

Bill No. HB 1681, 1st Eng.

Barcode 221648

CHAMBER ACTION

Senate

House

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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. Section 311.22, Florida Statutes, is created to read:

311.22 Additional authorization for funding certain dredging projects.--

(1) The Florida Seaport Transportation and Economic Development Council shall establish a program to fund dredging projects in counties having a population of fewer than 300,000 according to the last official census. Funds made available under this program may be used to fund approved projects for the dredging or deepening of channels, turning basins, or harbors on a 50-50 matching basis with any port authority, as such term is defined in s. 315.02(2), which complies with the permitting requirements in part IV of chapter 373 and the local financial management and reporting provisions of part III of chapter 218.

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1       (2) The council shall adopt rules for evaluating the  
2 projects that may be funded pursuant to this section. The  
3 rules must provide criteria for evaluating the economic  
4 benefit of the project. The rules must include the creation of  
5 an administrative review process by the council which is  
6 similar to the process described in s. 311.09(5)-(12), and  
7 provide for a review by the Department of Community Affairs,  
8 the Department of Transportation, and the Office of Tourism,  
9 Trade, and Economic Development of all projects submitted for  
10 funding under this section.

11           Section 2. Subsection (8) of section 337.11, Florida  
12 Statutes, is amended 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           (8)(a) The department shall permit the use of written  
18 supplemental agreements, written work orders pursuant to a  
19 contingency pay item or contingency supplemental agreement,  
20 and written change orders to any contract entered into by the  
21 department. Any supplemental agreement shall be reduced to  
22 written contract form, ~~approved by the contractor's surety,~~  
23 and executed by the contractor and the department. Any  
24 supplemental agreement modifying any item in the original  
25 contract must be approved by the head of the department, or  
26 his or her designee, and executed by the appropriate person  
27 designated by him or her. Any surety issuing a bond under s.  
28 337.18 shall be fully liable under such surety bond to the  
29 full extent of any modified contract amount up to and  
30 including 25 percent over the original contract amount and  
31 without regard to the fact that the surety was not aware of or

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1 did not approve such modifications. However, if modifications  
 2 of the original contract amount cumulatively result in  
 3 modifications of the contract amount in excess of 25 percent  
 4 of the original contract amount, the surety's approval shall  
 5 be required to bind the surety under the bond on that portion  
 6 in excess of 25 percent of the original contract amount.

7           (b) Supplemental agreements and written work orders  
 8 pursuant to a contingency pay item or contingency supplemental  
 9 agreement shall be used to clarify the plans and  
 10 specifications of a contract; ~~to provide for major quantity~~  
 11 ~~differences which result in the contractor's work effort~~  
 12 ~~exceeding the original contract amount by more than 5 percent;~~  
 13 to provide for unforeseen work, grade changes, or alterations  
 14 in plans which could not reasonably have been contemplated or  
 15 foreseen in the original plans and specifications; to change  
 16 the limits of construction to meet field conditions; to  
 17 provide a safe and functional connection to an existing  
 18 pavement; to settle contract claims; and to make the project  
 19 functionally operational in accordance with the intent of the  
 20 original contract. Supplemental agreements may be used to  
 21 expand the physical limits of a project only to the extent  
 22 necessary to make the project functionally operational in  
 23 accordance with the intent of the original contract. The cost  
 24 of any such agreement extending the physical limits of a  
 25 project shall not exceed \$100,000 or 10 percent of the  
 26 original contract price, whichever is greater.

27           (c) Written change orders may be issued by the  
 28 department and accepted by the contractor covering minor  
 29 changes in the plans, specifications, or quantities of work  
 30 within the scope of a contract, when prices for the items of  
 31 work affected are previously established in the contract, but

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1 in no event may such change orders extend the physical limits  
2 of the work.

3 (d) For the purpose of this section, the term  
4 "physical limits" means the length or width of any project and  
5 specifically includes drainage facilities not running parallel  
6 to the project. The length and width of temporary connections  
7 affected by such supplemental agreements shall be established  
8 in accordance with current engineering practice.

9 (e) Upon completion and final inspection of the  
10 contract work, the department may accept the improvement if it  
11 is in substantial compliance with the plans, specifications,  
12 special provisions, proposals, and contract and if a proper  
13 adjustment in the contract price is made.

14 (f) Any supplemental agreement or change order in  
15 violation of this section is null and void and unenforceable  
16 for payment.

17 Section 3. Section 337.195, Florida Statutes, is  
18 created to read:

19 337.195 Limits on liability.--

20 (1) In a civil action for the death of or injury to a  
21 person, or for damage to property, against the Department of  
22 Transportation or its agents, consultants, or contractors for  
23 work performed on a highway, road, street, bridge, or other  
24 transportation facility when the death, injury, or damage  
25 resulted from a motor vehicle crash within a construction zone  
26 in which the driver of one of the vehicles was under the  
27 influence of alcoholic beverages as set forth in s. 316.193,  
28 under the influence of any chemical substance as set forth in  
29 s. 877.111, or illegally under the influence of any substance  
30 controlled under chapter 893 to the extent that her or his  
31 normal faculties were impaired or that she or he operated a

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1 vehicle recklessly as defined in s. 316.192, it is presumed  
 2 that the driver's operation of the vehicle was the sole  
 3 proximate cause of his or her own death, injury, or damage.  
 4 This presumption can be overcome if the gross negligence or  
 5 intentional misconduct of the Department of Transportation, or  
 6 of its agents, consultants, or contractors, was a proximate  
 7 cause of the driver's death, injury, or damage.

8       (2) A contractor who constructs, maintains, or repairs  
 9 a highway, road, street, bridge, or other transportation  
 10 facility for the Department of Transportation is not liable to  
 11 a claimant for personal injury, property damage, or death  
 12 arising from the performance of the construction, maintenance,  
 13 or repair if, at the time of the personal injury, property  
 14 damage, or death, the contractor was in compliance with  
 15 contract documents material to the condition that was the  
 16 proximate cause of the personal injury, property damage, or  
 17 death.

18       (a) The limitation on liability contained in this  
 19 subsection does not apply when the proximate cause of the  
 20 personal injury, property damage, or death is a latent  
 21 condition, defect, error, or omission that was created by the  
 22 contractor and not a defect, error, or omission in the  
 23 contract documents; or when the proximate cause of the  
 24 personal injury, property damage or death was the contractor's  
 25 failure to perform, update or comply with the maintenance of  
 26 traffic safety plan as required by the contract documents.

27       (b) Nothing in this subsection shall be interpreted or  
 28 construed as relieving the contractor of any obligation to  
 29 provide the Department of Transportation with written notice  
 30 of any apparent error or omission in the contract documents.

31       (c) Nothing in this subsection shall be interpreted or

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1 construed to alter or affect any claim of the Department of  
2 Transportation against such contractor.

3 (d) This subsection does not affect any claim of any  
4 entity against such contractor, which claim is associated with  
5 such entity's facilities on or in Department of Transportation  
6 roads or other transportation facilities.

7 (3) In all cases involving personal injury, property  
8 damage, or death, a person or entity who contracts to prepare  
9 or provide engineering plans for the construction or repair of  
10 a highway, road, street, bridge, or other transportation  
11 facility for the Department of Transportation shall be  
12 presumed to have prepared such engineering plans using the  
13 degree of care and skill ordinarily exercised by other  
14 engineers in the field under similar conditions and in similar  
15 localities and with due regard for acceptable engineering  
16 standards and principles if the engineering plans conformed to  
17 the Department of Transportation's design standards material  
18 to the condition or defect that was the proximate cause of the  
19 person injury, property damage, or death. This presumption can  
20 be overcome only upon a showing of the person's or entity's  
21 gross negligence in the preparation of the engineering plans  
22 and shall not be interpreted or construed to alter or affect  
23 any claim of the Department of Transportation against such  
24 person or entity. The limitation on liability contained in  
25 this subsection shall not apply to any hidden or  
26 undiscoverable condition created by the engineer. This  
27 subsection does not affect any claim of any entity against  
28 such engineer or engineering firm, which claim is associated  
29 with such entity's facilities on or in Department of  
30 Transportation roads or other transportation facilities.

31 (4) In any civil action for death, injury, or damages

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1 against the Department of Transportation or its agents,  
2 consultants, engineers or contractors for work performed on a  
3 highway, road, street, bridge, or other transportation  
4 facility, if the department, its agents, consultants,  
5 engineers, or contractors are immune from liability pursuant  
6 to this section or are not parties to the litigation, they may  
7 not be named on the jury verdict form or be found to be at  
8 fault or responsible for the injury, death, or damage that  
9 gave rise to the damages.

10 Section 4. Subsection (1) of section 338.155, Florida  
11 Statutes, is amended to read:

12 338.155 Payment of toll on toll facilities required;  
13 exemptions.--

14 (1) No persons are permitted to use any toll facility  
15 without payment of tolls, except employees of the agency  
16 operating the toll project when using the toll facility on  
17 official state business, state military personnel while on  
18 official military business, handicapped persons as provided in  
19 this section, persons exempt from toll payment by the  
20 authorizing resolution for bonds issued to finance the  
21 facility, and persons exempt on a temporary basis where use of  
22 such toll facility is required as a detour route. Any law  
23 enforcement officer operating a marked official vehicle is  
24 exempt from toll payment when on official law enforcement  
25 business. Any person operating a fire vehicle when on official  
26 business or a rescue vehicle when on official business is  
27 exempt from toll payment. Any person participating in the  
28 funeral procession of a law enforcement officer or firefighter  
29 killed in the line of duty is exempt from toll payment. The  
30 secretary, or the secretary's designee, may suspend the  
31 payment of tolls on a toll facility when necessary to assist

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1 in emergency evacuation. The failure to pay a prescribed toll  
2 constitutes a noncriminal traffic infraction, punishable as a  
3 moving violation pursuant to s. 318.18. The department is  
4 authorized to adopt rules relating to guaranteed toll  
5 accounts.

6 Section 5. Subsection (12) is added to section  
7 339.175, Florida Statutes, to read:

8 339.175 Metropolitan planning organization.--It is the  
9 intent of the Legislature to encourage and promote the safe  
10 and efficient management, operation, and development of  
11 surface transportation systems that will serve the mobility  
12 needs of people and freight within and through urbanized areas  
13 of this state while minimizing transportation-related fuel  
14 consumption and air pollution. To accomplish these objectives,  
15 metropolitan planning organizations, referred to in this  
16 section as M.P.O.'s, shall develop, in cooperation with the  
17 state and public transit operators, transportation plans and  
18 programs for metropolitan areas. The plans and programs for  
19 each metropolitan area must provide for the development and  
20 integrated management and operation of transportation systems  
21 and facilities, including pedestrian walkways and bicycle  
22 transportation facilities that will function as an intermodal  
23 transportation system for the metropolitan area, based upon  
24 the prevailing principles provided in s. 334.046(1). The  
25 process for developing such plans and programs shall provide  
26 for consideration of all modes of transportation and shall be  
27 continuing, cooperative, and comprehensive, to the degree  
28 appropriate, based on the complexity of the transportation  
29 problems to be addressed. To ensure that the process is  
30 integrated with the statewide planning process, M.P.O.'s shall  
31 develop plans and programs that identify transportation



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1 facilities that should function as an integrated metropolitan  
 2 transportation system, giving emphasis to facilities that  
 3 serve important national, state, and regional transportation  
 4 functions. For the purposes of this section, those facilities  
 5 include the facilities on the Strategic Intermodal System  
 6 designated under s. 339.63.

7 (12) VOTING REQUIREMENTS.--Each long-range  
 8 transportation plan required pursuant to subsection (6); each  
 9 annually updated Transportation Improvement Program required  
 10 under subsection (7), and each amendment that affects projects  
 11 in the first 3 years of such plans and programs, must be  
 12 approved by each M.P.O. on a recorded roll call vote of the  
 13 membership present.

14 Section 6. Section 339.64, Florida Statutes, is  
 15 amended to read:

16 339.64 Strategic Intermodal System Plan.--

17 (1) The department shall develop, in cooperation with  
 18 metropolitan planning organizations, regional planning  
 19 councils, local governments, the Statewide Intermodal  
 20 Transportation Advisory Council and other transportation  
 21 providers, a Strategic Intermodal System Plan. The plan shall  
 22 be consistent with the Florida Transportation Plan developed  
 23 pursuant to s. 339.155 and shall be updated at least once  
 24 every 5 years, subsequent to updates of the Florida  
 25 Transportation Plan.

26 (2) In association with the continued development of  
 27 the ~~initial~~ Strategic Intermodal System Plan ~~and other~~  
 28 ~~transportation plans~~, the Florida Transportation Commission,  
 29 as part of its work program review process, shall conduct an  
 30 annual assessment of the progress that the department and its  
 31 transportation partners have made in realizing the goals of

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1 economic development, improved mobility, and increased  
 2 intermodal connectivity ~~need for an improved philosophical~~  
 3 ~~approach to regional and intermodal input in the planning for~~  
 4 ~~and governing~~ of the Strategic Intermodal System ~~and other~~  
 5 ~~transportation systems~~. The Florida Transportation Commission  
 6 shall coordinate with the department, the Statewide Intermodal  
 7 Transportation Advisory Council, and other appropriate  
 8 entities when developing this assessment. The Florida  
 9 Transportation Commission shall deliver a report to the  
 10 Governor and Legislature no later than 14 days after the  
 11 regular session begins ~~by December 15, 2003~~, with  
 12 recommendations as necessary to fully implement the Strategic  
 13 Intermodal System.

14 (3)(a) During the development of updates to the  
 15 Strategic Intermodal System Plan ~~and the development of all~~  
 16 ~~subsequent updates~~, the department shall provide metropolitan  
 17 planning organizations, regional planning councils, local  
 18 governments, transportation providers, affected public  
 19 agencies, and citizens with an opportunity to participate in  
 20 and comment on the development of the ~~proposed plan or~~ update.

21 (b) The department also shall coordinate with federal,  
 22 regional, and local partners the planning for the Strategic  
 23 Highway Network and the Strategic Rail Corridor Network  
 24 transportation facilities that either are included in the  
 25 Strategic Intermodal System or that provide a direct  
 26 connection between military installations and the Strategic  
 27 Intermodal System. In addition, the department shall  
 28 coordinate with regional and local partners to determine  
 29 whether the road and other transportation infrastructure that  
 30 connects military installations to the Strategic Intermodal  
 31 System, the Strategic Highway Network, or the Strategic Rail

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1 Corridor is regionally significant and should be included in  
2 the Strategic Intermodal System Plan.

3 (4) The Strategic Intermodal System Plan shall include  
4 the following:

5 (a) A needs assessment.

6 (b) A project prioritization process.

7 (c) A map of facilities designated as Strategic  
8 Intermodal System facilities; ~~and~~ facilities that are emerging  
9 in importance that are likely to become part of the system in  
10 the future; and planned facilities that will meet the  
11 established criteria.

12 (d) A finance plan based on reasonable projections of  
13 anticipated revenues, including both 10-year and 20-year  
14 cost-feasible components.

15 (e) An assessment of the impacts of proposed  
16 improvements to Strategic Intermodal System corridors on  
17 military installations that are either located directly on the  
18 Strategic Intermodal System or located on the Strategic  
19 Highway Network or Strategic Rail Corridor Network.

20 (5) STATEWIDE INTERMODAL TRANSPORTATION ADVISORY  
21 COUNCIL.--

22 (a) The Statewide Intermodal Transportation Advisory  
23 Council is created to advise and make recommendations to the  
24 Legislature and the department on policies, planning, and  
25 funding of intermodal transportation projects. The council's  
26 responsibilities shall include:

27 1. Advising the department on the policies, planning,  
28 and implementation of strategies related to intermodal  
29 transportation.

30 2. Providing advice and recommendations to the  
31 Legislature on funding for projects to move goods and people

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1 in the most efficient and effective manner for the State of  
2 Florida.

3 (b) MEMBERSHIP.--Members of the Statewide Intermodal  
4 Transportation Advisory Council shall consist of the  
5 following:

6 1. Six ~~Five~~ intermodal industry representatives  
7 selected by the Governor as follows:

8 a. One representative from an airport involved in the  
9 movement of freight and people from their airport facility to  
10 another transportation mode.

11 b. One individual representing a fixed-route,  
12 local-government transit system.

13 c. One representative from an intercity bus company  
14 providing regularly scheduled bus travel as determined by  
15 federal regulations.

16 d. One representative from a spaceport.

17 e. One representative from intermodal trucking  
18 companies.

19 f. One representative having command responsibilities  
20 of a major military installation.

21 2. Three intermodal industry representatives selected  
22 by the President of the Senate as follows:

23 a. One representative from major-line railroads.

24 b. One representative from seaports listed in s.  
25 311.09(1) from the Atlantic Coast.

26 c. One representative from an airport involved in the  
27 movement of freight and people from their airport facility to  
28 another transportation mode.

29 3. Three intermodal industry representatives selected  
30 by the Speaker of the House of Representatives as follows:

31 a. One representative from short-line railroads.

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1           b. One representative from seaports listed in s.  
2 311.09(1) from the Gulf Coast.

3           c. One representative from intermodal trucking  
4 companies. In no event may this representative be employed by  
5 the same company that employs the intermodal trucking company  
6 representative selected by the Governor.

7           (c) Initial appointments to the council must be made  
8 no later than 30 days after the effective date of this  
9 section.

10           1. The initial appointments made by the President of  
11 the Senate and the Speaker of the House of Representatives  
12 shall serve terms concurrent with those of the respective  
13 appointing officer. Beginning January 15, 2005, and for all  
14 subsequent appointments, council members appointed by the  
15 President of the Senate and the Speaker of the House of  
16 Representatives shall serve 2-year terms, concurrent with the  
17 term of the respective appointing officer.

18           2. The initial appointees, and all subsequent  
19 appointees, made by the Governor shall serve 2-year terms.

20           3. Vacancies on the council shall be filled in the  
21 same manner as the initial appointments.

22           (d) Each member of the council shall be allowed one  
23 vote. The council shall select a chair from among its  
24 membership. Meetings shall be held at the call of the chair,  
25 but not less frequently than quarterly. The members of the  
26 council shall be reimbursed for per diem and travel expenses  
27 as provided in s. 112.061.

28           (e) The department shall provide administrative staff  
29 support and shall ensure that council meetings are  
30 electronically recorded. Such recordings and all documents  
31 received, prepared for, or used by the council in conducting

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1 its business shall be preserved pursuant to chapters 119 and  
2 257.

3 Section 7. Part IV of chapter 343, Florida Statutes,  
4 consisting of sections 343.80, 343.805, 343.81, 343.82,  
5 343.83, 343.835, 343.836, 343.837, 343.84, 343.85, 343.87,  
6 343.875, 343.88, 343.881, 343.884, 343.885, and 343.89, is  
7 created to read:

8 PART IV

9 NORTHWEST FLORIDA TRANSPORTATION CORRIDOR AUTHORITY

10 343.80 Short title.--This part may be cited as the  
11 "Northwest Florida Transportation Corridor Authority Law."

12 343.805 Definitions.--As used in this part, the term:

13 (1) "Agency of the state" means the state and any  
14 department of, or corporation, agency, or instrumentality  
15 heretofore or hereafter created, designated, or established  
16 by, the state.

17 (2) "Authority" means the body politic and corporate  
18 and agency of the state created by this part.

19 (3) "Bonds" means the notes, bonds, refunding bonds,  
20 or other evidences of indebtedness or obligations, in either  
21 temporary or definitive form, which the authority is  
22 authorized to issue pursuant to this part.

23 (4) "Department" means the Department of  
24 Transportation existing under chapters 334-339.

25 (5) "Federal agency" means the United States, the  
26 President of the United States, and any department of, or  
27 corporation, agency, or instrumentality heretofore or  
28 hereafter created, designated, or established by, the United  
29 States.

30 (6) "Lease-purchase agreement" means the  
31 lease-purchase agreements that the authority is authorized

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1 pursuant to this part to enter into with the Department of  
2 Transportation.

3 (7) "Limited access expressway" or "expressway" means  
4 a street or highway especially designed for through traffic  
5 and over, from, or to which a person does not have the right  
6 of easement, use, or access except in accordance with the  
7 rules adopted and established by the authority for the use of  
8 such facility. Such highway or street may be a parkway, from  
9 which trucks, buses, and other commercial vehicles are  
10 excluded, or it may be a freeway open to use by all customary  
11 forms of street and highway traffic.

12 (8) "Members" means the governing body of the  
13 authority, and the term "member" means one of the individuals  
14 constituting such governing body.

15 (9) "State Board of Administration" means the body  
16 corporate existing under the provisions of s. 9, Art. XII of  
17 the State Constitution, or any successor thereto.

18 (10) "U.S. 98 corridor" means U.S. Highway 98 and any  
19 feeder roads, reliever roads, connector roads, bridges, and  
20 other transportation appurtenances, existing or constructed in  
21 the future, that support U.S. Highway 98 in Escambia, Santa  
22 Rosa, Okaloosa, Walton, Bay, Gulf, Franklin, and Wakulla  
23 Counties.

24 (11) "U.S. 98 corridor system" means any and all  
25 expressways and appurtenant facilities, including, but not  
26 limited to, all approaches, roads, bridges, and avenues of  
27 access for the expressways that are either built by the  
28 authority or whose ownership is transferred to the authority  
29 by other governmental or private entities.

30  
31 Terms importing singular number include the plural number in

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1 each case and vice versa, and terms importing persons include  
2 firms and corporations.

3 343.81 Northwest Florida Transportation Corridor  
4 Authority.--

5 (1) There is created and established a body politic  
6 and corporate, an agency of the state, to be known as the  
7 Northwest Florida Transportation Corridor Authority,  
8 hereinafter referred to as "the authority."

9 (2)(a) The governing body of the authority shall  
10 consist of eight voting members, one each from Escambia, Santa  
11 Rosa, Walton, Okaloosa, Bay, Gulf, Franklin, and Wakulla  
12 Counties, appointed by the Governor to a 4-year term. The  
13 appointees shall be residents of their respective counties.  
14 Upon the effective date of his or her appointment, or as soon  
15 thereafter as practicable, each appointed member of the  
16 authority shall enter upon his or her duties. Each appointed  
17 member shall hold office until his or her successor has been  
18 appointed and has qualified. A vacancy occurring during a term  
19 shall be filled only for the balance of the unexpired term.  
20 Any member of the authority shall be eligible for  
21 reappointment. Members of the authority may be removed from  
22 office by the Governor for misconduct, malfeasance,  
23 misfeasance, or nonfeasance in office.

24 (b) The district secretary of the Department of  
25 Transportation serving Northwest Florida shall serve as an ex  
26 officio, nonvoting member.

27 (3)(a) The authority shall elect one of its members as  
28 chair and shall also elect a secretary and a treasurer who may  
29 or may not be members of the authority. The chair, secretary,  
30 and treasurer shall hold such offices at the will of the  
31 authority.



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1       (b) Five members of the authority shall constitute a  
2 quorum, and the vote of at least five members shall be  
3 necessary for any action taken by the authority. A vacancy in  
4 the authority does not impair the right of a quorum of the  
5 authority to exercise all of the rights and perform all of the  
6 duties of the authority.

7       (c) The authority shall meet at least quarterly but  
8 may meet more frequently upon the call of the chair. The  
9 authority should alternate the locations of its meetings among  
10 the seven counties.

11       (4) Members of the authority shall serve without  
12 compensation but shall be entitled to receive from the  
13 authority their travel expenses and per diem incurred in  
14 connection with the business of the authority, as provided in  
15 s. 112.061.

16       (5) The authority may employ an executive director, an  
17 executive secretary, its own counsel and legal staff,  
18 technical experts, engineers, and such employees, permanent or  
19 temporary, as it may require. The authority shall determine  
20 the qualifications and fix the compensation of such persons,  
21 firms, or corporations and may employ a fiscal agent or  
22 agents; however, the authority shall solicit sealed proposals  
23 from at least three persons, firms, or corporations for the  
24 performance of any services as fiscal agents. The authority  
25 may delegate to one or more of its agents or employees its  
26 power as it shall deem necessary to carry out the purposes of  
27 this part, subject always to the supervision and control of  
28 the authority.

29       (6) The authority may establish technical advisory  
30 committees to provide guidance and advice on corridor-related  
31 issues. The authority shall establish the size, composition,

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1 and focus of any technical advisory committee created. A  
 2 member appointed to a technical advisory committee shall serve  
 3 without compensation but shall be entitled to per diem or  
 4 travel expenses, as provided in s. 112.061.

5 343.82 Purposes and powers.--

6 (1) The primary purpose of the authority is to improve  
 7 mobility on the U.S. 98 corridor in Northwest Florida to  
 8 enhance traveler safety, identify and develop hurricane  
 9 evacuation routes, promote economic development along the  
 10 corridor, and implement transportation projects to alleviate  
 11 current or anticipated traffic congestion.

12 (2) The authority is authorized to construct any  
 13 feeder roads, reliever roads, connector roads, bypasses, or  
 14 appurtenant facilities that are intended to improve mobility  
 15 along the U.S. 98 corridor. The transportation improvement  
 16 projects may also include all necessary approaches, roads,  
 17 bridges, and avenues of access that are desirable and proper  
 18 with the concurrence, where applicable, of the department if  
 19 the project is to be part of the State Highway System or the  
 20 respective county or municipal governing boards. Any  
 21 transportation facilities constructed by the authority may be  
 22 tolled.

23 (3)(a) The authority shall develop and adopt a  
 24 corridor master plan no later than July 1, 2007. The goals and  
 25 objectives of the master plan are to identify areas of the  
 26 corridor where mobility, traffic safety, and efficient  
 27 hurricane evacuation needs to be improved; evaluate the  
 28 economic development potential of the corridor and consider  
 29 strategies to develop that potential; develop methods of  
 30 building partnerships with local governments, other state and  
 31 federal entities, the private-sector business community, and

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1 the public in support of corridor improvements; and to  
2 identify projects that will accomplish these goals and  
3 objectives.

4 (b) After its adoption, the master plan shall be  
5 updated annually before July 1 of each year.

6 (c) The authority shall present the original master  
7 plan and updates to the governing bodies of the counties  
8 within the corridor and to the legislative delegation members  
9 representing those counties within 90 days after adoption.

10 (d) The authority may undertake projects or other  
11 improvements in the master plan in phases as particular  
12 projects or segments thereof become feasible, as determined by  
13 the authority. In carrying out its purposes and powers, the  
14 authority may request funding and technical assistance from  
15 the department and appropriate federal and local agencies,  
16 including, but not limited to, state infrastructure bank  
17 loans, advances from the Toll Facilities Revolving Trust Fund,  
18 and from any other sources.

19 (4) The authority is granted and shall have and may  
20 exercise all powers necessary, appurtenant, convenient, or  
21 incidental to the carrying out of the aforesaid purposes,  
22 including, but not limited to, the following rights and  
23 powers:

24 (a) To acquire, hold, construct, improve, maintain,  
25 operate, own, and lease in the capacity of lessor  
26 transportation facilities within the U.S. 98 corridor.

27 (b) To borrow money and to make and issue negotiable  
28 notes, bonds, refunding bonds, and other evidences of  
29 indebtedness or obligations, either in temporary or definitive  
30 form, hereinafter in this chapter sometimes called "revenue  
31 bonds" of the authority, for the purpose of financing all or

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1 part of the mobility improvements within the U.S. 98 corridor,  
 2 as well as the appurtenant facilities, including all  
 3 approaches, streets, roads, bridges, and avenues of access  
 4 authorized by this part, the bonds to mature not exceeding 40  
 5 years after the date of the issuance thereof, and to secure  
 6 the payment of such bonds or any part thereof by a pledge of  
 7 any or all of its revenues, rates, fees, rentals, or other  
 8 charges.

9       (c) To fix, alter, charge, establish, and collect  
 10 tolls, rates, fees, rentals, and other charges for the  
 11 services and facilities of the Northwest Florida  
 12 Transportation Corridor System, which rates, fees, rentals,  
 13 and other charges shall always be sufficient to comply with  
 14 any covenants made with the holders of any bonds issued  
 15 pursuant to this part; however, such right and power may be  
 16 assigned or delegated by the authority to the department. The  
 17 authority may not impose tolls or other charges on existing  
 18 highways and other transportation facilities within the  
 19 corridor.

20       (d) To acquire by donation or otherwise, purchase,  
 21 hold, lease as lessee, and use any franchise, property, real,  
 22 personal, or mixed, tangible or intangible, or any options  
 23 thereof in its own name or in conjunction with others, or  
 24 interest therein, necessary or desirable for carrying out the  
 25 purposes of the authority and to sell, lease as lessor,  
 26 transfer, and dispose of any property or interest therein at  
 27 any time acquired by it.

28       (e) To sue and be sued, implead and be impleaded,  
 29 complain, and defend in all courts.

30       (f) To adopt, use, and alter at will a corporate seal.

31       (g) To enter into and make leases.

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1       (h) To enter into and make lease-purchase agreements  
2 with the department for terms not exceeding 40 years or until  
3 any bonds secured by a pledge of rentals thereunder, and any  
4 refundings thereof, are fully paid as to both principal and  
5 interest, whichever is longer.

6       (i) To make contracts of every name and nature,  
7 including, but not limited to, partnerships providing for  
8 participation in ownership and revenues, and to execute all  
9 instruments necessary or convenient for the carrying on of its  
10 business.

11       (j) Without limitation of the foregoing, to borrow  
12 money and accept grants from and to enter into contracts,  
13 leases, or other transactions with any federal agency, the  
14 state, any agency of the state, or any other public body of  
15 the state.

16       (k) To have the power of eminent domain, including the  
17 procedural powers granted under chapters 73 and 74.

18       (l) To pledge, hypothecate, or otherwise encumber all  
19 or any part of the revenues, rates, fees, rentals, or other  
20 charges or receipts of the authority.

21       (m) To enter into partnership and other agreements  
22 respecting ownership and revenue participation in order to  
23 facilitate financing and constructing any project or portions  
24 thereof.

25       (n) To participate in agreements with private entities  
26 and to receive private contributions.

27       (o) To contract with the department or with a private  
28 entity for the operation of traditional and electronic toll  
29 collection facilities along the U.S. 98 corridor.

30       (p) To do all acts and things necessary or convenient  
31 for the conduct of its business and the general welfare of the

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1 authority in order to carry out the powers granted to it by  
2 this part or any other law.

3 (q) To construct, operate, and maintain roads,  
4 bridges, avenues of access, thoroughfares, and boulevards and  
5 to construct, repair, replace, operate, install, and maintain  
6 electronic toll payment systems thereon, with all necessary  
7 and incidental powers to accomplish the foregoing.

8 (5) The authority does not have power at any time or  
9 in any manner to pledge the credit or taxing power of the  
10 state or any political subdivision or agency thereof, nor  
11 shall any of the authority's obligations be deemed to be  
12 obligations of the state or of any political subdivision or  
13 agency thereof, nor shall the state or any political  
14 subdivision or agency thereof, except the authority, be liable  
15 for the payment of the principal of or interest on such  
16 obligations.

17 343.83 Improvements, bond financing  
18 authority.--Pursuant to s. 11(f), Art. VII of the State  
19 Constitution, the Legislature approves bond financing by the  
20 Northwest Florida Transportation Corridor Authority for  
21 improvements to toll collection facilities, interchanges to  
22 the legislatively approved system, and any other facility  
23 appurtenant, necessary, or incidental to the approved system.  
24 Subject to terms and conditions of applicable revenue bond  
25 resolutions and covenants, such costs may be financed in whole  
26 or in part by revenue bonds issued pursuant to s.  
27 343.835(1)(a) or (b) whether currently issued or issued in the  
28 future or by a combination of such bonds.

29 343.835 Bonds of the authority.--

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

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

30       (c) Bonds issued pursuant to paragraph (a) or  
31 paragraph (b) shall be sold at public sale in the manner

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1 provided by the State Bond Act. However, if the authority, by  
2 official action at a public meeting, determines that a  
3 negotiated sale of such bonds is in the best interest of the  
4 authority, the authority may negotiate the sale of such bonds  
5 with the underwriter designated by the authority and the  
6 Division of Bond Finance within the State Board of  
7 Administration with respect to bonds issued pursuant to  
8 paragraph (a) or solely the authority with respect to bonds  
9 issued pursuant to paragraph (b). The authority's  
10 determination to negotiate the sale of such bonds may be  
11 based, in part, upon the written advice of the authority's  
12 financial adviser. Pending the preparation of definitive  
13 bonds, interim certificates may be issued to the purchaser or  
14 purchasers of such bonds and may contain such terms and  
15 conditions as the authority may determine.

16 (d) The authority may issue bonds pursuant to  
17 paragraph (b) to refund any bonds previously issued regardless  
18 of whether the bonds being refunded were issued by the  
19 authority pursuant to this chapter or on behalf of the  
20 authority pursuant to the State Bond Act.

21 (2) Any such resolution or resolutions authorizing any  
22 bonds hereunder may contain provisions that are part of the  
23 contract with the holders of such bonds, as to:

24 (a) The pledging of all or any part of the revenues,  
25 rates, fees, rentals, or other charges or receipts of the  
26 authority, derived by the authority for the U.S. 98 corridor  
27 improvements.

28 (b) The completion, improvement, operation, extension,  
29 maintenance, repair, lease, or lease-purchase agreement of the  
30 system, and the duties of the authority and others, including  
31 the department, with reference thereto.



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1       (c) Limitations on the purposes to which the proceeds  
2 of the bonds, then or thereafter to be issued, or of any loan  
3 or grant by the United States or the state may be applied.

4       (d) The fixing, charging, establishing, and collecting  
5 of rates, fees, rentals, or other charges for use of the  
6 services and facilities constructed by the authority.

7       (e) The setting aside of reserves or sinking funds or  
8 repair and replacement funds and the regulation and  
9 disposition thereof.

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

11       (g) The terms and provisions of any lease-purchase  
12 agreement, deed of trust, or indenture securing the bonds or  
13 under which the same may be issued.

14       (h) Any other or additional agreements with the  
15 holders of the bonds which the authority may deem desirable  
16 and proper.

17       (3) The authority may employ fiscal agents as provided  
18 by this part or the State Board of Administration may, upon  
19 request of the authority, act as fiscal agent for the  
20 authority in the issuance of any bonds that are issued  
21 pursuant to this part, and the State Board of Administration  
22 may, upon request of the authority, take over the management,  
23 control, administration, custody, and payment of any or all  
24 debt services or funds or assets now or hereafter available  
25 for any bonds issued pursuant to this part. The authority may  
26 enter into any deeds of trust, indentures, or other agreements  
27 with its fiscal agent, or with any bank or trust company  
28 within or without the state, as security for such bonds and  
29 may, under such agreements, sign and pledge all or any of the  
30 revenues, rates, fees, rentals, or other charges or receipts  
31 of the authority. Such deed of trust, indenture, or other

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1 agreement may contain such provisions as are customary in such  
2 instruments or, as the authority authorizes, including, but  
3 without limitation, provisions as to:

4       (a) The completion, improvement, operation, extension,  
5 maintenance, repair, and lease of or lease-purchase agreement  
6 relating to U.S. 98 corridor improvements and the duties of  
7 the authority and others, including the department, with  
8 reference thereto.

9       (b) The application of funds and the safeguarding of  
10 funds on hand or on deposit.

11       (c) The rights and remedies of the trustee and the  
12 holders of the bonds.

13       (d) The terms and provisions of the bonds or the  
14 resolutions authorizing the issuance of the bonds.

15       (4) Any of the bonds issued pursuant to this part are,  
16 and are hereby declared to be, negotiable instruments and have  
17 all the qualities and incidents of negotiable instruments  
18 under the law merchant and the negotiable instruments law of  
19 the state.

20       (5) Notwithstanding any of the provisions of this  
21 part, each project, building, or facility that has been  
22 financed by the issuance of bonds or other evidence of  
23 indebtedness under this part and any refinancing thereof are  
24 hereby approved as provided for in s. 11(f), Art. VII of the  
25 State Constitution.

26       343.836 Remedies of the bondholders.--

27       (1) The rights and the remedies in this section  
28 conferred upon or granted to the bondholders are in addition  
29 to and not in limitation of any rights and remedies lawfully  
30 granted to such bondholders by the resolution or resolutions  
31 providing for the issuance of bonds or by a lease-purchase

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1 agreement, deed of trust, indenture, or other agreement under  
2 which the bonds may be issued or secured. If the authority  
3 defaults in the payment of the principal of or interest on any  
4 of the bonds issued pursuant to the provisions of this part  
5 after such principal of or interest on the bonds becomes due,  
6 whether at maturity or upon call for redemption, or the  
7 department defaults in any payments under, or covenants made  
8 in, any lease-purchase agreement between the authority and the  
9 department, and such default continues for a period of 30  
10 days, or if the authority or the department fails or refuses  
11 to comply with the provisions of this part or any agreement  
12 made with, or for the benefit of, the holders of the bonds,  
13 the holders of 25 percent in aggregate principal amount of the  
14 bonds then outstanding may appoint a trustee to represent such  
15 bondholders for the purposes hereof, if such holders of 25  
16 percent in aggregate principal amount of the bonds then  
17 outstanding shall first give notice of their intention to  
18 appoint a trustee to the authority and to the department. Such  
19 notice shall be deemed to have been given if given in writing,  
20 deposited in a securely sealed postpaid wrapper, mailed at a  
21 regularly maintained United States post office box or station,  
22 and addressed, respectively, to the chair of the authority and  
23 to the secretary of the department at the principal office of  
24 the department.

25 (2) Such trustee and any trustee under any deed of  
26 trust, indenture, or other agreement may, and upon written  
27 request of the holders of 25 percent or such other percentages  
28 as are specified in any deed of trust, indenture, or other  
29 agreement aforesaid in principal amount of the bonds then  
30 outstanding shall, in any court of competent jurisdiction, in  
31 his, her, or its own name:

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1       (a) By mandamus or other suit, action, or proceeding  
 2 at law or in equity, enforce all rights of the bondholders,  
 3 including the right to require the authority to fix,  
 4 establish, maintain, collect, and charge rates, fees, rentals,  
 5 and other charges adequate to carry out any agreement as to or  
 6 pledge of the revenues or receipts of the authority to carry  
 7 out any other covenants and agreements with or for the benefit  
 8 of the bondholders, and to perform its and their duties under  
 9 this part.

10       (b) By mandamus or other suit, action, or proceeding  
 11 at law or in equity, enforce all rights of the bondholders  
 12 under or pursuant to any lease-purchase agreement between the  
 13 authority and the department, including the right to require  
 14 the department to make all rental payments required to be made  
 15 by it under the provisions of any such lease-purchase  
 16 agreement, to require the department to carry out any other  
 17 covenants and agreements with or for the benefit of the  
 18 bondholders and to perform its and their duties under this  
 19 part.

20       (c) Bring suit upon the bonds.

21       (d) By action or suit in equity, require the authority  
 22 or the department to account as if it were the trustee of an  
 23 express trust for the bondholders.

24       (e) By action or suit in equity, enjoin any acts or  
 25 things that may be unlawful or in violation of the rights of  
 26 the bondholders.

27       (3) Any trustee, when appointed as aforesaid or acting  
 28 under a deed of trust, indenture, or other agreement, and  
 29 whether or not all bonds have been declared due and payable,  
 30 may appoint a receiver who may enter upon and take possession  
 31 of the system or the facilities or any part or parts thereof,

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1 the rates, fees, rentals, or other revenues, charges, or  
2 receipts from which are or may be applicable to the payment of  
3 the bonds so in default, and, subject to and in compliance  
4 with the provisions of any lease-purchase agreement between  
5 the authority and the department, operate and maintain the  
6 same for and on behalf of and in the name of the authority,  
7 the department, and the bondholders, and collect and receive  
8 all rates, fees, rentals, and other charges or receipts or  
9 revenues arising therefrom in the same manner as the authority  
10 or the department might do, and shall deposit all such moneys  
11 in a separate account and apply such moneys in such manner as  
12 the court shall direct. In any suit, action, or proceeding by  
13 the trustee, the fees, counsel fees, and expenses of the  
14 trustee and the receiver, if any, and all costs and  
15 disbursements allowed by the court shall be a first charge on  
16 any rates, fees, rentals, or other charges, revenues, or  
17 receipts derived from the system or the facilities or services  
18 or any part or parts thereof, including payments under any  
19 such lease-purchase agreement as aforesaid, which rates, fees,  
20 rentals, or other charges, revenues, or receipts may be  
21 applicable to the payment of the bonds so in default. Such  
22 trustee, in addition to the foregoing, possesses all of the  
23 powers necessary for the exercise of any functions  
24 specifically set forth herein or incident to the  
25 representation of the bondholders in the enforcement and  
26 protection of their rights.

27 (4) This section or any other section of this part  
28 does not authorize any receiver appointed pursuant hereto for  
29 the purpose, subject to and in compliance with the provisions  
30 of any lease-purchase agreement between the authority and the  
31 department, of operating and maintaining the system or any

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1 facilities or part or parts thereof, to sell, assign,  
2 mortgage, or otherwise dispose of any of the assets of  
3 whatever kind and character belonging to the authority. It is  
4 the intention of this part to limit the powers of such  
5 receiver, subject to and in compliance with the provisions of  
6 any lease-purchase agreement between the authority and the  
7 department, to the operation and maintenance of the system or  
8 any facility or part or parts thereof, as the court may  
9 direct, in the name and for and on behalf of the authority,  
10 the department, and the bondholders. In any suit, action, or  
11 proceeding at law or in equity, a holder of bonds on the  
12 authority, a trustee, or any court may not compel or direct a  
13 receiver to sell, assign, mortgage, or otherwise dispose of  
14 any assets of whatever kind or character belonging to the  
15 authority. A receiver also may not be authorized to sell,  
16 assign, mortgage, or otherwise dispose of any assets of  
17 whatever kind or character belonging to the authority in any  
18 suit, action, or proceeding at law or in equity.

19 343.837 Lease-purchase agreement.--

20 (1) In order to effectuate the purposes of this part  
21 and as authorized by this part, the authority may enter into a  
22 lease-purchase agreement with the department relating to and  
23 covering the U.S. 98 Corridor System.

24 (2) Such lease-purchase agreement shall provide for  
25 the leasing of the system by the authority, as lessor, to the  
26 department, as lessee, shall prescribe the term of such lease  
27 and the rentals to be paid thereunder, and shall provide that,  
28 upon the completion of the faithful performance thereunder and  
29 the termination of such lease-purchase agreement, title in fee  
30 simple absolute to the system as then constituted shall be  
31 transferred in accordance with law by the authority to the

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1 state and the authority shall deliver to the department such  
2 deeds and conveyances as shall be necessary or convenient to  
3 vest title in fee simple absolute in the state.

4       (3) Such lease-purchase agreement may include such  
5 other provisions, agreements, and covenants as the authority  
6 and the department deem advisable or required, including, but  
7 not limited to, provisions as to the bonds to be issued for  
8 the purposes of this part, the completion, extension,  
9 improvement, operation, and maintenance of the system and the  
10 expenses and the cost of operation of the authority, the  
11 charging and collection of tolls, rates, fees, and other  
12 charges for the use of the services and facilities thereof,  
13 and the application of federal or state grants or aid which  
14 may be made or given to assist the authority in the  
15 completion, extension, improvement, operation, and maintenance  
16 of the system.

17       (4) The department as lessee under such lease-purchase  
18 agreement may pay as rentals thereunder any rates, fees,  
19 charges, funds, moneys, receipts, or income accruing to the  
20 department from the operation of the system and may also pay  
21 as rentals any appropriations received by the department  
22 pursuant to any act of the Legislature heretofore or hereafter  
23 enacted; however, nothing in this section or in such  
24 lease-purchase agreement is intended to require, nor shall  
25 this part or such lease-purchase agreement require, the making  
26 or continuance of such appropriations, nor shall any holder of  
27 bonds issued pursuant to this part ever have any right to  
28 compel the making or continuance of such appropriations.

29       (5) The department shall have power to covenant in any  
30 lease-purchase agreement that it will pay all or any part of  
31 the cost of the operation, maintenance, repair, renewal, and

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1 replacement of the corridor system, and any part of the cost  
 2 of completing the corridor system to the extent that the  
 3 proceeds of bonds issued are insufficient, from sources other  
 4 than the revenues derived from the operation of the system.

5 (6) The U.S. 98 Corridor System shall be a part of the  
 6 State Highway System as defined in s. 334.03, and the  
 7 department may, upon the request of the authority, expend out  
 8 of any funds available for that purpose, and use such of its  
 9 engineering and other forces, as may be necessary and  
 10 desirable in the judgment of the department, for the operation  
 11 of the authority and for traffic surveys, borings, surveys,  
 12 preparation of plans and specifications, estimates of cost,  
 13 and other preliminary engineering and other studies.

14 343.84 Department may be appointed agent of authority  
 15 for construction.--The department may be appointed by the  
 16 authority as its agent for the purpose of constructing  
 17 improvements and extensions to the system and for the  
 18 completion thereof. In such event, the authority shall provide  
 19 the department with complete copies of all documents,  
 20 agreements, resolutions, contracts, and instruments relating  
 21 thereto, shall request the department to do such construction  
 22 work, including the planning, surveying, and actual  
 23 construction of the completion, extensions, and improvements  
 24 to the system, and shall transfer to the credit of an account  
 25 of the department in the treasury of the state the necessary  
 26 funds therefor. The department shall proceed with such  
 27 construction and use the funds for such purpose in the same  
 28 manner that it is now authorized to use the funds otherwise  
 29 provided by law for its use in construction of roads and  
 30 bridges.

31 343.85 Acquisition of lands and property.--



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1           (1) For the purposes of this part, the Northwest  
2 Florida Transportation Corridor Authority may acquire private  
3 or public property and property rights, including rights of  
4 access, air, view, and light, by gift, devise, purchase, or  
5 condemnation by eminent domain proceedings, as the authority  
6 may deem necessary for any purpose of this part, including,  
7 but not limited to, any lands reasonably necessary for  
8 securing applicable permits, areas necessary for management of  
9 access, borrow pits, drainage ditches, water retention areas,  
10 rest areas, replacement access for landowners whose access is  
11 impaired due to the construction of a facility, and  
12 replacement rights-of-way for relocated rail and utility  
13 facilities; for existing, proposed, or anticipated  
14 transportation facilities within the U.S. 98 transportation  
15 corridor designated by the authority; or for the purposes of  
16 screening, relocation, removal, or disposal of junkyards and  
17 scrap metal processing facilities. The authority may condemn  
18 any material and property necessary for such purposes.

19           (2) The right of eminent domain herein conferred shall  
20 be exercised by the authority in the manner provided by law.

21           (3) When the authority acquires property for a  
22 transportation facility or in a transportation corridor, the  
23 authority is not subject to any liability imposed by chapter  
24 376 or chapter 403 for preexisting soil or groundwater  
25 contamination due solely to its ownership. This section does  
26 not affect the rights or liabilities of any past or future  
27 owners of the acquired property, nor does it affect the  
28 liability of any governmental entity for the results of its  
29 actions which create or exacerbate a pollution source. The  
30 authority and the Department of Environmental Protection may  
31 enter into interagency agreements for the performance,

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1 funding, and reimbursement of the investigative and remedial  
2 acts necessary for property acquired by the authority.

3 343.87 Cooperation with other units, boards, agencies,  
4 and individuals.--Express authority and power is hereby given  
5 and granted to any county, municipality, drainage district,  
6 road and bridge district, school district, or any other  
7 political subdivision, board, commission, or individual in or  
8 of the state to make and enter into contracts, leases,  
9 conveyances, partnerships, or other agreements with the  
10 authority within the provisions and purposes of this part. The  
11 authority may make and enter into contracts, leases,  
12 conveyances, partnerships, and other agreements with any  
13 political subdivision, agency, or instrumentality of the state  
14 and any and all federal agencies, corporations, and  
15 individuals for the purpose of carrying out the provisions of  
16 this part.

17 343.875 Public-private partnerships.--

18 (1) The authority may receive or solicit proposals and  
19 enter into agreements with private entities or consortia  
20 thereof, for the building, operation, ownership, or financing  
21 of transportation facilities within the jurisdiction of the  
22 authority. Before approval, the authority must determine that  
23 a proposed project:

24 (a) Is in the public's best interest.

25 (b) Would not require state funds to be used unless  
26 the project is on or provides increased mobility on the State  
27 Highway System.

28 (c) Would have adequate safeguards to ensure that  
29 additional costs or service disruptions would not be realized  
30 by the traveling public and citizens of the state in the event  
31 of default or the cancellation of the agreement by the

1 authority.

2       (2) The authority shall ensure that all reasonable  
3 costs to the state related to transportation facilities that  
4 are not part of the State Highway System are borne by the  
5 private entity. The authority also shall ensure that all  
6 reasonable costs to the state and substantially affected local  
7 governments and utilities related to the private  
8 transportation facility are borne by the private entity for  
9 transportation facilities that are owned by private entities.  
10 For projects on the State Highway System, the department may  
11 use state resources to participate in funding and financing  
12 the project as provided for under the department's enabling  
13 legislation.

14       (3) The authority may request proposals for  
15 public-private transportation projects or, if it receives an  
16 unsolicited proposal, it must publish a notice in the Florida  
17 Administrative Weekly and a newspaper of general circulation  
18 in the county in which it is located at least once a week for  
19 2 weeks stating that it has received the proposal and will  
20 accept, for 60 days after the initial date of publication,  
21 other proposals for the same project purpose. A copy of the  
22 notice must be mailed to each local government in the affected  
23 areas. After the public notification period has expired, the  
24 authority shall rank the proposals in order of preference. In  
25 ranking the proposals, the authority shall consider  
26 professional qualifications, general business terms,  
27 innovative engineering or cost-reduction terms, finance plans,  
28 and the need for state funds to deliver the proposal. If the  
29 authority is not satisfied with the results of the  
30 negotiations, it may, at its sole discretion, terminate  
31 negotiations with the proposer. If these negotiations are

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1 unsuccessful, the authority may go to the second and  
 2 lower-ranked firms, in order, using the same procedure. If  
 3 only one proposal is received, the authority may negotiate in  
 4 good faith and, if it is not satisfied with the results, it  
 5 may, at its sole discretion, terminate negotiations with the  
 6 proposer. Notwithstanding this subsection, the authority may,  
 7 at its discretion, reject all proposals at any point in the  
 8 process up to completion of a contract with the proposer.

9       (4) Agreements entered into pursuant to this section  
 10 may authorize the public-private entity to impose tolls or  
 11 fares for the use of the facility. However, the amount and use  
 12 of toll or fare revenues shall be regulated by the authority  
 13 to avoid unreasonable costs to users of the facility.

14       (5) Each public-private transportation facility  
 15 constructed pursuant to this section shall comply with all  
 16 requirements of federal, state, and local laws; state,  
 17 regional, and local comprehensive plans; the authority's  
 18 rules, policies, procedures, and standards for transportation  
 19 facilities; and any other conditions that the authority  
 20 determines to be in the public's best interest.

21       (6) The authority may exercise any of its powers,  
 22 including eminent domain, to facilitate the development and  
 23 construction of transportation projects pursuant to this  
 24 section. The authority may pay all or part of the cost of  
 25 operating and maintaining the facility or may provide services  
 26 to the private entity for which it receives full or partial  
 27 reimbursement for services rendered.

28       (7) Except as herein provided, this section is not  
 29 intended to amend existing law by granting additional powers  
 30 to or imposing further restrictions on the governmental  
 31 entities with regard to regulating and entering into

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1 cooperative arrangements with the private sector for the  
2 planning, construction, and operation of transportation  
3 facilities.

4 (8) The authority may adopt rules to implement this  
5 section and shall, by rule, establish an application fee for  
6 the submission of unsolicited proposals under this section.  
7 The fee must be sufficient to pay the costs of evaluating the  
8 proposals.

9 343.88 Covenant of the state.--The state does hereby  
10 pledge to, and agrees with, any person, firm or corporation,  
11 or federal or state agency subscribing to or acquiring the  
12 bonds to be issued by the authority for the purposes of this  
13 part that the state will not limit or alter the rights hereby  
14 vested in the authority and the department until all bonds at  
15 any time issued, together with the interest thereon, are fully  
16 paid and discharged insofar as the same affects the rights of  
17 the holders of bonds issued hereunder. The state does further  
18 pledge to, and agree with, the United States that, if any  
19 federal agency constructs or contributes any funds for the  
20 completion, extension, or improvement of the system or any  
21 part or portion thereof, the state will not alter or limit the  
22 rights and powers of the authority and the department in any  
23 manner which would be inconsistent with the continued  
24 maintenance and operation of the system or the completion,  
25 extension, or improvement thereof or which would be  
26 inconsistent with the due performance of any agreements  
27 between the authority and any such federal agency. The  
28 authority and the department shall continue to have and may  
29 exercise all powers herein granted so long as necessary or  
30 desirable for the carrying out of the purposes of this part  
31 and the purposes of the United States in the completion,

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1 extension, or improvement of the system or any part or portion  
2 thereof.

3 343.881 Exemption from taxation.--The effectuation of  
4 the authorized purposes of the authority created under this  
5 part is for the benefit of the people of this state, for the  
6 increase of their commerce and prosperity, and for the  
7 improvement of their health and living conditions and, because  
8 the authority performs essential governmental functions in  
9 effectuating such purposes, the authority is not required to  
10 pay any taxes or assessments of any kind or nature whatsoever  
11 upon any property acquired or used by it for such purposes, or  
12 upon any rates, fees, rentals, receipts, income, or charges at  
13 any time received by it. The bonds issued by the authority,  
14 their transfer, and the income therefrom, including any  
15 profits made on the sale thereof, shall at all times be free  
16 from taxation of any kind by the state or by any political  
17 subdivision, taxing agency, or instrumentality thereof. The  
18 exemption granted by this section does not apply to any tax  
19 imposed by chapter 220 on interest, income, or profits on debt  
20 obligations owned by corporations.

21 343.884 Eligibility for investments and security.--Any  
22 bonds or other obligations issued pursuant to this part shall  
23 be and constitute legal investments for banks, savings banks,  
24 trustees, executors, administrators, and all other fiduciaries  
25 and for all state, municipal, and other public funds and shall  
26 also be and constitute securities eligible for deposit as  
27 security for all state, municipal, or other public funds,  
28 notwithstanding the provisions of any other law to the  
29 contrary.

30 343.885 Pledges enforceable by bondholders.--It is the  
31 express intention of this part that any pledge to the

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1 authority by the department of rates, fees, revenues, or other  
 2 funds as rentals, or any covenants or agreements relative  
 3 thereto, is enforceable in any court of competent jurisdiction  
 4 against the authority or directly against the department by  
 5 any holder of bonds issued by the authority.

6 343.89 Complete and additional statutory authority.--

7 (1) The powers conferred by this part are supplemental  
 8 to the existing powers of the board and the department. This  
 9 part does not repeal any of the provisions of any other law,  
 10 general, special, or local, but supersedes such other laws in  
 11 the exercise of the powers provided in this part and provides  
 12 a complete method for the exercise of the powers granted in  
 13 this part. The extension and improvement of the system, and  
 14 the issuance of bonds hereunder to finance all or part of the  
 15 cost thereof, may be accomplished upon compliance with the  
 16 provisions of this part without regard to or necessity for  
 17 compliance with the provisions, limitations, or restrictions  
 18 contained in any other general, special, or local law,  
 19 including, but not limited to, s. 215.821. An approval of any  
 20 bonds issued under this part by the qualified electors or  
 21 qualified electors who are freeholders in the state or in any  
 22 other political subdivision of the state is not required for  
 23 the issuance of such bonds pursuant to this part.

24 (2) This part does not repeal, rescind, or modify any  
 25 other law relating to the State Board of Administration, the  
 26 Department of Transportation, or the Division of Bond Finance  
 27 within the State Board of Administration; however, this part  
 28 supersedes such other laws as are inconsistent with its  
 29 provisions, including, but not limited to, s. 215.821.

30 (3) This part does not preclude the department from  
 31 acquiring, holding, constructing, improving, maintaining,

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1 operating, or owning tolled or nontolled facilities funded and  
 2 constructed from nonauthority sources that are part of the  
 3 State Highway System within the geographical boundaries of the  
 4 Northwest Florida Transportation Corridor Authority.

5 Section 8. Subsection (10) is added to section  
 6 337.251, Florida Statutes, to read:

7 337.251 Lease of property for joint public-private  
 8 development and areas above or below department property.--

9 (10) The department may adopt rules to administer the  
 10 provisions of this section.

11 Section 9. Subsection (1) of section 337.406, Florida  
 12 Statutes, is amended to read:

13 337.406 Unlawful use of state transportation facility  
 14 right-of-way; penalties.--

15 (1) Except when leased as provided in s. 337.25(5) or  
 16 otherwise authorized by the rules of the department, it is  
 17 unlawful to make any use of the right-of-way of any state  
 18 transportation facility, including appendages thereto, outside  
 19 of an incorporated municipality in any manner that interferes  
 20 with the safe and efficient movement of people and property  
 21 from place to place on the transportation facility. Failure  
 22 to prohibit the use of right-of-way in this manner will  
 23 endanger the health, safety, and general welfare of the public  
 24 by causing distractions to motorists, unsafe pedestrian  
 25 movement within travel lanes, sudden stoppage or slowdown of  
 26 traffic, rapid lane changing and other dangerous traffic  
 27 movement, increased vehicular accidents, and motorist injuries  
 28 and fatalities. Such prohibited uses include, but are not  
 29 limited to, the free distribution or sale, or display or  
 30 solicitation for free distribution or sale, of any  
 31 merchandise, goods, property or services; the solicitation for



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1 charitable purposes; the servicing or repairing of any  
2 vehicle, except the rendering of emergency service; the  
3 storage of vehicles being serviced or repaired on abutting  
4 property or elsewhere; and the display of advertising of any  
5 sort, except that any portion of a state transportation  
6 facility may be used for an art festival, parade, fair, or  
7 other special event if permitted by the appropriate local  
8 governmental entity. Local government entities within  
9 ~~incorporated municipalities, the local governmental entity~~ may  
10 issue permits of limited duration for the temporary use of the  
11 right-of-way of a state transportation facility for any of  
12 these prohibited uses if it is determined that the use will  
13 not interfere with the safe and efficient movement of traffic  
14 and the use will cause no danger to the public. The permitting  
15 authority granted in this subsection shall be exercised by the  
16 municipality within incorporated municipalities and by the  
17 county outside an incorporated municipality. Before a road on  
18 the State Highway System may be temporarily closed for a  
19 special event, the local governmental entity which permits the  
20 special event to take place must determine that the temporary  
21 closure of the road is necessary and must obtain the prior  
22 written approval for the temporary road closure from the  
23 department. Nothing in this subsection shall be construed to  
24 authorize such activities on any limited access highway the  
25 ~~Interstate Highway System.~~ Local governmental entities may,  
26 within their respective jurisdictions, initiate enforcement  
27 action by the appropriate code enforcement authority or law  
28 enforcement authority for a violation of this section.

29 Section 10. Subsection (2) of section 339.55, Florida  
30 Statutes, is amended to read:

31 339.55 State-funded infrastructure bank.--

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1           (2) The bank may lend capital costs or provide credit  
2 enhancements for a transportation facility project that is on  
3 the State Highway System or that provides for increased  
4 mobility on the state's transportation system or provides  
5 intermodal connectivity with airports, seaports, rail  
6 facilities, and other transportation terminals, pursuant to s.  
7 341.053, for the movement of people and goods. Loans from the  
8 bank may be subordinated to senior project debt that has an  
9 investment grade rating of "BBB" or higher. Notwithstanding  
10 any other provision of law, the total outstanding state-funded  
11 infrastructure bank loan repayments over the average term of  
12 the loan repayment period, as needed to meet the requirements  
13 of the documents authorizing the bonds issued or proposed to  
14 be issued under s. 215.617 to be paid from the State  
15 Transportation Trust Fund, may not exceed 0.75 percent of the  
16 revenues deposited into the State Transportation Trust Fund.

17           Section 11. Section 373.4137, Florida Statutes, is  
18 amended to read:

19           373.4137 Mitigation requirements for specified  
20 transportation projects.--

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

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1 established pursuant to this part.

2 (2) Environmental impact inventories for  
3 transportation projects proposed by the Department of  
4 Transportation or a transportation authority established  
5 pursuant to chapter 348 or chapter 349 shall be developed as  
6 follows:

7 (a) By July ~~May~~ 1 of each year, the Department of  
8 Transportation or a transportation authority established  
9 pursuant to chapter 348 or chapter 349 shall submit to ~~the~~  
10 ~~Department of Environmental Protection and the water~~  
11 management districts a copy of its adopted work program and an  
12 environmental impact inventory of habitats addressed in the  
13 rules adopted ~~tentatively~~, pursuant to this part and s. 404 of  
14 the Clean Water Act, 33 U.S.C. s. 1344, which may be impacted  
15 by its plan of construction for transportation projects in the  
16 next 3 years of the tentative work program. The Department of  
17 Transportation or a transportation authority established  
18 pursuant to chapter 348 or chapter 349 may also include in its  
19 environmental impact inventory the habitat impacts of any  
20 future transportation project ~~identified in the tentative work~~  
21 ~~program.~~ The Department of Transportation and each  
22 transportation authority established pursuant to chapter 348  
23 or chapter 349 may fund any mitigation activities for future  
24 projects using current year funds.

25 (b) The environmental impact inventory shall include a  
26 description of these habitat impacts, including their  
27 location, acreage, and type; state water quality  
28 classification of impacted wetlands and other surface waters;  
29 any other state or regional designations for these habitats;  
30 and a survey of threatened species, endangered species, and  
31 species of special concern affected by the proposed project.

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1           (3)(a) To fund development and implementation of the  
2 mitigation plan for the projected impacts identified in the  
3 environmental impact inventory described in subsection (2),  
4 the Department of Transportation shall identify funds  
5 quarterly in an escrow account within the State Transportation  
6 Trust Fund for the environmental mitigation phase of projects  
7 budgeted by the Department of Transportation for the current  
8 fiscal year. The escrow account shall be maintained by the  
9 Department of Transportation for the benefit of ~~the Department~~  
10 ~~of Environmental Protection and~~ the water management  
11 districts. Any interest earnings from the escrow account shall  
12 remain with the Department of Transportation.

13           (b) Each transportation authority established pursuant  
14 to chapter 348 or chapter 349 that chooses to participate in  
15 this program shall create an escrow account within its  
16 financial structure and deposit funds in the account to pay  
17 for the environmental mitigation phase of projects budgeted  
18 for the current fiscal year. The escrow account shall be  
19 maintained by the authority for the benefit of ~~the Department~~  
20 ~~of Environmental Protection and~~ the water management  
21 districts. Any interest earnings from the escrow account shall  
22 remain with the authority.

23           (c) Except for current mitigation projects in the  
24 monitoring and maintenance phase and except as allowed by  
25 paragraph (d), ~~the Department of Environmental Protection or~~  
26 water management districts may request a transfer of funds  
27 from an escrow account no sooner than 30 days prior to the  
28 date the funds are needed to pay for activities associated  
29 with development or implementation of the approved mitigation  
30 plan described in subsection (4) for the current fiscal year,  
31 including, but not limited to, design, engineering,

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1 production, and staff support. Actual conceptual plan  
2 preparation costs incurred before plan approval may be  
3 submitted to the Department of Transportation or the  
4 appropriate transportation authority ~~and the Department of~~  
5 ~~Environmental Protection by November 1~~ of each year with the  
6 plan. The conceptual plan preparation costs of each water  
7 management district will be paid from mitigation funds  
8 associated with the environmental impact inventory for the  
9 current year ~~based on the amount approved on the mitigation~~  
10 ~~plan and allocated to the current fiscal year projects~~  
11 ~~identified by the water management district.~~ The amount  
12 transferred to the escrow accounts each year by the Department  
13 of Transportation and participating transportation authorities  
14 established pursuant to chapter 348 or chapter 349 shall  
15 correspond to a cost per acre of \$75,000 multiplied by the  
16 projected acres of impact identified in the environmental  
17 impact inventory described in subsection (2). However, the  
18 \$75,000 cost per acre does not constitute an admission against  
19 interest by the state or its subdivisions nor is the cost  
20 admissible as evidence of full compensation for any property  
21 acquired by eminent domain or through inverse condemnation.  
22 Each July 1, the cost per acre shall be adjusted by the  
23 percentage change in the average of the Consumer Price Index  
24 issued by the United States Department of Labor for the most  
25 recent 12-month period ending September 30, compared to the  
26 base year average, which is the average for the 12-month  
27 period ending September 30, 1996. Each quarter ~~At the end of~~  
28 ~~each year~~, the projected acreage of impact shall be reconciled  
29 with the acreage of impact of projects as permitted, including  
30 permit modifications, pursuant to this part and s. 404 of the  
31 Clean Water Act, 33 U.S.C. s. 1344. The subject year's

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1 transfer of funds shall be adjusted accordingly to reflect the  
2 acreage of impacts as permitted ~~overtransfer or undertransfer~~  
3 ~~of funds from the preceding year.~~ The Department of  
4 Transportation and participating transportation authorities  
5 established pursuant to chapter 348 or chapter 349 are  
6 authorized to transfer such funds from the escrow accounts to  
7 ~~the Department of Environmental Protection and the water~~  
8 management districts to carry out the mitigation programs. For  
9 a mitigation project that is in the maintenance and monitoring  
10 phase, the water management district may request and receive a  
11 one-time payment based on the project's expected future  
12 maintenance and monitoring costs. Upon disbursement of the  
13 final maintenance and monitoring payment, the escrow account  
14 for the project established by the Department of  
15 Transportation or the participating transportation authority  
16 may be closed. Any interest earned on these disbursed funds  
17 shall remain with the water management district and must be  
18 used as authorized under paragraph (4)(c).

19 (d) Beginning in the 2005-2006 fiscal year, each water  
20 management district shall be paid a lump-sum amount of \$75,000  
21 per acre, adjusted as provided under paragraph (c), for  
22 federally funded transportation projects that are included on  
23 the environmental impact inventory and that have an approved  
24 mitigation plan. Beginning in the 2009-2010 fiscal year, each  
25 water management district shall be paid a lump-sum amount of  
26 \$75,000 per acre, adjusted as provided under paragraph (c),  
27 for federally funded and nonfederally funded transportation  
28 projects that have an approved mitigation plan. All mitigation  
29 costs, including, but not limited to, the costs of preparing  
30 conceptual plans and the costs of design, construction, staff  
31 support, future maintenance, and monitoring the mitigated

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1 acres shall be funded through these lump-sum amounts.

2 (4) Prior to March ~~December~~ 1 of each year, each water  
3 management district, in consultation with the Department of  
4 Environmental Protection, the United States Army Corps of  
5 Engineers, the Department of Transportation, transportation  
6 authorities established pursuant to chapter 348 or chapter  
7 349, and other appropriate federal, state, and local  
8 governments, and other interested parties, including entities  
9 operating mitigation banks, shall develop a plan for the  
10 primary purpose of complying with the mitigation requirements  
11 adopted pursuant to this part and 33 U.S.C. s. 1344. ~~This plan~~  
12 ~~shall also address significant invasive plant problems within~~  
13 ~~wetlands and other surface waters.~~ In developing such plans,  
14 the districts shall utilize sound ecosystem management  
15 practices to address significant water resource needs and  
16 shall focus on activities of the Department of Environmental  
17 Protection and the water management districts, such as surface  
18 water improvement and management (SWIM) projects ~~waterbodies~~  
19 and lands identified for potential acquisition for  
20 preservation, restoration ~~or, and~~ enhancement, and the control  
21 of invasive and exotic plants in wetlands and other surface  
22 waters, to the extent that such activities comply with the  
23 mitigation requirements adopted under this part and 33 U.S.C.  
24 s. 1344. In determining the activities to be included in such  
25 plans, the districts shall also consider the purchase of  
26 credits from public or private mitigation banks permitted  
27 under s. 373.4136 and associated federal authorization and  
28 shall include such purchase as a part of the mitigation plan  
29 when such purchase would offset the impact of the  
30 transportation project, provide equal benefits to the water  
31 resources than other mitigation options being considered, and

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1 provide the most cost-effective mitigation option. The  
 2 mitigation plan shall be submitted to ~~preliminarily approved~~  
 3 ~~by~~ the water management district governing board, or its  
 4 designee, ~~and shall be submitted to the secretary of the~~  
 5 ~~Department of Environmental Protection~~ for review and ~~final~~  
 6 approval. ~~The preliminary approval by the water management~~  
 7 ~~district governing board does not constitute a decision that~~  
 8 ~~affects substantial interests as provided by s. 120.569.~~ At  
 9 least 14 ~~30~~ days prior to ~~preliminary~~ approval, the water  
 10 management district shall provide a copy of the draft  
 11 mitigation plan to any person who has requested a copy.

12 (a) For each transportation project with a funding  
 13 request for the next fiscal year, the mitigation plan must  
 14 include a brief explanation of why a mitigation bank was or  
 15 was not chosen as a mitigation option, including an estimation  
 16 of identifiable costs of the mitigation bank and nonbank  
 17 options to the extent practicable.

18 (b) Specific projects may be excluded from the  
 19 mitigation plan, in whole or in part, and shall not be subject  
 20 to this section upon the agreement of the Department of  
 21 Transportation, or a transportation authority if applicable,  
 22 ~~the Department of Environmental Protection,~~ and the  
 23 appropriate water management district that the inclusion of  
 24 such projects would hamper the efficiency or timeliness of the  
 25 mitigation planning and permitting process., ~~or the Department~~  
 26 ~~of Environmental Protection and~~ The water management district  
 27 may choose to exclude a project in whole or in part if the  
 28 district is ~~are~~ unable to identify mitigation that would  
 29 offset ~~the~~ impacts of the project.

30 (c) Surface water improvement and management or  
 31 invasive plant control projects undertaken using the \$12



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1 million advance transferred from the Department of  
2 Transportation to the Department of Environmental Protection  
3 in fiscal year 1996-1997 which meet the requirements for  
4 mitigation under this part and 33 U.S.C. s. 1344 shall remain  
5 available for mitigation until the \$12 million is fully  
6 credited ~~up to and including fiscal year 2005-2006~~. When these  
7 projects are used as mitigation, the \$12 million advance shall  
8 be reduced by \$75,000 per acre of impact mitigated. ~~For any~~  
9 ~~fiscal year through and including fiscal year 2005-2006,~~ To  
10 the extent the cost of developing and implementing the  
11 mitigation plans is less than the funds placed in the escrow  
12 account amount transferred pursuant to subsection (3), the  
13 difference shall be retained by the Department of  
14 Transportation and credited towards the \$12 million advance  
15 until the Department of Transportation is fully refunded for  
16 this advance funding. After the \$12 million advance funding is  
17 fully credited ~~Except as provided in this paragraph,~~ any funds  
18 not directed to implement the mitigation plan should, to the  
19 greatest extent possible, be directed to fund invasive plant  
20 control within wetlands and other surface waters, SWIM  
21 projects, or other water-resource projects approved by the  
22 governing board of the water management district which may be  
23 appropriate to offset environmental impacts of future  
24 transportation projects. The water management districts may  
25 request these funds upon submittal of the final invoice for  
26 each road project.

27 (5) The water management district shall be responsible  
28 for ensuring that mitigation requirements pursuant to 33  
29 U.S.C. s. 1344 are met for the impacts identified in the  
30 environmental impact inventory described in subsection (2), by  
31 implementation of the approved plan described in subsection

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1 (4) to the extent funding is provided by the Department of  
 2 Transportation, or a transportation authority established  
 3 pursuant to chapter 348 or chapter 349, if applicable. During  
 4 the federal permitting process, the water management district  
 5 may deviate from the approved mitigation plan in order to  
 6 comply with federal permitting requirements.

7 (6) The mitigation plans shall be updated annually to  
 8 reflect the most current Department of Transportation work  
 9 program and project list of a transportation authority  
 10 established pursuant to chapter 348 or chapter 349, if  
 11 applicable, and may be amended throughout the year to  
 12 anticipate schedule changes or additional projects which may  
 13 arise. Each update and amendment of the mitigation plan shall  
 14 be submitted to the governing board of the water management  
 15 district or its designee ~~secretary of the Department of~~  
 16 ~~Environmental Protection~~ for approval. However, such approval  
 17 shall not be applicable to a deviation as described in  
 18 subsection (5).

19 (7) Upon approval by the governing board of the water  
 20 management district or its designee ~~secretary of the~~  
 21 ~~Department of Environmental Protection~~, the mitigation plan  
 22 shall be deemed to satisfy the mitigation requirements under  
 23 this part for impacts specifically identified in the  
 24 environmental impact inventory described in subsection (2) and  
 25 any other mitigation requirements imposed by local, regional,  
 26 and state agencies for these same ~~impacts identified in the~~  
 27 ~~inventory described in subsection (2)~~. The approval of the  
 28 governing board of the water management district or its  
 29 designee ~~secretary~~ shall authorize the activities proposed in  
 30 the mitigation plan, and no other state, regional, or local  
 31 permit or approval shall be necessary.

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

14           (9) The process for environmental mitigation for the  
15 impact of transportation projects under this section shall be  
16 available to an expressway, bridge, or transportation  
17 authority established under chapter 348 or chapter 349. Use of  
18 this process may be initiated by an authority depositing the  
19 requisite funds into an escrow account set up by the authority  
20 and filing an environmental impact inventory with the  
21 appropriate water management district. An authority that  
22 initiates the environmental mitigation process established by  
23 this section shall comply with subsection (6) by timely  
24 providing the appropriate water management district ~~and the~~  
25 ~~Department of Environmental Protection~~ with the requisite work  
26 program information. A water management district may draw down  
27 funds from the escrow account as provided in this section.

28           Section 12. Paragraph (b) of subsection (19) of  
29 section 380.06, Florida Statutes, is amended to read:

30           380.06 Developments of regional impact.--

31           (19) SUBSTANTIAL DEVIATIONS.--

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1 (b) Any proposed change to a previously approved  
 2 development of regional impact or development order condition  
 3 which, either individually or cumulatively with other changes,  
 4 exceeds any of the following criteria shall constitute a  
 5 substantial deviation and shall cause the development to be  
 6 subject to further development-of-regional-impact review  
 7 without the necessity for a finding of same by the local  
 8 government:

9 1. An increase in the number of parking spaces at an  
 10 attraction or recreational facility by 5 percent or 300  
 11 spaces, whichever is greater, or an increase in the number of  
 12 spectators that may be accommodated at such a facility by 5  
 13 percent or 1,000 spectators, whichever is greater.

14 2. A new runway, a new terminal facility, a 25-percent  
 15 lengthening of an existing runway, or a 25-percent increase in  
 16 the number of gates of an existing terminal, but only if the  
 17 increase adds at least three additional gates. ~~However, if an~~  
 18 ~~airport is located in two counties, a 10-percent lengthening~~  
 19 ~~of an existing runway or a 20-percent increase in the number~~  
 20 ~~of gates of an existing terminal is the applicable criteria.~~

21 3. An increase in the number of hospital beds by 5  
 22 percent or 60 beds, whichever is greater.

23 4. An increase in industrial development area by 5  
 24 percent or 32 acres, whichever is greater.

25 5. An increase in the average annual acreage mined by  
 26 5 percent or 10 acres, whichever is greater, or an increase in  
 27 the average daily water consumption by a mining operation by 5  
 28 percent or 300,000 gallons, whichever is greater. An increase  
 29 in the size of the mine by 5 percent or 750 acres, whichever  
 30 is less.

31 6. An increase in land area for office development by

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1 5 percent or an increase of gross floor area of office  
2 development by 5 percent or 60,000 gross square feet,  
3 whichever is greater.

4 7. An increase in the storage capacity for chemical or  
5 petroleum storage facilities by 5 percent, 20,000 barrels, or  
6 7 million pounds, whichever is greater.

7 8. An increase of development at a waterport of wet  
8 storage for 20 watercraft, dry storage for 30 watercraft, or  
9 wet/dry storage for 60 watercraft in an area identified in the  
10 state marina siting plan as an appropriate site for additional  
11 waterport development or a 5-percent increase in watercraft  
12 storage capacity, whichever is greater.

13 9. An increase in the number of dwelling units by 5  
14 percent or 50 dwelling units, whichever is greater.

15 10. An increase in commercial development by 50,000  
16 square feet of gross floor area or of parking spaces provided  
17 for customers for 300 cars or a 5-percent increase of either  
18 of these, whichever is greater.

19 11. An increase in hotel or motel facility units by 5  
20 percent or 75 units, whichever is greater.

21 12. An increase in a recreational vehicle park area by  
22 5 percent or 100 vehicle spaces, whichever is less.

23 13. A decrease in the area set aside for open space of  
24 5 percent or 20 acres, whichever is less.

25 14. A proposed increase to an approved multiuse  
26 development of regional impact where the sum of the increases  
27 of each land use as a percentage of the applicable substantial  
28 deviation criteria is equal to or exceeds 100 percent. The  
29 percentage of any decrease in the amount of open space shall  
30 be treated as an increase for purposes of determining when 100  
31 percent has been reached or exceeded.

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1           15. A 15-percent increase in the number of external  
 2 vehicle trips generated by the development above that which  
 3 was projected during the original  
 4 development-of-regional-impact review.

5           16. Any change which would result in development of  
 6 any area which was specifically set aside in the application  
 7 for development approval or in the development order for  
 8 preservation or special protection of endangered or threatened  
 9 plants or animals designated as endangered, threatened, or  
 10 species of special concern and their habitat, primary dunes,  
 11 or archaeological and historical sites designated as  
 12 significant by the Division of Historical Resources of the  
 13 Department of State. The further refinement of such areas by  
 14 survey shall be considered under sub-subparagraph (e)5.b.

15  
 16 The substantial deviation numerical standards in subparagraphs  
 17 4., 6., 10., 14., excluding residential uses, and 15., are  
 18 increased by 100 percent for a project certified under s.  
 19 403.973 which creates jobs and meets criteria established by  
 20 the Office of Tourism, Trade, and Economic Development as to  
 21 its impact on an area's economy, employment, and prevailing  
 22 wage and skill levels. The substantial deviation numerical  
 23 standards in subparagraphs 4., 6., 9., 10., 11., and 14. are  
 24 increased by 50 percent for a project located wholly within an  
 25 urban infill and redevelopment area designated on the  
 26 applicable adopted local comprehensive plan future land use  
 27 map and not located within the coastal high hazard area.

28           Section 13. Bicycle system study.--Prior to October 1,  
 29 2005, the Department of Transportation shall perform a bicycle  
 30 system study of bicycle facilities that are on or connected to  
 31 the State Highway System. The results of the bicycle system

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1 study shall be presented to the Governor, the President of the  
 2 Senate, and the Speaker of the House of Representatives by  
 3 October 1, 2005. The bicycle system study shall include paved  
 4 bicycle lanes, bicycle trails, bicycle paths, and any route or  
 5 facility designated specifically for bicycle traffic. The  
 6 study shall be performed by a consultant selected and funded  
 7 by the department and shall be managed by the department's  
 8 State Pedestrian and Bicycle Coordinator. The study shall  
 9 include:

10       (1) Review of department standards for bicycle lanes  
 11 to determine if they meet the needs of the state's bicyclists.

12       (2) Identification of state highways with existing  
 13 designated bicycle lanes.

14       (3) Identification of state highways with no  
 15 designated bicycle lanes and any constraints to incorporating  
 16 these facilities.

17       (4) Providing electronic mapping of those facilities  
 18 identified in subsections (2) and (3).

19       (5) Identification of all bicycle facility needs on  
 20 the State Highway System.

21       (6) Review and identification of possible funding  
 22 sources for new or improved facilities.

23       (7) A proposed implementation plan that will identify  
 24 the incorporation of bicycle facilities on those state  
 25 highways programmed for rehabilitation or new construction in  
 26 the department's 5-year work program. The proposed plan must  
 27 include the costs associated within the work program to add  
 28 these facilities.

29       Section 14. This act shall take effect upon becoming a  
 30 law.

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; creating s.

8           311.22, F.S.; establishing a program to provide

9           matching funds for dredging projects in

10           eligible counties; requiring that funds

11           appropriated under the program be used for

12           certain projects; requiring that the Florida

13           Seaport Transportation and Economic Development

14           Council adopt rules for evaluating the dredging

15           projects; providing criteria for the rules;

16           providing for a project-review process by the

17           Department of Community Affairs, the Department

18           of Transportation, and the Office of Tourism,

19           Trade, and Economic Development; amending s.

20           337.11, F.S.; adding written work orders to the

21           type of documents covered by the department's

22           contracting laws; specifying changes to surety

23           bondholder's liability under certain

24           circumstances; creating s. 337.195, F.S.;

25           providing presumptions relating to liability in

26           certain actions against the department;

27           limiting liability, in certain circumstances,

28           of contractors and engineers doing work for the

29           department; amending 338.155, F.S.; providing

30           that persons participating in the funeral

31           procession of a law enforcement officer or



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1 firefighter killed in the line of duty are  
2 exempt from paying tolls; amending 339.175,  
3 F.S.; requiring metropolitan planning  
4 organizations to have recorded roll-votes and  
5 super-majority votes on certain plans; amending  
6 s. 339.64, F.S.; requiring the Florida  
7 Transportation Commission to include as part of  
8 its annual work program review an assessment of  
9 the department's progress on the Strategic  
10 Intermodal System; requiring an annual report  
11 to the Governor and the Legislature by a  
12 certain time period; directing the department  
13 to coordinate with federal, regional, and local  
14 entities for transportation planning that  
15 impacts military installations; requiring the  
16 Strategic Intermodal System Plan to include an  
17 assessment of the impacts of proposed projects  
18 on military installations; adding a military  
19 representative to the Governor's appointees to  
20 the Strategic Intermodal Transportation  
21 Advisory Council; deleting obsolete provisions;  
22 creating part IV of chapter 343, F.S., entitled  
23 "Northwest Florida Transportation Corridor  
24 Authority"; providing a short title; providing  
25 definitions; creating the Northwest Florida  
26 Transportation Corridor Authority encompassing  
27 Escambia, Santa Rosa, Okaloosa, Walton, Bay,  
28 Gulf, Franklin, and Wakulla Counties; providing  
29 for a governing body of the authority;  
30 providing for membership, organization,  
31 purposes, and powers of the authority;

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1 requiring a master plan; providing for the U.S.  
2 98 Corridor System; prohibiting tolls on  
3 certain existing highways and other  
4 transportation facilities within the corridor;  
5 providing for procurement; providing bond  
6 financing authority for improvements; providing  
7 for bonds of the authority; providing for  
8 fiscal agents; providing that the State Board  
9 of Administration may act as fiscal agent;  
10 providing for certain financial agreements;  
11 providing for the rights and remedies of  
12 bondholders; providing for a lease-purchase  
13 agreement with the department; authorizing the  
14 authority to appoint the department as its  
15 agent for construction; providing for  
16 acquisition of lands and property; providing  
17 for cooperation with other units, boards,  
18 agencies, and individuals; providing for  
19 public-private partnerships; providing covenant  
20 of the state; providing for exemption from  
21 taxation; providing for eligibility for  
22 investments and security; providing that  
23 pledges are enforceable by bondholders;  
24 providing for complete and additional statutory  
25 authority for the department and other state  
26 agencies; amending s. 337.251, F.S.;  
27 authorizing the department to adopt rules  
28 governing the leasing of property for joint  
29 public-private development; amending s.  
30 337.406, F.S.; granting local governments  
31 authority to issue permits allowing limited

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1 temporary use of state transportation  
2 right-of-way; clarifying limited access  
3 facilities are not included in such authority;  
4 amending s. 339.55, F.S.; establishing a  
5 maximum limit on state-funded infrastructure  
6 bank loans to the State Transportation Trust  
7 Fund; amending s. 373.4137, F.S.; revising the  
8 requirements for projects intended to mitigate  
9 the adverse effects of transportation projects;  
10 removing the Department of Environmental  
11 Protection from the mitigation process;  
12 revising requirements for the Department of  
13 Transportation and the transportation  
14 authorities with respect to submitting plans  
15 and inventories; authorizing the use of  
16 current-year funds for future projects;  
17 revising the requirements for reconciling  
18 escrow accounts used to fund mitigation  
19 projects; authorizing payments to a water  
20 management district to fund the costs of future  
21 maintenance and monitoring; requiring specified  
22 lump-sum payments to be used for the mitigation  
23 costs of certain projects; authorizing a  
24 governing board of a water management district  
25 to approve the use of mitigation funds for  
26 certain future projects; requiring that  
27 mitigation plans be approved by the water  
28 management district rather than the Department  
29 of Environmental Protection; amending s.  
30 380.06, F.S., relating to developments of  
31 regional impact; deleting a provision stating

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1 criteria for determining when a change to  
2 certain airports necessitates a review;  
3 directing the Department of Transportation to  
4 select and fund a consultant to perform a study  
5 of bicycle facilities on or connected to the  
6 State Highway System; requiring the results of  
7 the study to be presented to the Governor and  
8 the Legislature; providing for management of  
9 the study by the State Pedestrian and Bicycle  
10 Coordinator; providing for inclusion of certain  
11 elements in the study; requiring the study to  
12 include an implementation plan; providing an  
13 effective date.

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