

Bill No. CS/HB 261, 2nd Eng.

Amendment No. Barcode 531090

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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Senator Sebesta moved the following amendment:

Senate Amendment (with title amendment)
Delete everything after the enacting clause

and insert:

Section 1. Paragraphs (c) and (d) of subsection (3), paragraph (a) of subsection (4), and subsection (6) of section 20.23, Florida Statutes, are amended, and paragraph (f) is added to subsection (4) of that section, to read:

20.23 Department of Transportation.--There is created a Department of Transportation which shall be a decentralized agency.

(3)

(c) The secretary shall appoint an Assistant Secretary for Transportation Policy, an Assistant Secretary for Finance and Administration, and an Assistant Secretary for District Operations, each of whom shall serve at the pleasure of the secretary. The positions are responsible for developing, monitoring, and enforcing policy and managing major technical programs. The responsibilities and duties of these positions

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1 include, but are not limited to, the following functional
2 areas:

3 1. Assistant Secretary for Transportation Policy.--

4 a. Development of the Florida Transportation Plan and
5 other policy planning;

6 b. Development of statewide modal systems plans,
7 including public transportation systems;

8 c. Design of transportation facilities;

9 d. Construction of transportation facilities;

10 e. Acquisition and management of transportation
11 rights-of-way; and

12 f. Administration of motor carrier compliance and
13 safety.

14 2. Assistant Secretary for District Operations.--

15 a. Administration of the seven ~~eight~~ districts; and

16 b. Implementation of the decentralization of the
17 department.

18 3. Assistant Secretary for Finance and
19 Administration.--

20 a. Financial planning and management;

21 b. Information systems;

22 c. Accounting systems; and

23 d. Administrative functions. ~~and~~

24 ~~e. Administration of toll operations.~~

25 (d)1. Policy, program, or operations offices shall be
26 established within the central office for the purposes of:

27 a. Developing policy and procedures and monitoring
28 performance to ensure compliance with these policies and
29 procedures;

30 b. Performing statewide activities which it is more
31 cost-effective to perform in a central location;

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1 c. Assessing and ensuring the accuracy of information
2 within the department's financial management information
3 systems; and
4 d. Performing other activities of a statewide nature.
5 2. The following offices are established and shall be
6 headed by a manager, each of whom shall be appointed by and
7 serve at the pleasure of the secretary. The positions shall be
8 classified at a level equal to a division director:
9 a. The Office of Administration;
10 b. The Office of Policy Planning;
11 c. The Office of Design;
12 d. The Office of Highway Operations;
13 e. The Office of Right-of-Way;
14 ~~f. The Office of Toll Operations;~~
15 ~~f.g.~~ The Office of Information Systems; and
16 ~~g.h.~~ The Office of Motor Carrier Compliance.
17 3. Other offices may be established in accordance with
18 s. 20.04(7). The heads of such offices are exempt from part II
19 of chapter 110. No office or organization shall be created at
20 a level equal to or higher than a division without specific
21 legislative authority.
22 4. During the construction of a major transportation
23 improvement project or as determined by the district
24 secretary, the department may provide assistance to a business
25 entity significantly impacted by the project if the entity is
26 a for-profit entity that has been in business for 3 years
27 prior to the beginning of construction and has direct or
28 shared access to the transportation project being constructed.
29 The assistance program shall be in the form of additional
30 guarantees to assist the impacted business entity in receiving
31 loans pursuant to Title 13 C.F.R. part 120. However, in no

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1 instance shall the combined guarantees be greater than 90
2 percent of the loan. The department shall adopt rules to
3 implement this subparagraph.

4 (4)(a) The operations of the department shall be
5 organized into seven ~~eight~~ districts, ~~including a turnpike~~
6 ~~district,~~ each headed by a district secretary, and a turnpike
7 enterprise headed by an executive director. The district
8 secretaries shall report to the Assistant Secretary for
9 District Operations. The headquarters of the districts shall
10 be located in Polk, Columbia, Washington, Broward, Volusia,
11 Dade, and Hillsborough, ~~and Leon~~ Counties. The headquarters of
12 the turnpike enterprise shall be located in ~~district must be~~
13 ~~relocated to Orange County in the year 2000~~. In order to
14 provide for efficient operations and to expedite the
15 decisionmaking process, the department shall provide for
16 maximum decentralization to the districts. However, before
17 making a decision to centralize or decentralize department
18 operations ~~or relocate the turnpike district~~, the department
19 must first determine if the decision would be cost-effective
20 and in the public's best interest. The department shall
21 periodically evaluate such decisions to ensure that they are
22 appropriate.

23 (f)1. The responsibility for the turnpike system shall
24 be delegated by the secretary to the executive director of the
25 turnpike enterprise, who shall serve at the pleasure of the
26 secretary. The executive director shall report directly to the
27 secretary, and the turnpike enterprise shall operate pursuant
28 to ss. 338.22-338.241.

29 2. To facilitate the most efficient and effective
30 management of the turnpike enterprise, including the use of
31 best business practices employed by the private sector, the

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1 turnpike enterprise, except as provided in s. 287.055, is
2 exempt from the department's policies, procedures, and
3 standards, subject to the secretary's authority to apply any
4 such policies, procedures, and standards to the turnpike
5 enterprise when he or she considers it appropriate.

6 (6) To facilitate the efficient and effective
7 management of the department in a businesslike manner, the
8 department shall develop a system for the submission of
9 monthly management reports to the Florida Transportation
10 Commission and secretary from the district secretaries and the
11 executive director of the turnpike enterprise. The commission
12 and the secretary shall determine which reports are required
13 to fulfill their respective responsibilities under this
14 section. A copy of each such report shall be submitted
15 monthly to the appropriations and transportation committees of
16 the Senate and the House of Representatives. Recommendations
17 made by the Auditor General in his or her audits of the
18 department that relate to management practices, systems, or
19 reports shall be implemented in a timely manner. However, if
20 the department determines that one or more of the
21 recommendations should be altered or should not be
22 implemented, it shall provide a written explanation of such
23 determination to the Legislative Auditing Committee within 6
24 months after the date the recommendations were published.

25 Section 2. Subsection (2) of section 206.46, Florida
26 Statutes, is amended to read:

27 206.46 State Transportation Trust Fund.--

28 (2) Notwithstanding any other provisions of law, from
29 the revenues deposited into the State Transportation Trust
30 Fund a maximum of 7 percent in each fiscal year shall be
31 transferred into the Right-of-Way Acquisition and Bridge

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1 Construction Trust Fund created in s. 215.605, as needed to
 2 meet the requirements of the documents authorizing the bonds
 3 issued or proposed to be issued under ss. 215.605 and 337.276
 4 or at a minimum amount sufficient to pay for the debt service
 5 coverage requirements of outstanding bonds. Notwithstanding
 6 the 7 percent annual transfer authorized in this subsection,
 7 the annual amount transferred under this subsection shall not
 8 exceed an amount necessary to provide the required debt
 9 service coverage levels for a maximum debt service not to
 10 exceed ~~\$200~~^{\$135} million. Such transfer shall be payable
 11 primarily from the motor and diesel fuel taxes transferred to
 12 the State Transportation Trust Fund from the Fuel Tax
 13 Collection Trust Fund.

14 Section 3. Paragraph (b) of subsection (1) and
 15 subsection (8) of section 316.302, Florida Statutes, are
 16 amended to read:

17 316.302 Commercial motor vehicles; safety regulations;
 18 transporters and shippers of hazardous materials;
 19 enforcement.--

20 (1)

21 (b) Except as otherwise provided in this section, all
 22 owners or drivers of commercial motor vehicles that are
 23 engaged in intrastate commerce are subject to the rules and
 24 regulations contained in 49 C.F.R. parts 382, 385, and
 25 390-397, with the exception of 49 C.F.R. s. 390.5 as it
 26 relates to the definition of bus, as such rules and
 27 regulations existed on October 1, 2001 ~~March 1, 1999~~.

28 (8) For the purpose of enforcing this section, any law
 29 enforcement officer ~~Any agent~~ of the Department of
 30 Transportation or duly appointed agent who holds a current
 31 safety-inspector certification from the Commercial Vehicle

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1 Safety Alliance, may require the driver of any commercial
2 vehicle operated on the highways of this state to stop and
3 submit to an inspection of the vehicle or the driver's
4 records described in s. 316.545(9), any member of the Florida
5 Highway Patrol, or any person employed by a sheriff's office
6 or municipal police department who is authorized to enforce
7 the traffic laws of this state pursuant to s. 316.640 may
8 enforce the provisions of this section. Any officer of the
9 Department of Transportation described in s. 316.545(9), any
10 member of the Florida Highway Patrol, or any law enforcement
11 officer employed by a sheriff's office or municipal police
12 department authorized to enforce the traffic laws of this
13 state pursuant to s. 316.640, who has reason to believe that a
14 vehicle or driver is operating in an unsafe condition, may
15 require the driver to stop and submit to an inspection of the
16 vehicle or the driver's records. Any person who fails to
17 comply with an officer's request to submit to an inspection
18 under this subsection is guilty of a violation of s. 843.02 if
19 the driver resists the officer without violence or a violation
20 of s. 843.01 if the driver resists the officer with violence.
21 If the vehicle or driver is found to be operating in an unsafe
22 condition, or if any required part or equipment is not present
23 or is not in proper repair or adjustment, and the continued
24 operation would probably present an unduly hazardous operating
25 condition, the officer may require the vehicle or the driver,
26 or both, to be removed from service under the North American
27 Uniform Out-of-Service Criteria until the condition has been
28 corrected. However, if continuous operation would not present
29 an unduly hazardous operating condition, the officer may give
30 written notice requiring correction to require proper repair
31 and adjustment of the condition vehicle within 14 days.

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1 (a) Any member of the Florida Highway Patrol, or any
 2 law enforcement officer employed by a sheriff's office or
 3 municipal police department authorized to enforce the traffic
 4 laws of this state pursuant to s. 316.640, who has reason to
 5 believe that a vehicle or driver is operating in an unsafe
 6 condition may, as provided in subsection (10), enforce the
 7 provisions of this section.

8 (b) Any person who fails to comply with an officer's
 9 request to submit to an inspection under this subsection is
 10 guilty of a violation of s. 843.02 if the driver resists the
 11 officer without violence or of a violation of s. 843.01 if the
 12 driver resists the officer with violence.

13 Section 4. Paragraph (a) of subsection (3) of section
 14 316.3025, Florida Statutes, is amended to read:

15 316.3025 Penalties.--

16 (3)(a) A civil penalty of \$50 may be assessed for a
 17 violation of 49 C.F.R. s. 390.21 ~~s. 316.3027~~.

18 Section 5. Subsection (2) of section 316.515, Florida
 19 Statutes, is amended to read:

20 316.515 Maximum width, height, length.--

21 (2) HEIGHT LIMITATION.--No vehicle may exceed a height
 22 of 13 feet 6 inches, inclusive of load carried thereon.
 23 However, an automobile transporter may, ~~with a permit from the~~
 24 ~~Department of Transportation,~~measure a height not to exceed
 25 14 feet, inclusive of the load carried thereon.

26 Section 6. Subsection (3) of section 337.185, Florida
 27 Statutes, is amended to read:

28 337.185 State Arbitration Board.--

29 (3) A hearing may be requested by the department or by
 30 a contractor who has a dispute with the department which,
 31 under the rules of the board, may be the subject of

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1 arbitration. The request is to be made to the board within
2 820 days after the final acceptance of the work for all
3 contracts entered into after June 30, 1993.The board shall
4 conduct the hearing within 45 days of the request. The party
5 requesting the board's consideration shall give notice of the
6 hearing to each member. If the board finds that a third party
7 is necessary to resolve the dispute, the board may vote to
8 dismiss the claim, which may thereafter be pursued in
9 accordance with the laws of the State of Florida.

10 Section 7. Present subsections (6) and (7) of section
11 316.535, Florida Statutes, are redesignated as subsections (7)
12 and (8), respectively, and amended, and a new subsection (6)
13 is added to that section, to read:

14 316.535 Maximum weights.--

15 (6) Dump trucks, concrete mixing trucks, trucks
16 engaged in waste collection and disposal, and fuel oil and
17 gasoline trucks designed and constructed for special-type work
18 or use, when operated as a single unit, are subject to all
19 safety and operational requirements of law, except that any
20 such vehicle need not conform to the axle-spacing requirements
21 of this section if the vehicle's total gross load, including
22 the weight of the vehicle, does not exceed 20,000 pounds per
23 axle plus scale tolerances and does not exceed 550 pounds per
24 inch width tire surface plus scale tolerances. A vehicle
25 operating pursuant to this section must not exceed a gross
26 weight, including the weight of the vehicle and scale
27 tolerances, of 70,000 pounds. Any vehicle that violates the
28 weight provisions of this section shall be penalized as
29 provided in s. 316.545.

30 (7)(6) The Department of Transportation shall adopt
31 rules to implement this section, shall enforce this section

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1 and the rules adopted hereunder, and shall publish and
2 distribute tables and other publications as deemed necessary
3 to inform the public.

4 ~~(8)(7)~~ Except as otherwise hereinafter provided, a no
5 vehicle or combination of vehicles which exceeds ~~exceeding~~ the
6 gross weights specified in subsections (3), (4), ~~and (5), and~~
7 ~~(6) may not shall be permitted to~~ travel on the public
8 highways within the state.

9 Section 8. Paragraph (a) of subsection (2) and
10 paragraph (a) of subsection (4) of section 316.545, Florida
11 Statutes, are amended to read:

12 316.545 Weight and load unlawful; special fuel and
13 motor fuel tax enforcement; inspection; penalty; review.--

14 (2)(a) Whenever an officer, upon weighing a vehicle or
15 combination of vehicles with load, determines that the axle
16 weight or gross weight is unlawful, the officer may require
17 the driver to stop the vehicle in a suitable place and remain
18 standing until a determination can be made as to the amount of
19 weight thereon and, if overloaded, the amount of penalty to be
20 assessed as provided herein. However, any gross weight over
21 and beyond 6,000 pounds beyond the maximum herein set shall be
22 unloaded and all material so unloaded shall be cared for by
23 the owner or operator of the vehicle at the risk of such owner
24 or operator. Except as otherwise provided in this chapter, to
25 facilitate compliance with and enforcement of the weight
26 limits established in s. 316.535, weight tables published
27 pursuant to s. 316.535(7)~~s. 316.535(6)~~ shall include a
28 10-percent scale tolerance and shall thereby reflect the
29 maximum scaled weights allowed any vehicle or combination of
30 vehicles. As used in this section, scale tolerance means the
31 allowable deviation from legal weights established in s.

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1 316.535. Notwithstanding any other provision of the weight
2 law, if a vehicle or combination of vehicles does not exceed
3 the gross, external bridge, or internal bridge weight limits
4 imposed in s. 316.535 and the driver of such vehicle or
5 combination of vehicles can comply with the requirements of
6 this chapter by shifting or equalizing the load on all wheels
7 or axles and does so when requested by the proper authority,
8 the driver shall not be held to be operating in violation of
9 said weight limits.

10 (4)(a) A ~~No~~ commercial vehicle, as defined in s.
11 316.003(66), may not ~~shall~~ be operated over the highways of
12 this state unless it has been properly registered under ~~the~~
13 ~~provisions of~~ s. 207.004. If ~~Whenever~~ any law enforcement
14 officer identified in s. 207.023(1), upon inspecting the
15 vehicle or combination of vehicles, determines that the
16 vehicle is in violation of s. 207.004, a penalty in the amount
17 of \$50 shall be assessed, and the vehicle may ~~shall~~ be
18 detained until payment is collected by the law enforcement
19 officer.

20 Section 9. Subsection (31) is added to section
21 334.044, Florida Statutes, to read:

22 334.044 Department; powers and duties.--The department
23 shall have the following general powers and duties:

24 (31) In order to fulfill the department's mission to
25 provide a safe and efficient transportation system, the
26 department's Office of Motor Carrier Compliance may employ
27 sworn law enforcement officers, certified in accordance with
28 chapter 943, to enforce the traffic and criminal laws of this
29 state. Such officers have full law enforcement powers granted
30 to other peace officers of this state, including the power to
31 make arrests, carry firearms, serve court process, and seize

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1 vehicles defined as contraband under s. 319.33, illegal drugs,
2 stolen property, and the proceeds of illegal activities.
3 Officers appointed under this section have the primary
4 responsibility for enforcing laws relating to size and weight
5 of commercial motor vehicles; safety; traffic; tax and
6 registration of commercial motor vehicles; interdiction of
7 vehicles defined as contraband under s. 319.33, illegal drugs;
8 stolen property; and violations that threaten the overall
9 security and safety of this state's transportation
10 infrastructure and the motoring public. The division may also
11 appoint part-time or auxiliary law enforcement officers under
12 chapter 943 and may provide their compensation in accordance
13 with law.

14 Section 10. Section 334.175, Florida Statutes, is
15 amended to read:

16 334.175 Certification of project design plans and
17 surveys.--All design plans and surveys prepared by or for the
18 department shall be signed, sealed, and certified by the
19 professional engineer, ~~or~~ surveyor, ~~or~~ architect, or landscape
20 architect in responsible charge of the project work. Such
21 professional engineer, surveyor, ~~or~~ architect, or landscape
22 architect must be duly registered in this state.

23 Section 11. Section 337.025, Florida Statutes, is
24 amended to read:

25 337.025 Innovative highway projects; department to
26 establish program.--The department is authorized to establish
27 a program for highway projects demonstrating innovative
28 techniques of highway construction, maintenance, and finance
29 which have the intended effect of controlling time and cost
30 increases on construction projects. Such techniques may
31 include, but are not limited to, state-of-the-art technology

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1 for pavement, safety, and other aspects of highway
2 construction and maintenance; innovative bidding and financing
3 techniques; accelerated construction procedures; and those
4 techniques that have the potential to reduce project life
5 cycle costs. To the maximum extent practical, the department
6 must use the existing process to award and administer
7 construction and maintenance contracts. When specific
8 innovative techniques are to be used, the department is not
9 required to adhere to those provisions of law that would
10 prevent, preclude, or in any way prohibit the department from
11 using the innovative technique. However, prior to using an
12 innovative technique that is inconsistent with another
13 provision of law, the department must document in writing the
14 need for the exception and identify what benefits the
15 traveling public and the affected community are anticipated to
16 receive. The department may enter into no more than \$120
17 million in contracts annually for the purposes authorized by
18 this section. However, the annual limitation on contracts
19 which is provided in this section does not apply to turnpike
20 enterprise projects, nor may turnpike enterprise projects be
21 counted toward the department's annual limitation.

22 Section 12. Paragraph (c) of subsection (3) and
23 paragraph (c) of subsection (6) of section 337.11, Florida
24 Statutes, are amended to read:

25 337.11 Contracting authority of department; bids;
26 emergency repairs, supplemental agreements, and change orders;
27 combined design and construction contracts; progress payments;
28 records; requirements of vehicle registration.--

29 (3)

30 (c) No advertisement for bids shall be published and
31 no bid solicitation notice shall be provided until title to

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1 all necessary rights-of-way and easements for the construction
2 of the project covered by such advertisement or notice has
3 vested in the state or a local governmental entity, and all
4 railroad crossing and utility agreements have been executed.
5 The turnpike enterprise is exempt from this paragraph with
6 respect to a turnpike enterprise project.Title to all
7 necessary rights-of-way shall be deemed to have been vested in
8 the State of Florida when such title has been dedicated to the
9 public or acquired by prescription.

10 (6)

11 (c) When the department determines that it is in the
12 best interest of the public for reasons of public concern,
13 economy, improved operations or safety, and only when
14 circumstances dictate rapid completion of the work, the
15 department may, up to the threshold amount of \$120,000
16 ~~provided in s. 287.017 for CATEGORY FOUR~~, enter into contracts
17 for construction and maintenance without advertising and
18 receiving competitive bids. ~~However, if legislation is enacted~~
19 ~~by the Legislature which changes the category thresholds, the~~
20 ~~threshold amount shall remain at \$60,000.~~The department may
21 enter into such contracts only upon a determination that the
22 work is necessary for one of the following reasons:

23 1. To ensure timely completion of projects or
24 avoidance of undue delay for other projects;

25 2. To accomplish minor repairs or construction and
26 maintenance activities for which time is of the essence and
27 for which significant cost savings would occur; or

28 3. To accomplish nonemergency work necessary to ensure
29 avoidance of adverse conditions that affect the safe and
30 efficient flow of traffic.

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1 The department shall make a good faith effort to obtain two or
2 more quotes, if available, from qualified contractors before
3 entering into any contract. The department shall give
4 consideration to disadvantaged business enterprise
5 participation. However, when the work exists within the limits
6 of an existing contract, the department shall make a good
7 faith effort to negotiate and enter into a contract with the
8 prime contractor on the existing contract.

9 Section 13. Effective July 1, 2003, paragraph (a) of
10 subsection (7) of section 337.11, Florida Statutes, as amended
11 by section 4 of chapter 2001-350, Laws of Florida, is amended
12 to read:

13 337.11 Contracting authority of department; bids;
14 emergency repairs, supplemental agreements, and change orders;
15 combined design and construction contracts; progress payments;
16 records; requirements of vehicle registration.--

17 (7)(a) If the head of the department determines that
18 it is in the best interests of the public, the department may
19 combine the right-of-way services and design and construction
20 phases of a building, a major bridge, a limited access
21 facility or a rail corridor project into a single contract.
22 Such contract is referred to as a design-build contract.
23 Design-build contracts may be advertised and awarded
24 notwithstanding the requirements of paragraph (3)(c). However,
25 construction activities may not begin on any portion of such
26 projects until title to the necessary rights-of-way and
27 easements for the construction of that portion of the project
28 have vested in the state or a local governmental entity and
29 all railroad crossing and utility agreements have been
30 executed. Title to rights-of-way vests in the state when the
31 title has been dedicated to the public or acquired by

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1 prescription.

2 Section 14. Effective July 1, 2005, paragraph (a) of
3 subsection (7) of section 337.11, Florida Statutes, as amended
4 by sections 2 and 4 of chapter 2001-350, Laws of Florida, and
5 by this act, is amended to read:

6 337.11 Contracting authority of department; bids;
7 emergency repairs, supplemental agreements, and change orders;
8 combined design and construction contracts; progress payments;
9 records; requirements of vehicle registration.--

10 (7)(a) If the head of the department determines that
11 it is in the best interests of the public, the department may
12 combine the ~~rights-of-way services~~ and design and construction
13 phases of a building, a major bridge, a limited access
14 facility or a rail corridor project into a single contract.
15 Such contract is referred to as a design-build contract.
16 Design-build contracts may be advertised and awarded
17 notwithstanding the requirements of paragraph (3)(c). However,
18 construction activities may not begin on any portion of such
19 projects until title to the necessary rights-of-way and
20 easements for the construction of that portion of the project
21 have vested in the state or a local governmental entity and
22 all railroad crossing and utility agreements have been
23 executed. Title to rights-of-way vests in the state when the
24 title has been dedicated to the public or acquired by
25 prescription.

26 Section 15. Section 338.165, Florida Statutes, is
27 amended to read:

28 338.165 Continuation of tolls.--

29 (1) The department, any transportation or expressway
30 authority or, in the absence of an authority, a county or
31 counties may continue to collect the toll on a

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1 revenue-producing project after the discharge of any bond
2 indebtedness related to such project and may increase such
3 toll. All tolls so collected shall first be used to pay the
4 annual cost of the operation, maintenance, and improvement of
5 the toll project.

6 (2) If the revenue-producing project is on the State
7 Highway System, any remaining toll revenue shall be used for
8 the construction, maintenance, or improvement of any road on
9 the State Highway System within the county or counties in
10 which the revenue-producing project is located, except as
11 provided in s. 348.0004.

12 (3) Notwithstanding any other law to the contrary,
13 pursuant to s. 11, Art. VII of the State Constitution, and
14 subject to the requirements of subsection (2), the Department
15 of Transportation may request the Division of Bond Finance to
16 issue bonds secured by toll revenues collected on the
17 Alligator Alley, Sunshine Skyway Bridge, Beeline East
18 Expressway, and Pinellas Bayway to fund transportation
19 projects located within the county or counties in which the
20 facility is located and contained in the 1993-1994 Adopted
21 Work Program or in any subsequent adopted work program of the
22 department.

23 (4) If the revenue-producing project is on the county
24 road system, any remaining toll revenue shall be used for the
25 construction, maintenance, or improvement of any other state
26 or county road within the county or counties in which the
27 revenue-producing project is located, except as provided in s.
28 348.0004.

29 (5) Selection of projects on the State Highway System
30 for construction, maintenance, or improvement with toll
31 revenues shall be, with the concurrence of the department,

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1 consistent with the Florida Transportation Plan.

2 (6) Notwithstanding the provisions of subsection (1),
3 and not including high occupancy toll lanes or express lanes,
4 no tolls may be charged for use of an interstate highway where
5 tolls were not charged as of July 1, 1997.

6 (7) This section does not apply to the turnpike system
7 as defined under the Florida Turnpike Enterprise Law.

8 Section 16. Section 338.22, Florida Statutes, is
9 amended to read:

10 338.22 Florida Turnpike Law; short title.--Sections
11 338.22-338.241 may be cited as the "Florida Turnpike
12 Enterprise Law."

13 Section 17. Section 338.221, Florida Statutes, is
14 amended to read:

15 338.221 Definitions of terms used in ss.
16 338.22-338.241.--As used in ss. 338.22-338.241, the term
17 ~~following words and terms have the following meanings, unless~~
18 ~~the context indicates another or different meaning or intent:~~

19 (1) "Bonds" or "revenue bonds" means notes, bonds,
20 refunding bonds or other evidences of indebtedness or
21 obligations, in either temporary or definitive form, issued by
22 the Division of Bond Finance on behalf of the department and
23 authorized under the provisions of ss. 338.22-338.241 and the
24 State Bond Act.

25 (2) "Cost," as applied to a turnpike project, includes
26 the cost of acquisition of all land, rights-of-way, property,
27 easements, and interests acquired by the department for
28 turnpike project construction; the cost of such construction;
29 the cost of all machinery and equipment, financing charges,
30 fees, and expenses related to the financing; establishment of
31 reserves to secure bonds; interest prior to and during

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1 construction and for such period after completion of
2 construction as shall be determined by the department; the
3 cost of traffic estimates and of engineering and legal
4 expenses, plans, specifications, surveys, estimates of cost
5 and revenues; other expenses necessary or incident to
6 determining the feasibility or practicability of acquiring or
7 constructing any such turnpike project; administrative
8 expenses; and such other expenses as may be necessary or
9 incident to the acquisition or construction of a turnpike
10 project, the financing of such acquisition or construction,
11 and the placing of the turnpike project in operation.

12 (3) "Feeder road" means any road no more than 5 miles
13 in length, connecting to the turnpike system which the
14 department determines is necessary to create or facilitate
15 access to a turnpike project.

16 (4) "Owner" includes any person or any governmental
17 entity that has title to, or an interest in, any property,
18 right, easement, or interest authorized to be acquired
19 pursuant to ss. 338.22-338.241.

20 (5) "Revenues" means all tolls, charges, rentals,
21 gifts, grants, moneys, and other funds coming into the
22 possession, or under the control, of the department by virtue
23 of the provisions hereof, except the proceeds from the sale of
24 bonds issued under ss. 338.22-338.241.

25 (6) "Turnpike system" means those limited access toll
26 highways and associated feeder roads and other structures,
27 appurtenances, or rights previously designated, acquired, or
28 constructed pursuant to the Florida Turnpike Enterprise Law
29 and such other additional turnpike projects as may be acquired
30 or constructed as approved by the Legislature.

31 (7) "Turnpike improvement" means any betterment

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1 necessary or desirable for the operation of the turnpike
2 system, including, but not limited to, widenings, the addition
3 of interchanges to the existing turnpike system, resurfacings,
4 toll plazas, machinery, and equipment.

5 (8) "Economically feasible" means:

6 (a) For a proposed turnpike project, that, as
7 determined by the department before the issuance of revenue
8 bonds for the project, the estimated net revenues of the
9 proposed turnpike project, excluding feeder roads and turnpike
10 improvements, will be sufficient to pay at least 50 percent of
11 the debt service on the bonds by the end of the 12th ~~5th~~ year
12 of operation and to pay at least 100 percent of the debt
13 service on the bonds by the end of the 22nd ~~15th~~ year of
14 operation. In implementing this paragraph, up to 50 percent of
15 the adopted work program costs of the project may be funded
16 from turnpike revenues.

17 (b) For turnpike projects, except for feeder roads and
18 turnpike improvements, financed from revenues of the turnpike
19 system, such project, or such group of projects, originally
20 financed from revenues of the turnpike system, that the
21 project is expected to generate sufficient revenues to
22 amortize project costs within 15 years of opening to traffic.

23
24 This subsection does not prohibit the pledging of revenues
25 from the entire turnpike system to bonds issued to finance or
26 refinance a turnpike project or group of turnpike projects.

27 (9) "Turnpike project" means any extension to or
28 expansion of the existing turnpike system and new limited
29 access toll highways and associated feeder roads and other
30 structures, interchanges, appurtenances, or rights as may be
31 approved in accordance with the Florida Turnpike Enterprise

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1 Law.

2 (10) "Statement of environmental feasibility" means a
3 statement by the Department of Environmental Protection of the
4 project's significant environmental impacts.

5 Section 18. Section 338.2215, Florida Statutes, is
6 created to read:

7 338.2215 Florida Turnpike Enterprise; legislative
8 findings, policy, purpose, and intent.--It is the intent of
9 the Legislature that the turnpike enterprise be provided
10 additional powers and authority in order to maximize the
11 advantages obtainable through fully leveraging the Florida
12 Turnpike System asset. The additional powers and authority
13 will provide the turnpike enterprise with the autonomy and
14 flexibility necessary to enable it to more easily pursue
15 innovations as well as best practices found in the private
16 sector in management, finance, organization, and operations.
17 The additional powers and authority are intended to improve
18 cost-effectiveness and timeliness of project delivery,
19 increase revenues, expand the turnpike system's capital
20 program capability, and improve the quality of service to its
21 patrons, while continuing to protect the turnpike system's
22 bondholders and further preserve, expand, and improve the
23 Florida Turnpike System.

24 Section 19. Section 338.2216, Florida Statutes, is
25 created to read:

26 338.2216 Florida Turnpike Enterprise; powers and
27 authority.--

28 (1)(a) In addition to the powers granted to the
29 department, the Florida Turnpike Enterprise has full authority
30 to exercise all powers granted to it under this chapter. These
31 powers include, but are not limited to, the authority to plan,

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1 construct, maintain, repair, and operate the Florida Turnpike
2 System.

3 (b) It is the express intent of this part that the
4 Florida Turnpike Enterprise be authorized to plan, develop,
5 own, purchase, lease, or otherwise acquire, demolish,
6 construct, improve, relocate, equip, repair, maintain,
7 operate, and manage the Florida Turnpike System; to expend
8 funds to publicize, advertise, and promote the advantages of
9 using the turnpike system and its facilities; and to
10 cooperate, coordinate, partner, and contract with other
11 entities, public and private, to accomplish these purposes.

12 (c) The executive director of the turnpike enterprise
13 shall appoint a staff, which is exempt from part II of chapter
14 110, among them a chief financial officer who must be a proven
15 effective administrator with demonstrated experience in
16 financial management, including management of a large bonded
17 capital program and must hold an active license to practice
18 public accounting in this state under chapter 473.

19 (d) The Office of Toll Operations shall be headed by a
20 manager, who shall be appointed by and serve at the pleasure
21 of the turnpike enterprise executive director. The position
22 shall be classified at a level equal to a division director.

23 (2) The department may employ procurement methods
24 available to the Department of Management Services under
25 chapter 255 or chapter 287 and under any rule adopted under
26 either of those chapters solely for the benefit of the
27 turnpike enterprise.

28 (3)(a) Effective July 1, 2002, the turnpike enterprise
29 shall be a single budget entity and shall develop a budget
30 pursuant to chapter 216. The budget for the turnpike
31 enterprise must be submitted to the Legislature with the

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1 department's budget.

2 (b) Notwithstanding the provisions of s. 216.301 and
3 in accordance with s. 216.351, the Executive Office of the
4 Governor shall, on July 1 of each year, certify forward all
5 unexpended funds appropriated or provided under this section
6 for the turnpike enterprise. Of the unexpended funds
7 certified forward, any unencumbered amounts shall be carried
8 forward. The funds carried forward must not exceed 5 percent
9 of the total operating budget of the turnpike enterprise.
10 Funds carried forward under this section may be used for any
11 lawful purpose, including, but not limited to, promotional and
12 market activities, technology, and training. Any
13 certified-forward funds remaining undisbursed on December 31
14 of each year shall be carried forward.

15 (4) The powers conferred upon the turnpike enterprise
16 under ss. 338.22-338.241 are in addition and supplemental to
17 the existing powers of the department and the turnpike
18 enterprise, and these powers may not be construed as
19 abrogating any provision of any other law, general or local;
20 but ss. 338.22-338.241 supersede such other laws as are
21 inconsistent with the exercise of the powers provided under
22 those sections and provide a complete method for the exercise
23 of the powers granted under those sections.

24 Section 20. Subsection (4) of section 338.223, Florida
25 Statutes, is amended to read:

26 338.223 Proposed turnpike projects.--

27 (4) The department is authorized, with the approval of
28 the Legislature, to use federal and state transportation funds
29 to lend or pay a portion of the operating, maintenance, and
30 capital costs of turnpike projects. ~~Federal and state~~
31 ~~transportation funds included in an adopted work program, or~~

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1 ~~the General Appropriations Act, for a turnpike project do not~~
2 ~~have to be reimbursed to the State Transportation Trust Fund,~~
3 ~~or used in determining the economic feasibility of the~~
4 ~~proposed project.~~ For operating and maintenance loans, the
5 maximum net loan amount in any fiscal year shall not exceed
6 1.5 ~~0.5~~ percent of state transportation tax revenues for that
7 fiscal year.

8 Section 21. Subsection (2) of section 338.227, Florida
9 Statutes, is amended to read:

10 338.227 Turnpike revenue bonds.--

11 (2) The proceeds of the bonds of each issue shall be
12 used solely for the payment of the cost of the turnpike
13 projects for which such bonds shall have been issued, except
14 as provided in the State Bond Act. Such proceeds shall be
15 disbursed and used as provided by ss. 338.22-338.241 and in
16 such manner and under such restrictions, if any, as the
17 Division of Bond Finance may provide in the resolution
18 authorizing the issuance of such bonds or in the trust
19 agreement hereinafter mentioned securing the same. All
20 revenues and bond proceeds from the turnpike system received
21 by the department pursuant to ss. 338.22-338.241, the Florida
22 Turnpike Enterprise Law, shall be used only for the cost of
23 turnpike projects and turnpike improvements and for the
24 administration, operation, maintenance, and financing of the
25 turnpike system. No revenues or bond proceeds from the
26 turnpike system shall be spent for the operation, maintenance,
27 construction, or financing of any project which is not part of
28 the turnpike system.

29 Section 22. Section 338.234, Florida Statutes, is
30 amended to read:

31 338.234 Granting concessions or selling along the

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1 | turnpike system.--
2 | (1) The department may enter into contracts or
3 | licenses with any person for the sale of ~~grant concessions or~~
4 | ~~sell~~ services or products or business opportunities on ~~along~~
5 | the turnpike system, or the turnpike enterprise may sell
6 | services, products, or business opportunities on the turnpike
7 | system, which benefit the traveling public or provide
8 | additional revenue to the turnpike system. Services, business
9 | opportunities, and products authorized to be sold include, but
10 | are not limited to, the sale of motor fuel, vehicle towing and
11 | maintenance services; the sale of food with attendant
12 | nonalcoholic beverages; lodging, meeting rooms, and other
13 | business services opportunities; advertising and other
14 | promotional opportunities, which advertising and promotions
15 | must be consistent with the dignity and integrity of the
16 | state; the sale of state lottery tickets sold by authorized
17 | retailers; games of amusement that the granting of concessions
18 | ~~for amusement devices which~~ operate by the application of
19 | skill, not including games of chance as defined in s. 849.16
20 | or other illegal gambling games; the sale of Florida citrus,
21 | goods promoting the state or handmade goods produced within
22 | the state; and the granting of concessions for equipment which
23 | ~~provides~~ travel information, or tickets, reservations, or
24 | other related services. However, the department, pursuant to
25 | the grants of authority to the turnpike enterprise under this
26 | section, shall not exercise the power of eminent domain solely
27 | for the purpose of acquiring real property in order to provide
28 | business service or opportunities, such as lodging and meeting
29 | room space on the turnpike system.; ~~and the granting of~~
30 | ~~concessions which provide banking and other business services.~~
31 | ~~The department may also provide information centers on the~~

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1 ~~plazas for the benefit of the public.~~

2 ~~(2) The department may provide an opportunity for~~
3 ~~governmental agencies to hold public events at turnpike plazas~~
4 ~~which educate the traveling public as to safety, travel, and~~
5 ~~tourism.~~

6 Section 23. Subsection (3) of section 338.235, Florida
7 Statutes, is amended to read:

8 338.235 Contracts with department for provision of
9 services on the turnpike system.--

10 (3) The department may enter into contracts or
11 agreements, with or without competitive bidding or
12 procurement, to make available, on a fair, reasonable,
13 nonexclusive, and nondiscriminatory basis, turnpike property
14 and other turnpike structures, for the placement of wireless
15 facilities by any wireless provider of mobile services as
16 defined in 47 U.S.C. s. 153(n) or s. 332(d), and any
17 telecommunications company as defined in s. 364.02 when it is
18 determined to be practical and feasible to make such property
19 or structures available. The department may, without adopting
20 a rule, charge a just, reasonable, and nondiscriminatory fee
21 for placement of the facilities, payable annually, based on
22 the fair market value of space used by comparable
23 communications facilities in the state. The department and a
24 wireless provider may negotiate the reduction or elimination
25 of a fee in consideration of goods and services ~~service~~
26 provided to the department by the wireless provider. All such
27 fees collected by the department shall be deposited directly
28 into the State Agency Law Enforcement Radio System Trust Fund
29 and may be used to construct, maintain, or support the system.

30 Section 24. Subsection (2) of section 338.239, Florida
31 Statutes, is amended to read:

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1 338.239 Traffic control on the turnpike system.--
2 (2) Members of the Florida Highway Patrol are vested
3 with the power, and charged with the duty, to enforce the
4 rules of the department. Approved expenditures ~~Expenses~~
5 incurred by the Florida Highway Patrol in carrying out its
6 powers and duties under ss. 338.22-338.241 may be treated as a
7 part of the cost of the operation of the turnpike system, and
8 the Department of Highway Safety and Motor Vehicles shall be
9 reimbursed by the turnpike enterprise ~~Department of~~
10 ~~Transportation~~ for such expenses incurred on the turnpike
11 system mainline, which is that part of the turnpike system
12 extending from the southern terminus in Florida City to the
13 northern terminus in Wildwood including all contiguous
14 sections. Florida Highway Patrol Troop K shall be
15 headquartered with the turnpike enterprise and shall be the
16 official and preferred law enforcement troop for the turnpike
17 system. The Department of Highway Safety and Motor Vehicles
18 may, upon request of the executive director of the turnpike
19 enterprise and approval of the Legislature, increase the
20 number of authorized positions for Troop K, or the executive
21 director of the turnpike enterprise may contract with the
22 Department of Highway Safety and Motor Vehicles for additional
23 troops to patrol the turnpike system.

24 Section 25. Section 338.241, Florida Statutes, is
25 amended to read:

26 338.241 Cash reserve requirement.--The budget for the
27 turnpike system shall be so planned as to provide for a cash
28 reserve at the end of each fiscal year of not less than 5 ~~10~~
29 percent of the unpaid balance of all turnpike system
30 contractual obligations, excluding bond obligations, to be
31 paid from revenues.

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1 right-of-way acquisition shall be accompanied by a preliminary
2 engineering study, environmental impact study, traffic and
3 revenue study, and right-of-way maps along with either a
4 negotiated contract for purchase of the right-of-way, such
5 contract to include a clause stating that it is subject to
6 funding by the department or the Legislature, or an appraisal
7 of the subject property for purpose of condemnation
8 proceedings.

9 (4) Each advance pursuant to this section shall
10 require repayment out of the initial bond issue revenue or, at
11 the discretion of the governmental entity or the turnpike
12 enterprise of the facility, repayment shall begin no later
13 than 7 years after the date of the advance, provided repayment
14 shall be completed no later than 12 years after the date of
15 the advance. However, such election shall be made at the time
16 of the initial bond issue, and, if repayment is to be made
17 during the time period referred to above, a schedule of such
18 repayment shall be submitted to the department.

19 (5) No amount in excess of \$1.5 million annually shall
20 be advanced to any one governmental entity pursuant to this
21 section without specific appropriation by the Legislature.

22 (6) Funds may not be advanced for funding final design
23 costs beyond 60 percent completion until an acceptable plan to
24 finance all project costs, including the reimbursement of
25 outstanding trust fund advances, is approved by the
26 department.

27 (7) The department may advance funds sufficient to
28 defray shortages in toll revenues of facilities receiving
29 funds pursuant to this section for the first 5 years of
30 operation, up to a maximum of \$5 million per year, to be
31 reimbursed to this fund within 5 years of the last advance

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1 hereunder. Any advance under this provision shall require
2 specific appropriation by the Legislature.

3 (8) No expressway authority, county, or other local
4 governmental entity or the turnpike enterprise shall be
5 eligible to receive any advance under this section if the
6 expressway authority, county, or other local governmental
7 entity or the turnpike enterprise has failed to repay any
8 previous advances as required by law or by agreement with the
9 department.

10 (9) Repayment of funds advanced, including advances
11 made prior to January 1, 1994, shall not include interest.
12 However, interest accruing to local governmental entities and
13 the turnpike enterprise from the investment of advances shall
14 be paid to the department.

15 (10) Any repayment of prior or future advances made
16 from the State Transportation Trust Fund which were used to
17 fund any project phase of a toll facility, shall be deposited
18 in the Toll Facilities Revolving Trust Fund. However, when
19 funds advanced to the Seminole County Expressway Authority
20 pursuant to this section are repaid to the Toll Facilities
21 Revolving Trust Fund by or on behalf of the Seminole County
22 Expressway Authority, those funds shall thereupon and
23 forthwith be appropriated for and advanced to the Seminole
24 County Expressway Authority for funding the design of and the
25 advanced right-of-way acquisition for that segment of the
26 Seminole County Expressway extending from U.S. Highway 17/92
27 to Interstate Highway 4. Notwithstanding subsection (6), when
28 funds previously advanced to the Orlando-Orange County
29 Expressway Authority are repaid to the Toll Facilities
30 Revolving Trust Fund by or on behalf of the Orlando-Orange
31 County Expressway Authority, those funds may thereupon and

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1 forthwith be appropriated for and advanced to the Seminole
2 County Expressway Authority for funding that segment of the
3 Seminole County Expressway extending from U.S. Highway 17/92
4 to Interstate Highway 4. Any funds advanced to the
5 Tampa-Hillsborough County Expressway Authority pursuant to
6 this section which have been or will be repaid on or after
7 July 1, 1998, to the Toll Facilities Revolving Trust Fund on
8 behalf of the Tampa-Hillsborough County Expressway Authority
9 shall thereupon and forthwith be appropriated for and advanced
10 to the Tampa-Hillsborough County Expressway Authority for
11 funding the design of and the advanced right-of-way
12 acquisition for the Brandon area feeder roads, capital
13 improvements to increase capacity to the expressway system,
14 and Lee Roy Selmon Crosstown Expressway System Widening as
15 authorized under s. 348.565.

16 (11) The department shall adopt rules necessary for
17 the implementation of this section, including rules for
18 project selection and funding.

19 Section 27. Paragraph (a) of subsection (4) of section
20 339.135, Florida Statutes, is amended to read:

21 339.135 Work program; legislative budget request;
22 definitions; preparation, adoption, execution, and
23 amendment.--

24 (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.--

25 (a)1. To assure that no district or county is
26 penalized for local efforts to improve the State Highway
27 System, the department shall, for the purpose of developing a
28 tentative work program, allocate funds for new construction to
29 the districts, except for the turnpike enterprise ~~district~~,
30 based on equal parts of population and motor fuel tax
31 collections. Funds for resurfacing, bridge repair and

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1 rehabilitation, bridge fender system construction or repair,
2 public transit projects except public transit block grants as
3 provided in s. 341.052, and other programs with quantitative
4 needs assessments shall be allocated based on the results of
5 these assessments. The department may not transfer any funds
6 allocated to a district under this paragraph to any other
7 district except as provided in subsection (7). Funds for
8 public transit block grants shall be allocated to the
9 districts pursuant to s. 341.052.

10 2. Notwithstanding the provisions of subparagraph 1.,
11 the department shall allocate at least 50 percent of any new
12 discretionary highway capacity funds to the Florida Intrastate
13 Highway System established pursuant to s. 338.001. Any
14 remaining new discretionary highway capacity funds shall be
15 allocated to the districts for new construction as provided in
16 subparagraph 1. For the purposes of this subparagraph, the
17 term "new discretionary highway capacity funds" means any
18 funds available to the department above the prior year funding
19 level for capacity improvements, which the department has the
20 discretion to allocate to highway projects.

21 Section 28. Paragraph (c) of subsection (4) and
22 subsection (5) of section 339.12, Florida Statutes, are
23 amended to read.

24 339.12 Aid and contributions by governmental entities
25 for department projects; federal aid.--

26 (4)

27 (c) The department may enter into agreements under
28 this subsection for a project or project phase not included in
29 the adopted work program. As used in this paragraph, the term
30 "project phase" means acquisition of rights-of-way,
31 construction, construction inspection, and related support

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1 phases. The project or project phase must be a high priority
2 of the governmental entity. Reimbursement for a project or
3 project phase must be made from funds appropriated by the
4 Legislature pursuant to s. 339.135(5). All other provisions of
5 this subsection apply to agreements entered into under this
6 paragraph. The total amount of project agreements for projects
7 or project phases not included in the adopted work program may
8 not at any time exceed ~~\$150~~^{\$100} million.

9 (5) The department and the governing body of a
10 governmental entity may enter into an agreement by which the
11 governmental entity agrees to perform a highway project or
12 project phase in the department's adopted work program that is
13 not revenue producing or any public transportation project in
14 the adopted work program. By specific provision in the
15 written agreement between the department and the governing
16 body of the governmental entity, the department may agree to
17 compensate ~~reimburse~~ the governmental entity for the actual
18 cost for the project of the ~~or~~ project phase contained in the
19 adopted work program. Compensation ~~Reimbursement~~ to the
20 governmental entity for such project or project phases must be
21 made from funds appropriated by the Legislature, and
22 compensation ~~reimbursement~~ for the cost of the project or
23 project phase is to begin in the year the project or project
24 phase is scheduled in the work program as of the date of the
25 agreement.

26 Section 29. Subsection (5) of section 337.408, Florida
27 Statutes, is renumbered as subsection (6), and a new
28 subsection (5) is added to said section to read:

29 337.408 Regulation of benches, transit shelters,
30 street light poles, and waste disposal receptacles within
31 rights-of-way.--

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1 (5) Street light poles, including attached public
2 service messages and advertisements, may be located within the
3 right-of-way limits of municipal and county roads in the same
4 manner as benches, transit shelters, and waste disposal
5 receptacles as provided in this section and in accordance with
6 municipal and county ordinances. Public service messages and
7 advertisements may be installed on street light poles on roads
8 on the State Highway System in accordance with height, size,
9 setback, spacing distance, duration of display, safety,
10 traffic control, and permitting requirements established by
11 administrative rule of the Department of Transportation.
12 Public service messages and advertisements shall be subject to
13 bilateral agreements, where applicable, to be negotiated with
14 the owner of the street light poles, which shall consider,
15 among other things, power source rates, design, safety,
16 operational and maintenance concerns, and other matters of
17 public importance. For the purposes of this section, the term
18 "street light poles" does not include electric transmission or
19 distribution poles. The department shall have authority to
20 establish administrative rules to implement this subsection.
21 No advertising on light poles shall be permitted on the
22 Interstate Highway System. No permanent structures carrying
23 advertisements attached to light poles shall be permitted on
24 the National Highway System.

25 Section 30. Paragraph (d) of subsection (2) of section
26 348.0003, Florida Statutes, is amended to read:

27 348.0003 Expressway authority; formation;
28 membership.--

29 (2) The governing body of an authority shall consist
30 of not fewer than five nor more than nine voting members. The
31 district secretary of the affected department district shall

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1 serve as a nonvoting member of the governing body of each
2 authority located within the district. Each member of the
3 governing body must at all times during his or her term of
4 office be a permanent resident of the county which he or she
5 is appointed to represent.

6 (d) Notwithstanding any provision to the contrary in
7 this subsection, in any county as defined in s. 125.011(1),
8 the governing body of an authority shall consist of up to 13
9 members, and the following provisions of this paragraph shall
10 apply specifically to such authority. Except for the district
11 secretary of the department, the members must be residents of
12 the county. Seven voting members shall be appointed by the
13 governing body of the county. At the discretion of the
14 governing body of the county, up to two of the members
15 appointed by the governing body of the county may be elected
16 officials residing in the county. Five voting members of the
17 authority shall be appointed by the Governor. One member shall
18 be the district secretary of the department serving in the
19 district that contains such county. This member shall be an ex
20 officio voting member of the authority. If the governing board
21 of an authority includes any member originally appointed by
22 the governing body of the county as a nonvoting member, when
23 the term of such member expires, that member shall be replaced
24 by a member appointed by the Governor until the governing body
25 of the authority is composed of seven members appointed by the
26 governing body of the county and five members appointed by the
27 Governor. The qualifications, terms of office, and obligations
28 and rights of members of the authority shall be determined by
29 resolution or ordinance of the governing body of the county in
30 a manner that is consistent with subsections (3) and (4).

31 Section 31. Section 348.0008, Florida Statutes, is

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1 amended to read:

2 348.0008 Acquisition of lands and property.--

3 (1) For the purposes of the Florida Expressway
4 Authority Act, an expressway authority may acquire such
5 rights, title, or interest in private or public property and
6 such property rights, including easements, rights of access,
7 air, view, and light, by gift, devise, purchase, or
8 condemnation by eminent domain proceedings, as the authority
9 may deem necessary for any of the purposes of the Florida
10 Expressway Authority Act, including, but not limited to, any
11 lands reasonably necessary for securing applicable permits,
12 areas necessary for management of access, borrow pits,
13 drainage ditches, water retention areas, rest areas,
14 replacement access for landowners whose access is impaired due
15 to the construction of an expressway system, and replacement
16 rights-of-way for relocated rail and utility facilities; for
17 existing, proposed, or anticipated transportation facilities
18 on the expressway system or in a transportation corridor
19 designated by the authority; or for the purposes of screening,
20 relocation, removal, or disposal of junkyards and scrap metal
21 processing facilities. The authority may also condemn any
22 material and property necessary for such purposes.

23 (2) An authority and its authorized agents,
24 contractors, and employees are authorized to enter upon any
25 lands, waters, and premises, upon giving reasonable notice to
26 the landowner, for the purpose of making surveys, soundings,
27 drillings, appraisals, environmental assessments including
28 phase I and phase II environmental surveys, archaeological
29 assessments, and such other examinations as are necessary for
30 the acquisition of private or public property and property
31 rights, including rights of access, air, view, and light, by

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1 gift, devise, purchase, or condemnation by eminent domain
2 proceedings or as are necessary for the authority to perform
3 its duties and functions; and any such entry shall not be
4 deemed a trespass or an entry that would constitute a taking
5 in an eminent domain proceeding. An expressway authority shall
6 make reimbursement for any actual damage to such lands, water,
7 and premises as a result of such activities.

8 ~~(3)(2)~~ The right of eminent domain conferred by the
9 Florida Expressway Authority Act must be exercised by each
10 authority in the manner provided by law.

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

24 Section 32. Subsection (1) of section 553.80, Florida
25 Statutes, is amended to read:

26 553.80 Enforcement.--

27 (1) Except as provided in paragraphs ~~(a)-(f)~~ ~~(a)-(e)~~,
28 each local government and each legally constituted enforcement
29 district with statutory authority shall regulate building
30 construction and, where authorized in the state agency's
31 enabling legislation, each state agency shall enforce the

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1 Florida Building Code required by this part on all public or
2 private buildings, structures, and facilities, unless such
3 responsibility has been delegated to another unit of
4 government pursuant to s. 553.79(9).

5 (a) Construction regulations relating to correctional
6 facilities under the jurisdiction of the Department of
7 Corrections and the Department of Juvenile Justice are to be
8 enforced exclusively by those departments.

9 (b) Construction regulations relating to elevator
10 equipment under the jurisdiction of the Bureau of Elevators of
11 the Department of Business and Professional Regulation shall
12 be enforced exclusively by that department.

13 (c) In addition to the requirements of s. 553.79 and
14 this section, facilities subject to the provisions of chapter
15 395 and part II of chapter 400 shall have facility plans
16 reviewed and construction surveyed by the state agency
17 authorized to do so under the requirements of chapter 395 and
18 part II of chapter 400 and the certification requirements of
19 the Federal Government.

20 (d) Building plans approved pursuant to s. 553.77(6)
21 and state-approved manufactured buildings, including buildings
22 manufactured and assembled offsite and not intended for
23 habitation, such as lawn storage buildings and storage sheds,
24 are exempt from local code enforcing agency plan reviews
25 except for provisions of the code relating to erection,
26 assembly, or construction at the site. Erection, assembly, and
27 construction at the site are subject to local permitting and
28 inspections.

29 (e) Construction regulations governing public schools,
30 state universities, and community colleges shall be enforced
31 as provided in subsection (6).

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1 (f) The Florida Building Code as it pertains to
2 toll-collection facilities under the jurisdiction of the
3 turnpike enterprise of the Department of Transportation shall
4 be enforced exclusively by the turnpike enterprise.

5
6 The governing bodies of local governments may provide a
7 schedule of fees, as authorized by s. 125.56(2) or s. 166.222
8 and this section, for the enforcement of the provisions of
9 this part. Such fees shall be used solely for carrying out
10 the local government's responsibilities in enforcing the
11 Florida Building Code. The authority of state enforcing
12 agencies to set fees for enforcement shall be derived from
13 authority existing on July 1, 1998. However, nothing contained
14 in this subsection shall operate to limit such agencies from
15 adjusting their fee schedule in conformance with existing
16 authority.

17 Section 33. Paragraphs (a) and (d) of subsection (2)
18 and subsection (6) of section 212.055, Florida Statutes, are
19 amended to read:

20 212.055 Discretionary sales surtaxes; legislative
21 intent; authorization and use of proceeds.--It is the
22 legislative intent that any authorization for imposition of a
23 discretionary sales surtax shall be published in the Florida
24 Statutes as a subsection of this section, irrespective of the
25 duration of the levy. Each enactment shall specify the types
26 of counties authorized to levy; the rate or rates which may be
27 imposed; the maximum length of time the surtax may be imposed,
28 if any; the procedure which must be followed to secure voter
29 approval, if required; the purpose for which the proceeds may
30 be expended; and such other requirements as the Legislature
31 may provide. Taxable transactions and administrative

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1 procedures shall be as provided in s. 212.054.

2 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--

3 (a)1. The governing authority in each county may levy
4 a discretionary sales surtax of 0.5 percent or 1 percent. The
5 levy of the surtax shall be pursuant to ordinance enacted by a
6 two-thirds vote majority of the members of the county
7 governing authority or pursuant to ordinance enacted by a
8 majority of the members of the county governing authority and
9 approved by a majority of the electors of the county voting in
10 a referendum on the surtax. If the governing bodies of the
11 municipalities representing a majority of the county's
12 population adopt uniform resolutions establishing the rate of
13 the surtax and calling for a referendum on the surtax, the
14 levy of the surtax shall be placed on the ballot and shall
15 take effect if approved by a majority of the electors of the
16 county voting in the referendum on the surtax.

17 2. If the surtax was levied pursuant to a referendum
18 held before July 1, 1993, the surtax may not be levied beyond
19 the time established in the ordinance, or, if the ordinance
20 did not limit the period of the levy, the surtax may not be
21 levied for more than 15 years. The levy of such surtax may be
22 extended only by approval of a majority of the electors of the
23 county voting in a referendum on the surtax or pursuant to
24 ordinance enacted by a two-thirds vote of the members of the
25 county governing authority.

26 (d)1. The proceeds of the surtax authorized by this
27 subsection and approved by referendum and any interest accrued
28 thereto shall be expended by the school district or within the
29 county and municipalities within the county, or, in the case
30 of a negotiated joint county agreement, within another county,
31 to finance, plan, and construct infrastructure and to acquire

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1 land for public recreation or conservation or protection of
2 natural resources and to finance the closure of county-owned
3 or municipally owned solid waste landfills that are already
4 closed or are required to close by order of the Department of
5 Environmental Protection. Any use of such proceeds or interest
6 for purposes of landfill closure prior to July 1, 1993, is
7 ratified. Neither the proceeds nor any interest accrued
8 thereto shall be used for operational expenses of any
9 infrastructure, except that any county with a population of
10 less than 75,000 that is required to close a landfill by order
11 of the Department of Environmental Protection may use the
12 proceeds or any interest accrued thereto for long-term
13 maintenance costs associated with landfill closure. Counties,
14 as defined in s. 125.011(1), and charter counties may, in
15 addition, use the proceeds and any interest accrued thereto to
16 retire or service indebtedness incurred for bonds issued prior
17 to July 1, 1987, for infrastructure purposes, and for bonds
18 subsequently issued to refund such bonds. Any use of such
19 proceeds or interest for purposes of retiring or servicing
20 indebtedness incurred for such refunding bonds prior to July
21 1, 1999, is ratified.

22 2. The proceeds of the surtax where the surtax is
23 levied by a two-thirds vote of the governing body of the
24 county and any interest accrued thereto shall be expended by
25 the school district or within the county and municipalities
26 within the county for infrastructure located within the urban
27 service area that is identified in the local government
28 comprehensive plan of the county or municipality and is
29 identified in that local government's capital improvements
30 element adopted pursuant to s. 163.3177(3) or that is
31 identified in the school district's educational facilities

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1 plan adopted pursuant to s. 235.185.

2 ~~3.2.~~ For the purposes of this paragraph,
3 "infrastructure" means:

4 a. Any fixed capital expenditure or fixed capital
5 outlay associated with the construction, reconstruction, or
6 improvement of public facilities which have a life expectancy
7 of 5 or more years and any land acquisition, land improvement,
8 design, and engineering costs related thereto.

9 b. A fire department vehicle, an emergency medical
10 service vehicle, a sheriff's office vehicle, a police
11 department vehicle, or any other vehicle, and such equipment
12 necessary to outfit the vehicle for its official use or
13 equipment that has a life expectancy of at least 5 years.

14 ~~4.3.~~ Notwithstanding any other provision of this
15 subsection, a discretionary sales surtax imposed or extended
16 after the effective date of this act may provide for an amount
17 not to exceed 15 percent of the local option sales surtax
18 proceeds to be allocated for deposit to a trust fund within
19 the county's accounts created for the purpose of funding
20 economic development projects of a general public purpose
21 targeted to improve local economies, including the funding of
22 operational costs and incentives related to such economic
23 development. If applicable, the ballot statement must indicate
24 the intention to make an allocation under the authority of
25 this subparagraph.

26 (6) SCHOOL CAPITAL OUTLAY SURTAX.--

27 (a) The school board in each county may levy, pursuant
28 to resolution conditioned to take effect only upon approval by
29 a majority vote of the electors of the county voting in a
30 referendum, a discretionary sales surtax at a rate that may
31 not exceed 0.5 percent.

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1 (b) The resolution shall include a statement that
2 provides a brief and general description of the school capital
3 outlay projects to be funded by the surtax. If applicable, the
4 resolution must state that the district school board has been
5 recognized by the State Board of Education as having a Florida
6 Frugal Schools Program. The statement shall conform to the
7 requirements of s. 101.161 and shall be placed on the ballot
8 by the governing body of the county. The following question
9 shall be placed on the ballot:

10

11FOR THECENTS TAX
12AGAINST THECENTS TAX

13

14 (c) As an alternative method of levying the
15 discretionary sales surtax, the district school board may
16 levy, pursuant to resolution adopted by a two-thirds vote of
17 the members of the school board, a discretionary sales surtax
18 at a rate not to exceed 0.5 percent when the following
19 conditions are met:

20 1. The district school board and local governments in
21 the county where the school district is located have adopted
22 an interlocal agreement and public educational facilities
23 element as required by chapter 163;

24 2. The district school board has adopted a district
25 educational facilities plan pursuant to s. 235.185; and

26 3. The district's use of surtax proceeds for new
27 construction must not exceed the cost-per-student criteria
28 established for the SIT Program in s. 235.216(2).

29 (d)~~(e)~~ The resolution providing for the imposition of
30 the surtax shall set forth a plan for use of the surtax
31 proceeds for fixed capital expenditures or fixed capital costs

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1 associated with the construction, reconstruction, or
2 improvement of school facilities and campuses which have a
3 useful life expectancy of 5 or more years, and any land
4 acquisition, land improvement, design, and engineering costs
5 related thereto. Additionally, the plan shall include the
6 costs of retrofitting and providing for technology
7 implementation, including hardware and software, for the
8 various sites within the school district. Surtax revenues may
9 be used for the purpose of servicing bond indebtedness to
10 finance projects authorized by this subsection, and any
11 interest accrued thereto may be held in trust to finance such
12 projects. Neither the proceeds of the surtax nor any interest
13 accrued thereto shall be used for operational expenses. If the
14 district school board has been recognized by the State Board
15 of Education as having a Florida Frugal Schools Program, the
16 district's plan for use of the surtax proceeds must be
17 consistent with this subsection and with uses assured under
18 the Florida Frugal Schools Program.

19 (e)~~(d)~~ Any school board imposing the surtax shall
20 implement a freeze on noncapital local school property taxes,
21 at the millage rate imposed in the year prior to the
22 implementation of the surtax, for a period of at least 3 years
23 from the date of imposition of the surtax. This provision
24 shall not apply to existing debt service or required state
25 taxes.

26 (f)~~(e)~~ Surtax revenues collected by the Department of
27 Revenue pursuant to this subsection shall be distributed to
28 the school board imposing the surtax in accordance with law.

29 Section 34. Section 59 of chapter 99-385, Laws of
30 Florida, is repealed.

31 Section 35. Subsection (3) of section 73.071, Florida

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1 Statutes, is amended to read:

2 73.071 Jury trial; compensation; severance damages;
3 business damages.--

4 (3) The jury shall determine solely the amount of
5 compensation to be paid, which compensation shall include:

6 (a) The value of the property sought to be
7 appropriated;

8 (b) Where less than the entire property is sought to
9 be appropriated, any damages to the remainder caused by the
10 taking, including, when the action is by the Department of
11 Transportation, county, municipality, board, district or other
12 public body for the condemnation of a right-of-way, and the
13 effect of the taking of the property involved may damage or
14 destroy an established business of more than 4 years' standing
15 before January 1, 2005, or the effect of the taking of the
16 property involved may damage or destroy an established
17 business of more than 5 years' standing on or after January 1,
18 2005, owned by the party whose lands are being so taken,
19 located upon adjoining lands owned or held by such party, the
20 probable damages to such business which the denial of the use
21 of the property so taken may reasonably cause; any person
22 claiming the right to recover such special damages shall set
23 forth in his or her written defenses the nature and extent of
24 such damages; and

25 (c) Where the appropriation is of property upon which
26 a mobile home, other than a travel trailer as defined in s.
27 320.01, is located, whether or not the owner of the mobile
28 home is an owner or lessee of the property involved, and the
29 effect of the taking of the property involved requires the
30 relocation of such mobile home, the reasonable removal or
31 relocation expenses incurred by such mobile home owner, not to

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1 exceed the replacement value of such mobile home. The
2 compensation paid to a mobile home owner under this paragraph
3 shall preclude an award to a mobile home park owner for such
4 expenses of removal or relocation. Any mobile home owner
5 claiming the right to such removal or relocation expenses
6 shall set forth in his or her written defenses the nature and
7 extent of such expenses. This paragraph shall not apply to
8 any governmental authority exercising its power of eminent
9 domain when reasonable removal or relocation expenses must be
10 paid to mobile home owners under other provisions of law or
11 agency rule applicable to such exercise of power.

12 Section 36. Section 341.8201, Florida Statutes, is
13 created to read:

14 341.8201 Short title.--Sections 341.8201-341.843 may
15 be cited as the "Florida High-Speed Rail Authority Act."

16 Section 37. Section 341.8202, Florida Statutes, is
17 created to read:

18 341.8202 Legislative findings, policy, purpose, and
19 intent.--

20 (1) The intent of this act is to implement the purpose
21 of s. 19, Art. X of the State Constitution, which directs the
22 Legislature, the Cabinet and the Governor to proceed with the
23 development, either by the state or an approved private
24 entity, of a high-speed monorail, fixed guideway, or magnetic
25 levitation system, capable of speeds in excess of 120 miles
26 per hour. The development of such a system, which will link
27 Florida's five largest urban areas as defined in this act,
28 includes acquisition of right-of-way and the financing of
29 design and construction with construction beginning on or
30 before November 1, 2003. Further, this act promotes the
31 various growth management and environmental protection laws

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1 enacted by the Legislature and encourages and enhances the
2 establishment of a high-speed rail system. The Legislature
3 further finds that:

4 (a) The implementation of a high-speed rail system in
5 the state will result in overall social and environmental
6 benefits, improvements in ambient air quality, better
7 protection of water quality, greater preservation of wildlife
8 habitat, less use of open space, and enhanced conservation of
9 natural resources and energy.

10 (b) A high-speed rail system, when developed in
11 conjunction with sound land use planning, becomes an integral
12 part in achieving growth management goals and encourages the
13 use of public transportation to augment and implement land use
14 and growth management goals and objectives.

15 (c) Development and utilization of a properly
16 designed, constructed, and financed high-speed rail system and
17 associated development can act as a catalyst for economic
18 growth and development, mitigate unduly long and
19 traffic-congested commutes for day-to-day commuters, create
20 new employment opportunities, serve as a positive growth
21 management system for building a better and more
22 environmentally secure state, and serve a paramount public
23 purpose by promoting the health, safety, and welfare of the
24 citizens of the state.

25 (d) Transportation benefits of a high-speed rail
26 system include improved travel times and more reliable travel,
27 which will increase productivity and energy efficiency in the
28 state.

29 (2) The Legislature further finds that:

30 (a) Access to timely and efficient modes of passenger
31 transportation is necessary for travelers, visitors, and

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1 day-to-day commuters, to the quality of life in the state, and
2 to the economy of the state.

3 (b) Technological advances in the state's
4 transportation system can significantly and positively affect
5 the ability of the state to attract and provide efficient
6 services for domestic and international tourists and therefore
7 increase revenue of the state.

8 (c) The geography of the state is suitable for the
9 construction and efficient operation of a high-speed rail
10 system.

11 (d) The public use of the high-speed rail system must
12 be encouraged and assured in order to achieve the public
13 purpose and objectives set forth in this act. In order to
14 encourage the public use of the high-speed rail system and to
15 protect the public investment in the system, it is necessary
16 to provide an environment surrounding each high-speed rail
17 station which will allow the development of associated
18 development for the purpose of creating revenue in support of
19 and for the high-speed rail system, enhance the safe movement
20 of pedestrians and traffic into and out of the area, ensure
21 the personal safety of high-speed rail system and related
22 facility users and their personal property while the users are
23 in the area of each station, and eliminate all conditions in
24 the vicinity which constitute economic and social impediments
25 and barriers to the use of the high-speed rail system and
26 associated development.

27 (e) Areas surrounding certain proposed high-speed rail
28 stations can, as a result of existing conditions, crime, and
29 traffic congestion, pose a serious threat to the use of the
30 high-speed rail system, reduce revenue from users, discourage
31 pedestrian and traffic ingress and egress, retard sound growth

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1 and development, impair public investment, and consume an
2 excessive amount of public revenues in the employment of
3 police and other forms of public protection to adequately
4 safeguard the high-speed rail system and its users. Such areas
5 may require redevelopment, acquisition, clearance, or
6 disposition, or joint public and private development to
7 provide parking facilities, retail establishments,
8 restaurants, hotels, or office facilities associated with or
9 ancillary to the high-speed rail system and rail stations and
10 to otherwise provide for an environment that will encourage
11 the use of, and safeguard, the system.

12 (f) The powers conferred by this act are for public
13 uses and purposes as established by s. 19, Art. X of the State
14 Constitution for which public funds may be expended, and the
15 necessity in the public interest for the provisions herein
16 enacted is hereby declared as a matter of legislative
17 determination to implement the intent of s. 19, Art. X of the
18 State Constitution.

19 (g) Urban and social benefits include revitalization
20 of economically depressed areas, the redirection of growth in
21 a carefully and comprehensively planned manner, and the
22 creation of numerous employment opportunities within
23 inner-city areas.

24 (h) The provisions contained in this act are a
25 declaration of legislative intent that the state develop a
26 high-speed rail system to help solve transportation problems
27 and eliminate their negative effect on the citizens of this
28 state, and therefore serves a public purpose.

29 (i) Joint development is a necessary planning,
30 financing, management, operation, and construction mechanism
31 to ensure the continued future development of an efficient and

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1 economically viable high-speed rail system in this state.

2 (3) It is the intent of the Legislature to authorize
3 the authority to implement innovative mechanisms required to
4 effect the joint public-private venture approach to planning,
5 locating, permitting, managing, financing, constructing,
6 operating, and maintaining a high-speed rail system for the
7 state, including providing incentives for revenue generation,
8 operation, construction, and management by the private sector.

9 Section 38. Section 341.8203, Florida Statutes, is
10 created to read:

11 341.8203 Definitions.--As used in this act, unless the
12 context clearly indicates otherwise, the term:

13 (1) "Associated development" means property,
14 equipment, buildings, or other ancillary facilities which are
15 built, installed, or established to provide financing,
16 funding, or revenues for the planning, building, managing, and
17 operation of a high-speed rail system and which are associated
18 with or part of the rail stations. The term includes property,
19 including air rights, necessary for joint development, such as
20 parking facilities, retail establishments, restaurants,
21 hotels, offices, or other commercial, civic, residential, or
22 support facilities, and may also include property necessary to
23 protect or preserve the rail station area by reducing urban
24 blight or traffic congestion or property necessary to
25 accomplish any of the purposes set forth in this subsection
26 which are reasonably anticipated or necessary.

27 (2) "Authority" means the Florida High-Speed Rail
28 Authority and its agents.

29 (3) "Central Florida" means the counties of Lake,
30 Seminole, Orange, Osceola, Citrus, Sumter, Volusia, Brevard,
31 Hernando, Pasco, Hillsborough, Pinellas, and Polk.

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1 (4) "DBOM contract" means the document and all
2 concomitant rights approved by the authority providing the
3 selected person or entity the exclusive right to design,
4 build, operate, and maintain a high-speed rail system.

5 (5) "DBOM & F contract" means the document and all
6 concomitant rights approved by the authority providing the
7 selected person or entity the exclusive right to design,
8 build, operate, maintain, and finance a high-speed rail
9 system.

10 (6) "High-speed rail system" means any high-speed
11 fixed guideway system for transporting people or goods, which
12 system is capable of operating at speeds in excess of 120
13 miles per hour, including, but not limited to, a monorail
14 system, dual track rail system, suspended rail system,
15 magnetic levitation system, pneumatic repulsion system, or
16 other system approved by the authority. The term includes a
17 corridor and structures essential to the operation of the
18 line, including the land, structures, improvements,
19 rights-of-way, easements, rail lines, rail beds, guideway
20 structures, stations, platforms, switches, yards, parking
21 facilities, power relays, switching houses, rail stations,
22 associated development, and any other facilities or equipment
23 used or useful for the purposes of high-speed rail system
24 design, construction, operation, maintenance, or the financing
25 of the high-speed rail system.

26 (7) "Joint development" means the planning, managing,
27 financing, or constructing of projects adjacent to,
28 functionally related to, or otherwise related to a high-speed
29 rail system pursuant to agreements between any person, firm,
30 corporation, association, organization, agency, or other
31 entity, public or private.

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1 (8) "Northeast Florida" means the counties of Nassau,
2 Duval, Clay, St. Johns, Putnam, Alachua, Marion, and Flagler.

3 (9) "Northwest Florida" means the counties of
4 Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington,
5 Jackson, Gadsden, Bay, Calhoun, Liberty, Gulf, Franklin, Leon,
6 Jefferson, Madison, Wakulla, Taylor, Hamilton, Suwannee,
7 Columbia, Baker, Union, Lafayette, Gilchrist, Dixie, Bradford,
8 and Levy.

9 (10) "Rail station," "station," or "high-speed rail
10 station" means any structure or transportation facility that
11 is part of a high-speed rail system designed to accommodate
12 the movement of passengers from one mode of transportation to
13 another at which passengers board or disembark from
14 transportation conveyances and transfer from one mode of
15 transportation to another.

16 (11) "Selected person or entity" means the person or
17 entity to whom the authority awards a contract under s.
18 341.834 to establish a high-speed rail system pursuant to this
19 act.

20 (12) "Southeast Florida" means the counties of
21 Broward, Monroe, Miami-Dade, Indian River, St. Lucie, Martin,
22 Okeechobee, and Palm Beach.

23 (13) "Southwest Florida" means the counties of
24 Manatee, Hardee, DeSoto, Sarasota, Highlands, Charlotte,
25 Glades, Lee, Hendry, and Collier.

26 (14) "Urban areas" means Central Florida, Northeast
27 Florida, Northwest Florida, Southeast Florida, and Southwest
28 Florida.

29 Section 39. Section 341.821, Florida Statutes, is
30 amended to read:

31 341.821 Florida High-Speed Rail Authority.--

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1 (1) There is created and established a body politic
2 and corporate, an agency of the state, to be known as the
3 "Florida High-Speed Rail Authority," hereinafter referred to
4 as the "authority."

5 (2)(a) The governing board of the authority shall
6 consist of nine voting members appointed as follows:

7 1. Three members shall be appointed by the Governor,
8 one of whom must have a background in the area of
9 environmental concerns, one of whom must have a legislative
10 background, and one of whom must have a general business
11 background.

12 2. Three members shall be appointed by the President
13 of the Senate, one of whom must have a background in civil
14 engineering, one of whom must have a background in
15 transportation construction, and one of whom must have a
16 general business background.

17 3. Three members shall be appointed by the Speaker of
18 the House of Representatives, one of whom must have a legal
19 background, one of whom must have a background in financial
20 matters, and one of whom must have a general business
21 background.

22 (b) The appointed members shall not be subject to
23 confirmation by the Senate. The initial term of each member
24 appointed by the Governor shall be for 4 years. The initial
25 term of each member appointed by the President of the Senate
26 shall be for 3 years. The initial term of each member
27 appointed by the Speaker of the House of Representatives shall
28 be for 2 years. Succeeding terms for all members shall be for
29 terms of 4 years. ~~Initial appointments must be made within 30~~
30 ~~days after the effective date of this act.~~

31 (c) A vacancy occurring during a term shall be filled

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1 by the respective appointing authority in the same manner as
2 the original appointment and only for the balance of the
3 unexpired term. An appointment to fill a vacancy shall be made
4 within 60 days after the occurrence of the vacancy.

5 (d) The Secretary of Transportation shall be a
6 nonvoting ex officio member of the board.

7 (e) The board shall elect one of its members as chair
8 of the authority. The chair shall hold office at the will of
9 the board. Five members of the board shall constitute a
10 quorum, and the vote of five members shall be necessary for
11 any action taken by the authority. The authority may meet upon
12 the constitution of a quorum. No vacancy in the authority
13 shall impair the right of a quorum of the board to exercise
14 all rights and perform all duties of the authority.

15 (f) The members of the board shall not be entitled to
16 compensation but shall be entitled to receive their travel and
17 other necessary expenses as provided in s. 112.061.

18 (3) Notwithstanding any other law to the contrary, it
19 shall not be or constitute a conflict of interest for a person
20 having a background specified in this section to serve as a
21 member of the authority. However, in each official decision to
22 which this act is applicable, such member's firm or related
23 entity may not have a financial or economic interest nor shall
24 the authority contract with or conduct any business with a
25 member or such member's firm or directly related business
26 entity.

27 (4) The authority shall be assigned to the Department
28 of Transportation for administrative purposes. The authority
29 shall be a separate budget entity. The Department of
30 Transportation shall provide administrative support and
31 service to the authority to the extent requested by the chair

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1 of the authority. The authority shall not be subject to
2 control, supervision, or direction by the Department of
3 Transportation in any manner, including, but not limited to,
4 personnel, purchasing, transactions involving real or personal
5 property, and budgetary matters.

6 Section 40. Section 341.822, Florida Statutes, is
7 amended to read:

8 341.822 Powers and duties.--

9 (1) The authority created and established by this act
10 shall locate, plan, design, finance, construct, maintain, own,
11 operate, administer, and manage the ~~preliminary engineering~~
12 ~~and preliminary environmental assessment of the intrastate~~
13 ~~high-speed rail system in the state, hereinafter referred to~~
14 ~~as "intrastate high-speed rail."~~

15 (2) The authority may exercise all powers granted to
16 corporations under the Florida Business Corporation Act,
17 chapter 607, except the authority may only not incur debt in
18 accordance with levels authorized by the Legislature.

19 (3) The authority shall have perpetual succession as a
20 body politic and corporate.

21 (4) The authority is authorized to seek and obtain
22 federal matching funds or any other funds to fulfill the
23 requirements of this act either directly or through the
24 Department of Transportation.

25 (5) The authority may employ an executive director,
26 ~~permanent or temporary,~~ as it may require and shall determine
27 the qualifications and fix the compensation. The authority may
28 delegate to one or more of its agents or employees such of its
29 power as it deems necessary to carry out the purposes of this
30 act, subject always to the supervision and control of the
31 authority.

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1 Section 41. Section 341.823, Florida Statutes, is
2 amended to read:

3 341.823 Criteria for assessment and recommendations.--

4 (1) The following criteria shall apply to the
5 establishment of the high-speed rail system ~~in developing the~~
6 ~~preliminary engineering, preliminary environmental assessment,~~
7 ~~and recommendations~~ required by this act:

8 (a) The system shall be capable of traveling speeds in
9 excess of 120 miles per hour consisting of dedicated rails or
10 guideways separated from motor vehicle traffic;

11 (b) The initial segments of the system will be
12 developed and operated between the St. Petersburg area, the
13 Tampa area, and the Orlando area, with future service to the
14 Miami area;

15 (c) The authority is to develop a program model that
16 uses, to the maximum extent feasible, nongovernmental sources
17 of funding for the design, construction, maintenance, and
18 operation, and financing of the system;

19 (2) The authority shall establish requirements ~~make~~
20 ~~recommendations~~ concerning:

21 (a) The format and types of information that must be
22 included in a financial or business plan for the high-speed
23 rail system, and the authority may develop that financial or
24 business plan;

25 (b) The preferred routes between the cities and urban
26 areas designated in accordance with s. 341.8203 in paragraph
27 ~~(1)(b)~~;

28 (c) The preferred locations for the stations in the
29 cities and urban areas designated in accordance with s.
30 341.8203 in paragraph (1)(b);

31 (d) The preferred locomotion technology to be employed

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1 ~~from constitutional choices of monorail, fixed guideway, or~~
2 ~~magnetic levitation; and~~

3 ~~(e) Any changes that may be needed in state statutes~~
4 ~~or federal laws which would make the proposed system eligible~~
5 ~~for available federal funding; and~~

6 ~~(e)(f) Any other issues the authority deems relevant~~
7 ~~to the development of a high-speed rail system.~~

8 ~~(3) The authority shall develop a marketing plan, a~~
9 ~~detailed planning-level ridership study, and an estimate of~~
10 ~~the annual operating and maintenance cost for the system and~~
11 ~~all other associate expenses.~~

12 ~~(3) When preparing the operating plan, the authority~~
13 ~~shall include:~~

14 ~~(a) The frequency of service between the cities~~
15 ~~designated in paragraph (1)(b);~~

16 ~~(b) The proposed fare structure for passenger and~~
17 ~~freight service;~~

18 ~~(c) Proposed trip times, system capacity, passenger~~
19 ~~accommodations, and amenities;~~

20 ~~(d) Methods to ensure compliance with applicable~~
21 ~~environmental standards and regulations;~~

22 ~~(e) A marketing plan, including strategies that can be~~
23 ~~employed to enhance the utilization of the system;~~

24 ~~(f) A detailed planning-level ridership study;~~

25 ~~(g) Consideration of nonfare revenues that may be~~
26 ~~derived from:~~

27 ~~1. The sale of development rights at the stations;~~

28 ~~2. License, franchise, and lease fees;~~

29 ~~3. Sale of advertising space on the trains or in the~~
30 ~~stations; and~~

31 ~~4. Any other potential sources deemed appropriate.~~

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1 ~~(h) An estimate of the total cost of the entire~~
2 ~~system, including, but not limited to, the costs to:~~

3 ~~1. Design and build the stations and monorail, fixed~~
4 ~~guideway, or magnetic levitation system;~~

5 ~~2. Acquire any necessary rights-of-way;~~

6 ~~3. Purchase or lease rolling stock and other equipment~~
7 ~~necessary to build, operate, and maintain the system.~~

8 ~~(i) An estimate of the annual operating and~~
9 ~~maintenance costs for the system and all other associated~~
10 ~~expenses.~~

11 ~~(j) An estimate of the value of assets the state or~~
12 ~~its political subdivisions may provide as in-kind~~
13 ~~contributions for the system, including rights-of-way,~~
14 ~~engineering studies performed for previous high-speed rail~~
15 ~~initiatives, land for rail stations and necessary maintenance~~
16 ~~facilities, and any expenses that may be incurred by the state~~
17 ~~or its political subdivisions to accommodate the installation~~
18 ~~of the system.~~

19 ~~(k) An estimate of the funding required per year from~~
20 ~~state funds for the next 30 years for operating the preferred~~
21 ~~routes between the cities designated in paragraph (1)(b).~~

22
23 ~~Whenever applicable and appropriate, the authority will base~~
24 ~~estimates of projected costs, expenses, and revenues on~~
25 ~~documented expenditures or experience derived from similar~~
26 ~~projects.~~

27 Section 42. Section 341.824, Florida Statutes, is
28 amended to read:

29 341.824 Technical, scientific, or other assistance.--

30 (1) The Florida Transportation Commission, the
31 Department of Community Affairs, and the Department of

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1 Environmental Protection shall, at the authority's request,
2 provide technical, scientific, or other assistance.

3 (2) The Department of Community Affairs shall, if
4 requested, provide assistance to local governments in
5 analyzing the land use and comprehensive planning aspects of
6 the high-speed rail system. The Department of Community
7 Affairs shall assist the authority with the resolution of any
8 conflicts between the system and adopted local comprehensive
9 plans.

10 (3) The Department of Environmental Protection shall,
11 if requested, provide assistance to local governments and
12 other permitting agencies in analyzing the environmental
13 aspects of the high-speed rail system. The Department of
14 Environmental Protection shall assist the authority and the
15 contractor in expediting the approval of the necessary
16 environmental permits for the system.

17 Section 43. Section 341.827, Florida Statutes, is
18 created to read:

19 341.827 Service areas; segment designation.--

20 (1) The authority shall determine in which order the
21 service areas, as designated by the Legislature, will be
22 served by the high-speed rail system.

23 (2) The authority shall plan and develop the
24 high-speed rail system so that construction proceeds as
25 follows:

26 (a) The initial segments of the system shall be
27 developed and operated between the St. Petersburg area, the
28 Tampa area, the Lakeland/Winter Haven area, and the Orlando
29 area, with future service to the Miami area.

30 (b) Construction of subsequent segments of the
31 high-speed rail system shall connect the metropolitan areas of

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1 Port Canaveral/Cocoa Beach, Ft. Pierce, West Palm Beach, Ft.
2 Lauderdale, Daytona Beach, St. Augustine, Jacksonville, Ft.
3 Myers/Naples, Sarasota/Bradenton, Gainesville/Ocala,
4 Tallahassee, and Pensacola.

5 (c) Selection of segments of the high-speed rail
6 system to be constructed subsequent to the initial segments of
7 the system shall be prioritized by the authority, giving
8 consideration to the demand for service, financial
9 participation by local governments, financial participation by
10 the private sector, and the available financial resources of
11 the authority.

12 Section 44. Section 341.828, Florida Statutes, is
13 created to read:

14 341.828 Permitting.--

15 (1) The authority, for the purposes of permitting, may
16 utilize one or more permitting processes provided for in
17 statute, including, but not limited to, the metropolitan
18 planning organization long-range transportation planning
19 process as defined in s. 339.175 (6) and (7), in conjunction
20 with the Department of Transportation's work program process
21 as defined in s. 339.135, or any permitting process now in
22 effect or that may be in effect at the time of permitting and
23 will provide the most timely and cost-effective permitting
24 process.

25 (2) The authority shall work in cooperation with
26 metropolitan planning organizations in areas where the
27 high-speed rail system will be located. The metropolitan
28 planning organizations shall cooperate with the authority and
29 include the high-speed rail system alignment within their
30 adopted long-range transportation plans and transportation
31 improvement programs for the purposes of providing public

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1 information, consistency with the plans, and receipt of
2 federal and state funds by the authority to support the
3 high-speed rail system.

4 (3) For purposes of selecting a route alignment, the
5 authority may use the project development and environment
6 study process, including the efficient transportation
7 decisionmaking system process as adopted by the Department of
8 Transportation.

9 Section 45. Section 341.829, Florida Statutes, is
10 created to read:

11 341.829 Conflict prevention, mitigation, and
12 resolution.--

13 (1) The authority, in conjunction with the Executive
14 Office of the Governor, the Department of Community Affairs,
15 and the Department of Environmental Protection, shall develop
16 and implement, within 180 days after the effective date of
17 this act, a process to prevent, mitigate, and resolve, to the
18 maximum extent feasible, any conflicts or potential conflicts
19 of a high-speed rail system with growth management
20 requirements and environmental standards.

21 (2) Any person who disagrees with the alignment
22 decision must file a complaint with the authority within 20
23 days after the authority's final adoption of the alignment.

24 (3) The authority must respond to any timely filed
25 complaint within 60 days after the complaint is filed with the
26 authority.

27 Section 46. Section 341.830, Florida Statutes, is
28 created to read:

29 341.830 Procurement.--

30 (1) The authority may employ procurement methods under
31 chapters 255, 287, and 337 and under any rule adopted under

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1 such chapters. To enhance the effective and efficient
2 operation of the authority, and to enhance the ability of the
3 authority to use best business practices, the authority may,
4 pursuant to ss. 120.536(1) and 120.54, adopt rules for and
5 employ procurement methods available to the private sector.

6 (2) The authority is authorized to procure commodities
7 and the services of a qualified person or entity to design,
8 build, finance, operate, maintain, and implement a high-speed
9 rail system, including the use of a DBOM or DBOM & F method
10 using a request for proposal, a request for qualifications, or
11 an invitation to negotiate.

12 Section 47. Section 341.831, Florida Statutes, is
13 created to read:

14 341.831 Prequalification.--

15 (1) The authority may prequalify interested persons or
16 entities prior to seeking proposals for the design,
17 construction, operation, maintenance, and financing of the
18 high-speed rail system. The authority may establish qualifying
19 criteria that may include, but not be limited to, experience,
20 financial resources, organization and personnel, equipment,
21 past record or history of the person or entity, ability to
22 finance or issue bonds, and ability to post a construction or
23 performance bond.

24 (2) The authority may establish the qualifying
25 criteria in a request for qualification without adopting the
26 qualifying criteria as rules.

27 Section 48. Section 341.832, Florida Statutes, is
28 created to read:

29 341.832 Request for qualifications.--

30 (1) The authority is authorized to develop and execute
31 a request for qualifications process to seek a person or

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1 entity to design, build, operate, maintain, and finance a
 2 high-speed rail system. The authority may issue multiple
 3 requests for qualifications. The authority shall develop
 4 criteria for selection of a person or entity that shall be
 5 included in any request for qualifications.

6 (2) The authority may issue a request for
 7 qualifications without adopting a rule.

8 Section 49. Section 341.833, Florida Statutes, is
 9 created to read:

10 341.833 Request for proposals.--

11 (1) The authority is authorized to develop and execute
 12 a request for proposals process to seek a person or entity to
 13 design, build, operate, maintain, and finance a high-speed
 14 rail system. The authority may issue multiple requests for
 15 proposals. The authority shall develop criteria for selection
 16 of a person or entity that shall be included in any request
 17 for proposals.

18 (2) In the request for proposals, the authority shall
 19 specify the minimum period of time for the contract duration.
 20 A person or entity may propose a longer period of time for the
 21 contract and provide justification of the need for an extended
 22 contract period. If the authority extends the time period for
 23 the contract, such time period shall be extended for all
 24 persons or entities if so requested.

25 Section 50. Section 341.834, Florida Statutes, is
 26 created to read:

27 341.834 Award of contract.--

28 (1) The authority may award a contract subject to such
 29 terms and conditions, including, but not limited to,
 30 compliance with any applicable permitting requirements, and
 31 any other terms and conditions the authority considers

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1 appropriate.

2 (2) The contract shall authorize the contractor to
3 provide service between stations as established by the
4 contract. The contractor shall coordinate its facilities and
5 services with passenger rail providers, commuter rail
6 authorities, and public transit providers to provide access to
7 and from the high-speed rail system.

8 (3) The contractor shall not convey, lease, or
9 otherwise transfer any high-speed rail system property, any
10 interest in such property, or any improvement constructed upon
11 such property without written approval of the authority.

12 Section 51. Section 341.835, Florida Statutes, is
13 created to read:

14 341.835 Acquisition of property; rights-of-way;
15 disposal of land.--

16 (1) The authority may purchase, lease, exchange, or
17 otherwise acquire any land, property interests, or buildings
18 or other improvements, including personal property within such
19 buildings or on such lands, necessary to secure or utilize
20 rights-of-way for existing, proposed, or anticipated
21 high-speed rail system facilities.

22 (2) Title to any property acquired in the name of the
23 authority shall be administered by the authority under such
24 terms and conditions as the authority may require.

25 (3) When the authority acquires property for a
26 high-speed rail system, or any related or ancillary
27 facilities, by purchase or donation, it is not subject to any
28 liability imposed by chapter 376 or chapter 403 for
29 preexisting soil or groundwater contamination due solely to
30 its ownership. This section does not affect the rights or
31 liabilities of any past or future owners of the acquired

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1 property, nor does it affect the liability of any governmental
2 entity for the results of its actions which create or
3 exacerbate a pollution source. The authority and the
4 Department of Environmental Protection may enter into
5 interagency agreements for the performance, funding, and
6 reimbursement of the investigative and remedial acts necessary
7 for property acquired by the authority.

8 (4) In acquiring property or property rights for any
9 high-speed rail system or related or ancillary facilities, the
10 authority may acquire an entire lot, block, or tract of land
11 if the interests of the public will be best served by such
12 acquisition, even though the entire lot, block, or tract is
13 not immediately needed for the right-of-way proper or for the
14 specific related or ancillary facilities.

15 (5) The authority, by resolution, may dispose of any
16 interest in property acquired pursuant to this section on
17 terms and conditions the authority deems appropriate.

18 (6) The authority and its employees and agents shall
19 have the right to enter upon properties which may be
20 determined to be necessary for the construction,
21 reconstruction, relocation, maintenance, and operation of a
22 proposed high-speed rail system and associated development and
23 related or ancillary facilities as described in subsection (1)
24 for the purposes of surveying and soil and environmental
25 testing.

26 (7) The authority is authorized to accept donations of
27 real property from public or private entities for the purposes
28 of implementing a high-speed rail system.

29 Section 52. Section 341.836, Florida Statutes, is
30 created to read:

31 341.836 Associated development.--

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1 (1) The authority, alone or as part of a joint
2 development, may undertake development of associated
3 developments to be a source of revenue for the establishment,
4 construction, operation, or maintenance of the high-speed rail
5 system. Such associated developments must be associated with
6 a rail station and have pedestrian ingress to and egress from
7 the rail station; be consistent, to the extent feasible, with
8 applicable local government comprehensive plans and local land
9 development regulations; and otherwise be in compliance with
10 the provisions of this act.

11 (2) This act does not prohibit the authority, the
12 selected person or entity, or a party to a joint venture with
13 the authority or its selected person or entity from obtaining
14 approval, pursuant to any other law, for any associated
15 development that is reasonably related to the high-speed rail
16 system.

17 Section 53. Section 341.837, Florida Statutes, is
18 created to read:

19 341.837 Payment of expenses.--All expenses incurred in
20 carrying out the provisions of this act shall be payable
21 solely from funds provided under the authority of this act, or
22 from other legally available sources.

23 Section 54. Section 341.838, Florida Statutes, is
24 created to read:

25 341.838 Rates, rents, fees, and charges.--

26 (1) The authority is authorized to fix, revise,
27 charge, and collect rates, rents, fees, charges, and revenues
28 for the use of and for the services furnished, or to be
29 furnished, by the system and to contract with any person,
30 partnership, association, corporation, or other body, public
31 or private, in respect thereof. Such rates, rents, fees, and

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1 charges shall be reviewed annually by the authority and may be
2 adjusted as set forth in the contract setting such rates,
3 rents, fees, or charges. The funds collected hereunder shall,
4 with any other funds available, be used to pay the cost of all
5 administrative expenses of the authority, and the cost of
6 designing, building, operating, and maintaining the system and
7 each and every portion thereof, to the extent that the payment
8 of such cost has not otherwise been adequately provided for.

9 (2) Rates, rents, fees, and charges fixed, revised,
10 charged, and collected pursuant to this section shall not be
11 subject to supervision or regulation by any department,
12 commission, board, body, bureau, or agency of this state other
13 than the authority.

14 Section 55. Section 341.839, Florida Statutes, is
15 created to read:

16 341.839 Alternate means.--The foregoing sections of
17 this act shall be deemed to provide an additional and
18 alternative method for accomplishing the purposes authorized
19 therein, and shall be regarded as supplemental and additional
20 to powers conferred by other laws. Except as otherwise
21 expressly provided in this act, none of the powers granted to
22 the authority under the provisions of this act shall be
23 subject to the supervision or require the approval or consent
24 of any municipality or political subdivision or any
25 commission, board, body, bureau, or official.

26 Section 56. Section 341.840, Florida Statutes, is
27 created to read:

28 341.840 Tax exemption.--The exercise of the powers
29 granted by this act will be in all respects for the benefit of
30 the people of this state, for the increase of their commerce,
31 welfare, and prosperity, and for the improvement of their

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1 health and living conditions, and as the design, building,
2 operation, maintenance, and financing of a system by the
3 authority or its agent or the owner or lessee thereof, as
4 herein authorized, constitutes the performance of an essential
5 public function, neither the authority, its agent, nor the
6 owner of such system shall be required to pay any taxes or
7 assessments upon or in respect to the system or any property
8 acquired or used by the authority, its agent, or such owner
9 under the provisions of this act or upon the income therefrom,
10 any security therefor, their transfer, and the income
11 therefrom, including any profit made on the sale thereof,
12 shall at all times be free from taxation of every kind by the
13 state, the counties, and the municipalities and other
14 political subdivisions in the state.

15 Section 57. Section 341.841, Florida Statutes, is
16 created to read:

17 341.841 Report; audit.--The authority shall prepare an
18 annual report of its actions, findings, and recommendations
19 and submit the report to the Governor, the President of the
20 Senate, and the Speaker of the House of Representatives on or
21 before January 1. The authority shall provide for an annual
22 financial audit, as defined in s. 11.45, of its accounts and
23 records conducted by an independent certified public
24 accountant. The audit report shall include a management letter
25 as defined in s. 11.45. The cost of the audit shall be paid
26 from funds available to the authority pursuant to this act.

27 Section 58. Section 341.842, Florida Statutes, is
28 created to read:

29 341.842 Liberal construction.--This act, being
30 necessary for the welfare of the state and its inhabitants,
31 shall be liberally construed to effect the purposes hereof.

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1 Section 59. Subsection (10) of section 288.109,
2 Florida Statutes, is amended to read:

3 288.109 One-Stop Permitting System.--

4 (10) Notwithstanding any other provision of law or
5 administrative rule to the contrary, the fee imposed by a
6 state agency or water management district for issuing a
7 development permit shall be waived for a 6-month period
8 beginning on the date the state agency or water management
9 district begins accepting development permit applications over
10 the Internet and the applicant submits the development permit
11 to the agency or district using the One-Stop Permitting
12 System. The 6-month fee waiver shall not apply to development
13 permit fees assessed by the Electrical Power Plant Siting Act,
14 ss. 403.501-403.519; the Transmission Line Siting Act, ss.
15 403.52-403.5365; the statewide Multi-purpose Hazardous Waste
16 Facility Siting Act, ss. 403.78-403.7893; and the Natural Gas
17 Pipeline Siting Act, ss. 403.9401-403.9425; ~~and the High Speed
18 Rail Transportation Siting Act, ss. 341.3201-341.386.~~

19 Section 60. Subsection (6) of section 334.30, Florida
20 Statutes, is amended to read:

21 334.30 Private transportation facilities.--The
22 Legislature hereby finds and declares that there is a public
23 need for rapid construction of safe and efficient
24 transportation facilities for the purpose of travel within the
25 state, and that it is in the public's interest to provide for
26 the construction of additional safe, convenient, and
27 economical transportation facilities.

28 (6) ~~Notwithstanding s. 341.327,~~A fixed-guideway
29 transportation system authorized by the department to be
30 wholly or partially within the department's right-of-way
31 pursuant to a lease granted under s. 337.251 may operate at

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1 any safe speed.

2 Section 61. Subsection (9) of section 337.251, Florida
3 Statutes, is amended to read:

4 337.251 Lease of property for joint public-private
5 development and areas above or below department property.--

6 (9) ~~Notwithstanding s. 341.327,~~A fixed-guideway
7 transportation system authorized by the department to be
8 wholly or partially within the department's right-of-way
9 pursuant to a lease granted under this section may operate at
10 any safe speed.

11 Section 62. Section 341.501, Florida Statutes, is
12 amended to read:

13 341.501 High-technology transportation systems; joint
14 project agreement or assistance.--Notwithstanding any other
15 provision of law, the Department of Transportation may enter
16 into a joint project agreement with, or otherwise assist,
17 private or public entities, or consortia thereof, to
18 facilitate the research, development, and demonstration of
19 high-technology transportation systems, including, but not
20 limited to, systems using magnetic levitation technology. ~~The~~
21 ~~provisions of the Florida High-Speed Rail Transportation Act,~~
22 ~~ss. 341.3201-341.386, do not apply to actions taken under this~~
23 ~~section, and~~ The department may, subject to s. 339.135,
24 provide funds to match any available federal aid for
25 effectuating the research, development, and demonstration of
26 high-technology transportation systems.

27 Section 63. Paragraph (a) of subsection (1) of section
28 212.055, Florida Statutes, is amended to read:

29 212.055 Discretionary sales surtaxes; legislative
30 intent; authorization and use of proceeds.--It is the
31 legislative intent that any authorization for imposition of a

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1 discretionary sales surtax shall be published in the Florida
 2 Statutes as a subsection of this section, irrespective of the
 3 duration of the levy. Each enactment shall specify the types
 4 of counties authorized to levy; the rate or rates which may be
 5 imposed; the maximum length of time the surtax may be imposed,
 6 if any; the procedure which must be followed to secure voter
 7 approval, if required; the purpose for which the proceeds may
 8 be expended; and such other requirements as the Legislature
 9 may provide. Taxable transactions and administrative
 10 procedures shall be as provided in s. 212.054.

11 (1) CHARTER COUNTY TRANSIT SYSTEM SURTAX.--

12 (a) Each charter county which adopted a charter prior
 13 to January 1, 1984 ~~June 1, 1976~~, and each county the
 14 government of which is consolidated with that of one or more
 15 municipalities, may levy a discretionary sales surtax, subject
 16 to approval by a majority vote of the electorate of the county
 17 or by a charter amendment approved by a majority vote of the
 18 electorate of the county.

19 Section 64. Sections 341.3201, 341.321, 341.322,
 20 341.325, 341.327, 341.329, 341.331, 341.332, 341.3331,
 21 341.3332, 341.3333, 341.3334, 341.3335, 341.3336, 341.3337,
 22 341.3338, 341.3339, 341.334, 341.335, 341.336, 341.3365,
 23 341.342, 341.343, 341.344, 341.345, 341.346, 341.3465,
 24 341.347, 341.348, 341.351, 341.352, 341.353, 341.363, 341.364,
 25 341.365, 341.366, 341.368, 341.369, 341.371, 341.372, 341.375,
 26 341.381, 341.382, 341.383, and 341.386, Florida Statutes, are
 27 repealed.

28 Section 65. This act shall take effect upon becoming a
 29 law.

30
 31

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

2 And the title is amended as follows:

3 Delete everything before the enacting clause

4

5 and insert:

6 A bill to be entitled

7 An act relating to transportation; amending s.
8 20.23, F.S.; transferring the Office of Toll
9 Operations to the turnpike enterprise;
10 redesignating the turnpike district as the
11 turnpike enterprise; amending s. 206.46, F.S.;
12 increasing the rights-of-way bond cap; amending
13 s. 316.302, F.S.; updating federal references;
14 revising out-of-service requirements for
15 commercial motor vehicles; providing a penalty;
16 amending s. 316.3025, F.S.; updating a
17 cross-reference to federal trucking
18 regulations; amending s. 316.515, F.S.;
19 deleting a requirement for a department permit
20 with respect to the height of automobile
21 transporters; amending s. 337.185, F.S.;
22 clarifying application of limitation on certain
23 claims brought before the State Arbitration
24 Board; amending s. 316.535, F.S.; adding weight
25 requirements for certain commercial trucks;
26 amending s. 316.545, F.S.; conforming
27 provisions; amending s. 334.044, F.S.;
28 providing powers and duties for department law
29 enforcement officers; amending s. 334.175,
30 F.S.; adding state-registered landscape
31 architects to the list of design professionals

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1 who sign, seal, and certify certain Department
2 of Transportation project plans; amending s.
3 337.025, F.S.; eliminating the cap on
4 innovative highway projects for the turnpike
5 enterprise; amending s. 337.11, F.S., relating
6 to design-build contract; adding, for a
7 specified period, rights-of-way services to
8 activities that may be part of a design-build
9 contract; providing restrictions; amending s.
10 338.165, F.S.; conforming provisions; amending
11 s. 338.22, F.S.; redesignating the Florida
12 Turnpike Law as the Florida Turnpike Enterprise
13 Law; amending s. 338.221, F.S.; conforming
14 provisions to the redesignation; creating s.
15 338.2215, F.S.; providing legislative findings,
16 policy, purpose, and intent for the turnpike
17 enterprise; creating s. 338.2216, F.S.;
18 prescribing the power and authority of the
19 turnpike enterprise; amending s. 338.223, F.S.;
20 increasing the maximum loan amount for the
21 turnpike enterprise; amending ss. 338.165,
22 338.227, F.S.; conforming provisions; amending
23 s. 338.234, F.S.; authorizing the turnpike
24 enterprise to expand business opportunities;
25 prohibiting the department from exercising its
26 powers of eminent domain solely to acquire
27 property for business opportunities on the
28 Florida Turnpike; amending s. 338.235, F.S.;
29 authorizing the consideration of goods instead
30 of fees; amending s. 338.239, F.S.; providing
31 that approved expenditures to the Florida

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1 Highway Patrol be paid by the turnpike
2 enterprise; amending s. 338.241, F.S.; lowering
3 the required cash reserve for the turnpike
4 enterprise; amending ss. 338.251, 339.135,
5 F.S.; conforming provisions; amending s.
6 339.12, F.S.; raising the amount that local
7 governments may advance to the department;
8 amending s. 337.408, F.S.; providing for
9 regulation of street light poles; amending s.
10 348.0003, F.S.; authorizing a county governing
11 body to set qualifications, terms of office,
12 and obligations and rights for the members of
13 expressway authorities their jurisdictions;
14 amending s. 348.0008, F.S.; allowing expressway
15 authorities to acquire certain interests in
16 land; providing for expressway authorities and
17 their agents or employees to access public or
18 private property for certain purposes; amending
19 s. 553.80, F.S.; providing for self-regulation;
20 amending s. 212.055, F.S.; providing for the
21 levy of the infrastructure sales surtax and the
22 school capital outlay surtax by a two-thirds
23 vote and requiring certain educational facility
24 planning prior to the levy of the school
25 capital outlay surtax; providing for the uses
26 of the surtax proceeds; repealing s. 59, ch.
27 99-385, Laws of Florida; abrogating the repeal
28 of provisions governing business damages in
29 eminent domain actions; amending s. 73.071,
30 F.S.; providing for the age required of a
31 standing business in order to qualify for

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1 business damages; creating the "Florida
2 High-Speed Rail Authority Act"; creating s.
3 341.8201, F.S.; providing a short title;
4 creating s. 341.8202, F.S.; providing
5 legislative findings, policy, purpose, and
6 intent with respect to the development, design,
7 financing, construction, and operation of a
8 high-speed rail system in the state; creating
9 s. 341.8203, F.S.; providing definitions;
10 amending s. 341.821, F.S., relating to the
11 creation of the Florida High-Speed Rail
12 Authority; removing obsolete provisions;
13 amending s. 341.822, F.S.; revising and
14 providing additional powers and duties of the
15 authority; amending s. 341.823, F.S.; revising
16 the criteria for assessment and recommendations
17 with respect to the establishment of the
18 high-speed rail system; requiring the authority
19 to establish specified requirements; requiring
20 the authority to develop a specified plan,
21 study, and estimates; amending s. 341.824,
22 F.S.; specifying types of technical,
23 scientific, or other assistance to be provided
24 by the Department of Community Affairs and the
25 Department of Environmental Protection;
26 creating s. 341.827, F.S.; providing for
27 determination of service areas and the order of
28 system segment construction; creating s.
29 341.828, F.S.; authorizing the authority to
30 utilize existing permitting processes;
31 requiring cooperation between the authority and

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1 metropolitan planning organizations; creating
2 s. 341.829, F.S.; requiring the authority, in
3 conjunction with the Executive Office of the
4 Governor, the Department of Community Affairs,
5 and the Department of Environmental Protection,
6 to develop and implement a process to mitigate
7 and resolve conflicts between the system and
8 growth management requirements and
9 environmental standards; providing time limits
10 for the filing of and response to specified
11 complaints; creating s. 341.830, F.S.;
12 authorizing the authority to employ specified
13 procurement methods; providing for the adoption
14 of rules; authorizing the authority to procure
15 commodities and services for the designing,
16 building, financing, maintenance, operation,
17 and implementation of a high-speed rail system;
18 creating s. 341.831, F.S.; authorizing the
19 authority to prequalify interested persons or
20 entities prior to seeking proposals for the
21 design, construction, operation, maintenance,
22 and financing of the high-speed rail system;
23 providing for the establishment of qualifying
24 criteria; creating s. 341.832, F.S.;
25 authorizing the authority to develop and
26 execute a request for qualifications process;
27 creating s. 341.833, F.S.; authorizing the
28 authority to develop and execute a request for
29 proposals process to seek a person or entity to
30 design, build, operate, maintain, and finance a
31 high-speed rail system; creating s. 341.834,

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1 F.S.; providing for award of a conditional
2 contract; providing contract requirements;
3 prohibiting transfer of system property without
4 written approval; creating s. 341.835, F.S.;
5 authorizing the authority to purchase, lease,
6 exchange, or acquire land, property, or
7 buildings necessary to secure or utilize
8 rights-of-way for high-speed rail system
9 facilities; providing that the authority is not
10 subject to specified liability; authorizing the
11 authority and the Department of Environmental
12 Protection to enter into certain interagency
13 agreements; providing for the disposal of
14 interest in property; authorizing agents and
15 employees of the authority to enter upon
16 certain property; authorizing the authority to
17 accept donations of real property; creating s.
18 341.836, F.S.; authorizing the authority to
19 undertake the development of associated
20 developments; providing requirements of
21 associated developments; creating s. 341.837,
22 F.S.; providing for payment of expenses
23 incurred in carrying out the act; creating s.
24 341.838, F.S.; authorizing the authority to
25 fix, revise, charge, collect, and adjust rates,
26 rents, fees, charges, and revenues, and to
27 enter into contracts; providing for annual
28 review by the authority of rates, rents, fees,
29 and charges; providing for uses of revenues;
30 creating s. 341.839, F.S.; providing that the
31 act is supplemental and additional to powers

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1 conferred by other laws; exempting powers of
2 the authority from specified supervision,
3 approval, or consent; creating s. 341.840,
4 F.S.; providing tax exemptions for property
5 acquired or used by the authority or specified
6 income; creating s. 341.841, F.S.; requiring
7 the authority to prepare and submit a report;
8 providing for an annual audit; creating s.
9 341.842, F.S.; providing construction of the
10 act; amending s. 288.109, F.S.; removing a
11 cross-reference; amending s. 334.30, F.S.;

12 removing a cross-reference; amending s.
13 337.251, F.S.; removing a cross-reference;
14 amending s. 341.501, F.S.; providing that
15 specified actions do not apply to the Florida
16 High-Speed Rail Authority Act; amending s.
17 212.055, F.S.; removing a limitation on which
18 charter counties may levy a charter county
19 transit surtax; repealing s. 341.3201, F.S.,
20 relating to the short title for ss.
21 341.3201-341.386, F.S., the "Florida High-Speed
22 Rail Transportation Act"; repealing s. 341.321,
23 F.S., relating to legislative findings, policy,
24 purpose, and intent with respect to the
25 development of a high-speed rail transportation
26 system connecting the major urban areas of the
27 state; repealing s. 341.322, F.S., relating to
28 definitions of terms; repealing s. 341.325,
29 F.S., relating to special powers and duties of
30 the Department of Transportation; repealing s.
31 341.327, F.S., which provides that the Florida

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1 High-Speed Rail Transportation Act is the sole
2 and exclusive determination of need for any
3 high-speed rail transportation system
4 established under the act, thereby preempting
5 specified determinations of need; repealing s.
6 341.329, F.S., relating to the issuance of
7 bonds to finance a high-speed rail
8 transportation system; repealing s. 341.331,
9 F.S., relating to designation of the areas of
10 the state to be served by the high-speed rail
11 transportation system and designation of
12 termini; repealing s. 341.332, F.S., relating
13 to the award of franchises by the Department of
14 Transportation to establish a high-speed rail
15 transportation system; repealing s. 341.3331,
16 F.S., relating to request for proposals;
17 repealing s. 341.3332, F.S., relating to notice
18 of issuance of request for proposals; repealing
19 s. 341.3333, F.S., relating to requirements
20 with respect to an application for franchise,
21 and confidentiality of the application and
22 portions of the application relating to trade
23 secrets; repealing s. 341.3334, F.S., relating
24 to the departmental review process of
25 application for franchise; repealing s.
26 341.3335, F.S., relating to interagency
27 coordination of franchise application review;
28 repealing s. 341.3336, F.S., relating to public
29 meetings on franchise applications; repealing
30 s. 341.3337, F.S., relating to determination
31 and award of franchise; repealing s. 341.3338,

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1 F.S., relating to effect of franchise;
2 repealing s. 341.3339, F.S., relating to
3 postfranchise agreements; repealing s. 341.334,
4 F.S., relating to the powers and duties of the
5 Department of Transportation with respect to
6 the act; repealing s. 341.335, F.S., relating
7 to the powers and duties of the Florida Land
8 and Water Adjudicatory Commission sitting as
9 the board; repealing s. 341.336, F.S., relating
10 to the powers and duties of the Department of
11 Environmental Protection, the Department of
12 Community Affairs, and other affected agencies;
13 repealing s. 341.3365, F.S., relating to
14 certification procedures; repealing s. 341.342,
15 F.S., relating to agreements concerning
16 contents of certification application and
17 supporting documentation; repealing s. 341.343,
18 F.S., relating to review of certification
19 applications; repealing s. 341.344, F.S.,
20 relating to the establishment, composition,
21 organization, and duties of the Citizens'
22 Planning and Environmental Advisory Committee;
23 repealing s. 341.345, F.S., relating to
24 alternate corridors or transit station
25 locations; repealing s. 341.346, F.S., relating
26 to the powers and duties of an administrative
27 law judge appointed to conduct hearings under
28 the act; repealing s. 341.3465, F.S., relating
29 to alteration of time limitations specified by
30 the act; repealing s. 341.347, F.S., relating
31 to required combined public meetings and land

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1 use and zoning hearings to be conducted by
2 local governments; repealing s. 341.348, F.S.,
3 relating to reports and studies required of
4 various agencies by the act; repealing s.
5 341.351, F.S., relating to publication and
6 contents of notice of certification application
7 and proceedings; repealing s. 341.352, F.S.,
8 relating to certification hearings; repealing
9 s. 341.353, F.S., relating to final disposition
10 of certification applications; repealing s.
11 341.363, F.S., relating to the effect of
12 certification; repealing s. 341.364, F.S.,
13 relating to a franchisee's right to appeal to
14 the Florida Land and Water Adjudicatory
15 Commission under specified circumstances;
16 repealing s. 341.365, F.S., relating to
17 associated development; repealing s. 341.366,
18 F.S., relating to recording of notice of
19 certified corridor route; repealing s. 341.368,
20 F.S., relating to modification of certification
21 or franchise; repealing s. 341.369, F.S.,
22 relating to fees imposed by the department and
23 the disposition of such fees; repealing s.
24 341.371, F.S., relating to revocation or
25 suspension of franchise or certification;
26 repealing s. 341.372, F.S., relating to
27 imposition by the department of specified
28 administrative fines in lieu of revocation or
29 suspension of franchise; repealing s. 341.375,
30 F.S., relating to the required participation by
31 women, minorities, and economically

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1 disadvantaged individuals in all phases of the
2 design, construction, maintenance, and
3 operation of a high-speed rail transportation
4 system developed under the act, and required
5 plans for compliance by franchisees; repealing
6 s. 341.381, F.S., relating to applicability of
7 the act; repealing s. 341.382, F.S., relating
8 to laws and regulations superseded by the act;
9 repealing s. 341.383, F.S., relating to the
10 authority of local governments to assess
11 specified fees; repealing s. 341.386, F.S.,
12 relating to the admissibility of the award of a
13 franchise and of a certification under the act
14 in eminent domain proceedings; providing an
15 effective date.

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