall have no power~~ at any time or in any
378 manner, to ~~to~~ pledge the credit or taxing power of the state or any
379 political subdivision or agency thereof, including a ~~the~~ city
380 and a ~~the~~ county, nor shall any of the authority's obligations
381 be deemed to be obligations of the state or of any political
382 subdivision or agency thereof, nor shall the state or any
383 political subdivision or agency thereof, except the authority,
384 be liable for the payment of the principal of or interest on
385 such obligations.

386 (9) To make contracts of every name and nature and to
387 execute all instruments necessary or convenient for the carrying



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388 on of its business.

389 (10) Without limitation of the foregoing, to borrow money
390 and accept gifts or grants from, and to enter into contracts,
391 leases, l or other transactions with, l any federal agency, the
392 state, any agency of the state, a ~~the~~ county, a ~~the~~ city, l or
393 ~~with~~ any other public body of the state or any other person and
394 to comply with the terms and conditions thereof.

395 (11) ~~To have the power~~ Of eminent domain.

396 (12) To construct and maintain over, under, along, or
397 across the expressway system, ~~7~~ telephone, telegraph, television,
398 electric power, l and other wires or cables, pipelines, water
399 mains, l and other conduits and mechanical equipment, ~~7~~ not
400 inconsistent with the appropriate use of the system, or to
401 contract for such construction, l ~~7~~ and, l upon such terms and
402 conditions as the authority determines ~~shall determine~~, to lease
403 all or any part of such property and facilities or the right to
404 use such property and facilities ~~the same~~ whether such
405 facilities are constructed by the authority or under a contract
406 for such construction, ~~7~~ ~~for a period of not more than 20 years~~
407 ~~from the date when such lease is made.~~

408 (13) To do all acts and things necessary or convenient for
409 the conduct of its business and the general welfare of the
410 authority, ~~7~~ in order to carry out the powers granted to it by
411 this part or any other law.

412 (14) To enter into partnerships, contracts, and agreements,
413 including, but not limited to, interlocal agreements, with any
414 federal, state, or local governmental entity with respect to the
415 purposes of this part.

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417 Before entering into any sale, lease, transfer, or disposition
418 of its real properties under subsection (3), leasing any of its
419 facilities under subsection (4), or taking final action under
420 subsection (7), the authority shall give notice thereof by
421 publication on at least 5 separate days in a newspaper of
422 general circulation in the affected county. Such notice shall
423 state the place and time, not less than 14 days after the first
424 such publication, when objections may be filed with and heard by
425 the authority.

426 ~~(14) Prior to entering into any sale, lease, transfer or~~
427 ~~disposition of its real properties pursuant to subsection (3),~~
428 ~~leasing any of its facilities pursuant to subsection (4), or~~
429 ~~taking final action under subsection (7), the authority shall~~
430 ~~give notice thereof by publication on at least 5 separate days,~~
431 ~~in a newspaper of general circulation in the county. Such notice~~
432 ~~shall state the place and time, not less than 14 days following~~
433 ~~the first such publication, when objections may be filed with~~
434 ~~and heard by the authority.~~

435 ~~(15) With the consent of the county within whose~~
436 ~~jurisdiction the activities occur, to construct, operate, and~~
437 ~~maintain roads, bridges, avenues of access, thoroughfares, and~~
438 ~~boulevards and managed lanes and other transit supporting~~
439 ~~facilities outside of the jurisdictional boundaries of~~
440 ~~Hillsborough County and within the jurisdictional boundaries of~~
441 ~~counties contiguous to Hillsborough County, together with the~~
442 ~~right to construct, repair, replace, operate, install, and~~
443 ~~maintain such facilities and electronic toll payment systems~~
444 ~~thereon or incidental thereto, with all necessary and incidental~~
445 ~~powers to accomplish the foregoing.~~



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446 Section 6. Section 348.565, Florida Statutes, is amended to
447 read:

448 348.565 Revenue bonds for specified projects.—The existing
449 facilities that constitute the ~~Tampa Hillsborough County~~
450 expressway system are hereby approved to be refinanced by
451 revenue bonds issued by the Division of Bond Finance of the
452 State Board of Administration pursuant to s. 11(f), Art. VII of
453 the State Constitution and the State Bond Act or by revenue
454 bonds issued by the authority pursuant to s. 348.56(1)(b). In
455 addition, the capital projects that the authority is authorized
456 to acquire, construct, reconstruct, equip, operate, and maintain
457 under this part following projects of the Tampa Hillsborough
458 County Expressway Authority are approved to be financed or
459 refinanced by the issuance of revenue bonds in accordance with
460 this part and s. 11(f), Art. VII of the State Constitution:

461 ~~(1) Brandon area feeder roads.~~

462 ~~(2) Capital improvements to the expressway system,~~
463 ~~including safety and operational improvements and toll~~
464 ~~collection equipment.~~

465 ~~(3) Lee Roy Selmon Crosstown Expressway System widening,~~
466 ~~and any extensions thereof.~~

467 ~~(4) The connector highway linking the Lee Roy Selmon~~
468 ~~Crosstown Expressway to Interstate 4.~~

469 ~~(5) Capital projects that the authority is authorized to~~
470 ~~acquire, construct, reconstruct, equip, operate, and maintain~~
471 ~~pursuant to this part, including, without limitation, s.~~
472 ~~348.54(15), provided that any financing of such projects does~~
473 ~~not pledge the full faith and credit of the state.~~

474 Section 7. Section 348.60, Florida Statutes, is amended to



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475 read:

476 348.60 Lease-purchase agreements.—

477 (1) In order to effectuate the purposes of this part, the
478 authority may enter into lease-purchase agreements with a ~~the~~
479 city, a ~~the~~ county, or the state or any agency thereof,
480 excluding ~~including~~ the department, and any federal agency
481 relating to and covering the expressway system or any portion
482 thereof.

483 (2) Such lease-purchase agreements may provide for the
484 leasing of the expressway system or any portion thereof by the
485 authority as lessor to any one or more of the aforementioned
486 governmental entities or agencies as lessee, shall prescribe the
487 term of such lease and the rentals to be paid thereunder, and
488 may provide that upon the completion of the faithful performance
489 thereunder and the termination of such lease-purchase
490 agreements, title in fee simple absolute to the expressway
491 system, as then constituted, shall be transferred in accordance
492 with law by the authority to such lessee or otherwise as
493 provided in such agreements. In the event of such transfer to
494 the lessee, the authority shall deliver to such lessee such
495 deeds and conveyances as shall be necessary or convenient to
496 vest title in fee simple absolute in such lessee.

497 (3) (a) The lease-purchase agreements may include such other
498 provisions, agreements, and covenants as the authority and the
499 lessee deem advisable or necessary, including, but not limited
500 to, provisions with respect to bonds; the construction,
501 reconstruction, extension, improvements, operation, repair, and
502 maintenance of the expressway system; the expenses and costs of
503 operation of the system and of the authority; the charging and



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504 collecting of tolls, rates, fees, and other charges for the use
505 of the services and facilities thereof; ~~the application of~~
506 federal, state, or other grants or aid that ~~which~~ may be made or
507 given to assist the authority; ~~the enforcement of payment and~~
508 collection of rentals; and any other terms, provisions, or
509 covenants necessary, incidental, or convenient to the making of
510 and full performance under such lease-purchase agreements.

511 ~~(a) In the event the department is a lessee under any such~~
512 ~~lease-purchase agreement, it is authorized to pay as rentals~~
513 ~~thereunder in addition to the revenues accruing thereto from the~~
514 ~~operation of the expressway system, all or any portion of the~~
515 ~~Hillsborough county gasoline tax funds and may also pay as~~
516 ~~rentals any appropriations received by the department pursuant~~
517 ~~to any act of the Legislature heretofore or hereafter enacted;~~
518 ~~provided, however, that nothing herein nor in such lease-~~
519 ~~purchase agreement shall be construed to require the Legislature~~
520 ~~to make or continue such appropriations nor shall any holder of~~
521 ~~bonds ever have any right to require the Legislature to make or~~
522 ~~continue such appropriations.~~

523 (b) In the event a ~~the~~ county is a lessee under any such
524 lease-purchase agreement, the county may ~~it shall be authorized~~
525 ~~to~~ pay as rentals thereunder in addition to the expressway
526 revenues accruing to the county from the operation of the
527 expressway system all or any part of the 20-percent surplus
528 gasoline tax funds accruing to the ~~Hillsborough~~ county.

529 (4) A ~~No~~ pledge of either the 80-percent surplus gasoline
530 ~~tax funds or the 20-percent~~ surplus gasoline tax funds under any
531 such lease-purchase agreement may not ~~shall~~ be made without the
532 consent of the county evidenced by a resolution duly adopted by



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533 its board of county commissioners, which resolution may
534 authorize the execution and delivery of an interlocal agreement
535 between the authority and the county setting forth the terms and
536 provisions for the use by the authority of any such gasoline tax
537 funds nor unless the revenues pledged under any such lease-
538 purchase agreements are estimated by the authority to aggregate
539 during the term of such lease purchase agreements not less than
540 the principal amount of the bonds secured thereunder plus
541 interest thereon. Such resolution, among other things shall
542 provide that any excess of such pledge of the Hillsborough
543 County gasoline tax funds which is not required for debt service
544 or reserves for such debt service for any bonds shall be
545 returned annually to the appropriate board or agency for
546 distribution to the county as provided by law; and shall
547 provide, further, that any Hillsborough County gasoline tax
548 funds actually expended for such debt service, shall be repaid
549 with interest out of revenues and other available moneys not
550 required to meet the authority's obligations to its bondholders,
551 as determined by the authority.

552 (5) A Any lessee under any such lease-purchase agreement
553 may agreements shall have power to covenant therein that it will
554 pay all or any part of the cost of the operation, maintenance,
555 repair, renewal, and replacement of the expressway system, and
556 any part of the cost of completing such system, to the extent
557 that the proceeds of bonds issued therefor are insufficient,
558 from sources other than expressway system revenues and
559 Hillsborough county gasoline tax funds. Any Such lessee may also
560 agree to make such other payments from moneys available to a the
561 county, a the city, or the authority, or the department in



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562 connection with the construction or completion of the expressway
563 ~~such~~ system as ~~shall be~~ deemed by such lessee to be fair and
564 proper under any such covenants ~~heretofore or hereafter~~ entered
565 into.

566 ~~(6) The system shall be a part of the state road system.~~
567 ~~The department is hereby authorized, upon request of the~~
568 ~~authority, to expend out of any funds available for the purpose,~~
569 ~~such moneys, and to use such of its engineering or other forces,~~
570 ~~as may be necessary and desirable in the judgment of the~~
571 ~~department, for the operation of the authority and for traffic~~
572 ~~surveys, borings, surveys, preparation of plans and~~
573 ~~specifications, estimates of costs, preliminary engineering and~~
574 ~~other studies.~~

575 Section 8. Section 348.61, Florida Statutes, is amended to
576 read:

577 348.61 Department may be appointed agent of authority for
578 construction.-The department may be appointed by the authority
579 as its agent for the purpose of constructing, reconstructing,
580 improving, extending, or repairing the expressway system. In
581 such event, the authority shall provide the department with
582 complete copies of all documents, agreements, resolutions,
583 contracts, and instruments relating thereto and shall request
584 the department to do such construction work, including the
585 planning, surveying, and actual construction involved, and shall
586 transfer to the credit of an account of the department in the
587 Treasury of the state the necessary funds therefor. The
588 department shall then ~~thereupon~~ be authorized, empowered, and
589 directed to proceed with such construction work and to use such
590 ~~the said~~ funds for such purpose and in the same manner that it



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591 is now authorized to use the funds otherwise authorized by law
592 for its use in construction of roads and bridges.

593 Section 9. Section 348.62, Florida Statutes, is amended to
594 read:

595 348.62 Acquisition of lands and property.-

596 (1) ~~For the purpose of this part,~~ The authority may acquire
597 private or public property and property rights, including rights
598 of access, air, view, and light, by gift, devise, purchase, or
599 condemnation by eminent domain proceedings, as the authority
600 deems ~~may deem~~ necessary for ~~any of~~ the purposes of this part,
601 including, but not limited to, any lands reasonably necessary
602 for securing applicable permits, areas necessary for management
603 of access, borrow pits, drainage ditches, water retention areas,
604 rest areas, and replacement access for landowners whose access
605 is impaired due to the construction of a transportation
606 facility. The right of eminent domain ~~herein~~ conferred in this
607 subsection shall be exercised by the authority in the manner
608 provided by law, in particular chapter 74.

609 (2) The authority may acquire such rights, title, interest,
610 or easements in such lands and property as it deems ~~may deem~~
611 necessary for ~~any of~~ the purposes of this part.

612 (3) In connection with the acquisition of property or
613 property rights as ~~herein~~ provided in this section, the
614 authority may, in its discretion, acquire an entire lot, block,
615 parcel, or tract of land, if by so doing the interest of the
616 public will be best served, even though such entire lot, block,
617 parcel, or tract is not immediately needed for the right-of-way
618 proper.

619 Section 10. Sections 348.68 and 348.681, Florida Statutes,



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620 are repealed.

621 Section 11. Section 348.70, Florida Statutes, is renumbered
622 as section 348.682, Florida Statutes, and amended to read:

623 348.682 ~~348.70~~ This part complete and additional
624 authority.-

625 (1) The powers conferred by this part are ~~shall be~~ in
626 addition and supplemental to the existing respective powers of
627 the authority, the department, a ~~the~~ county, and a ~~the~~ city, if
628 any, and this part does ~~shall~~ not repeal ~~be construed as~~
629 ~~repealing~~ any ~~of the~~ provisions of any other law, general,
630 special, or local, but supersedes ~~shall be deemed to supersede~~
631 such other law or laws in the exercise of the powers provided in
632 this part insofar as such other law or laws are inconsistent
633 with ~~the provisions of~~ this part and to provide a complete
634 method for the exercise of the powers granted in this part
635 ~~herein~~. The construction, reconstruction, improvement,
636 extension, repair, maintenance, and operation of the expressway
637 system, and the issuance of bonds under this part ~~hereunder~~ to
638 finance all or part of the cost thereof, may be accomplished
639 upon compliance with ~~the provisions of~~ this part without regard
640 to or necessity for compliance with the provisions, limitations,
641 or restrictions contained in any other general, special, or
642 local law, including, but not limited to, s. 215.821, and ~~no~~
643 approval of any bonds issued under this part by the qualified
644 electors or qualified electors who are freeholders in the state
645 or in a ~~the~~ county or ~~in the~~ city or in any other political
646 subdivision of the state is not ~~shall be~~ required for the
647 issuance of such bonds.

648 (2) This part does not repeal, rescind, or modify any other



649 law or laws relating to the State Board of Administration, the
650 Department of Transportation, or the Division of Bond Finance of
651 the State Board of Administration, but supersedes ~~shall~~
652 ~~supersede~~ such other law or laws as are inconsistent with ~~the~~
653 ~~provisions~~ of this part, including, but not limited to, s.
654 215.821.

655 Section 12. Subsection (2) of section 343.975, Florida
656 Statutes, is amended to read:

657 343.975 Complete and additional statutory authority.—

658 (2) This part does not repeal, rescind, or modify any other
659 law relating to the State Board of Administration, the
660 Department of Transportation, the West Florida Tampa-
661 ~~Hillsborough County~~ Expressway Authority, or the Division of
662 Bond Finance within the State Board of Administration; however,
663 this part supersedes such other laws as are inconsistent with
664 its provisions, including, but not limited to, s. 215.821.

665 Section 13. Section 348.545, Florida Statutes, is amended
666 to read:

667 348.545 Facility improvement; bond financing authority.—
668 Pursuant to s. 11(f), Art. VII of the State Constitution, the
669 Legislature ~~hereby~~ approves for bond financing by the West
670 Florida Tampa-Hillsborough County Expressway Authority
671 improvements to toll collection facilities, interchanges to the
672 ~~legislatively approved~~ expressway system, and any other facility
673 appurtenant, necessary, or incidental to the approved system.
674 Subject to terms and conditions of applicable revenue bond
675 resolutions and covenants, such costs may be financed in whole
676 or in part by revenue bonds issued pursuant to s. 348.56(1)(a)
677 or (b), whether currently issued or issued in the future, or by



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678 a combination of such bonds.

679 Section 14. Section 348.56, Florida Statutes, is amended to
680 read:

681 348.56 Bonds of the authority.—

682 (1) (a) Bonds may be issued on behalf of the authority
683 pursuant to the State Bond Act.

684 (b) Alternatively, the authority may ~~shall have the power~~
685 ~~and is hereby authorized~~ from time to time ~~to~~ issue bonds in
686 such principal amount as, in the opinion of the authority, shall
687 be necessary to provide sufficient moneys for achieving its
688 corporate purposes, including construction, reconstruction,
689 improvement, extension, repair, maintenance, and operation of
690 the expressway system, the cost of acquisition of all real
691 property, interest on bonds during construction and for a
692 reasonable period thereafter, establishment of reserves to
693 secure bonds, and all other expenditures of the authority
694 incident to and necessary or convenient to carry out its
695 corporate purposes and powers.

696 (2) (a) Bonds issued by the authority pursuant to paragraph
697 (1) (a) or paragraph (1) (b) shall be authorized by resolution of
698 the members of the authority and shall bear such date or dates,
699 mature at such time or times, not exceeding 40 years from their
700 respective dates, bear interest at such rate or rates, not
701 exceeding the maximum rate fixed by general law for authorities,
702 be in such denominations, be in such form, either coupon or
703 fully registered, carry such registration, exchangeability, and
704 interchangeability privileges, be payable in such medium of
705 payment and at such place or places, be subject to such terms of
706 redemption, and be entitled to such priorities of lien on the



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707 revenues, other available moneys, and any ~~the Hillsborough~~
708 county gasoline tax funds as such resolution or any resolution
709 subsequent thereto may provide. The bonds shall be executed
710 ~~either~~ by manual or facsimile signature by such officers as the
711 authority determines ~~shall determine~~, provided that such bonds
712 shall bear at least one signature that ~~which~~ is manually
713 executed thereon. The coupons attached to such bonds shall bear
714 the facsimile signature or signatures of such officer or
715 officers as shall be designated by the authority. Such bonds
716 shall have the seal of the authority affixed, imprinted,
717 reproduced, or lithographed thereon.

718 (b) The bonds issued pursuant to paragraph (1)(a) or
719 paragraph (1)(b) shall be sold at public sale in the same manner
720 provided in the State Bond Act. However, if the authority
721 determines, by official action at a public meeting, that a
722 negotiated sale of such bonds is in the best interest of the
723 authority, the authority may negotiate the sale of such bonds
724 with the underwriter or underwriters designated by the authority
725 and the Division of Bond Finance within the State Board of
726 Administration with respect to bonds issued pursuant to
727 paragraph (1)(a) or solely by the authority with respect to
728 bonds issued pursuant to paragraph (1)(b). The authority's
729 determination to negotiate the sale of such bonds may be based,
730 in part, upon the written advice of the authority's financial
731 adviser. Pending the preparation of definitive bonds, temporary
732 bonds or interim certificates may be issued to the purchaser or
733 purchasers of such bonds and may contain such terms and
734 conditions as the authority determines ~~may determine~~.

735 (3) Any such resolution or resolutions authorizing any



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736 bonds may contain provisions that ~~which~~ shall be part of the
737 contract with the holders of such bonds, as to:

738 (a) The pledging of all or any part of the expressway
739 system revenues, the ~~Hillsborough~~ county gasoline tax funds, or
740 other moneys lawfully available therefor.

741 (b) The construction, reconstruction, improvement,
742 extension, repair, maintenance, operation, lease, or lease-
743 purchase of the expressway system, or any part or parts thereof,
744 and the duties and obligations of the authority and others,
745 including the department, with reference thereto.

746 (c) Limitations on the purposes to which the proceeds of
747 the bonds, then or thereafter to be issued, or of any loan or
748 grant by any federal agency or the state or any political
749 subdivision thereof may be applied.

750 (d) The fixing, charging, establishing, revising,
751 increasing, reducing, and collecting of tolls, rates, fees,
752 rentals, or other charges for use of the services and facilities
753 of the expressway system or any part thereof.

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

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

757 (g) The terms and provisions of any lease-purchase
758 agreement, deed of trust, or indenture securing the bonds, or
759 under which such bonds ~~same~~ may be issued.

760 (h) Any other or additional matters of like or different
761 character which in any way affect the security or protection of
762 the bonds.

763 (4) The authority may enter into any deeds of trust,
764 indentures, or other agreements with any bank or trust company



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765 within or without the state, as security for such bonds, and
766 may, under such agreements, assign and pledge all or any of the
767 expressway system revenues and other available moneys, including
768 all or any portion of any ~~the Hillsborough~~ county gasoline tax
769 funds, pursuant to the terms of this part. Such deed of trust,
770 indenture, or other agreement, may contain such provisions as
771 are customary in such instruments or as the authority may
772 authorize, including, but not limited to ~~without limitation~~,
773 provisions as to:

774 (a) The pledging of all or any part of the expressway
775 system revenues, any ~~the Hillsborough~~ county gasoline tax funds,
776 or other moneys lawfully available therefor.

777 (b) The application of funds and the safeguarding of funds
778 on hand or on deposit.

779 (c) The rights and remedies of the trustee and the holders
780 of the bonds.

781 (d) The terms and provisions of the bonds or the
782 resolutions authorizing the issuance of such bonds ~~the same~~.

783 (e) Any other or additional matters, of like or different
784 character, which in any way affect the security or protection of
785 the bonds.

786 (5) ~~Any of~~ The bonds issued pursuant to this part are, ~~and~~
787 ~~are hereby declared to be~~, negotiable instruments, and shall
788 have all the qualities and incidents of negotiable instruments
789 under the law merchant and the negotiable instruments law of the
790 state.

791 (6) It is the intention hereof that any pledge made by the
792 authority shall be valid and binding from the time when the
793 pledge is made; that the moneys so pledged and thereafter



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794 received by the authority shall immediately be subject to the
795 lien of such pledge without any physical delivery thereof or
796 further act, and that the lien of any such pledge shall be valid
797 and binding as against all parties having claims of any kind in
798 tort, contract, or otherwise against the authority, irrespective
799 of whether such parties have notice thereof. A ~~Neither the~~
800 resolution or ~~nor any~~ other instrument by which a pledge is
801 created is not required to ~~need~~ be recorded.

802 (7) A member or other ~~Neither the members nor any~~ person
803 executing the bonds is not ~~shall be~~ liable personally on the
804 bonds or ~~be~~ subject to any personal liability or accountability
805 by reason of the issuance thereof.

806 (8) The authority may, ~~shall have power~~ out of any funds
807 available therefor, ~~to~~ purchase bonds, which shall thereupon be
808 canceled, at a price not exceeding, if the bonds are then
809 redeemable, the redemption price then applicable plus accrued
810 interest to the next date of redemption thereof, or if the bonds
811 are not then redeemable, the redemption price applicable on the
812 first date after such purchase upon which the bonds become
813 subject to redemption plus accrued interest to such ~~said~~ date.

814 Section 15. Section 348.57, Florida Statutes, is amended to
815 read:

816 348.57 Refunding bonds.—

817 (1) Subject to public notice as provided in s. 348.54, the
818 authority may ~~is authorized to~~ provide by resolution for the
819 issuance from time to time of bonds pursuant to s. 348.56(1)(b)
820 for the purpose of refunding any bonds then outstanding
821 regardless of whether the bonds being refunded were issued by
822 the authority pursuant to this chapter or on behalf of the



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823 authority pursuant to the State Bond Act. The authority is
824 further authorized to provide by resolution for the issuance of
825 bonds for the combined purpose of:

826 (a) Paying the cost of constructing, reconstructing,
827 improving, extending, repairing, maintaining, and operating the
828 expressway system.

829 (b) Refunding bonds then outstanding. The authorization,
830 sale, and issuance of such obligations, the maturities and other
831 details thereof, the rights and remedies of the holders thereof,
832 and the rights, powers, privileges, duties, and obligations of
833 the authority with respect to such bonds ~~the same~~ shall be
834 governed by ~~the foregoing provisions of~~ this part insofar as ~~the~~
835 ~~same~~ may be applicable.

836 (2) In the event that the authority determines ~~shall~~
837 ~~determine~~ to issue bonds for the purpose of refunding any
838 outstanding bonds before ~~prior to~~ the maturity thereof, the
839 proceeds of such refunding bonds may, pending the redemption of
840 the bonds to be refunded, be invested in direct obligations of
841 the United States. It is the express intention of this part that
842 outstanding bonds may be refunded and retired by and upon the
843 issuance of bonds notwithstanding that all or a portion of such
844 outstanding bonds will not mature or become redeemable until
845 after the date of issuance of such refunding bonds.

846 Section 16. Section 348.58, Florida Statutes, is amended to
847 read:

848 348.58 Remedies.—

849 (1) The rights and ~~the remedies herein~~ conferred upon or
850 granted to the bondholders shall be in addition to and not in
851 limitation of any rights and remedies lawfully granted to such



852 bondholders by the resolution or resolutions or indenture
853 providing for the issuance of bonds, or by any lease-purchase
854 agreement, deed of trust, indenture, or other agreement under
855 which the bonds may be issued or secured. In the event that the
856 authority defaults ~~shall default~~ in the payment of the principal
857 of or interest on any of the bonds issued pursuant to ~~the~~
858 ~~provisions of~~ this part after such principal of or interest on
859 the bonds has ~~shall have~~ become due, whether at maturity or upon
860 call for redemption, as provided in said resolution or
861 indenture, or in the event that the lessee defaults ~~shall~~
862 ~~default~~ in any payments under, or covenants made in, any lease-
863 purchase agreement and such default continues ~~shall continue~~ for
864 ~~a period of~~ 30 days, or in the event that the authority or the
865 lessee fails ~~shall fail~~ or refuses ~~refuse~~ to comply with ~~the~~
866 ~~provisions of~~ this part or any agreement made with, or for the
867 benefit of, the holders of the bonds, the holders of 25 percent
868 in aggregate principal amount of the bonds then outstanding
869 shall be entitled as of right to the appointment of a trustee to
870 represent such bondholders for the purposes hereof. ~~provided,~~
871 ~~However, that~~ such holders of 25 percent in aggregate principal
872 amount of the bonds then outstanding must ~~shall have~~ first give
873 ~~given written notice of their intention to appoint a trustee,~~ to
874 the authority and to such lessee written notice of their
875 intention to appoint a trustee.

876 (2) Such trustee, and any trustee under any deed of trust,
877 indenture, or other agreement, may, and upon written request of
878 the holders of 25 percent, or such other percentages as may be
879 specified in any deed of trust, indenture, or other agreement
880 ~~aforsaid,~~ in principal amount of the bonds then outstanding,



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881 shall, in any court of competent jurisdiction, in his, her, or
882 its own name:

883 (a) By mandamus or other suit, action, or proceeding at
884 law, or in equity, enforce all rights of the bondholders,
885 including the right to require the authority to fix, establish,
886 maintain, collect, and charge rates, fees, rentals, and other
887 charges, adequate to carry out any agreement as to, or pledge
888 of, the expressway system revenues, and to require the authority
889 to carry out any other covenants and agreements with or for the
890 benefit of the bondholders, and to perform its and their duties
891 under this part.

892 (b) By mandamus or other suit, action, or proceeding at
893 law, or in equity, enforce all rights of the bondholders under
894 or pursuant to any lease-purchase agreement, including the right
895 to require the lessee to make all rental payments required to be
896 made by it under ~~the provisions of~~ any such lease-purchase
897 agreement, whether from the ~~Hillsborough~~ county gasoline tax
898 funds or other funds so agreed to be paid and to require the
899 lessee to carry out any other covenants and agreements with or
900 for the benefit of the bondholders and to perform its and their
901 duties under this part.

902 (c) Bring suit upon the bonds.

903 (d) By action or suit in equity require the authority or
904 any lessee under any lease-purchase agreement to account as if
905 it were the trustee of an express trust for the bondholders.

906 (e) By action or suit in equity, enjoin any acts or things
907 that ~~which~~ may be unlawful or in violation of the rights of the
908 bondholders.

909 (3) Any trustee when appointed ~~as aforesaid~~, or acting



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910 under a deed of trust, indenture, or other agreement, and
911 regardless of whether or not all bonds have been declared due
912 and payable, shall be entitled as of right to the appointment of
913 a receiver, who may enter upon and take possession of the
914 expressway system or the facilities or any part or parts
915 thereof, the expressway system revenues, and other pledged
916 moneys and, subject to and in compliance with ~~the provisions of~~
917 any lease-purchase agreement, operate and maintain the same, for
918 and on behalf of and in the name of, the authority, the lessee,
919 and the bondholders, and collect and receive all expressway
920 system revenues and other pledged moneys in the same manner as
921 the authority or the lessee might do, and shall deposit all such
922 revenues and moneys in a separate account and apply the same in
923 such manner as the court directs ~~shall direct~~. In any suit,
924 action, or proceeding by the trustee, the fees, counsel fees,
925 and expenses of the trustee, and such ~~said~~ receiver, if any, and
926 all costs and disbursements allowed by the court shall be a
927 first charge on any expressway system revenues. Such trustee
928 shall, in addition to the foregoing, have and possess all of the
929 powers necessary or appropriate for the exercise of any
930 functions specifically set forth herein or incident to the
931 representation of the bondholders in the enforcement and
932 protection of their rights.

933 (4) ~~Nothing in~~ This section or any other section of this
934 part does not ~~shall~~ authorize any receiver appointed pursuant
935 hereto for the purpose, subject to and in compliance with ~~the~~
936 ~~provisions of~~ any lease-purchase agreement, of operating and
937 maintaining the expressway system or any facilities or part or
938 parts thereof, to sell, assign, mortgage, or otherwise dispose



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939 of any of the assets of whatever kind and character belonging to
940 the authority. It is the intention of this part to limit the
941 powers of such receiver, subject to and in compliance with ~~the~~
942 ~~provisions of~~ any lease-purchase agreement, to the operation and
943 maintenance of the system, or any facility or part or parts
944 thereof, as the court directs ~~may direct~~, in the name and for
945 and on behalf of the authority, the lessee, and the bondholders,
946 and a ~~no~~ holder of bonds or a ~~nor any~~ trustee does not, ~~shall~~
947 ~~ever~~ have the right in any suit, action, or proceeding at law,
948 or in equity, to compel a receiver, nor shall any receiver be
949 authorized, or any court be empowered to direct the receiver, to
950 sell, assign, mortgage, or otherwise dispose of any assets of
951 whatever kind or character belonging to the authority.

952 Section 17. Section 348.59, Florida Statutes, is amended to
953 read:

954 348.59 Traffic control.-

955 (1) In addition to the powers conferred by the statutes of
956 the state and by city ~~the ordinances of the city~~, the authority
957 may adopt ~~is hereby authorized to promulgate~~ such rules and
958 regulations for the use and occupancy of the expressway system
959 as may be necessary and proper for the public safety and
960 convenience, for the preservation of its property, and for the
961 collection of tolls.

962 (2) The enforcement of the rules and regulations of the
963 authority and of those provisions of the statutes and ordinances
964 applicable to the expressway system may be by a ~~the~~ city police
965 department or ~~and~~ sheriff of a Hillsborough county within the
966 jurisdiction of which a transportation facility is located. ~~+~~
967 ~~provided~~, However, ~~that~~ at the request of the authority, such



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968 enforcement shall also be the duty of the Florida Highway
969 Patrol. Violators shall be apprehended and prosecuted in the
970 same manner as provided for the apprehension and prosecution of
971 violators of such statutes and ordinances who commit violations
972 thereof upon streets, roads, and thoroughfares in the state.

973 Section 18. Section 348.63, Florida Statutes, is amended to
974 read:

975 348.63 Cooperation with other units, boards, agencies, and
976 individuals.—Express authority and power is ~~hereby given and~~
977 granted to any county, municipality, drainage district, road and
978 bridge district, school district, or any other political
979 subdivision, board, authority, corporation, or individual in or
980 of the state to make and enter into with the authority
981 contracts, leases, conveyances, or other agreements within the
982 provisions and purposes of this part. The authority may ~~is~~
983 ~~hereby expressly authorized to~~ make and enter into contracts,
984 leases, conveyances, and other agreements with any political
985 subdivision, agency, or instrumentality of the state and any and
986 all federal agencies, corporations, and individuals for the
987 purpose of carrying out the provisions of this part.

988 Section 19. Section 348.64, Florida Statutes, is amended to
989 read:

990 348.64 Covenant of the state.—The state pledges ~~does hereby~~
991 ~~pledge~~ to and agrees ~~agree~~ with the holders ~~from time to time~~ of
992 the bonds that the state will not limit or alter the rights
993 ~~hereby~~ vested in the authority, the department, a ~~the~~ county,
994 and a ~~the~~ city to collect expressway system revenues, and
995 ~~Hillsborough~~ county gasoline tax funds, and any other moneys and
996 to fulfill the terms of any agreements made with the holders of



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997 bonds or to in any way impair the rights and remedies of such
998 holders until such bonds and the interest due thereon have been
999 paid. The state ~~does~~ further pledges ~~pledge~~ to and agrees ~~agree~~
1000 with the United States and any federal agency that, in the event
1001 any federal agency constructs ~~shall construct~~ or contributes
1002 ~~contribute~~ funds for the construction, reconstruction,
1003 extension, or improvement of the expressway system or any part
1004 thereof, the state will not alter or limit the rights of the
1005 authority, the department, a the county, or a the city in any
1006 manner ~~which would be~~ inconsistent with the continued
1007 maintenance or operation of the system or the construction,
1008 reconstruction, extension, or improvement thereof and ~~which~~
1009 ~~would be~~ inconsistent with the due performance of any agreements
1010 between the authority and any such federal agency. The
1011 authority, the department, a the county, and a the city shall
1012 continue to have and may exercise all powers herein granted so
1013 long as such powers are ~~the same shall be~~ necessary or desirable
1014 for the carrying out of the purposes of this part.

1015 Section 20. Section 348.65, Florida Statutes, is amended to
1016 read:

1017 348.65 Exemption from taxation.—The effectuation of the
1018 authorized purposes of the authority created under this part ~~is~~
1019 ~~shall and will be~~ in all respects for the benefit of the people
1020 of the state for the increase of their commerce and prosperity
1021 and for the improvement of their health and living conditions.
1022 Since the authority will perform essential governmental
1023 functions in effectuating such purpose, the authority is ~~shall~~
1024 not ~~be~~ required to pay ~~any~~ taxes or assessments of any kind ~~or~~
1025 ~~nature whatsoever~~ upon any property acquired or used by it for



1026 such purposes or upon any expressway system revenues at any time
1027 received by it. The bonds, their transfer, and the income
1028 therefrom, including any profits made on the sale thereof, are
1029 ~~shall at all times be~~ free from taxation of any kind by the
1030 state or by any political subdivision or other taxing agency or
1031 instrumentality thereof. The exemption granted by this section
1032 does not apply ~~shall not be applicable~~ to any tax imposed by
1033 chapter 220 on interest, income, or profits on debt obligations
1034 owned by corporations.

1035 Section 21. Section 348.67, Florida Statutes, is amended to
1036 read:

1037 348.67 Pledges enforceable for bondholders.—It is the
1038 intent ~~express intention~~ of this part that any pledge of
1039 expressway system revenues, ~~Hillsborough~~ county gasoline tax
1040 funds, or other funds either as rentals to the authority or for
1041 the payment of the principal of and interest on bonds, or any
1042 covenant or agreement relative thereto, ~~may~~ be enforceable in
1043 any court of competent jurisdiction against the authority or
1044 directly against the department, a the county, or a the city, as
1045 may be appropriate.

1046 Section 22. The Division of Law Revision is directed to
1047 replace the phrase "the effective date of this act" wherever it
1048 occurs in this act with the date the act becomes a law.

1049 Section 23. This act shall take effect upon becoming a law.

1050
1051 ===== T I T L E A M E N D M E N T =====

1052 And the title is amended as follows:

1053 Delete everything before the enacting clause
1054 and insert:



1055 A bill to be entitled
1056 An act relating to the Tampa-Hillsborough County
1057 Expressway Authority; amending s. 348.50, F.S.;
1058 renaming the Tampa-Hillsborough County Expressway
1059 Authority as the "West Florida Expressway Authority";
1060 amending s. 348.51, F.S.; revising and defining terms;
1061 amending s. 348.52, F.S.; providing for the transfer
1062 of governance and control, property and legal rights,
1063 powers, responsibilities, and obligations from the
1064 Tampa-Hillsborough County Expressway Authority to the
1065 West Florida Expressway Authority; providing terms and
1066 conditions of the transfer; revising the composition
1067 of the governing body of the authority; revising
1068 requirements for membership, terms, and meetings;
1069 defining the term "communications media technology";
1070 providing for expansion of the authority's
1071 jurisdictional boundaries; amending s. 348.53, F.S.;
1072 revising the purposes of the authority; authorizing
1073 the authority to construct certain facilities within
1074 the expressway system; specifying that such
1075 authorization does not extend to appurtenant
1076 facilities without the advance written consent of the
1077 owner of the underlying right-of-way; specifying that
1078 transportation facilities become part of the
1079 expressway system upon the authority governing board's
1080 designation; specifying that no such designation may
1081 be construed to include any portion of a facility as
1082 part of the expressway system without the advance
1083 written consent of the owner of the underlying right-



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1084 of-way; amending s. 348.54, F.S.; limiting the use of
1085 certain toll revenues; providing exceptions; deleting
1086 provisions relating to interest on gasoline tax funds
1087 repaid to Hillsborough County; revising powers of the
1088 authority; amending s. 348.565, F.S.; revising
1089 projects approved for financing or refinancing through
1090 revenue bonds; amending s. 348.60, F.S.; excluding the
1091 department from the agencies with which the authority
1092 is authorized to enter into lease-purchase agreements;
1093 revising provisions relating to the pledge of surplus
1094 gasoline tax funds under a lease-purchase agreement;
1095 deleting a provision specifying that the system is
1096 part of the state road system; conforming provisions
1097 to changes made by the act; amending s. 348.61, F.S.;
1098 updating terminology; amending s. 348.62, F.S.;
1099 specifying lands and property the authority may
1100 acquire; repealing ss. 348.68 and 348.681, F.S.,
1101 relating to consultation with the Hillsborough County
1102 City-County Planning Commission and design standards,
1103 respectively; renumbering and amending s. 348.70,
1104 F.S.; conforming provisions to changes made by the
1105 act; amending ss. 343.975, 348.545, 348.56, 348.57,
1106 348.58, 348.59, 348.63, 348.64, 348.65, and 348.67,
1107 F.S.; conforming provisions to changes made by the
1108 act; providing a directive to the Division of Law
1109 Revision; providing an effective date.

By Senator Burgess

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1 A bill to be entitled
 2 An act relating to the Tampa-Hillsborough County
 3 Expressway Authority; amending s. 348.50, F.S.;
 4 renaming the Tampa-Hillsborough County Expressway
 5 Authority as the "West Florida Expressway Authority";
 6 amending s. 348.51, F.S.; revising and defining terms;
 7 amending s. 348.52, F.S.; providing for the transfer
 8 of governance and control, property and legal rights,
 9 powers, responsibilities, and obligations from the
 10 Tampa-Hillsborough County Expressway Authority to the
 11 West Florida Expressway Authority; providing terms and
 12 conditions of the transfer; revising the composition
 13 of the governing body of the authority; revising
 14 requirements for membership, terms, and meetings;
 15 defining the term "communications media technology";
 16 providing for expansion of the authority's
 17 jurisdictional boundaries; amending s. 348.53, F.S.;
 18 revising the purposes of the authority; authorizing
 19 the authority to construct certain facilities within
 20 the expressway system; amending s. 348.54, F.S.;
 21 limiting the use of certain toll revenues; providing
 22 exceptions; deleting provisions relating to interest
 23 on gasoline tax funds repaid to Hillsborough County;
 24 revising powers of the authority; amending s. 348.565,
 25 F.S.; revising projects approved for financing or
 26 refinancing through revenue bonds; amending s. 348.60,
 27 F.S.; revising provisions relating to the pledge of
 28 surplus gasoline tax funds under a lease-purchase
 29 agreement; amending s. 348.61, F.S.; updating

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30 terminology; amending s. 348.62, F.S.; specifying
 31 lands and property the authority may acquire;
 32 repealing ss. 348.68 and 348.681, F.S., relating to
 33 consultation with the Hillsborough County City-County
 34 Planning Commission and design standards,
 35 respectively; renumbering and amending s. 348.70,
 36 F.S.; conforming provisions to changes made by the
 37 act; amending ss. 343.975, 348.545, 348.56, 348.57,
 38 348.58, 348.59, 348.63, 348.64, 348.65, and 348.67,
 39 F.S.; conforming provisions to changes made by the
 40 act; providing a directive to the Division of Law
 41 Revision; providing an effective date.

42
 43 Be It Enacted by the Legislature of the State of Florida:

44
 45 Section 1. Section 348.50, Florida Statutes, is amended to
 46 read:

47 348.50 Title of law.—This part shall be known and may be
 48 cited as the "West Florida ~~Tampa-Hillsborough County~~ Expressway
 49 Authority Law."

50 Section 2. Section 348.51, Florida Statutes, is amended to
 51 read:

52 348.51 Definitions.—~~As The following terms whenever used or~~
 53 ~~referred to in this part shall have the following meanings,~~
 54 unless except in those instances where the context clearly
 55 indicates otherwise, the term:

56 (1) "Agency of the state" means ~~and includes~~ the state and
 57 any department of, or corporation, agency, or instrumentality
 58 ~~heretofore or hereafter~~ created, designated, or established by,

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59 the state.

60 (2) "Authority" means the body politic, corporate, and
61 agency of the state created by this part.

62 (3) "Bonds" means ~~and includes~~ the notes, bonds, refunding
63 bonds, or other evidences of indebtedness or obligations, in
64 either temporary or definitive form, which the authority is
65 authorized to issue pursuant to this part.

66 ~~(4) "City" means the City of Tampa.~~

67 (4)(5) "County" means each county located within the
68 jurisdictional limits of the authority, including the County of
69 Hillsborough County and any expansion county, as applicable.

70 (5) "County gasoline tax funds" means all the 80-percent
71 surplus gasoline tax funds or 20-percent surplus gasoline tax
72 funds accruing in each year to the Department of Transportation
73 or a county, as the case may be, for use in a county under s. 9,
74 Art. XII of the State Constitution, after deduction, if and only
75 to the extent necessary, of any amounts of such gasoline tax
76 funds pledged by the Department of Transportation or a county
77 for outstanding obligations.

78 (6) "Department" means the Department of Transportation of
79 Florida and any successor thereto.

80 (7) "Expansion county" means a county in which the
81 authority constructs or acquires a transportation facility,
82 which may include Citrus, Hernando, Manatee, Pasco, Pinellas,
83 and Polk Counties.

84 (8) "Expansion event" means the adoption of a resolution or
85 other formal action by the governing board of the authority for
86 the authority to construct, complete, or acquire a
87 transportation facility located in an expansion county and to

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88 include the expansion county within its jurisdictional limits.

89 (9)(7) "Expressway system" or "system" means, generally, a
90 modern highway system of roads, bridges, causeways, and tunnels
91 in the metropolitan area of the city, or within any area of the
92 county, with ~~access~~ limited or unlimited access as the authority
93 may determine, and such buildings, ~~and~~ structures, ~~and~~
94 appurtenances, ~~and~~ facilities related thereto, including all
95 approaches, streets, roads, bridges, and avenues of access for
96 such system. A transportation facility shall become part of the
97 expressway system of the authority upon the governing board of
98 the authority's designation of such transportation facility as
99 part of its expressway system.

100 (10)(8) "Federal agency" means and includes the United
101 States, the President of the United States, and any department
102 of, or bureau, corporation, agency, or instrumentality
103 heretofore or hereafter created, designated, or established by,
104 the United States.

105 ~~(9) "Hillsborough County gasoline tax funds" means all the~~
106 ~~80-percent surplus gasoline tax funds or 20-percent surplus~~
107 ~~gasoline tax funds accruing in each year to the Department of~~
108 ~~Transportation or the county, as the case may be, for use in~~
109 ~~Hillsborough County under the provisions of s. 9, Art. XII of~~
110 ~~the State Constitution, after deduction, if and only to the~~
111 ~~extent necessary, of any amounts of said gasoline tax funds~~
112 ~~heretofore pledged by the Department of Transportation or the~~
113 ~~county for outstanding obligations.~~

114 (11)(10) "Lease-purchase agreement" or "lease-purchase
115 agreements" means a the lease-purchase agreement ~~or agreements~~
116 which the authority may execute ~~is authorized~~ pursuant to this

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117 part ~~to execute~~.

118 ~~(12)-(11)~~ "Members" means the governing body of the
119 authority, and the term "member" means one of the individuals
120 constituting such governing body.

121 ~~(13)-(12)~~ "Revenues" means all tolls, revenues, rates, fees,
122 charges, receipts, rentals, contributions, including, but not
123 limited to, contributions of revenues from a county,
124 municipality, or other local governmental entity, and other
125 income derived from or in connection with the operation or
126 ownership of the expressway system, including the proceeds of
127 any use and occupancy insurance on any portion of the system ~~but~~
128 ~~excluding any Hillsborough County gasoline tax funds.~~

129 ~~(14)~~ "Transportation facility" means the mobile and fixed
130 assets, and the associated real or personal property or rights,
131 used in the transportation of persons or property by any means
132 of conveyance which the authority may acquire, construct, and
133 equip pursuant to this part, and all appurtenances, including,
134 but not limited to, highways; limited or controlled access
135 lanes, avenues of access, and facilities; and administrative and
136 other office space, for the exercise by the authority of the
137 powers and obligations granted in this part.

138 ~~(15)-(13)~~ Words importing singular number include the plural
139 number in each case and vice versa, and words importing persons
140 include firms and corporations.

141 Section 3. Section 348.52, Florida Statutes, is amended to
142 read:

143 348.52 West Florida Tampa Hillsborough County Expressway
144 Authority.-

145 (1) There is ~~hereby~~ created and established a body politic

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146 and corporate, an agency of the state, to be known as the "West
147 Florida Tampa Hillsborough County Expressway Authority."

148 ~~(2)~~ (a) Immediately on July 1, 2021, the West Florida
149 Expressway Authority shall assume the governance and control of
150 the expressway system operated by the former Tampa-Hillsborough
151 County Expressway Authority, including its assets, personnel,
152 contracts, obligations, liabilities, facilities, and tangible
153 and intangible property. Any rights in such property and other
154 legal rights of the former Tampa-Hillsborough County Expressway
155 Authority are transferred to the West Florida Expressway
156 Authority. The West Florida Expressway Authority shall
157 immediately succeed to and assume the powers, responsibilities,
158 and obligations of the former Tampa-Hillsborough County
159 Expressway Authority.

160 ~~(b)~~ (b) The transfer pursuant to this subsection is subject to
161 the terms and covenants provided for the protection of the
162 holders of the former Tampa-Hillsborough County Expressway
163 Authority bonds in the lease-purchase agreement and the
164 resolutions adopted in connection with the issuance of the bonds
165 and any and all bonds issued pursuant to a resolution or trust
166 indenture subsequent to the lease-purchase agreement. Further,
167 the transfer does not impair the terms of the contract between
168 the West Florida Expressway Authority and the bondholders, does
169 not act to the detriment of the bondholders, and does not
170 diminish the security for the bonds. After the transfer, the
171 West Florida Expressway Authority shall operate and maintain the
172 expressway system and any other facilities of the West Florida
173 Expressway Authority in accordance with the terms, conditions,
174 and covenants contained in the bond resolutions securing the

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175 bonds of the authority. The West Florida Expressway Authority
 176 shall collect toll revenues and apply them to the payment of
 177 debt service as provided in the bond resolution securing all
 178 bonds and shall expressly assume all obligations relating to all
 179 bonds to ensure that the transfer has no adverse impact on the
 180 security for all bonds. The transfer does not make the
 181 obligation to pay the principal and interest on the bonds a
 182 general liability of the West Florida Expressway Authority or
 183 pledge additional expressway system revenues to payment of the
 184 bonds. Expressway system revenues that are generated by the
 185 expressway system and other facilities of the West Florida
 186 Expressway Authority which were pledged by the former Tampa-
 187 Hillsborough County Expressway Authority to payment of the bonds
 188 will remain subject to the pledge for the benefit of the
 189 bondholders.

190 (3)(2) The governing body of the authority shall initially
 191 consist of a board of seven members but shall be subject to
 192 increase to no more than 13 members through the addition of a
 193 new member for each expansion county upon the expansion of the
 194 authority's jurisdiction to include such expansion county in
 195 accordance with subsection (6).

196 (a) Four of the members shall be appointed by the Governor,
 197 one of whom must be a resident of Hillsborough County, and the
 198 remainder of whom may be residents of Hillsborough County or any
 199 expansion county upon the expansion of the authority's
 200 jurisdiction to include such expansion county, subject to
 201 confirmation by the Senate at the next regular session of the
 202 Legislature. Refusal or failure of the Senate to confirm an
 203 appointment shall create a vacancy. A board member currently

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204 serving an unexpired term on the former Tampa-Hillsborough
 205 County Expressway Authority as of the effective date of this act
 206 shall continue to serve the remainder of his or her unexpired
 207 term. Each member of the governing board, including each member
 208 representing an expansion county, shall be subject to the
 209 following:

210 1. Each ~~such~~ member's term of office shall be for 4 years
 211 or until his or her successor is ~~shall have been~~ appointed and
 212 qualified. However, the respective initial term of one or more
 213 members representing an expansion county may be for 2 years at
 214 the sole discretion of the governing board in order to achieve
 215 staggered terms of office for its governing board members.

216 2. A vacancy ~~Vacancies~~ occurring in the governing board
 217 ~~body~~ for any member before such members prior to the expiration
 218 of the affected term shall be filled for the unexpired term.

219 3. The Governor may ~~shall have the authority to~~ remove from
 220 office any ~~such~~ member of the governing board ~~body~~ in the manner
 221 and for cause defined by the laws of this state.

222 4. Each ~~such~~ member, before entering upon his or her
 223 official duties, shall take and subscribe to an oath before an
 224 ~~some~~ official authorized by law to administer oaths that he or
 225 she will honestly, faithfully, and impartially perform the
 226 duties devolving upon him or her in office as a member of the
 227 governing board ~~body~~ of the authority and that he or she will
 228 not neglect any duties imposed upon him or her by this part.

229 (b) One member shall be the mayor, or the mayor's designee
 230 ~~designate~~, who shall be the chair of the city council of the
 231 city in Hillsborough County having the largest population,
 232 according to the latest decennial census, who shall serve as a

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233 member ex officio.

234 (c) One member shall be a member of the Board of County
235 Commissioners of Hillsborough County, selected by such board,
236 who shall serve as a member ex officio.

237 (d) One member shall be the district secretary of the
238 department of ~~Transportation~~ serving in the district that
239 contains Hillsborough County, who shall serve as a member ex
240 officio.

241 (e) After the occurrence of an expansion event in a
242 particular expansion county, the governing board shall be
243 increased by one additional ex officio voting member for each
244 such expansion county, which member must be a member of the
245 board of county commissioners of such expansion county, selected
246 by such board of county commissioners. Such increase in board
247 membership shall become effective on the date that such
248 expansion county member takes the oath required under
249 subparagraph (a)4.

250 (4)(3) The authority shall designate one of its members as
251 chair. The members of the authority are ~~shall not be~~ entitled to
252 compensation but are ~~shall be~~ entitled to receive their travel
253 and other necessary expenses as provided in s. 112.061. A
254 majority of the members of the authority shall constitute a
255 quorum, and resolutions enacted or adopted by a vote of a
256 majority of the members present and voting at any meeting shall
257 become effective without publication or posting or any further
258 action of the authority.

259 (5) Authority meetings and workshops may be conducted using
260 communications media technology. The notice for any such public
261 meeting or workshop shall state that the meeting or workshop

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262 will be conducted through the use of communications media
263 technology, specify how persons interested in attending may do
264 so, and provide a location where communications media technology
265 facilities are available. The participation by a member in an
266 authority meeting or workshop conducted using communications
267 media technology constitutes that member's presence at such
268 meeting or workshop and shall count toward a quorum. For
269 purposes of this subsection, the term "communications media
270 technology" means conference telephone, video conference, or
271 other communications technology by which all persons attending a
272 public meeting or workshop may audibly communicate.

273 (6) The authority's jurisdictional boundaries shall be
274 automatically expanded to include any one or more expansion
275 counties upon the occurrence of an expansion. However, an
276 expansion event must occur on or before:

277 (a) The date that the authority makes a final written
278 determination to undertake a transportation facility located in
279 the jurisdictional limits of an expansion county by adding
280 elements of the study, design, engineering, acquisition,
281 construction, or equipping of such transportation facility to
282 its work plan; or

283 (b) The effective date that the authority becomes the owner
284 of a transportation facility located in the jurisdictional
285 limits of an expansion county.

286
287 A delay in the designation of an expansion county board member
288 shall not affect the expansion of the authority's jurisdiction
289 under this part.

290 (7)(4) The authority may employ a secretary and executive

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291 director, its own counsel and legal staff, and such legal,
 292 financial, and other professional consultants, technical
 293 experts, engineers, and employees, permanent or temporary, as it
 294 may require and may determine the qualifications and fix the
 295 compensation of such persons, firms, or corporations. The
 296 authority may contract with the Division of Bond Finance of the
 297 State Board of Administration for any financial services
 298 authorized herein.

299 ~~(8)(5)~~ The authority may delegate to one or more of its
 300 officers or employees such of its powers as it deems ~~shall deem~~
 301 necessary to carry out the purposes of this part, subject always
 302 to the supervision and control of the authority. A member
 303 ~~Members~~ of the governing board authority may be removed from
 304 ~~their~~ office by the Governor for misconduct, malfeasance,
 305 misfeasance, or ~~and~~ nonfeasance in office.

306 Section 4. Section 348.53, Florida Statutes, is amended to
 307 read:

308 348.53 Purposes of the authority.—

309 (1) The purposes of the authority are, and the authority
 310 has the ~~is created for the purposes and shall have power,~~ to
 311 construct, reconstruct, improve, extend, repair, maintain, and
 312 operate the expressway system. It is ~~hereby~~ found and declared
 313 that such purposes are in all respects for the benefit of the
 314 people of the State of Florida, ~~the City of Tampa,~~ and the West
 315 Florida region ~~County of Hillsborough~~ for the increase of their
 316 pleasure, convenience, and welfare; for the improvement of their
 317 health; and to facilitate transportation, including managed
 318 lanes and other transit supporting facilities, for their
 319 recreation and commerce and for the common defense. The

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320 authority is performing a public purpose and a governmental
 321 function in carrying out its corporate purpose and in exercising
 322 the powers granted in this section ~~herein~~.

323 (2) In the construction of the expressway system, the
 324 authority may construct any extensions, additions, or
 325 improvements to the system or appurtenant facilities, including
 326 all necessary approaches, roads, bridges, avenues of access, and
 327 boulevards, with any changes, modifications, or revisions of any
 328 project which are deemed desirable and proper.

329 Section 5. Section 348.54, Florida Statutes, is amended to
 330 read:

331 348.54 Powers of the authority.—Except as otherwise limited
 332 herein, the authority shall have the power:

333 (1) To sue and be sued, implead and be impleaded, and
 334 complain and defend in all courts.

335 (2) To adopt, use, and alter at will, ~~a~~ seal.

336 (3) To acquire, purchase, hold, lease as lessee, and use
 337 any franchise, property, real, personal or mixed, tangible or
 338 intangible, or any interest therein, necessary or desirable for
 339 carrying out the purposes of the authority, and to sell, lease
 340 as lessor, transfer, and dispose of any property or interest
 341 therein at any time acquired by it.

342 (4) To construct, reconstruct, or improve on or along the
 343 expressway system suitable facilities for gas stations,
 344 restaurants, and other facilities for the public. ~~Such~~
 345 facilities may be publicly offered for leasing for operation
 346 under rules and regulations to be established by the authority.

347 (5) To enter into and make lease-purchase agreements as
 348 provided in s. 348.60 for terms not exceeding 40 years, or until

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349 all bonds secured by a pledge thereunder, and all refundings
350 thereof, are fully paid as to both principal and interest,
351 whichever is longer.

352 (6) To fix, alter, charge, establish, and collect tolls,
353 rates, fees, rentals, and other charges for the services and
354 facilities of the expressway system, which tolls, rates, fees,
355 rentals, and other charges shall always be sufficient to comply
356 with any covenants made with the holders of any bonds, ~~+~~
357 ~~provided,~~ However, ~~that~~ such right and power, or any part
358 thereof, may be assigned or delegated, by the authority, to the
359 lessee under a lease-purchase agreement. Toll revenues
360 attributable to a toll rate increase for the use of a portion of
361 the expressway system that become effective on or after the date
362 that the jurisdiction of the authority is first expanded to
363 include any one or more expansion counties may not be used to
364 construct or expand a different portion of the system unless a
365 two-thirds majority of the members of the authority governing
366 board, determined as of the time of such vote, votes to approve
367 such use. This requirement does not apply if and to the extent
368 that application of the requirement would:

369 (a) Violate any covenant established in a resolution or
370 trust indenture under which bonds were issued by the authority
371 on or before the first date that the authority's jurisdiction is
372 expanded to include one or more expansion counties; or

373 (b) Cause the authority to be unable to meet its
374 obligations under the terms of the October 2012 memorandum of
375 agreement between the authority and the department.

376 (7) To borrow money and to make and issue negotiable bonds,
377 notes, refunding bonds, and other evidences of indebtedness or

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378 obligations, either in temporary or definitive form, referred to
379 ~~hereinafter~~ in this chapter ~~referred to~~ as "bonds of the
380 authority," for the purpose of financing all or part of the
381 improvement or extension of the expressway system and
382 appurtenant facilities, including all approaches, streets,
383 roads, bridges, and avenues of access for the ~~expressway~~ system,
384 and for any other purpose authorized by this part, and to
385 provide for the rights of the holders thereof.

386 (8) To secure the payment of bonds by a pledge of all or
387 any portion of the expressway system revenues or such other
388 moneys legally available therefor and of all or any portion of a
389 county's ~~the Hillsborough County~~ gasoline tax funds in the
390 manner provided by this part; and in general to provide for the
391 security of the bonds and the rights and remedies of the holders
392 thereof. ~~Interest upon the amount of gasoline tax funds to be~~
393 ~~repaid to the county pursuant to s. 348.60 shall be payable, at~~
394 ~~the highest rate applicable to any outstanding bonds of the~~
395 ~~authority, out of revenues and other available moneys not~~
396 ~~required to meet the authority's obligations to its bondholders.~~
397 The authority may not, ~~shall have no power~~ at any time or in any
398 manner, ~~to~~ pledge the credit or taxing power of the state or any
399 political subdivision or agency thereof, including a ~~the~~ city
400 and a ~~the~~ county, nor shall any of the authority's obligations
401 be deemed to be obligations of the state or of any political
402 subdivision or agency thereof, nor shall the state or any
403 political subdivision or agency thereof, except the authority,
404 be liable for the payment of the principal of or interest on
405 such obligations.

406 (9) To make contracts of every name and nature and to

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407 execute all instruments necessary or convenient for the carrying
408 on of its business.

409 (10) Without limitation of the foregoing, to borrow money
410 and accept gifts or grants from, and to enter into contracts,
411 leases, or other transactions with, any federal agency, the
412 state, any agency of the state, a the county, a the city, or
413 ~~with~~ any other public body of the state or any other person and
414 to comply with the terms and conditions thereof.

415 (11) ~~To have the power~~ Of eminent domain.

416 (12) To construct and maintain over, under, along, or
417 across the expressway system, telephone, telegraph, television,
418 electric power, and other wires or cables, pipelines, water
419 mains, and other conduits and mechanical equipment, not
420 inconsistent with the appropriate use of the system, or to
421 contract for such construction, and upon such terms and
422 conditions as the authority determines ~~shall determine~~, to lease
423 all or any part of such property and facilities or the right to
424 use such property and facilities ~~the same~~ whether such
425 facilities are constructed by the authority or under a contract
426 for such construction, ~~for a period of not more than 20 years~~
427 ~~from the date when such lease is made.~~

428 (13) To do all acts and things necessary or convenient for
429 the conduct of its business and the general welfare of the
430 authority, in order to carry out the powers granted to it by
431 this part or any other law.

432 (14) To enter into partnerships, contracts, and agreements,
433 including, but not limited to, interlocal agreements, with any
434 federal, state, or local governmental entity with respect to the
435 purposes of this part.

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436
437 Before entering into any sale, lease, transfer, or disposition
438 of its real properties under subsection (3), leasing any of its
439 facilities under subsection (4), or taking final action under
440 subsection (7), the authority shall give notice thereof by
441 publication on at least 5 separate days in a newspaper of
442 general circulation in the affected county. Such notice shall
443 state the place and time, not less than 14 days after the first
444 such publication, when objections may be filed with and heard by
445 the authority.

446 ~~(14) Prior to entering into any sale, lease, transfer or~~
447 ~~disposition of its real properties pursuant to subsection (3),~~
448 ~~leasing any of its facilities pursuant to subsection (4), or~~
449 ~~taking final action under subsection (7), the authority shall~~
450 ~~give notice thereof by publication on at least 5 separate days,~~
451 ~~in a newspaper of general circulation in the county. Such notice~~
452 ~~shall state the place and time, not less than 14 days following~~
453 ~~the first such publication, when objections may be filed with~~
454 ~~and heard by the authority.~~

455 ~~(15) With the consent of the county within whose~~
456 ~~jurisdiction the activities occur, to construct, operate, and~~
457 ~~maintain roads, bridges, avenues of access, thoroughfares, and~~
458 ~~boulevards and managed lanes and other transit supporting~~
459 ~~facilities outside of the jurisdictional boundaries of~~
460 ~~Hillsborough County and within the jurisdictional boundaries of~~
461 ~~counties contiguous to Hillsborough County, together with the~~
462 ~~right to construct, repair, replace, operate, install, and~~
463 ~~maintain such facilities and electronic toll payment systems~~
464 ~~thereon or incidental thereto, with all necessary and incidental~~

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465 ~~powers to accomplish the foregoing.~~

466 Section 6. Section 348.565, Florida Statutes, is amended to
467 read:

468 348.565 Revenue bonds for specified projects.—The existing
469 facilities that constitute the ~~Tampa Hillsborough County~~
470 expressway system are ~~hereby~~ approved to be refinanced by
471 revenue bonds issued by the Division of Bond Finance of the
472 State Board of Administration pursuant to s. 11(f), Art. VII of
473 the State Constitution and the State Bond Act or by revenue
474 bonds issued by the authority pursuant to s. 348.56(1)(b). In
475 addition, the capital projects that the authority is authorized
476 to acquire, construct, reconstruct, equip, operate, and maintain
477 under this part following projects of the Tampa Hillsborough
478 County Expressway Authority are approved to be financed or
479 refinanced by the issuance of revenue bonds in accordance with
480 this part and s. 11(f), Art. VII of the State Constitution:

481 ~~(1) Brandon area feeder roads.~~

482 ~~(2) Capital improvements to the expressway system,~~
483 ~~including safety and operational improvements and toll~~
484 ~~collection equipment.~~

485 ~~(3) Lee Roy Selmon Crosstown Expressway System widening,~~
486 ~~and any extensions thereof.~~

487 ~~(4) The connector highway linking the Lee Roy Selmon~~
488 ~~Crosstown Expressway to Interstate 4.~~

489 ~~(5) Capital projects that the authority is authorized to~~
490 ~~acquire, construct, reconstruct, equip, operate, and maintain~~
491 ~~pursuant to this part, including, without limitation, s.~~

492 ~~348.54(15), provided that any financing of such projects does~~
493 ~~not pledge the full faith and credit of the state.~~

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494 Section 7. Section 348.60, Florida Statutes, is amended to
495 read:

496 348.60 Lease-purchase agreements.—

497 (1) In order to effectuate the purposes of this part, the
498 authority may enter into lease-purchase agreements with a ~~the~~
499 ~~city, a~~ the county, or the state or any agency thereof,
500 including the department, and any federal agency relating to and
501 covering the expressway system or any portion thereof.

502 (2) Such lease-purchase agreements may provide for the
503 leasing of the expressway system or any portion thereof by the
504 authority as lessor to any one or more of the aforementioned
505 governmental entities or agencies as lessee, shall prescribe the
506 term of such lease and the rentals to be paid thereunder, and
507 may provide that upon the completion of the faithful performance
508 thereunder and the termination of such lease-purchase
509 agreements, title in fee simple absolute to the expressway
510 system, as then constituted, shall be transferred in accordance
511 with law by the authority to such lessee or otherwise as
512 provided in such agreements. In the event of such transfer to
513 the lessee, the authority shall deliver to such lessee such
514 deeds and conveyances as shall be necessary or convenient to
515 vest title in fee simple absolute in such lessee.

516 (3) The lease-purchase agreements may include such other
517 provisions, agreements, and covenants as the authority and the
518 lessee deem advisable or necessary, including, but not limited
519 to, provisions with respect to bonds, the construction,
520 reconstruction, extension, improvements, operation, repair, and
521 maintenance of the expressway system; the expenses and costs of
522 operation of the system and of the authority; the charging and

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523 collecting of tolls, rates, fees, and other charges for the use
 524 of the services and facilities thereof; the application of
 525 federal, state, or other grants or aid that ~~which~~ may be made or
 526 given to assist the authority; the enforcement of payment and
 527 collection of rentals, and any other terms, provisions, or
 528 covenants necessary, incidental, or convenient to the making of
 529 and full performance under such lease-purchase agreements.

530 (a) In the event the department is a lessee under any such
 531 lease-purchase agreement, the department may ~~it is authorized to~~
 532 pay as rentals thereunder in addition to the expressway system
 533 revenues accruing thereto from the operation of the expressway
 534 system, all or any portion of ~~the Hillsborough county~~ gasoline
 535 tax funds and may also pay as rentals any appropriations
 536 received by the department pursuant to any act of the
 537 Legislature, ~~heretofore or hereafter enacted; provided, However,~~
 538 ~~that nothing herein or nor~~ in such lease-purchase agreement
 539 requires ~~shall be construed to require~~ the Legislature to make
 540 or continue such appropriations, and a ~~nor shall any~~ holder of
 541 bonds does not ever have any right to require the Legislature to
 542 make or continue such appropriations.

543 (b) In the event a ~~the~~ county is a lessee under any such
 544 lease-purchase agreement, the county may ~~it shall be authorized~~
 545 ~~to~~ pay as rentals thereunder in addition to the expressway
 546 revenues accruing to the county from the operation of the
 547 expressway system all or any part of the 20-percent surplus
 548 gasoline tax funds accruing to the Hillsborough county.

549 (4) A ~~No~~ pledge of ~~either the 80 percent surplus gasoline~~
 550 ~~tax funds or the 20 percent surplus gasoline tax funds~~ under any
 551 such lease-purchase agreement may not ~~shall~~ be made without the

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552 consent of the county evidenced by a resolution duly adopted by
 553 its board of county commissioners, which resolution may
 554 authorize the execution and delivery of an interlocal agreement
 555 between the authority and the county setting forth the terms and
 556 provisions for the use by the authority of any such gasoline tax
 557 funds ~~nor unless the revenues pledged under any such lease-~~
 558 ~~purchase agreements are estimated by the authority to aggregate~~
 559 ~~during the term of such lease-purchase agreements not less than~~
 560 ~~the principal amount of the bonds secured thereunder plus~~
 561 ~~interest thereon. Such resolution, among other things shall~~
 562 ~~provide that any excess of such pledge of the Hillsborough~~
 563 ~~County gasoline tax funds which is not required for debt service~~
 564 ~~or reserves for such debt service for any bonds shall be~~
 565 ~~returned annually to the appropriate board or agency for~~
 566 ~~distribution to the county as provided by law; and shall~~
 567 ~~provide, further, that any Hillsborough County gasoline tax~~
 568 ~~funds actually expended for such debt service, shall be repaid~~
 569 ~~with interest out of revenues and other available moneys not~~
 570 ~~required to meet the authority's obligations to its bondholders,~~
 571 ~~as determined by the authority.~~

572 (5) A ~~Any~~ lessee under any such lease-purchase agreement
 573 may ~~agreements shall have power to~~ covenant therein that it will
 574 pay all or any part of the cost of the operation, maintenance,
 575 repair, renewal, and replacement of the expressway system, and
 576 any part of the cost of completing such system, to the extent
 577 that the proceeds of bonds issued therefor are insufficient,
 578 from sources other than expressway system revenues and
 579 ~~Hillsborough county~~ gasoline tax funds. ~~Any~~ Such lessee may also
 580 agree to make such other payments from moneys available to a ~~the~~

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581 county, ~~a~~ the city, the authority, or the department in
 582 connection with the construction or completion of the expressway
 583 ~~such~~ system as ~~shall be~~ deemed by such lessee to be fair and
 584 proper under any such covenants ~~heretofore or hereafter~~ entered
 585 into.

586 (6) The expressway system shall be a part of the state road
 587 system. The department ~~may is hereby authorized~~, upon request of
 588 the authority, ~~to~~ expend out of any funds available for the
 589 purpose, such moneys, and to use such of its engineering or
 590 other forces, as may be necessary and desirable in the judgment
 591 of the department, for the operation of the authority and for
 592 traffic surveys, borings, surveys, preparation of plans and
 593 specifications, estimates of costs, preliminary engineering, and
 594 other studies.

595 Section 8. Section 348.61, Florida Statutes, is amended to
 596 read:

597 348.61 Department may be appointed agent of authority for
 598 construction.—The department may be appointed by the authority
 599 as its agent for the purpose of constructing, reconstructing,
 600 improving, extending, or repairing the expressway system. In
 601 such event, the authority shall provide the department with
 602 complete copies of all documents, agreements, resolutions,
 603 contracts, and instruments relating thereto and shall request
 604 the department to do such construction work, including the
 605 planning, surveying, and actual construction involved, and shall
 606 transfer to the credit of an account of the department in the
 607 Treasury of the state the necessary funds therefor. The
 608 department shall then thereupon be authorized, empowered, and
 609 directed to proceed with such construction work and to use such

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610 ~~the said~~ funds for such purpose and in the same manner that it
 611 is now authorized to use the funds otherwise authorized by law
 612 for its use in construction of roads and bridges.

613 Section 9. Section 348.62, Florida Statutes, is amended to
 614 read:

615 348.62 Acquisition of lands and property.—

616 (1) ~~For the purpose of this part,~~ The authority may acquire
 617 private or public property and property rights, including rights
 618 of access, air, view, and light, by gift, devise, purchase, or
 619 condemnation by eminent domain proceedings, as the authority
 620 deems may deem necessary for ~~any of~~ the purposes of this part,
 621 including, but not limited to, any lands reasonably necessary
 622 for securing applicable permits, areas necessary for management
 623 of access, borrow pits, drainage ditches, water retention areas,
 624 rest areas, and replacement access for landowners whose access
 625 is impaired due to the construction of a transportation
 626 facility. The right of eminent domain ~~herein~~ conferred in this
 627 subsection shall be exercised by the authority in the manner
 628 provided by law, in particular chapter 74.

629 (2) The authority may acquire such rights, title, interest,
 630 or easements in such lands and property as it deems may deem
 631 necessary for ~~any of~~ the purposes of this part.

632 (3) In connection with the acquisition of property or
 633 property rights as ~~herein~~ provided in this section, the
 634 authority may, in its discretion, acquire an entire lot, block,
 635 parcel, or tract of land, if by so doing the interest of the
 636 public will be best served, even though such entire lot, block,
 637 parcel, or tract is not immediately needed for the right-of-way
 638 proper.

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639 Section 10. Sections 348.68 and 348.681, Florida Statutes,
640 are repealed.

641 Section 11. Section 348.70, Florida Statutes, is renumbered
642 as section 348.682, Florida Statutes, and amended to read:

643 ~~348.682 348.70~~ This part complete and additional
644 authority.-

645 (1) The powers conferred by this part ~~are~~ shall be in
646 addition and supplemental to the existing respective powers of
647 the authority, the department, ~~a~~ the county, and ~~a~~ the city, if
648 any, and this part ~~does~~ shall not repeal ~~be construed as~~
649 ~~repealing~~ any of the provisions of any other law, general,
650 special, or local, but supersedes ~~shall be deemed to supersede~~
651 such other law or laws in the exercise of the powers provided in
652 this part insofar as such other law or laws are inconsistent
653 with ~~the provisions of~~ this part and to provide a complete
654 method for the exercise of the powers granted in this part
655 ~~herein~~. The construction, reconstruction, improvement,
656 extension, repair, maintenance, and operation of the expressway
657 system, and the issuance of bonds under this part hereunder to
658 finance all or part of the cost thereof, may be accomplished
659 upon compliance with ~~the provisions of~~ this part without regard
660 to or necessity for compliance with the provisions, limitations,
661 or restrictions contained in any other general, special, or
662 local law, including, but not limited to, s. 215.821, and ~~ne~~
663 approval of any bonds issued under this part by the qualified
664 electors or qualified electors who are freeholders in the state
665 or in ~~a~~ the county or ~~in the~~ city or in any other political
666 subdivision of the state is not ~~shall be~~ required for the
667 issuance of such bonds.

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668 (2) This part does not repeal, rescind, or modify any other
669 law or laws relating to the State Board of Administration, the
670 Department of Transportation, or the Division of Bond Finance of
671 the State Board of Administration, but supersedes ~~shall~~
672 ~~supersede~~ such other law or laws as are inconsistent with ~~the~~
673 ~~provisions of~~ this part, including, but not limited to, s.
674 215.821.

675 Section 12. Subsection (2) of section 343.975, Florida
676 Statutes, is amended to read:

677 343.975 Complete and additional statutory authority.-

678 (2) This part does not repeal, rescind, or modify any other
679 law relating to the State Board of Administration, the
680 Department of Transportation, the West Florida Tampa-
681 ~~Hillsborough County~~ Expressway Authority, or the Division of
682 Bond Finance within the State Board of Administration; however,
683 this part supersedes such other laws as are inconsistent with
684 its provisions, including, but not limited to, s. 215.821.

685 Section 13. Section 348.545, Florida Statutes, is amended
686 to read:

687 348.545 Facility improvement; bond financing authority.-
688 Pursuant to s. 11(f), Art. VII of the State Constitution, the
689 Legislature ~~hereby~~ approves for bond financing by the West
690 Florida Tampa-Hillsborough County Expressway Authority
691 improvements to toll collection facilities, interchanges to the
692 ~~legislatively approved~~ expressway system, and any other facility
693 appurtenant, necessary, or incidental to the approved system.
694 Subject to terms and conditions of applicable revenue bond
695 resolutions and covenants, such costs may be financed in whole
696 or in part by revenue bonds issued pursuant to s. 348.56(1)(a)

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697 or (b), whether currently issued or issued in the future, or by
698 a combination of such bonds.

699 Section 14. Section 348.56, Florida Statutes, is amended to
700 read:

701 348.56 Bonds of the authority.-

702 (1) (a) Bonds may be issued on behalf of the authority
703 pursuant to the State Bond Act.

704 (b) Alternatively, the authority ~~may shall have the power~~
705 ~~and is hereby authorized~~ from time to time ~~to~~ issue bonds in
706 such principal amount as, in the opinion of the authority, shall
707 be necessary to provide sufficient moneys for achieving its
708 corporate purposes, including construction, reconstruction,
709 improvement, extension, repair, maintenance, and operation of
710 the expressway system, the cost of acquisition of all real
711 property, interest on bonds during construction and for a
712 reasonable period thereafter, establishment of reserves to
713 secure bonds, and all other expenditures of the authority
714 incident to and necessary or convenient to carry out its
715 corporate purposes and powers.

716 (2) (a) Bonds issued by the authority pursuant to paragraph
717 (1) (a) or paragraph (1) (b) shall be authorized by resolution of
718 the members of the authority and shall bear such date or dates,
719 mature at such time or times, not exceeding 40 years from their
720 respective dates, bear interest at such rate or rates, not
721 exceeding the maximum rate fixed by general law for authorities,
722 be in such denominations, be in such form, either coupon or
723 fully registered, carry such registration, exchangeability, and
724 interchangeability privileges, be payable in such medium of
725 payment and at such place or places, be subject to such terms of

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726 redemption, and be entitled to such priorities of lien on the
727 revenues, other available moneys, and any the Hillsborough
728 county gasoline tax funds as such resolution or any resolution
729 subsequent thereto may provide. The bonds shall be executed
730 ~~either~~ by manual or facsimile signature by such officers as the
731 authority determines ~~shall determine~~, provided that such bonds
732 shall bear at least one signature ~~that which~~ is manually
733 executed thereon. The coupons attached to such bonds shall bear
734 the facsimile signature or signatures of such officer or
735 officers as shall be designated by the authority. Such bonds
736 shall have the seal of the authority affixed, imprinted,
737 reproduced, or lithographed thereon.

738 (b) The bonds issued pursuant to paragraph (1) (a) or
739 paragraph (1) (b) shall be sold at public sale in the same manner
740 provided in the State Bond Act. However, if the authority
741 determines, by official action at a public meeting, that a
742 negotiated sale of such bonds is in the best interest of the
743 authority, the authority may negotiate the sale of such bonds
744 with the underwriter or underwriters designated by the authority
745 and the Division of Bond Finance within the State Board of
746 Administration with respect to bonds issued pursuant to
747 paragraph (1) (a) or solely by the authority with respect to
748 bonds issued pursuant to paragraph (1) (b). The authority's
749 determination to negotiate the sale of such bonds may be based,
750 in part, upon the written advice of the authority's financial
751 adviser. Pending the preparation of definitive bonds, temporary
752 bonds or interim certificates may be issued to the purchaser or
753 purchasers of such bonds and may contain such terms and
754 conditions as the authority determines ~~may determine~~.

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755 (3) Any such resolution or resolutions authorizing any
756 bonds may contain provisions that ~~which~~ shall be part of the
757 contract with the holders of such bonds, as to:

758 (a) The pledging of all or any part of the expressway
759 system revenues, the ~~Hillsborough~~ county gasoline tax funds, or
760 other moneys lawfully available therefor.

761 (b) The construction, reconstruction, improvement,
762 extension, repair, maintenance, operation, lease, or lease-
763 purchase of the expressway system, or any part or parts thereof,
764 and the duties and obligations of the authority and others,
765 including the department, with reference thereto.

766 (c) Limitations on the purposes to which the proceeds of
767 the bonds, then or thereafter to be issued, or of any loan or
768 grant by any federal agency or the state or any political
769 subdivision thereof may be applied.

770 (d) The fixing, charging, establishing, revising,
771 increasing, reducing, and collecting of tolls, rates, fees,
772 rentals, or other charges for use of the services and facilities
773 of the expressway system or any part thereof.

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

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

777 (g) The terms and provisions of any lease-purchase
778 agreement, deed of trust, or indenture securing the bonds, or
779 under which such bonds ~~same~~ may be issued.

780 (h) Any other or additional matters, of like or different
781 character, which in any way affect the security or protection of
782 the bonds.

783 (4) The authority may enter into any deeds of trust,

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784 indentures, or other agreements with any bank or trust company
785 within or without the state, as security for such bonds, and
786 may, under such agreements, assign and pledge all or any of the
787 expressway system revenues and other available moneys, including
788 all or any portion of any ~~the Hillsborough~~ county gasoline tax
789 funds, pursuant to the terms of this part. Such deed of trust,
790 indenture, or other agreement, may contain such provisions as
791 are customary in such instruments or as the authority may
792 authorize, including, but not limited to ~~without limitation~~,
793 provisions as to:

794 (a) The pledging of all or any part of the expressway
795 system revenues, any ~~the Hillsborough~~ county gasoline tax funds,
796 or other moneys lawfully available therefor.

797 (b) The application of funds and the safeguarding of funds
798 on hand or on deposit.

799 (c) The rights and remedies of the trustee and the holders
800 of the bonds.

801 (d) The terms and provisions of the bonds or the
802 resolutions authorizing the issuance of such bonds ~~the same~~.

803 (e) Any other or additional matters, of like or different
804 character, which in any way affect the security or protection of
805 the bonds.

806 (5) ~~Any of~~ The bonds issued pursuant to this part are, ~~and~~
807 ~~are hereby declared to be~~, negotiable instruments, and shall
808 have all the qualities and incidents of negotiable instruments
809 under the law merchant and the negotiable instruments law of the
810 state.

811 (6) It is the intention hereof that any pledge made by the
812 authority shall be valid and binding from the time when the

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813 pledge is made; that the moneys so pledged and thereafter
 814 received by the authority shall immediately be subject to the
 815 lien of such pledge without any physical delivery thereof or
 816 further act, and that the lien of any such pledge shall be valid
 817 and binding as against all parties having claims of any kind in
 818 tort, contract, or otherwise against the authority, irrespective
 819 of whether such parties have notice thereof. ~~A Neither the~~
 820 resolution ~~or nor any~~ other instrument by which a pledge is
 821 created is not required to ~~need~~ be recorded.

822 (7) ~~A member or other~~ ~~Neither the members nor any~~ person
 823 executing the bonds is not ~~shall be~~ liable personally on the
 824 bonds ~~be~~ subject to any personal liability or accountability
 825 by reason of the issuance thereof.

826 (8) The authority may, ~~shall have power~~ out of any funds
 827 available therefor, ~~to~~ purchase bonds, which shall thereupon be
 828 canceled, at a price not exceeding, if the bonds are then
 829 redeemable, the redemption price then applicable plus accrued
 830 interest to the next date of redemption thereof, or if the bonds
 831 are not then redeemable, the redemption price applicable on the
 832 first date after such purchase upon which the bonds become
 833 subject to redemption plus accrued interest to such ~~said~~ date.

834 Section 15. Section 348.57, Florida Statutes, is amended to
 835 read:

836 348.57 Refunding bonds.—

837 (1) Subject to public notice as provided in s. 348.54, the
 838 authority may ~~is authorized to~~ provide by resolution for the
 839 issuance from time to time of bonds pursuant to s. 348.56(1) (b)
 840 for the purpose of refunding any bonds then outstanding
 841 regardless of whether the bonds being refunded were issued by

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842 the authority pursuant to this chapter or on behalf of the
 843 authority pursuant to the State Bond Act. The authority is
 844 further authorized to provide by resolution for the issuance of
 845 bonds for the combined purpose of:

846 (a) Paying the cost of constructing, reconstructing,
 847 improving, extending, repairing, maintaining, and operating the
 848 expressway system.

849 (b) Refunding bonds then outstanding. The authorization,
 850 sale, and issuance of such obligations, the maturities and other
 851 details thereof, the rights and remedies of the holders thereof,
 852 and the rights, powers, privileges, duties, and obligations of
 853 the authority with respect to such bonds ~~the same~~ shall be
 854 governed by ~~the foregoing provisions of~~ this part insofar as ~~the~~
 855 ~~same~~ may be applicable.

856 (2) In the event that the authority determines ~~shall~~
 857 ~~determine~~ to issue bonds for the purpose of refunding any
 858 outstanding bonds before ~~prior to~~ the maturity thereof, the
 859 proceeds of such refunding bonds may, pending the redemption of
 860 the bonds to be refunded, be invested in direct obligations of
 861 the United States. It is the express intention of this part that
 862 outstanding bonds may be refunded and retired by and upon the
 863 issuance of bonds notwithstanding that all or a portion of such
 864 outstanding bonds will not mature or become redeemable until
 865 after the date of issuance of such refunding bonds.

866 Section 16. Section 348.58, Florida Statutes, is amended to
 867 read:

868 348.58 Remedies.—

869 (1) The rights and ~~the~~ remedies ~~herein~~ conferred upon or
 870 granted to the bondholders shall be in addition to and not in

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871 limitation of any rights and remedies lawfully granted to such
 872 bondholders by the resolution or resolutions or indenture
 873 providing for the issuance of bonds, or by any lease-purchase
 874 agreement, deed of trust, indenture, or other agreement under
 875 which the bonds may be issued or secured. In the event that the
 876 authority defaults ~~shall default~~ in the payment of the principal
 877 of or interest on any of the bonds issued pursuant to ~~the~~
 878 ~~provisions of~~ this part after such principal of or interest on
 879 the bonds has ~~shall have~~ become due, whether at maturity or upon
 880 call for redemption, as provided in said resolution or
 881 indenture, or in the event that the lessee defaults ~~shall~~
 882 ~~default~~ in any payments under, or covenants made in, any lease-
 883 purchase agreement and such default continues ~~shall continue~~ for
 884 ~~a period of~~ 30 days, or in the event that the authority or the
 885 lessee fails ~~shall fail~~ or refuses ~~refuse~~ to comply with ~~the~~
 886 ~~provisions of~~ this part or any agreement made with, or for the
 887 benefit of, the holders of the bonds, the holders of 25 percent
 888 in aggregate principal amount of the bonds then outstanding
 889 shall be entitled as of right to the appointment of a trustee to
 890 represent such bondholders for the purposes hereof, ~~provided,~~
 891 ~~However, that~~ such holders of 25 percent in aggregate principal
 892 amount of the bonds then outstanding must ~~shall have first give~~
 893 ~~given written notice of their intention to appoint a trustee,~~ to
 894 the authority and to such lessee written notice of their
 895 intention to appoint a trustee.

896 (2) Such trustee, and any trustee under any deed of trust,
 897 indenture, or other agreement, may, and upon written request of
 898 the holders of 25 percent, or such other percentages as may be
 899 specified in any deed of trust, indenture, or other agreement

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900 ~~aforsaid,~~ in principal amount of the bonds then outstanding,
 901 shall, in any court of competent jurisdiction, in his, her, or
 902 its own name:

903 (a) By mandamus or other suit, action, or proceeding at
 904 law, or in equity, enforce all rights of the bondholders,
 905 including the right to require the authority to fix, establish,
 906 maintain, collect, and charge rates, fees, rentals, and other
 907 charges, adequate to carry out any agreement as to, or pledge
 908 of, the expressway system revenues, and to require the authority
 909 to carry out any other covenants and agreements with or for the
 910 benefit of the bondholders, and to perform its and their duties
 911 under this part.

912 (b) By mandamus or other suit, action, or proceeding at
 913 law, or in equity, enforce all rights of the bondholders under
 914 or pursuant to any lease-purchase agreement, including the right
 915 to require the lessee to make all rental payments required to be
 916 made by it under ~~the provisions of~~ any such lease-purchase
 917 agreement, whether from the ~~Hillsborough~~ county gasoline tax
 918 funds or other funds so agreed to be paid and to require the
 919 lessee to carry out any other covenants and agreements with or
 920 for the benefit of the bondholders and to perform its and their
 921 duties under this part.

922 (c) Bring suit upon the bonds.

923 (d) By action or suit in equity require the authority or
 924 any lessee under any lease-purchase agreement to account as if
 925 it were the trustee of an express trust for the bondholders.

926 (e) By action or suit in equity, enjoin any acts or things
 927 ~~that which~~ may be unlawful or in violation of the rights of the
 928 bondholders.

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929 (3) Any trustee when appointed ~~as aforesaid~~, or acting
 930 under a deed of trust, indenture, or other agreement, and
 931 regardless of whether ~~or not~~ all bonds have been declared due
 932 and payable, shall be entitled as of right to the appointment of
 933 a receiver, who may enter upon and take possession of the
 934 expressway system or the facilities or any part or parts
 935 thereof, the expressway system revenues, and other pledged
 936 moneys and, subject to and in compliance with ~~the provisions of~~
 937 any lease-purchase agreement, operate and maintain the same, for
 938 and on behalf of and in the name of, the authority, the lessee,
 939 and the bondholders, and collect and receive all expressway
 940 system revenues and other pledged moneys in the same manner as
 941 the authority or the lessee might do, and shall deposit all such
 942 revenues and moneys in a separate account and apply the same in
 943 such manner as the court directs ~~shall direct~~. In any suit,
 944 action, or proceeding by the trustee, the fees, counsel fees,
 945 and expenses of the trustee, and such ~~said~~ receiver, if any, and
 946 all costs and disbursements allowed by the court shall be a
 947 first charge on any expressway system revenues. Such trustee
 948 shall, in addition to the foregoing, have and possess all of the
 949 powers necessary or appropriate for the exercise of any
 950 functions specifically set forth herein or incident to the
 951 representation of the bondholders in the enforcement and
 952 protection of their rights.

953 (4) ~~Nothing in~~ This section or any other section of this
 954 part does not ~~shall~~ authorize any receiver appointed pursuant
 955 hereto for the purpose, subject to and in compliance with ~~the~~
 956 ~~provisions of~~ any lease-purchase agreement, of operating and
 957 maintaining the expressway system or any facilities or part or

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958 parts thereof, to sell, assign, mortgage, or otherwise dispose
 959 of any of the assets of whatever kind and character belonging to
 960 the authority. It is the intention of this part to limit the
 961 powers of such receiver, subject to and in compliance with ~~the~~
 962 ~~provisions of~~ any lease-purchase agreement, to the operation and
 963 maintenance of the system, or any facility or part or parts
 964 thereof, as the court directs ~~may direct~~, in the name and for
 965 and on behalf of the authority, the lessee, and the bondholders,
 966 and ~~a~~ ~~no~~ holder of bonds or a ~~nor~~ ~~any~~ trustee does not, ~~shall~~
 967 ~~ever~~ have the right in any suit, action, or proceeding at law,
 968 or in equity, to compel a receiver, nor shall any receiver be
 969 authorized, or any court be empowered to direct the receiver, to
 970 sell, assign, mortgage, or otherwise dispose of any assets of
 971 whatever kind or character belonging to the authority.

972 Section 17. Section 348.59, Florida Statutes, is amended to
 973 read:

974 348.59 Traffic control.—

975 (1) In addition to the powers conferred by the statutes of
 976 the state and by city ~~the~~ ordinances ~~of the city~~, the authority
 977 may adopt ~~is hereby authorized to promulgate~~ such rules and
 978 regulations for the use and occupancy of the expressway system
 979 as may be necessary and proper for the public safety and
 980 convenience, for the preservation of its property, and for the
 981 collection of tolls.

982 (2) The enforcement of the rules and regulations of the
 983 authority and of those provisions of the statutes and ordinances
 984 applicable to the expressway system may be by a ~~the~~ city police
 985 department or ~~and~~ sheriff of a Hillsborough county within the
 986 jurisdiction of which a transportation facility is located.

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987 ~~provided~~, However, ~~that~~ at the request of the authority, such
 988 enforcement shall also be the duty of the Florida Highway
 989 Patrol. Violators shall be apprehended and prosecuted in the
 990 same manner as provided for the apprehension and prosecution of
 991 violators of such statutes and ordinances who commit violations
 992 thereof upon streets, roads, and thoroughfares in the state.

993 Section 18. Section 348.63, Florida Statutes, is amended to
 994 read:

995 348.63 Cooperation with other units, boards, agencies, and
 996 individuals.—Express authority and power is ~~hereby given and~~
 997 granted to any county, municipality, drainage district, road and
 998 bridge district, school district, or any other political
 999 subdivision, board, authority, corporation, or individual in or
 1000 of the state to make and enter into with the authority, ~~or~~
 1001 contracts, leases, conveyances, or other agreements within the
 1002 provisions and purposes of this part. The authority ~~may is~~
 1003 ~~hereby expressly authorized to~~ make and enter into contracts,
 1004 leases, conveyances, and other agreements with any political
 1005 subdivision, agency, or instrumentality of the state and any and
 1006 all federal agencies, corporations, and individuals for the
 1007 purpose of carrying out the provisions of this part.

1008 Section 19. Section 348.64, Florida Statutes, is amended to
 1009 read:

1010 348.64 Covenant of the state.—The state pledges ~~does hereby~~
 1011 ~~pledge to and agrees agree~~ with the holders ~~from time to time~~ of
 1012 the bonds that the state will not limit or alter the rights
 1013 ~~hereby~~ vested in the authority, the department, a the county,
 1014 and a the city to collect expressway system revenues, and
 1015 Hillsborough county gasoline tax funds, and any other moneys and

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1016 to fulfill the terms of any agreements made with the holders of
 1017 bonds or to in any way impair the rights and remedies of such
 1018 holders until such bonds and the interest due thereon have been
 1019 paid. The state ~~does~~ further pledges ~~pledge to and agrees agree~~
 1020 with the United States and any federal agency that, in the event
 1021 any federal agency constructs ~~shall construct~~ or contributes
 1022 ~~contribute~~ funds for the construction, reconstruction,
 1023 extension, or improvement of the expressway system or any part
 1024 thereof, the state will not alter or limit the rights of the
 1025 authority, the department, a the county, or a the city in any
 1026 manner ~~which would be~~ inconsistent with the continued
 1027 maintenance or operation of the system or the construction,
 1028 reconstruction, extension, or improvement thereof and ~~which~~
 1029 ~~would be~~ inconsistent with the due performance of any agreements
 1030 between the authority and any such federal agency. The
 1031 authority, the department, a the county, and a the city shall
 1032 continue to have and may exercise all powers herein granted so
 1033 long as such powers are the same ~~shall be~~ necessary or desirable
 1034 for the carrying out of the purposes of this part.

1035 Section 20. Section 348.65, Florida Statutes, is amended to
 1036 read:

1037 348.65 Exemption from taxation.—The effectuation of the
 1038 authorized purposes of the authority created under this part ~~is~~
 1039 ~~shall and will be~~ in all respects for the benefit of the people
 1040 of the state for the increase of their commerce and prosperity
 1041 and for the improvement of their health and living conditions.
 1042 Since the authority will perform essential governmental
 1043 functions in effectuating such purpose, the authority is ~~shall~~
 1044 not ~~be~~ required to pay ~~any~~ taxes or assessments of any kind ~~or~~

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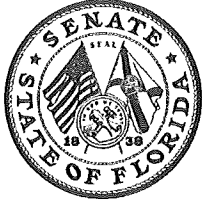
1045 ~~nature whatsoever~~ upon any property acquired or used by it for
1046 such purposes or upon any expressway system revenues at any time
1047 received by it. The bonds, their transfer, and the income
1048 therefrom, including any profits made on the sale thereof, are
1049 ~~shall at all times be~~ free from taxation of any kind by the
1050 state or by any political subdivision or other taxing agency or
1051 instrumentality thereof. The exemption granted by this section
1052 does not apply ~~shall not be applicable~~ to any tax imposed by
1053 chapter 220 on interest, income, or profits on debt obligations
1054 owned by corporations.

1055 Section 21. Section 348.67, Florida Statutes, is amended to
1056 read:

1057 348.67 Pledges enforceable for bondholders.—It is the
1058 intent ~~express intention~~ of this part that any pledge of
1059 expressway system revenues, ~~Hillsborough~~ county gasoline tax
1060 funds, or other funds either as rentals to the authority or for
1061 the payment of the principal of and interest on bonds, or any
1062 covenant or agreement relative thereto, may be enforceable in
1063 any court of competent jurisdiction against the authority or
1064 directly against the department, a the county, or a the city, as
1065 may be appropriate.

1066 Section 22. The Division of Law Revision is directed to
1067 replace the phrase "the effective date of this act" wherever it
1068 occurs in this act with the date the act becomes a law.

1069 Section 23. This act shall take effect upon becoming a law.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations Subcommittee on Agriculture,
Environment, and General Government
Education
Ethics and Elections
Finance and Tax
Transportation

SENATOR LORI BERMAN

31st District

March 24, 2021

Senator Gayle Harrell, Chair
Committee on Transportation
410 Knott Building
404 South Monroe Street
Tallahassee, FL 32399

Dear Chair Harrell,

Please record my votes as follows due to my absence during today's Transportation Committee meeting. I apologize for missing a large portion of the meeting as I was presenting another bill on behalf of Senator Cruz.

SB 754: yes
SB 1082: yes
SB 1194: yes
SB 1412: yes

Thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lori Berman".

Lori Berman

REPLY TO:

- 2300 High Ridge Road, Suite 161, Boynton Beach, Florida 33426 (561) 292-6014 FAX: (888) 284-6491
- 218 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5031

Senate's Website: www.flsenate.gov

WILTON SIMPSON
President of the Senate

AARON BEAN
President Pro Tempore

CourtSmart Tag Report

Room: SB 110
Caption: Senate Transportation Committee

Case No.:

Type:
Judge:

Started: 3/24/2021 8:30:27 AM

Ends: 3/24/2021 9:14:11 AM

Length: 00:43:45

8:30:26 AM Meeting called to order by Chair Harrell
8:30:28 AM Roll call by CAA Marilyn Hudson
8:30:50 AM Quorum present
8:31:01 AM Comments from Chair Harrell
8:31:55 AM SB 1160 temporarily postponed per Chair Harrell
8:32:22 AM Introduction of Tab 3, SB 1194 by Chair Harrell
8:32:38 AM Explanation of SB 1194, Transportation by Senator Hooper
8:34:46 AM Introduction of Amendment Barcode 745468 by Chair Harrell
8:35:06 AM Explanation of Amendment by Senator Hooper
8:36:05 AM Comments from Chair Harrell
8:36:13 AM Jennifer Cook Pritt, The Florida Police Chiefs Association waives in support
8:36:25 AM Comments from Chair Harrell
8:36:29 AM Amendment adopted
8:36:32 AM Introduction of Amendment Barcode 296808 by Chair Harrell
8:36:38 AM Explanation of Amendment by Senator Hooper
8:37:44 AM Comments from Chair Harrell
8:37:52 AM Beth Alvi, Audubon Florida waives in support
8:38:19 AM Comments from Chair Harrell
8:38:24 AM Amendment adopted
8:38:27 AM Comments from Chair Harrell
8:38:39 AM Mark Musselman, Asphalt Contractors Association of Florida waives in support
8:38:59 AM Comments from Chair Harrell
8:39:08 AM Closure waived
8:39:11 AM Roll call by CAA
8:39:23 AM CS/SB 1194 reported favorably
8:39:48 AM Recording Paused
8:52:22 AM Recording Resumed
8:52:33 AM Meeting called to order
8:53:34 AM Introduction of Tab 1, SB 754 by Chair Harrell
8:53:48 AM Explanation of SB 754, Electronic Transactions for Title Certificates and Registrations by Senator Diaz
8:54:00 AM Introduction of Strike-all Amendment Barcode 428452 by Chair Harrell
8:54:10 AM Explanation of Amendment by Senator Diaz
8:55:10 AM Comments from Chair Harrell
8:55:34 AM Amendment adopted
8:55:43 AM Comments from Chair Harrell
8:56:06 AM Chair Harrell in debate
8:56:18 AM Closure waived
8:56:21 AM Roll call by CAA
8:56:26 AM CS/SB 754 reported favorably
8:56:42 AM Introduction of Tab 2, SB 1082 by Chair Harrell
8:57:02 AM Explanation of SB 1082, Diesel Exhaust Fluid by Senator Albritton
8:57:51 AM Introduction of Strike-all Amendment Barcode 607478 by Chair Harrell
8:58:27 AM Explanation of Amendment by Senator Albritton
8:58:40 AM Comments from Chair Harrell
8:58:48 AM Amendment adopted
8:59:02 AM Comments from Chair Harrell
8:59:26 AM Senator Wright in debate
8:59:43 AM Chair Harrell in debate
9:00:05 AM Senator Albritton in closure
9:00:22 AM Roll call by CAA
9:01:23 AM CS/SB 1082 reported favorably
9:01:45 AM Comments from Chair Harrell regarding Senator Hooper bill will be reported as CS/SB 1194

9:02:05 AM Recording Paused
9:07:54 AM Recording Resumed
9:07:57 AM Meeting called to order
9:08:15 AM Introduction of Tab 4, SB 1412 by Chair Harrell
9:08:27 AM Explanation of SB 1412, Traffic and Pedestrian Safety by Senator Perry
9:10:06 AM Comments from Chair Harrell
9:10:23 AM Senator Wright in debate
9:11:25 AM Chair Harrell in debate
9:12:12 AM Senator Perry in closure
9:12:49 AM Roll call by CAA
9:12:57 AM SB 1412 reported favorably
9:13:12 AM Comments from Chair Harrell
9:13:19 AM Senator Perry would like to shown voting in the affirmative on SB 754, CS/SB 1194, CS/SB 1082
9:13:36 AM Senator Rodriguez would like to shown voting in the affirmative CS/SB 1194
9:13:50 AM Comments from Chair Harrell
9:13:54 AM Senator Wright moves to adjourn
9:13:59 AM Meeting adjourned