

By the Committee on Transportation; and Senator Sebesta

306-1958-02

1 A bill to be entitled
2 An act relating to expressway authorities;
3 amending s. 316.061, F.S.; authorizing certain
4 agencies to remove from the roadway, vehicles
5 damages in crashes; amending s. 318.18, F.S.;
6 increasing penalties for certain speed
7 violations; amending s. 348.0003, F.S.; giving
8 a county governing body authority to set
9 certain qualifications and obligations for
10 members of expressway authorities within their
11 jurisdictions; amending s. 348.0008, F.S.;
12 providing additional powers relating to rights
13 of entry to expressway authorities; amending s.
14 348.0012, F.S.; providing that the Florida
15 Expressway Authority Act does not apply to an
16 expressway authority which has been created
17 pursuant to parts II-IX of ch. 348, F.S.;
18 amending s. 348.565, F.S.; adding the Lee Roy
19 Selmon Crosstown Expressway connector to the
20 legislatively approved list of expressway
21 projects; amending s. 348.754, F.S.; revising
22 the purposes and powers; amending s. 348.7543,
23 F.S.; revising provisions governing bond
24 financing; amending ss. 348.7544, 348.7545,
25 F.S.; authorizing the refinancing of the
26 Northwest Beltway Part A and the Western
27 Beltway Part C with certain bonds; amending s.
28 348.755, F.S.; revising provisions governing
29 bonds of the Orlando-Orange County Expressway
30 Authority; amending s. 348.765, F.S.;
31 specifying that bonding powers may supersede

1 requirements of the State Bond Act; creating s.
2 348.545, F.S.; approving certain bond financing
3 for the Hillsborough County Expressway
4 authority; amending s. 373.4137, F.S.;
5 providing for certain expressway, bridge, or
6 transportation authorities to create
7 environmental-impact inventories and
8 participate in a mitigation program to offset
9 adverse effects of their transportation
10 projects; providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Subsection (3) is added to section 316.061,
15 Florida Statutes, to read:

16 316.061 Crashes involving damage to vehicle or
17 property.--

18 (3) Employees or authorized agents of the Department
19 of Transportation, law enforcement departments having proper
20 jurisdiction, and expressway authorities created pursuant to
21 chapter 348, in the exercise, management, control, and
22 maintenance of its highway system, may remove from the main
23 traveled roadways on its highway system all vehicles
24 incapacitated as a result of a motor vehicle crash and of
25 debris caused thereby when the crash results only in damage to
26 a vehicle or other property and the removal can be
27 accomplished safely and will result in the improved safety or
28 convenience of travel upon the road. The driver or any other
29 person who has removed a motor vehicle from the main traveled
30 roadway, as provided in this section, is not liable or at

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1 fault regarding the cause of the accident solely by reason of
2 moving the vehicle.

3 Section 2. Paragraph (f) is added to subsection (3) of
4 section 318.18, Florida Statutes, to read:

5 318.18 Amount of civil penalties.--The penalties
6 required for a noncriminal disposition pursuant to s. 318.14
7 are as follows:

8 (3)

9 (f) A person cited for exceeding the speed limit
10 within a zone posted for any electronic or manual
11 toll-collection facility will be assessed a fine double the
12 amount listed in paragraph (b).

13 Section 3. Paragraph (d) of subsection (2) of section
14 348.0003, Florida Statutes, is amended to read:

15 348.0003 Expressway authority; formation;
16 membership.--

17 (2) The governing body of an authority shall consist
18 of not fewer than five nor more than nine voting members. The
19 district secretary of the affected department district shall
20 serve as a nonvoting member of the governing body of each
21 authority located within the district. Each member of the
22 governing body must at all times during his or her term of
23 office be a permanent resident of the county which he or she
24 is appointed to represent.

25 (d) Notwithstanding any provision to the contrary in
26 this subsection, in any county as defined in s. 125.011(1),
27 the governing body of an authority shall consist of up to 13
28 members, and the following provisions of this paragraph shall
29 apply specifically to such authority. Except for the district
30 secretary of the department, the members must be residents of
31 the county. Seven voting members shall be appointed by the

1 governing body of the county. At the discretion of the
2 governing body of the county, up to two of the members
3 appointed by the governing body of the county may be elected
4 officials residing in the county. Five voting members of the
5 authority shall be appointed by the Governor. One member shall
6 be the district secretary of the department serving in the
7 district that contains such county. This member shall be an
8 ex officio voting member of the authority. If the governing
9 board of an authority includes any member originally appointed
10 by the governing body of the county as a nonvoting member,
11 when the term of such member expires, that member shall be
12 replaced by a member appointed by the Governor until the
13 governing body of the authority is composed of seven members
14 appointed by the governing body of the county and five members
15 appointed by the Governor. The qualifications, the terms of
16 office, and the obligations and rights of members of the
17 authority shall be determined by resolution or ordinance of
18 the governing body of the county in a manner that is
19 consistent with subsections (3) and (4).

20 Section 4. Section 348.0008, Florida Statutes, is
21 amended to read:

22 348.0008 Acquisition of lands and property.--

23 (1) For the purposes of the Florida Expressway
24 Authority Act, an expressway authority may acquire such
25 rights, title, or interest in private or public property and
26 such property rights, including easements rights of access,
27 air, view, and light, by gift, devise, purchase, or
28 condemnation by eminent domain proceedings, as the authority
29 considers ~~may deem~~ necessary for any of the purposes of the
30 Florida Expressway Authority Act, including, but not limited
31 to, any lands reasonably necessary for securing applicable

1 permits, areas necessary for management of access, borrow
2 pits, drainage ditches, water retention areas, rest areas,
3 replacement access for landowners whose access is impaired due
4 to the construction of an expressway system, and replacement
5 rights-of-way for relocated rail and utility facilities; for
6 existing, proposed, or anticipated transportation facilities
7 on the expressway system or in a transportation corridor
8 designated by the authority; or for the purposes of screening,
9 relocation, removal, or disposal of junkyards and scrap metal
10 processing facilities. The authority may also condemn any
11 material and property necessary for such purposes.

12 (2) An authority and its authorized agents,
13 contractors, and employees may enter upon any lands, waters,
14 and premises, upon giving reasonable notice to the landowner,
15 for the purpose of making surveys, soundings, drillings,
16 appraisals, environmental assessments, including phase I and
17 phase II environmental surveys, archaeological assessments,
18 and such other examinations as are necessary for the
19 acquisition of private or public property and property rights,
20 including rights of access, air, view, and light, by gift,
21 devise, purchase, or condemnation by eminent domain
22 proceedings, or as are necessary for the authority to perform
23 its duties and functions; and any such entry does not
24 constitute a trespass or an entry that would constitute a
25 taking in an eminent domain proceeding. An expressway
26 authority shall make reimbursement for any actual damage to
27 such lands, water, and premises as a result of such
28 activities.

29 ~~(3)(2)~~ The right of eminent domain conferred by the
30 Florida Expressway Authority Act must be exercised by each
31 authority in the manner provided by law.

1 (4)~~(3)~~ When an authority acquires property for an
2 expressway system or in a transportation corridor as defined
3 in s. 334.03, it is not subject to any liability imposed by
4 chapter 376 or chapter 403 for preexisting soil or groundwater
5 contamination due solely to its ownership. This subsection
6 does not affect the rights or liabilities of any past or
7 future owners of the acquired property nor does it affect the
8 liability of any governmental entity for the results of its
9 actions which create or exacerbate a pollution source. An
10 authority and the Department of Environmental Protection may
11 enter into interagency agreements for the performance,
12 funding, and reimbursement of the investigative and remedial
13 acts necessary for property acquired by the authority.

14 Section 5. Section 348.0012, Florida Statutes, is
15 amended to read:

16 348.0012 Exemptions from applicability.--The Florida
17 Expressway Authority Act does not apply:

18 (1) To ~~In a county in which~~ an expressway authority
19 that has been created pursuant to parts II-IX of this chapter;
20 or

21 (2) To a transportation authority created pursuant to
22 chapter 349.

23 Section 6. Section 348.565, Florida Statutes, is
24 amended to read:

25 348.565 Revenue bonds for specified projects.--The
26 existing facilities that constitute the Tampa-Hillsborough
27 County Expressway System are hereby approved to be refinanced
28 by the issuance of revenue bonds by the Division of Bond
29 Finance of the State Board of Administration pursuant to s.
30 11(f), Art. VII of the State Constitution. In addition, the
31 following projects of the Tampa-Hillsborough County Expressway

1 Authority are approved to be financed or refinanced by the
2 issuance of revenue bonds pursuant to s. 11(f), Art. VII of
3 the State Constitution:

4 (1) Brandon area feeder roads;

5 (2) Capital improvements to the expressway system,
6 including safety and operational improvements and toll
7 collection equipment; ~~and~~

8 (3) Lee Roy Selmon Crosstown Expressway System
9 widening; ~~and~~

10 (4) The connector highway linking the Lee Roy Selmon
11 Crosstown Expressway to Interstate 4.

12 Section 7. Paragraph (b) of subsection (1) of section
13 348.754, Florida Statutes, is amended and paragraph (o) is
14 added to subsection (2) of that section, to read:

15 348.754 Purposes and powers.--

16 (1)

17 (b) It is the express intention of this part that the
18 ~~said~~ authority, in the construction of the said Orlando-Orange
19 County Expressway System, shall be authorized to acquire,
20 finance, construct, and equip any extensions, additions, or
21 improvements to the said system or appurtenant facilities,
22 including all necessary approaches, roads, bridges, and
23 avenues of access as the authority considers desirable and
24 proper, together, with such changes, modifications, or
25 revisions to the system of said project as the authority
26 considers ~~shall be deemed~~ desirable and proper.

27 (2) The authority is hereby granted, and shall have
28 and may exercise all powers necessary, appurtenant, convenient
29 or incidental to the carrying out of the aforesaid purposes,
30 including, but without being limited to, the following rights
31 and powers:

1 (o) To enter into agreements facilitating and
2 implementing the use of electronic toll enforcement and
3 collection activities and the use of intelligent
4 transportation systems.

5 Section 8. Section 348.7543, Florida Statutes, is
6 amended to read:

7 348.7543 Improvements, bond financing authority
8 for.--Pursuant to s. 11(f), Art. VII of the State
9 Constitution, the Legislature hereby approves for bond
10 financing by the Orlando-Orange County Expressway Authority
11 the cost of acquiring, constructing, equipping, improving, or
12 refurbishing any current or future extensions, additions, and
13 improvements to an expressway system, including improvements
14 to toll collection facilities and interchanges to the
15 legislatively approved expressway system, and any other
16 facility appurtenant, necessary, or incidental to the approved
17 system, including all necessary approaches, roads, bridges,
18 and avenues of access, all as shall be deemed desirable and
19 proper by the authority pursuant to s. 348.754(1)(b). Subject
20 to terms and conditions of applicable revenue bond resolutions
21 and covenants, such costs financing may be financed in whole
22 or in part by revenue bonds issued pursuant to s.
23 348.755(1)(a) or (b) whether currently issued, issued in the
24 future, or by a combination of such bonds.

25 Section 9. Section 348.7544, Florida Statutes, is
26 amended to read:

27 348.7544 Northwest Beltway Part A, construction
28 authorized; financing.--Notwithstanding s. 338.2275, the
29 Orlando-Orange County Expressway Authority is hereby
30 authorized to construct, finance, operate, own, and maintain
31 that portion of the Western Beltway known as the Northwest

1 Beltway Part A, extending from Florida's Turnpike near Ocoee
2 north to U.S. 441 near Apopka, as part of the authority's
3 20-year capital projects plan. This project may be financed
4 with any funds available to the authority for such purpose or
5 revenue bonds issued by the Division of Bond Finance of the
6 State Board of Administration on behalf of the authority
7 pursuant to s. 11, Art. VII of the State Constitution and the
8 State Bond Act, ss. 215.57-215.83. This project may be
9 refinanced with bonds issued by the authority pursuant to s.
10 348.755(1)(d).

11 Section 10. Section 348.7545, Florida Statutes, is
12 amended to read:

13 348.7545 Western Beltway Part C, construction
14 authorized; financing.--Notwithstanding s. 338.2275, the
15 Orlando-Orange County Expressway Authority is authorized to
16 exercise its condemnation powers, construct, finance, operate,
17 own, and maintain that portion of the Western Beltway known as
18 the Western Beltway Part C, extending from Florida's Turnpike
19 near Ocoee in Orange County southerly through Orange and
20 Osceola Counties to an interchange with I-4 near the
21 Osceola-Polk County line, as part of the authority's 20-year
22 capital projects plan. This project may be financed with any
23 funds available to the authority for such purpose or revenue
24 bonds issued by the Division of Bond Finance of the State
25 Board of Administration on behalf of the authority pursuant to
26 s. 11, Art. VII of the State Constitution and the State Bond
27 Act, ss. 215.57-215.83. This project may be financed or
28 refinanced with bonds issued by the authority pursuant to s.
29 348.755(1)(d).

30 Section 11. Subsection (1) of section 348.755, Florida
31 Statutes, is amended to read:

1 348.755 Bonds of the authority.--
2 (1)(a) Bonds may be issued on behalf of the authority
3 pursuant to the State Bond Act.
4 (b) Alternatively, the authority may issue its own
5 bonds pursuant to this part at such times and in such
6 principal amount as, in the opinion of the authority, is
7 necessary to provide sufficient moneys for achieving its
8 purposes; however, such bonds may not pledge the full faith
9 and credit of the state. Bonds issued by the authority
10 pursuant to paragraph (a) or this paragraph ~~The bonds of the~~
11 ~~authority issued pursuant to the provisions of this part,~~
12 whether on original issuance or on refunding, shall be
13 authorized by resolution of the members thereof and may be
14 either term or serial bonds, shall bear such date or dates,
15 mature at such time or times, not exceeding 40 years from
16 their respective dates, bear interest at such rate or rates,
17 payable semiannually, be in such denominations, be in such
18 form, either coupon or fully registered, shall carry such
19 registration, exchangeability and interchangeability
20 privileges, be payable in such medium of payment and at such
21 place or places, be subject to such terms of redemption and be
22 entitled to such priorities on the revenues, rates, fees,
23 rentals or other charges or receipts of the authority
24 including the Orange County gasoline tax funds received by the
25 authority pursuant to the terms of any lease-purchase
26 agreement between the authority and the department, as such
27 resolution or any resolution subsequent thereto may provide.
28 The bonds shall be executed either by manual or facsimile
29 signature by such officers as the authority shall determine,
30 provided that such bonds shall bear at least one signature
31 which is manually executed thereon, and the coupons attached

1 to such bonds shall bear the facsimile signature or signatures
2 of such officer or officers as shall be designated by the
3 authority and shall have the seal of the authority affixed,
4 imprinted, reproduced or lithographed thereon, all as may be
5 prescribed in such resolution or resolutions.

6 (c)~~(b)~~ Said Bonds issued pursuant to paragraphs (a)
7 and (b) shall be sold at public sale in the same manner
8 provided by the State Bond Act. However, if the authority
9 shall, by official action at a public meeting, determine that
10 a negotiated sale of such the bonds is in the best interest of
11 the authority, the authority may negotiate the for sale of
12 such the bonds with the underwriter or underwriters designated
13 by the authority and Division of Bond Finance of the State
14 Board of Administration, with respect to bonds issued pursuant
15 to paragraph (a) or solely by the authority with respect to
16 bonds issued pursuant to paragraph (b). The authority's
17 determination to negotiate the sale of such bonds may be
18 based, in part, upon the written advice of the authority's
19 financial advisor. Pending the preparation of definitive
20 bonds, interim certificates may be issued to the purchaser or
21 purchasers of such bonds and may contain such terms and
22 conditions as the authority may determine.

23 (d) The authority may issue bonds pursuant to
24 paragraph (b) to refund any bonds previously issued regardless
25 of whether the bonds being refunded were issued by the
26 authority pursuant to this chapter or on behalf of the
27 authority pursuant to the State Bond Act.

28 Section 12. Section 348.765, Florida Statutes is
29 amended to read:

30 348.765 This part complete and additional authority.--
31

1 (1) The powers conferred by this part shall be in
2 addition and supplemental to the existing powers of said board
3 and the department, and this part shall not be construed as
4 repealing any of the provisions, of any other law, general,
5 special or local, but to supersede such other laws in the
6 exercise of the powers provided in this part, and to provide a
7 complete method for the exercise of the powers granted in this
8 part. The extension and improvement of said Orlando-Orange
9 County Expressway System, and the issuance of bonds hereunder
10 to finance all or part of the cost thereof, may be
11 accomplished upon compliance with the provisions of this part
12 without regard to or necessity for compliance with the
13 provisions, limitations, or restrictions contained in any
14 other general, special or local law, including, but not
15 limited to, s. 215.821,and no approval of any bonds issued
16 under this part by the qualified electors or qualified
17 electors who are freeholders in the state or in said County of
18 Orange, or in said City of Orlando, or in any other political
19 subdivision of the state, shall be required for the issuance
20 of such bonds pursuant to this part.

21 (2) This part shall not be deemed to repeal, rescind,
22 or modify any other law or laws relating to the ~~said~~ State
23 Board of Administration, the ~~said~~ Department of
24 Transportation, or the Division of Bond Finance of the State
25 Board of Administration, but shall be deemed to and shall
26 supersede such other law or laws as are inconsistent with the
27 provisions of this part, including, but not limited to, s.
28 215.821.

29 Section 13. Section 348.545, Florida Statutes, is
30 created to read:

31

1 348.545 Bond financing authority for
2 improvements.--Pursuant to s. 11(f), Art. VII of the State
3 Constitution the Legislature approves bond financing for
4 improvements by the Tampa-Hillsborough County Expressway
5 Authority to toll collection facilities, interchanges to the
6 legislatively approved expressway system, and any other
7 facility appurtenant, necessary, or incidental to the approved
8 system. Subject to terms and conditions of applicable
9 revenue-bond resolutions and covenants, such financing may be
10 in whole or in part by revenue bonds currently issued, issued
11 in the future, or by a combination of such bonds.

12 Section 14. Section 373.4137, Florida Statutes, is
13 amended to read:

14 373.4137 Mitigation requirements.--

15 (1) The Legislature finds that environmental
16 mitigation for the impact of transportation projects proposed
17 by the Department of Transportation or a transportation
18 authority established pursuant to chapter 348 or chapter 349
19 can be more effectively achieved by regional, long-range
20 mitigation planning rather than on a project-by-project basis.
21 It is the intent of the Legislature that mitigation to offset
22 the adverse effects of these transportation projects be funded
23 by the Department of Transportation and be carried out by the
24 Department of Environmental Protection and the water
25 management districts, including the use of mitigation banks
26 established pursuant to this part.

27 (2) Environmental impact inventories for
28 transportation projects proposed by the Department of
29 Transportation or a transportation authority established
30 pursuant to chapter 348 or chapter 349 shall be developed as
31 follows:

1 (a) By May 1 of each year, the Department of
2 Transportation or a transportation authority established
3 pursuant to chapter 348 or chapter 349 shall submit to the
4 Department of Environmental Protection and the water
5 management districts a copy of its adopted work program and an
6 inventory of habitats addressed in the rules tentatively,
7 pursuant to this part and s. 404 of the Clean Water Act, 33
8 U.S.C. s. 1344, which may be impacted by its plan of
9 construction for transportation projects in the next 3 years
10 of the tentative work program. The Department of
11 Transportation or a transportation authority established
12 pursuant to chapter 348 or chapter 349 may also include in its
13 inventory the habitat impacts of any future transportation
14 project identified in the tentative work program.

15 (b) The environmental impact inventory shall include a
16 description of these habitat impacts, including their
17 location, acreage, and type; state water quality
18 classification of impacted wetlands and other surface waters;
19 any other state or regional designations for these habitats;
20 and a survey of threatened species, endangered species, and
21 species of special concern affected by the proposed project.

22 (3)(a) To fund the mitigation plan for the projected
23 impacts identified in the inventory described in subsection
24 (2), the Department of Transportation shall identify funds
25 quarterly in an escrow account within the State Transportation
26 Trust Fund for the environmental mitigation phase of projects
27 budgeted by the Department of Transportation for the current
28 fiscal year. The escrow account shall be maintained by the
29 Department of Transportation for the benefit of the Department
30 of Environmental Protection and the water management
31

1 districts. Any interest earnings from the escrow account shall
2 remain with the Department of Transportation.

3 (b) Each transportation authority established pursuant
4 to chapter 348 or chapter 349 that chooses to participate in
5 this program shall create an escrow account within its
6 financial structure and deposit funds in the account to pay
7 for the environmental mitigation phase of projects budgeted
8 for the current fiscal year. The escrow account shall be
9 maintained by the authority for the benefit of the Department
10 of Environmental Protection and the water management
11 districts. Any interest earnings from the escrow account shall
12 remain with the authority.

13 (c) The Department of Environmental Protection or
14 water management districts may request a transfer of funds
15 from ~~an~~ ~~the~~ escrow account no sooner than 30 days prior to the
16 date the funds are needed to pay for activities associated
17 with development or implementation of the approved mitigation
18 plan described in subsection (4) for the current fiscal year,
19 including, but not limited to, design, engineering,
20 production, and staff support. Actual conceptual plan
21 preparation costs incurred before plan approval may be
22 submitted to the Department of Transportation or the
23 appropriate transportation authority and the Department of
24 Environmental Protection by November 1 of each year with the
25 plan. The conceptual plan preparation costs of each water
26 management district will be paid based on the amount approved
27 on the mitigation plan and allocated to the current fiscal
28 year projects identified by the water management district. The
29 amount transferred to the escrow accounts ~~account~~ each year by
30 the Department of Transportation and participating
31 transportation authorities established pursuant to chapter 348

1 or chapter 349 shall correspond to a cost per acre of \$75,000
2 multiplied by the projected acres of impact identified in the
3 inventory described in subsection (2). However, the \$75,000
4 cost per acre does not constitute an admission against
5 interest by the state or its subdivisions nor is the cost
6 admissible as evidence of full compensation for any property
7 acquired by eminent domain or through inverse condemnation.
8 Each July 1, the cost per acre shall be adjusted by the
9 percentage change in the average of the Consumer Price Index
10 issued by the United States Department of Labor for the most
11 recent 12-month period ending September 30, compared to the
12 base year average, which is the average for the 12-month
13 period ending September 30, 1996. At the end of each year, the
14 projected acreage of impact shall be reconciled with the
15 acreage of impact of projects as permitted, including permit
16 modifications, pursuant to this part and s. 404 of the Clean
17 Water Act, 33 U.S.C. s. 1344. The subject year's transfer of
18 funds shall be adjusted accordingly to reflect the
19 overtransfer or undertransfer of funds from the preceding
20 year. The Department of Transportation and participating
21 transportation authorities established pursuant to chapter 348
22 or chapter 349 ~~are is~~ authorized to transfer such funds from
23 the escrow accounts ~~account~~ to the Department of Environmental
24 Protection and the water management districts to carry out the
25 mitigation programs.

26 (4) Prior to December 1 of each year, each water
27 management district, in consultation with the Department of
28 Environmental Protection, the United States Army Corps of
29 Engineers, the Department of Transportation, transportation
30 authorities established pursuant to chapter 348 or chapter
31 349, and other appropriate federal, state, and local

1 governments, and other interested parties, including entities
2 operating mitigation banks, shall develop a plan for the
3 primary purpose of complying with the mitigation requirements
4 adopted pursuant to this part and 33 U.S.C. s. 1344. This plan
5 shall also address significant invasive plant problems within
6 wetlands and other surface waters. In developing such plans,
7 the districts shall utilize sound ecosystem management
8 practices to address significant water resource needs and
9 shall focus on activities of the Department of Environmental
10 Protection and the water management districts, such as surface
11 water improvement and management (SWIM) waterbodies and lands
12 identified for potential acquisition for preservation,
13 restoration, and enhancement, to the extent that such
14 activities comply with the mitigation requirements adopted
15 under this part and 33 U.S.C. s. 1344. In determining the
16 activities to be included in such plans, the districts shall
17 also consider the purchase of credits from public or private
18 mitigation banks permitted under s. 373.4136 and associated
19 federal authorization and shall include such purchase as a
20 part of the mitigation plan when such purchase would offset
21 the impact of the transportation project, provide equal
22 benefits to the water resources than other mitigation options
23 being considered, and provide the most cost-effective
24 mitigation option. The mitigation plan shall be preliminarily
25 approved by the water management district governing board and
26 shall be submitted to the secretary of the Department of
27 Environmental Protection for review and final approval. The
28 preliminary approval by the water management district
29 governing board does not constitute a decision that affects
30 substantial interests as provided by s. 120.569. At least 30
31 days prior to preliminary approval, the water management

1 district shall provide a copy of the draft mitigation plan to
2 any person who has requested a copy.

3 (a) For each transportation project with a funding
4 request for the next fiscal year, the mitigation plan must
5 include a brief explanation of why a mitigation bank was or
6 was not chosen as a mitigation option, including an estimation
7 of identifiable costs of the mitigation bank and nonbank
8 options to the extent practicable.

9 (b) Specific projects may be excluded from the
10 mitigation plan and shall not be subject to this section upon
11 the agreement of the Department of Transportation, a
12 transportation authority if applicable, the Department of
13 Environmental Protection, and the appropriate water management
14 district that the inclusion of such projects would hamper the
15 efficiency or timeliness of the mitigation planning and
16 permitting process, or the Department of Environmental
17 Protection and the water management district are unable to
18 identify mitigation that would offset the impacts of the
19 project.

20 (c) Surface water improvement and management or
21 invasive plant control projects undertaken using the \$12
22 million advance transferred from the Department of
23 Transportation to the Department of Environmental Protection
24 in fiscal year 1996-1997 which meet the requirements for
25 mitigation under this part and 33 U.S.C. s. 1344 shall remain
26 available for mitigation until the \$12 million is fully
27 credited up to and including fiscal year 2004-2005. When these
28 projects are used as mitigation, the \$12 million advance shall
29 be reduced by \$75,000 per acre of impact mitigated. For any
30 fiscal year through and including fiscal year 2004-2005, to
31 the extent the cost of developing and implementing the

1 mitigation plans is less than the amount transferred pursuant
2 to subsection (3), the difference shall be credited towards
3 the \$12 million advance. Except as provided in this paragraph,
4 any funds not directed to implement the mitigation plan
5 should, to the greatest extent possible, be directed to fund
6 invasive plant control within wetlands and other surface
7 waters.

8 (5) The water management district shall be responsible
9 for ensuring that mitigation requirements pursuant to 33
10 U.S.C. s. 1344 are met for the impacts identified in the
11 inventory described in subsection (2), by implementation of
12 the approved plan described in subsection (4) to the extent
13 funding is provided by the Department of Transportation, or a
14 transportation authority established pursuant to chapter 348
15 or chapter 349, if applicable. During the federal permitting
16 process, the water management district may deviate from the
17 approved mitigation plan in order to comply with federal
18 permitting requirements.

19 (6) The mitigation plans ~~plan~~ shall be updated
20 annually to reflect the most current Department of
21 Transportation work program and project list of a
22 transportation authority established pursuant to chapter 348
23 or chapter 349, if applicable, and may be amended throughout
24 the year to anticipate schedule changes or additional projects
25 which may arise. Each update and amendment of the mitigation
26 plan shall be submitted to the secretary of the Department of
27 Environmental Protection for approval. However, such approval
28 shall not be applicable to a deviation as described in
29 subsection (5).

30 (7) Upon approval by the secretary of the Department
31 of Environmental Protection, the mitigation plan shall be

1 deemed to satisfy the mitigation requirements under this part
2 and any other mitigation requirements imposed by local,
3 regional, and state agencies for impacts identified in the
4 inventory described in subsection (2). The approval of the
5 secretary shall authorize the activities proposed in the
6 mitigation plan, and no other state, regional, or local permit
7 or approval shall be necessary.

8 (8) This section shall not be construed to eliminate
9 the need for the Department of Transportation or a
10 transportation authority established pursuant to chapter 348
11 or chapter 349 to comply with the requirement to implement
12 practicable design modifications, including realignment of
13 transportation projects, to reduce or eliminate the impacts of
14 its transportation projects on wetlands and other surface
15 waters as required by rules adopted pursuant to this part, or
16 to diminish the authority under this part to regulate other
17 impacts, including water quantity or water quality impacts, or
18 impacts regulated under this part that are not identified in
19 the inventory described in subsection (2).

20 (9) The process for environmental mitigation for the
21 impact of transportation projects under this section shall be
22 available to an expressway, bridge, or transportation
23 authority established under chapter 348 or chapter 349. Use of
24 this process may be initiated by an authority depositing the
25 requisite funds into an escrow account set up by the authority
26 and filing an environmental impact inventory with the
27 appropriate water management district. An authority that
28 initiates the environmental mitigation process established by
29 this section shall comply with subsection (6) by timely
30 providing the appropriate water management district and the
31 Department of Environmental Protection with the requisite work

1 program information. A water management district may draw down
2 funds from the escrow account as provided in this section.

3 Section 15. This act shall take effect July 1, 2002.

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5 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
6 COMMITTEE SUBSTITUTE FOR
7 SB 1532

8 The CS authorizes numerous provisions concerning expressway
9 authorities.

10 This Committee Substitute:

11 Provides employees or agents of the Florida Department of
12 Transportation (FDOT) and expressway authorities, and law
enforcement personnel may remove an incapacitated vehicle from
the road;

13 Doubles the fine for speeding through a toll-collection
14 facility;

15 Gives Miami-Dade County the authority to establish
16 qualifications, terms of office, and the obligations and
rights of appointees to the Miami-Dade Expressway Authority;

17 Authorizes access to property by expressway authority
18 employees or authorized agents to make necessary examinations
for the acquisition of property;

19 Authorizes the Orlando Orange County Expressway Authority to
issue bonds;

20 Authorizes the Tampa-Hillsborough County Expressway Authority
21 to issue bonds and refinance certain projects; and,

22 Authorizes expressway authorities to utilize the process
developed for FDOT to pay mitigation funds into escrow
23 accounts.

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