

Bill No. HB 1681, 1st Eng.

Barcode 400706

CHAMBER ACTION

Senate

House

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11 Senator Sebesta moved the following amendment:

12

13 **Senate Amendment (with title amendment)**

14 Delete everything after the enacting clause

15

16 and insert:

17 Section 1. Section 311.22, Florida Statutes, is

18 created to read:

 311.22 Additional authorization for funding
19 certain

20 dredging projects.--

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

Bill No. HB 1681, 1st Eng.

Barcode 400706

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 (10) is added to section
12 332.007, Florida Statutes, to read:

13 332.007 Administration and financing of aviation and
14 airport programs and projects; state plan.--

15 (10) The department may also fund eligible projects
16 performed by not-for-profit organizations that represent a
17 majority of public airports in this state. Eligible projects
18 may include activities associated with aviation master
19 planning, professional education, safety and security
20 planning, enhancing economic development and efficiency at
21 airports in this state, or other planning efforts to improve
22 the viability of airports in this state.

23 Section 3. Subsection (8) of section 337.11, Florida
24 Statutes, is amended to read:

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

29 (8)(a) The department shall permit the use of written
30 supplemental agreements, written work orders pursuant to a
31 contingency pay item or contingency supplemental agreement,

Bill No. HB 1681, 1st Eng.

Barcode 400706

1 and written change orders to any contract entered into by the
2 department. Any supplemental agreement shall be reduced to
3 written contract form, ~~approved by the contractor's surety,~~
4 and executed by the contractor and the department. Any
5 supplemental agreement modifying any item in the original
6 contract must be approved by the head of the department, or
7 his or her designee, and executed by the appropriate person
8 designated by him or her. Any surety issuing a bond under s.
9 337.18 shall be fully liable under such surety bond to the
10 full extent of any modified contract amount up to and
11 including 25 percent over the original contract amount and
12 without regard to the fact that the surety was not aware of or
13 did not approve such modifications. However, if modifications
14 of the original contract amount cumulatively result in
15 modifications of the contract amount in excess of 25 percent
16 of the original contract amount, the surety's approval shall
17 be required to bind the surety under the bond on that portion
18 in excess of 25 percent of the original contract amount.

19 (b) Supplemental agreements and written work orders
20 pursuant to a contingency pay item or contingency supplemental
21 agreement shall be used to clarify the plans and
22 specifications of a contract; ~~to provide for major quantity~~
23 ~~differences which result in the contractor's work effort~~
24 ~~exceeding the original contract amount by more than 5 percent;~~
25 to provide for unforeseen work, grade changes, or alterations
26 in plans which could not reasonably have been contemplated or
27 foreseen in the original plans and specifications; to change
28 the limits of construction to meet field conditions; to
29 provide a safe and functional connection to an existing
30 pavement; to settle contract claims; and to make the project
31 functionally operational in accordance with the intent of the

Bill No. HB 1681, 1st Eng.

Barcode 400706

1 original contract. Supplemental agreements may be used to
2 expand the physical limits of a project only to the extent
3 necessary to make the project functionally operational in
4 accordance with the intent of the original contract. The cost
5 of any such agreement extending the physical limits of a
6 project shall not exceed \$100,000 or 10 percent of the
7 original contract price, whichever is greater.

8 (c) Written change orders may be issued by the
9 department and accepted by the contractor covering minor
10 changes in the plans, specifications, or quantities of work
11 within the scope of a contract, when prices for the items of
12 work affected are previously established in the contract, but
13 in no event may such change orders extend the physical limits
14 of the work.

15 (d) For the purpose of this section, the term
16 "physical limits" means the length or width of any project and
17 specifically includes drainage facilities not running parallel
18 to the project. The length and width of temporary connections
19 affected by such supplemental agreements shall be established
20 in accordance with current engineering practice.

21 (e) Upon completion and final inspection of the
22 contract work, the department may accept the improvement if it
23 is in substantial compliance with the plans, specifications,
24 special provisions, proposals, and contract and if a proper
25 adjustment in the contract price is made.

26 (f) Any supplemental agreement or change order in
27 violation of this section is null and void and unenforceable
28 for payment.

29 Section 4. Section 337.195, Florida Statutes, is
30 created to read:

31 337.195 Limits on liability.--

Bill No. HB 1681, 1st Eng.

Barcode 400706

1 (1) In a civil action for the death of or injury to a
2 person, or for damage to property, against the Department of
3 Transportation or its agents, consultants, or contractors for
4 work performed on a highway, road, street, bridge, or other
5 transportation facility when the death, injury, or damage
6 resulted from a motor vehicle crash within a construction zone
7 in which the driver of one of the vehicles was under the
8 influence of alcoholic beverages as set forth in s. 316.193,
9 under the influence of any chemical substance as set forth in
10 s. 877.111, or illegally under the influence of any substance
11 controlled under chapter 893 to the extent that her or his
12 normal faculties were impaired or that she or he operated a
13 vehicle recklessly as defined in s. 316.192, it is presumed
14 that the driver's operation of the vehicle was the sole
15 proximate cause of his or her own death, injury, or damage.
16 This presumption can be overcome if the gross negligence or
17 intentional misconduct of the Department of Transportation, or
18 of its agents, consultants, or contractors, was a proximate
19 cause of the driver's death, injury, or damage.

20 (2) A contractor who constructs, maintains, or repairs
21 a highway, road, street, bridge, or other transportation
22 facility for the Department of Transportation is not liable to
23 a claimant for personal injury, property damage, or death
24 arising from the performance of the construction, maintenance,
25 or repair if, at the time of the personal injury, property
26 damage, or death, the contractor was in compliance with
27 contract documents material to the condition that was the
28 proximate cause of the personal injury, property damage, or
29 death.

30 (a) The limitation on liability contained in this
31 subsection does not apply when the proximate cause of the

Barcode 400706

1 personal injury, property damage, or death is a latent
 2 condition, defect, error, or omission that was created by the
 3 contractor and not a defect, error, or omission in the
 4 contract documents; or when the proximate cause of the
 5 personal injury, property damage or death was the contractor's
 6 failure to perform, update or comply with the maintenance of
 7 traffic safety plan as required by the contract documents.

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

12 (c) Nothing in this subsection shall be interpreted or
 13 construed to alter or affect any claim of the Department of
 14 Transportation against such contractor.

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

19 (3) In all cases involving personal injury, property
 20 damage, or death, a person or entity who contracts to prepare
 21 or provide engineering plans for the construction or repair of
 22 a highway, road, street, bridge, or other transportation
 23 facility for the Department of Transportation shall be
 24 presumed to have prepared such engineering plans using the
 25 degree of care and skill ordinarily exercised by other
 26 engineers in the field under similar conditions and in similar
 27 localities and with due regard for acceptable engineering
 28 standards and principles if the engineering plans conformed to
 29 the Department of Transportation's design standards material
 30 to the condition or defect that was the proximate cause of the
 31 person injury, property damage, or death. This presumption can

Bill No. HB 1681, 1st Eng.

Barcode 400706

1 be overcome only upon a showing of the person's or entity's
2 gross negligence in the preparation of the engineering plans
3 and shall not be interpreted or construed to alter or affect
4 any claim of the Department of Transportation against such
5 person or entity. The limitation on liability contained in
6 this subsection shall not apply to any hidden or
7 undiscoverable condition created by the engineer. This
8 subsection does not affect any claim of any entity against
9 such engineer or engineering firm, which claim is associated
10 with such entity's facilities on or in Department of
11 Transportation roads or other transportation facilities.

12 (4) In any civil action for death, injury, or damages
13 against the Department of Transportation or its agents,
14 consultants, engineers or contractors for work performed on a
15 highway, road, street, bridge, or other transportation
16 facility, if the department, its agents, consultants,
17 engineers, or contractors are immune from liability pursuant
18 to this section or are not parties to the litigation, they may
19 not be named on the jury verdict form or be found to be at
20 fault or responsible for the injury, death, or damage that
21 gave rise to the damages.

22 Section 5. Subsection (1) of section 338.155, Florida
23 Statutes, is amended to read:

24 338.155 Payment of toll on toll facilities required;
25 exemptions.--

26 (1) No persons are permitted to use any toll facility
27 without payment of tolls, except employees of the agency
28 operating the toll project when using the toll facility on
29 official state business, state military personnel while on
30 official military business, handicapped persons as provided in
31 this section, persons exempt from toll payment by the

Bill No. HB 1681, 1st Eng.

Barcode 400706

1 authorizing resolution for bonds issued to finance the
2 facility, and persons exempt on a temporary basis where use of
3 such toll facility is required as a detour route. Any law
4 enforcement officer operating a marked official vehicle is
5 exempt from toll payment when on official law enforcement
6 business. Any person operating a fire vehicle when on official
7 business or a rescue vehicle when on official business is
8 exempt from toll payment. Any person participating in the
9 funeral procession of a law enforcement officer or firefighter
10 killed in the line of duty is exempt from toll payment. The
11 secretary, or the secretary's designee, may suspend the
12 payment of tolls on a toll facility when necessary to assist
13 in emergency evacuation. The failure to pay a prescribed toll
14 constitutes a noncriminal traffic infraction, punishable as a
15 moving violation pursuant to s. 318.18. The department is
16 authorized to adopt rules relating to guaranteed toll
17 accounts.

18 Section 6. Subsection (12) is added to section
19 339.175, Florida Statutes, to read:

20 339.175 Metropolitan planning organization.--It is the
21 intent of the Legislature to encourage and promote the safe
22 and efficient management, operation, and development of
23 surface transportation systems that will serve the mobility
24 needs of people and freight within and through urbanized areas
25 of this state while minimizing transportation-related fuel
26 consumption and air pollution. To accomplish these objectives,
27 metropolitan planning organizations, referred to in this
28 section as M.P.O.'s, shall develop, in cooperation with the
29 state and public transit operators, transportation plans and
30 programs for metropolitan areas. The plans and programs for
31 each metropolitan area must provide for the development and

Bill No. HB 1681, 1st Eng.

Barcode 400706

1 integrated management and operation of transportation systems
2 and facilities, including pedestrian walkways and bicycle
3 transportation facilities that will function as an intermodal
4 transportation system for the metropolitan area, based upon
5 the prevailing principles provided in s. 334.046(1). The
6 process for developing such plans and programs shall provide
7 for consideration of all modes of transportation and shall be
8 continuing, cooperative, and comprehensive, to the degree
9 appropriate, based on the complexity of the transportation
10 problems to be addressed. To ensure that the process is
11 integrated with the statewide planning process, M.P.O.'s shall
12 develop plans and programs that identify transportation
13 facilities that should function as an integrated metropolitan
14 transportation system, giving emphasis to facilities that
15 serve important national, state, and regional transportation
16 functions. For the purposes of this section, those facilities
17 include the facilities on the Strategic Intermodal System
18 designated under s. 339.63.

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

26 Section 7. Section 339.64, Florida Statutes, is
27 amended to read:

28 339.64 Strategic Intermodal System Plan.--

29 (1) The department shall develop, in cooperation with
30 metropolitan planning organizations, regional planning
31 councils, local governments, the Statewide Intermodal

Bill No. HB 1681, 1st Eng.

Barcode 400706

1 Transportation Advisory Council and other transportation
 2 providers, a Strategic Intermodal System Plan. The plan shall
 3 be consistent with the Florida Transportation Plan developed
 4 pursuant to s. 339.155 and shall be updated at least once
 5 every 5 years, subsequent to updates of the Florida
 6 Transportation Plan.

7 (2) In association with the continued development of
 8 the ~~initial~~ Strategic Intermodal System Plan ~~and other~~
 9 ~~transportation plans~~, the Florida Transportation Commission,
 10 as part of its work program review process, shall conduct an
 11 annual assessment of the progress that the department and its
 12 transportation partners have made in realizing the goals of
 13 economic development, improved mobility, and increased
 14 intermodal connectivity ~~need for an improved philosophical~~
 15 ~~approach to regional and intermodal input in the planning for~~
 16 ~~and governing~~ of the Strategic Intermodal System ~~and other~~
 17 ~~transportation systems~~. The Florida Transportation Commission
 18 shall coordinate with the department, the Statewide Intermodal
 19 Transportation Advisory Council, and other appropriate
 20 entities when developing this assessment. The Florida
 21 Transportation Commission shall deliver a report to the
 22 Governor and Legislature no later than 14 days after the
 23 regular session begins ~~by December 15, 2003~~, with
 24 recommendations as necessary to fully implement the Strategic
 25 Intermodal System.

26 (3)(a) During the development of updates to the
 27 Strategic Intermodal System Plan ~~and the development of all~~
 28 ~~subsequent updates~~, the department shall provide metropolitan
 29 planning organizations, regional planning councils, local
 30 governments, transportation providers, affected public
 31 agencies, and citizens with an opportunity to participate in

Bill No. HB 1681, 1st Eng.

Barcode 400706

1 and comment on the development of the ~~proposed plan or~~ update.

2 (b) The department also shall coordinate with federal,
3 regional, and local partners the planning for the Strategic
4 Highway Network and the Strategic Rail Corridor Network
5 transportation facilities that either are included in the
6 Strategic Intermodal System or that provide a direct
7 connection between military installations and the Strategic
8 Intermodal System. In addition, the department shall
9 coordinate with regional and local partners to determine
10 whether the road and other transportation infrastructure that
11 connects military installations to the Strategic Intermodal
12 System, the Strategic Highway Network, or the Strategic Rail
13 Corridor is regionally significant and should be included in
14 the Strategic Intermodal System Plan.

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

- 17 (a) A needs assessment.
- 18 (b) A project prioritization process.
- 19 (c) A map of facilities designated as Strategic
20 Intermodal System facilities; ~~and~~ facilities that are emerging
21 in importance that are likely to become part of the system in
22 the future; and planned facilities that will meet the
23 established criteria.

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

27 (e) An assessment of the impacts of proposed
28 improvements to Strategic Intermodal System corridors on
29 military installations that are either located directly on the
30 Strategic Intermodal System or located on the Strategic
31 Highway Network or Strategic Rail Corridor Network.

Bill No. HB 1681, 1st Eng.

Barcode 400706

1 (5) STATEWIDE INTERMODAL TRANSPORTATION ADVISORY
2 COUNCIL.--

3 (a) The Statewide Intermodal Transportation Advisory
4 Council is created to advise and make recommendations to the
5 Legislature and the department on policies, planning, and
6 funding of intermodal transportation projects. The council's
7 responsibilities shall include:

8 1. Advising the department on the policies, planning,
9 and implementation of strategies related to intermodal
10 transportation.

11 2. Providing advice and recommendations to the
12 Legislature on funding for projects to move goods and people
13 in the most efficient and effective manner for the State of
14 Florida.

15 (b) MEMBERSHIP.--Members of the Statewide Intermodal
16 Transportation Advisory Council shall consist of the
17 following:

18 1. ~~Six~~ Five intermodal industry representatives
19 selected by the Governor as follows:

20 a. One representative from an airport involved in the
21 movement of freight and people from their airport facility to
22 another transportation mode.

23 b. One individual representing a fixed-route,
24 local-government transit system.

25 c. One representative from an intercity bus company
26 providing regularly scheduled bus travel as determined by
27 federal regulations.

28 d. One representative from a spaceport.

29 e. One representative from intermodal trucking
30 companies.

31 f. One representative having command responsibilities

Bill No. HB 1681, 1st Eng.

Barcode 400706

1 of a major military installation.

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

4 a. One representative from major-line railroads.

5 b. One representative from seaports listed in s.

6 311.09(1) from the Atlantic Coast.

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

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

12 a. One representative from short-line railroads.

13 b. One representative from seaports listed in s.

14 311.09(1) from the Gulf Coast.

15 c. One representative from intermodal trucking
16 companies. In no event may this representative be employed by
17 the same company that employs the intermodal trucking company
18 representative selected by the Governor.

19 (c) Initial appointments to the council must be made
20 no later than 30 days after the effective date of this
21 section.

22 1. The initial appointments made by the President of
23 the Senate and the Speaker of the House of Representatives
24 shall serve terms concurrent with those of the respective
25 appointing officer. Beginning January 15, 2005, and for all
26 subsequent appointments, council members appointed by the
27 President of the Senate and the Speaker of the House of
28 Representatives shall serve 2-year terms, concurrent with the
29 term of the respective appointing officer.

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

Bill No. HB 1681, 1st Eng.

Barcode 400706

1 3. Vacancies on the council shall be filled in the
2 same manner as the initial appointments.

3 (d) Each member of the council shall be allowed one
4 vote. The council shall select a chair from among its
5 membership. Meetings shall be held at the call of the chair,
6 but not less frequently than quarterly. The members of the
7 council shall be reimbursed for per diem and travel expenses
8 as provided in s. 112.061.

9 (e) The department shall provide administrative staff
10 support and shall ensure that council meetings are
11 electronically recorded. Such recordings and all documents
12 received, prepared for, or used by the council in conducting
13 its business shall be preserved pursuant to chapters 119 and
14 257.

15 Section 8. Part IV of chapter 343, Florida Statutes,
16 consisting of sections 343.80, 343.805, 343.81, 343.82,
17 343.83, 343.835, 343.836, 343.837, 343.84, 343.85, 343.87,
18 343.875, 343.88, 343.881, 343.884, 343.885, and 343.89, is
19 created to read:

20 PART IV

21 NORTHWEST FLORIDA TRANSPORTATION CORRIDOR AUTHORITY

22 343.80 Short title.--This part may be cited as the
23 "Northwest Florida Transportation Corridor Authority Law."

24 343.805 Definitions.--As used in this part, the term:

25 (1) "Agency of the state" means the state and any
26 department of, or corporation, agency, or instrumentality
27 heretofore or hereafter created, designated, or established
28 by, the state.

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

31 (3) "Bonds" means the notes, bonds, refunding bonds,

Bill No. HB 1681, 1st Eng.

Barcode 400706

1 or other evidences of indebtedness or obligations, in either
2 temporary or definitive form, which the authority is
3 authorized to issue pursuant to this part.

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

6 (5) "Federal agency" means the United States, the
7 President of the United States, and any department of, or
8 corporation, agency, or instrumentality heretofore or
9 hereafter created, designated, or established by, the United
10 States.

11 (6) "Lease-purchase agreement" means the
12 lease-purchase agreements that the authority is authorized
13 pursuant to this part to enter into with the Department of
14 Transportation.

15 (7) "Limited access expressway" or "expressway" means
16 a street or highway especially designed for through traffic
17 and over, from, or to which a person does not have the right
18 of easement, use, or access except in accordance with the
19 rules adopted and established by the authority for the use of
20 such facility. Such highway or street may be a parkway, from
21 which trucks, buses, and other commercial vehicles are
22 excluded, or it may be a freeway open to use by all customary
23 forms of street and highway traffic.

24 (8) "Members" means the governing body of the
25 authority, and the term "member" means one of the individuals
26 constituting such governing body.

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

30 (10) "U.S. 98 corridor" means U.S. Highway 98 and any
31 feeder roads, reliever roads, connector roads, bridges, and

Bill No. HB 1681, 1st Eng.

Barcode 400706

1 other transportation appurtenances, existing or constructed in
2 the future, that support U.S. Highway 98 in Escambia, Santa
3 Rosa, Okaloosa, Walton, Bay, Gulf, Franklin, and Wakulla
4 Counties.

5 (11) "U.S. 98 corridor system" means any and all
6 expressways and appurtenant facilities, including, but not
7 limited to, all approaches, roads, bridges, and avenues of
8 access for the expressways that are either built by the
9 authority or whose ownership is transferred to the authority
10 by other governmental or private entities.

11
12 Terms importing singular number include the plural number in
13 each case and vice versa, and terms importing persons include
14 firms and corporations.

15 343.81 Northwest Florida Transportation Corridor
16 Authority.--

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

21 (2)(a) The governing body of the authority shall
22 consist of eight voting members, one each from Escambia, Santa
23 Rosa, Walton, Okaloosa, Bay, Gulf, Franklin, and Wakulla
24 Counties, appointed by the Governor to a 4-year term. The
25 appointees shall be residents of their respective counties.
26 Upon the effective date of his or her appointment, or as soon
27 thereafter as practicable, each appointed member of the
28 authority shall enter upon his or her duties. Each appointed
29 member shall hold office until his or her successor has been
30 appointed and has qualified. A vacancy occurring during a term
31 shall be filled only for the balance of the unexpired term.

Bill No. HB 1681, 1st Eng.

Barcode 400706

1 Any member of the authority shall be eligible for
 2 reappointment. Members of the authority may be removed from
 3 office by the Governor for misconduct, malfeasance,
 4 misfeasance, or nonfeasance in office.

5 (b) The district secretary of the Department of
 6 Transportation serving Northwest Florida shall serve as an ex
 7 officio, nonvoting member.

8 (3)(a) The authority shall elect one of its members as
 9 chair and shall also elect a secretary and a treasurer who may
 10 or may not be members of the authority. The chair, secretary,
 11 and treasurer shall hold such offices at the will of the
 12 authority.

13 (b) Five members of the authority shall constitute a
 14 quorum, and the vote of at least five members shall be
 15 necessary for any action taken by the authority. A vacancy in
 16 the authority does not impair the right of a quorum of the
 17 authority to exercise all of the rights and perform all of the
 18 duties of the authority.

19 (c) The authority shall meet at least quarterly but
 20 may meet more frequently upon the call of the chair. The
 21 authority should alternate the locations of its meetings among
 22 the seven counties.

23 (4) Members of the authority shall serve without
 24 compensation but shall be entitled to receive from the
 25 authority their travel expenses and per diem incurred in
 26 connection with the business of the authority, as provided in
 27 s. 112.061.

28 (5) The authority may employ an executive director, an
 29 executive secretary, its own counsel and legal staff,
 30 technical experts, engineers, and such employees, permanent or
 31 temporary, as it may require. The authority shall determine

Bill No. HB 1681, 1st Eng.

Barcode 400706

1 the qualifications and fix the compensation of such persons,
 2 firms, or corporations and may employ a fiscal agent or
 3 agents; however, the authority shall solicit sealed proposals
 4 from at least three persons, firms, or corporations for the
 5 performance of any services as fiscal agents. The authority
 6 may delegate to one or more of its agents or employees its
 7 power as it shall deem necessary to carry out the purposes of
 8 this part, subject always to the supervision and control of
 9 the authority.

10 (6) The authority may establish technical advisory
 11 committees to provide guidance and advice on corridor-related
 12 issues. The authority shall establish the size, composition,
 13 and focus of any technical advisory committee created. A
 14 member appointed to a technical advisory committee shall serve
 15 without compensation but shall be entitled to per diem or
 16 travel expenses, as provided in s. 112.061.

17 343.82 Purposes and powers.--

18 (1) The primary purpose of the authority is to improve
 19 mobility on the U.S. 98 corridor in Northwest Florida to
 20 enhance traveler safety, identify and develop hurricane
 21 evacuation routes, promote economic development along the
 22 corridor, and implement transportation projects to alleviate
 23 current or anticipated traffic congestion.

24 (2) The authority is authorized to construct any
 25 feeder roads, reliever roads, connector roads, bypasses, or
 26 appurtenant facilities that are intended to improve mobility
 27 along the U.S. 98 corridor. The transportation improvement
 28 projects may also include all necessary approaches, roads,
 29 bridges, and avenues of access that are desirable and proper
 30 with the concurrence, where applicable, of the department if
 31 the project is to be part of the State Highway System or the

Bill No. HB 1681, 1st Eng.

Barcode 400706

1 respective county or municipal governing boards. Any
2 transportation facilities constructed by the authority may be
3 tolled.

4 (3)(a) The authority shall develop and adopt a
5 corridor master plan no later than July 1, 2007. The goals and
6 objectives of the master plan are to identify areas of the
7 corridor where mobility, traffic safety, and efficient
8 hurricane evacuation needs to be improved; evaluate the
9 economic development potential of the corridor and consider
10 strategies to develop that potential; develop methods of
11 building partnerships with local governments, other state and
12 federal entities, the private-sector business community, and
13 the public in support of corridor improvements; and to
14 identify projects that will accomplish these goals and
15 objectives.

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

18 (c) The authority shall present the original master
19 plan and updates to the governing bodies of the counties
20 within the corridor and to the legislative delegation members
21 representing those counties within 90 days after adoption.

22 (d) The authority may undertake projects or other
23 improvements in the master plan in phases as particular
24 projects or segments thereof become feasible, as determined by
25 the authority. In carrying out its purposes and powers, the
26 authority may request funding and technical assistance from
27 the department and appropriate federal and local agencies,
28 including, but not limited to, state infrastructure bank
29 loans, advances from the Toll Facilities Revolving Trust Fund,
30 and from any other sources.

31 (4) The authority is granted and shall have and may

Bill No. HB 1681, 1st Eng.

Barcode 400706

1 exercise all powers necessary, appurtenant, convenient, or
2 incidental to the carrying out of the aforesaid purposes,
3 including, but not limited to, the following rights and
4 powers:

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

8 (b) To borrow money and to make and issue negotiable
9 notes, bonds, refunding bonds, and other evidences of
10 indebtedness or obligations, either in temporary or definitive
11 form, hereinafter in this chapter sometimes called "revenue
12 bonds" of the authority, for the purpose of financing all or
13 part of the mobility improvements within the U.S. 98 corridor,
14 as well as the appurtenant facilities, including all
15 approaches, streets, roads, bridges, and avenues of access
16 authorized by this part, the bonds to mature not exceeding 40
17 years after the date of the issuance thereof, and to secure
18 the payment of such bonds or any part thereof by a pledge of
19 any or all of its revenues, rates, fees, rentals, or other
20 charges.

21 (c) To fix, alter, charge, establish, and collect
22 tolls, rates, fees, rentals, and other charges for the
23 services and facilities of the Northwest Florida
24 Transportation Corridor System, which rates, fees, rentals,
25 and other charges shall always be sufficient to comply with
26 any covenants made with the holders of any bonds issued
27 pursuant to this part; however, such right and power may be
28 assigned or delegated by the authority to the department. The
29 authority may not impose tolls or other charges on existing
30 highways and other transportation facilities within the
31 corridor.

Bill No. HB 1681, 1st Eng.

Barcode 400706

1 (d) To acquire by donation or otherwise, purchase,
 2 hold, lease as lessee, and use any franchise, property, real,
 3 personal, or mixed, tangible or intangible, or any options
 4 thereof in its own name or in conjunction with others, or
 5 interest therein, necessary or desirable for carrying out the
 6 purposes of the authority and to sell, lease as lessor,
 7 transfer, and dispose of any property or interest therein at
 8 any time acquired by it.

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

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

12 (g) To enter into and make leases.

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

18 (i) To make contracts of every name and nature,
 19 including, but not limited to, partnerships providing for
 20 participation in ownership and revenues, and to execute all
 21 instruments necessary or convenient for the carrying on of its
 22 business.

23 (j) Without limitation of the foregoing, to borrow
 24 money and accept grants from and to enter into contracts,
 25 leases, or other transactions with any federal agency, the
 26 state, any agency of the state, or any other public body of
 27 the state.

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

30 (l) To pledge, hypothecate, or otherwise encumber all
 31 or any part of the revenues, rates, fees, rentals, or other

Bill No. HB 1681, 1st Eng.

Barcode 400706

1 charges or receipts of the authority.

2 (m) To enter into partnership and other agreements
3 respecting ownership and revenue participation in order to
4 facilitate financing and constructing any project or portions
5 thereof.

6 (n) To participate in agreements with private entities
7 and to receive private contributions.

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

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

15 (q) To construct, operate, and maintain roads,
16 bridges, avenues of access, thoroughfares, and boulevards and
17 to construct, repair, replace, operate, install, and maintain
18 electronic toll payment systems thereon, with all necessary
19 and incidental powers to accomplish the foregoing.

20 (5) The authority does not have power at any time or
21 in any manner to pledge the credit or taxing power of the
22 state or any political subdivision or agency thereof, nor
23 shall any of the authority's obligations be deemed to be
24 obligations of the state or of any political subdivision or
25 agency thereof, nor shall the state or any political
26 subdivision or agency thereof, except the authority, be liable
27 for the payment of the principal of or interest on such
28 obligations.

29 343.83 Improvements, bond financing
30 authority.--Pursuant to s. 11(f), Art. VII of the State
31 Constitution, the Legislature approves bond financing by the

Bill No. HB 1681, 1st Eng.

Barcode 400706

1 Northwest Florida Transportation Corridor Authority for
 2 improvements to toll collection facilities, interchanges to
 3 the legislatively approved system, and any other facility
 4 appurtenant, necessary, or incidental to the approved system.
 5 Subject to terms and conditions of applicable revenue bond
 6 resolutions and covenants, such costs may be financed in whole
 7 or in part by revenue bonds issued pursuant to s.
 8 343.835(1)(a) or (b) whether currently issued or issued in the
 9 future or by a combination of such bonds.

10 343.835 Bonds of the authority.--

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

13 (b) Alternatively, the authority may issue its own
 14 bonds pursuant to this part at such times and in such
 15 principal amount as, in the opinion of the authority, is
 16 necessary to provide sufficient moneys for achieving its
 17 purposes; however, such bonds may not pledge the full faith
 18 and credit of the state. Bonds issued by the authority
 19 pursuant to this paragraph or paragraph (a), whether on
 20 original issuance or on refunding, shall be authorized by
 21 resolution of the members thereof, may be either term or
 22 serial bonds, and shall bear such date or dates, mature at
 23 such time or times, not exceeding 40 years after their
 24 respective dates, bear interest at such rate or rates, be
 25 payable semiannually, be in such denominations, be in such
 26 form, either coupon or fully registered, carry such
 27 registration, exchangeability, and interchangeability
 28 privileges, be payable in such medium of payment and at such
 29 place or places, be subject to such terms of redemption, and
 30 be entitled to such priorities on the revenues, rates, fees,
 31 rentals, or other charges or receipts of the authority,

Bill No. HB 1681, 1st Eng.

Barcode 400706

1 including revenues from lease-purchase agreements. The bonds
2 shall be executed either by manual or facsimile signature by
3 such officers as the authority shall determine, however, such
4 bonds shall bear at least one signature that is manually
5 executed thereon, and the coupons attached to such bonds shall
6 bear the facsimile signature or signatures of such officer or
7 officers as shall be designated by the authority and have the
8 seal of the authority affixed, imprinted, reproduced, or
9 lithographed thereon, all as may be prescribed in such
10 resolution or resolutions.

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

28 (d) The authority may issue bonds pursuant to
29 paragraph (b) to refund any bonds previously issued regardless
30 of whether the bonds being refunded were issued by the
31 authority pursuant to this chapter or on behalf of the

Barcode 400706

1 authority pursuant to the State Bond Act.

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

5 (a) The pledging of all or any part of the revenues,
6 rates, fees, rentals, or other charges or receipts of the
7 authority, derived by the authority for the U.S. 98 corridor
8 improvements.

9 (b) The completion, improvement, operation, extension,
10 maintenance, repair, lease, or lease-purchase agreement of the
11 system, and the duties of the authority and others, including
12 the department, with reference thereto.

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

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

19 (e) The setting aside of reserves or sinking funds or
20 repair and replacement funds and the regulation and
21 disposition thereof.

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

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

26 (h) Any other or additional agreements with the
27 holders of the bonds which the authority may deem desirable
28 and proper.

29 (3) The authority may employ fiscal agents as provided
30 by this part or the State Board of Administration may, upon
31 request of the authority, act as fiscal agent for the

Bill No. HB 1681, 1st Eng.

Barcode 400706

1 authority in the issuance of any bonds that are issued
 2 pursuant to this part, and the State Board of Administration
 3 may, upon request of the authority, take over the management,
 4 control, administration, custody, and payment of any or all
 5 debt services or funds or assets now or hereafter available
 6 for any bonds issued pursuant to this part. The authority may
 7 enter into any deeds of trust, indentures, or other agreements
 8 with its fiscal agent, or with any bank or trust company
 9 within or without the state, as security for such bonds and
 10 may, under such agreements, sign and pledge all or any of the
 11 revenues, rates, fees, rentals, or other charges or receipts
 12 of the authority. Such deed of trust, indenture, or other
 13 agreement may contain such provisions as are customary in such
 14 instruments or, as the authority authorizes, including, but
 15 without limitation, provisions as to:

16 (a) The completion, improvement, operation, extension,
 17 maintenance, repair, and lease of or lease-purchase agreement
 18 relating to U.S. 98 corridor improvements and the duties of
 19 the authority and others, including the department, with
 20 reference thereto.

21 (b) The application of funds and the safeguarding of
 22 funds on hand or on deposit.

23 (c) The rights and remedies of the trustee and the
 24 holders of the bonds.

25 (d) The terms and provisions of the bonds or the
 26 resolutions authorizing the issuance of the bonds.

27 (4) Any of the bonds issued pursuant to this part are,
 28 and are hereby declared to be, negotiable instruments and have
 29 all the qualities and incidents of negotiable instruments
 30 under the law merchant and the negotiable instruments law of
 31 the state.

Bill No. HB 1681, 1st Eng.

Barcode 400706

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

7 343.836 Remedies of the bondholders.--

8 (1) The rights and the remedies in this section
9 conferred upon or granted to the bondholders are in addition
10 to and not in limitation of any rights and remedies lawfully
11 granted to such bondholders by the resolution or resolutions
12 providing for the issuance of bonds or by a lease-purchase
13 agreement, deed of trust, indenture, or other agreement under
14 which the bonds may be issued or secured. If the authority
15 defaults in the payment of the principal of or interest on any
16 of the bonds issued pursuant to the provisions of this part
17 after such principal of or interest on the bonds becomes due,
18 whether at maturity or upon call for redemption, or the
19 department defaults in any payments under, or covenants made
20 in, any lease-purchase agreement between the authority and the
21 department, and such default continues for a period of 30
22 days, or if the authority or the department fails or refuses
23 to comply with the provisions of this part or any agreement
24 made with, or for the benefit of, the holders of the bonds,
25 the holders of 25 percent in aggregate principal amount of the
26 bonds then outstanding may appoint a trustee to represent such
27 bondholders for the purposes hereof, if such holders of 25
28 percent in aggregate principal amount of the bonds then
29 outstanding shall first give notice of their intention to
30 appoint a trustee to the authority and to the department. Such
31 notice shall be deemed to have been given if given in writing,

Barcode 400706

1 deposited in a securely sealed postpaid wrapper, mailed at a
 2 regularly maintained United States post office box or station,
 3 and addressed, respectively, to the chair of the authority and
 4 to the secretary of the department at the principal office of
 5 the department.

6 (2) Such trustee and any trustee under any deed of
 7 trust, indenture, or other agreement may, and upon written
 8 request of the holders of 25 percent or such other percentages
 9 as are specified in any deed of trust, indenture, or other
 10 agreement aforesaid in principal amount of the bonds then
 11 outstanding shall, in any court of competent jurisdiction, in
 12 his, her, or its own name:

13 (a) By mandamus or other suit, action, or proceeding
 14 at law or in equity, enforce all rights of the bondholders,
 15 including the right to require the authority to fix,
 16 establish, maintain, collect, and charge rates, fees, rentals,
 17 and other charges adequate to carry out any agreement as to or
 18 pledge of the revenues or receipts of the authority to carry
 19 out any other covenants and agreements with or for the benefit
 20 of the bondholders, and to perform its and their duties under
 21 this part.

22 (b) By mandamus or other suit, action, or proceeding
 23 at law or in equity, enforce all rights of the bondholders
 24 under or pursuant to any lease-purchase agreement between the
 25 authority and the department, including the right to require
 26 the department to make all rental payments required to be made
 27 by it under the provisions of any such lease-purchase
 28 agreement, to require the department to carry out any other
 29 covenants and agreements with or for the benefit of the
 30 bondholders and to perform its and their duties under this
 31 part.

Bill No. HB 1681, 1st Eng.

Barcode 400706

1 (c) Bring suit upon the bonds.

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

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

8 (3) Any trustee, when appointed as aforesaid or acting
9 under a deed of trust, indenture, or other agreement, and
10 whether or not all bonds have been declared due and payable,
11 may appoint a receiver who may enter upon and take possession
12 of the system or the facilities or any part or parts thereof,
13 the rates, fees, rentals, or other revenues, charges, or
14 receipts from which are or may be applicable to the payment of
15 the bonds so in default, and, subject to and in compliance
16 with the provisions of any lease-purchase agreement between
17 the authority and the department, operate and maintain the
18 same for and on behalf of and in the name of the authority,
19 the department, and the bondholders, and collect and receive
20 all rates, fees, rentals, and other charges or receipts or
21 revenues arising therefrom in the same manner as the authority
22 or the department might do, and shall deposit all such moneys
23 in a separate account and apply such moneys in such manner as
24 the court shall direct. In any suit, action, or proceeding by
25 the trustee, the fees, counsel fees, and expenses of the
26 trustee and the receiver, if any, and all costs and
27 disbursements allowed by the court shall be a first charge on
28 any rates, fees, rentals, or other charges, revenues, or
29 receipts derived from the system or the facilities or services
30 or any part or parts thereof, including payments under any
31 such lease-purchase agreement as aforesaid, which rates, fees,

Bill No. HB 1681, 1st Eng.

Barcode 400706

1 rentals, or other charges, revenues, or receipts may be
 2 applicable to the payment of the bonds so in default. Such
 3 trustee, in addition to the foregoing, possesses all of the
 4 powers necessary for the exercise of any functions
 5 specifically set forth herein or incident to the
 6 representation of the bondholders in the enforcement and
 7 protection of their rights.

8 (4) This section or any other section of this part
 9 does not authorize any receiver appointed pursuant hereto for
 10 the purpose, subject to and in compliance with the provisions
 11 of any lease-purchase agreement between the authority and the
 12 department, of operating and maintaining the system or any
 13 facilities or part or parts thereof, to sell, assign,
 14 mortgage, or otherwise dispose of any of the assets of
 15 whatever kind and character belonging to the authority. It is
 16 the intention of this part to limit the powers of such
 17 receiver, subject to and in compliance with the provisions of
 18 any lease-purchase agreement between the authority and the
 19 department, to the operation and maintenance of the system or
 20 any facility or part or parts thereof, as the court may
 21 direct, in the name and for and on behalf of the authority,
 22 the department, and the bondholders. In any suit, action, or
 23 proceeding at law or in equity, a holder of bonds on the
 24 authority, a trustee, or any court may not compel or direct a
 25 receiver to sell, assign, mortgage, or otherwise dispose of
 26 any assets of whatever kind or character belonging to the
 27 authority. A receiver also may not be authorized to sell,
 28 assign, mortgage, or otherwise dispose of any assets of
 29 whatever kind or character belonging to the authority in any
 30 suit, action, or proceeding at law or in equity.

31 343.837 Lease-purchase agreement.--

Barcode 400706

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

5 (2) Such lease-purchase agreement shall provide for
 6 the leasing of the system by the authority, as lessor, to the
 7 department, as lessee, shall prescribe the term of such lease
 8 and the rentals to be paid thereunder, and shall provide that,
 9 upon the completion of the faithful performance thereunder and
 10 the termination of such lease-purchase agreement, title in fee
 11 simple absolute to the system as then constituted shall be
 12 transferred in accordance with law by the authority to the
 13 state and the authority shall deliver to the department such
 14 deeds and conveyances as shall be necessary or convenient to
 15 vest title in fee simple absolute in the state.

16 (3) Such lease-purchase agreement may include such
 17 other provisions, agreements, and covenants as the authority
 18 and the department deem advisable or required, including, but
 19 not limited to, provisions as to the bonds to be issued for
 20 the purposes of this part, the completion, extension,
 21 improvement, operation, and maintenance of the system and the
 22 expenses and the cost of operation of the authority, the
 23 charging and collection of tolls, rates, fees, and other
 24 charges for the use of the services and facilities thereof,
 25 and the application of federal or state grants or aid which
 26 may be made or given to assist the authority in the
 27 completion, extension, improvement, operation, and maintenance
 28 of the system.

29 (4) The department as lessee under such lease-purchase
 30 agreement may pay as rentals thereunder any rates, fees,
 31 charges, funds, moneys, receipts, or income accruing to the

Bill No. HB 1681, 1st Eng.

Barcode 400706

1 department from the operation of the system and may also pay
 2 as rentals any appropriations received by the department
 3 pursuant to any act of the Legislature heretofore or hereafter
 4 enacted; however, nothing in this section or in such
 5 lease-purchase agreement is intended to require, nor shall
 6 this part or such lease-purchase agreement require, the making
 7 or continuance of such appropriations, nor shall any holder of
 8 bonds issued pursuant to this part ever have any right to
 9 compel the making or continuance of such appropriations.

10 (5) The department shall have power to covenant in any
 11 lease-purchase agreement that it will pay all or any part of
 12 the cost of the operation, maintenance, repair, renewal, and
 13 replacement of the corridor system, and any part of the cost
 14 of completing the corridor system to the extent that the
 15 proceeds of bonds issued are insufficient, from sources other
 16 than the revenues derived from the operation of the system.

17 (6) The U.S. 98 Corridor System shall be a part of the
 18 State Highway System as defined in s. 334.03, and the
 19 department may, upon the request of the authority, expend out
 20 of any funds available for that purpose, and use such of its
 21 engineering and other forces, as may be necessary and
 22 desirable in the judgment of the department, for the operation
 23 of the authority and for traffic surveys, borings, surveys,
 24 preparation of plans and specifications, estimates of cost,
 25 and other preliminary engineering and other studies.

26 343.84 Department may be appointed agent of authority
 27 for construction.--The department may be appointed by the
 28 authority as its agent for the purpose of constructing
 29 improvements and extensions to the system and for the
 30 completion thereof. In such event, the authority shall provide
 31 the department with complete copies of all documents,

Bill No. HB 1681, 1st Eng.

Barcode 400706

1 agreements, resolutions, contracts, and instruments relating
 2 thereto, shall request the department to do such construction
 3 work, including the planning, surveying, and actual
 4 construction of the completion, extensions, and improvements
 5 to the system, and shall transfer to the credit of an account
 6 of the department in the treasury of the state the necessary
 7 funds therefor. The department shall proceed with such
 8 construction and use the funds for such purpose in the same
 9 manner that it is now authorized to use the funds otherwise
 10 provided by law for its use in construction of roads and
 11 bridges.

12 343.85 Acquisition of lands and property.--

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

31 (2) The right of eminent domain herein conferred shall

Bill No. HB 1681, 1st Eng.

Barcode 400706

1 be exercised by the authority in the manner provided by law.

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

15 343.87 Cooperation with other units, boards, agencies,
 16 and individuals.--Express authority and power is hereby given
 17 and granted to any county, municipality, drainage district,
 18 road and bridge district, school district, or any other
 19 political subdivision, board, commission, or individual in or
 20 of the state to make and enter into contracts, leases,
 21 conveyances, partnerships, or other agreements with the
 22 authority within the provisions and purposes of this part. The
 23 authority may make and enter into contracts, leases,
 24 conveyances, partnerships, and other agreements with any
 25 political subdivision, agency, or instrumentality of the state
 26 and any and all federal agencies, corporations, and
 27 individuals for the purpose of carrying out the provisions of
 28 this part.

29 343.875 Public-private partnerships.--

30 (1) The authority may receive or solicit proposals and
 31 enter into agreements with private entities or consortia

Barcode 400706

1 thereof, for the building, operation, ownership, or financing
2 of transportation facilities within the jurisdiction of the
3 authority. Before approval, the authority must determine that
4 a proposed project:

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

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

9 (c) Would have adequate safeguards to ensure that
10 additional costs or service disruptions would not be realized
11 by the traveling public and citizens of the state in the event
12 of default or the cancellation of the agreement by the
13 authority.

14 (2) The authority shall ensure that all reasonable
15 costs to the state related to transportation facilities that
16 are not part of the State Highway System are borne by the
17 private entity. The authority also shall ensure that all
18 reasonable costs to the state and substantially affected local
19 governments and utilities related to the private
20 transportation facility are borne by the private entity for
21 transportation facilities that are owned by private entities.
22 For projects on the State Highway System, the department may
23 use state resources to participate in funding and financing
24 the project as provided for under the department's enabling
25 legislation.

26 (3) The authority may request proposals for
27 public-private transportation projects or, if it receives an
28 unsolicited proposal, it must publish a notice in the Florida
29 Administrative Weekly and a newspaper of general circulation
30 in the county in which it is located at least once a week for
31 2 weeks stating that it has received the proposal and will

Bill No. HB 1681, 1st Eng.

Barcode 400706

1 accept, for 60 days after the initial date of publication,
 2 other proposals for the same project purpose. A copy of the
 3 notice must be mailed to each local government in the affected
 4 areas. After the public notification period has expired, the
 5 authority shall rank the proposals in order of preference. In
 6 ranking the proposals, the authority shall consider
 7 professional qualifications, general business terms,
 8 innovative engineering or cost-reduction terms, finance plans,
 9 and the need for state funds to deliver the proposal. If the
 10 authority is not satisfied with the results of the
 11 negotiations, it may, at its sole discretion, terminate
 12 negotiations with the proposer. If these negotiations are
 13 unsuccessful, the authority may go to the second and
 14 lower-ranked firms, in order, using the same procedure. If
 15 only one proposal is received, the authority may negotiate in
 16 good faith and, if it is not satisfied with the results, it
 17 may, at its sole discretion, terminate negotiations with the
 18 proposer. Notwithstanding this subsection, the authority may,
 19 at its discretion, reject all proposals at any point in the
 20 process up to completion of a contract with the proposer.

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

26 (5) Each public-private transportation facility
 27 constructed pursuant to this section shall comply with all
 28 requirements of federal, state, and local laws; state,
 29 regional, and local comprehensive plans; the authority's
 30 rules, policies, procedures, and standards for transportation
 31 facilities; and any other conditions that the authority

Barcode 400706

1 determines to be in the public's best interest.

2 (6) The authority may exercise any of its powers,
3 including eminent domain, to facilitate the development and
4 construction of transportation projects pursuant to this
5 section. The authority may pay all or part of the cost of
6 operating and maintaining the facility or may provide services
7 to the private entity for which it receives full or partial
8 reimbursement for services rendered.

9 (7) Except as herein provided, this section is not
10 intended to amend existing law by granting additional powers
11 to or imposing further restrictions on the governmental
12 entities with regard to regulating and entering into
13 cooperative arrangements with the private sector for the
14 planning, construction, and operation of transportation
15 facilities.

16 (8) The authority may adopt rules to implement this
17 section and shall, by rule, establish an application fee for
18 the submission of unsolicited proposals under this section.
19 The fee must be sufficient to pay the costs of evaluating the
20 proposals.

21 343.88 Covenant of the state.--The state does hereby
22 pledge to, and agrees with, any person, firm or corporation,
23 or federal or state agency subscribing to or acquiring the
24 bonds to be issued by the authority for the purposes of this
25 part that the state will not limit or alter the rights hereby
26 vested in the authority and the department until all bonds at
27 any time issued, together with the interest thereon, are fully
28 paid and discharged insofar as the same affects the rights of
29 the holders of bonds issued hereunder. The state does further
30 pledge to, and agree with, the United States that, if any
31 federal agency constructs or contributes any funds for the

Bill No. HB 1681, 1st Eng.

Barcode 400706

1 completion, extension, or improvement of the system or any
 2 part or portion thereof, the state will not alter or limit the
 3 rights and powers of the authority and the department in any
 4 manner which would be inconsistent with the continued
 5 maintenance and operation of the system or the completion,
 6 extension, or improvement thereof or which would be
 7 inconsistent with the due performance of any agreements
 8 between the authority and any such federal agency. The
 9 authority and the department shall continue to have and may
 10 exercise all powers herein granted so long as necessary or
 11 desirable for the carrying out of the purposes of this part
 12 and the purposes of the United States in the completion,
 13 extension, or improvement of the system or any part or portion
 14 thereof.

15 343.881 Exemption from taxation.--The effectuation of
 16 the authorized purposes of the authority created under this
 17 part is for the benefit of the people of this state, for the
 18 increase of their commerce and prosperity, and for the
 19 improvement of their health and living conditions and, because
 20 the authority performs essential governmental functions in
 21 effectuating such purposes, the authority is not required to
 22 pay any taxes or assessments of any kind or nature whatsoever
 23 upon any property acquired or used by it for such purposes, or
 24 upon any rates, fees, rentals, receipts, income, or charges at
 25 any time received by it. The bonds issued by the authority,
 26 their transfer, and the income therefrom, including any
 27 profits made on the sale thereof, shall at all times be free
 28 from taxation of any kind by the state or by any political
 29 subdivision, taxing agency, or instrumentality thereof. The
 30 exemption granted by this section does not apply to any tax
 31 imposed by chapter 220 on interest, income, or profits on debt

Bill No. HB 1681, 1st Eng.

Barcode 400706

1 obligations owned by corporations.

2 343.884 Eligibility for investments and security.--Any
3 bonds or other obligations issued pursuant to this part shall
4 be and constitute legal investments for banks, savings banks,
5 trustees, executors, administrators, and all other fiduciaries
6 and for all state, municipal, and other public funds and shall
7 also be and constitute securities eligible for deposit as
8 security for all state, municipal, or other public funds,
9 notwithstanding the provisions of any other law to the
10 contrary.

11 343.885 Pledges enforceable by bondholders.--It is the
12 express intention of this part that any pledge to the
13 authority by the department of rates, fees, revenues, or other
14 funds as rentals, or any covenants or agreements relative
15 thereto, is enforceable in any court of competent jurisdiction
16 against the authority or directly against the department by
17 any holder of bonds issued by the authority.

18 343.89 Complete and additional statutory authority.--

19 (1) The powers conferred by this part are supplemental
20 to the existing powers of the board and the department. This
21 part does not repeal any of the provisions of any other law,
22 general, special, or local, but supersedes such other laws in
23 the exercise of the powers provided in this part and provides
24 a complete method for the exercise of the powers granted in
25 this part. The extension and improvement of the system, and
26 the issuance of bonds hereunder to finance all or part of the
27 cost thereof, may be accomplished upon compliance with the
28 provisions of this part without regard to or necessity for
29 compliance with the provisions, limitations, or restrictions
30 contained in any other general, special, or local law,
31 including, but not limited to, s. 215.821. An approval of any

Bill No. HB 1681, 1st Eng.

Barcode 400706

1 bonds issued under this part by the qualified electors or
2 qualified electors who are freeholders in the state or in any
3 other political subdivision of the state is not required for
4 the issuance of such bonds pursuant to this part.

5 (2) This part does not repeal, rescind, or modify any
6 other law relating to the State Board of Administration, the
7 Department of Transportation, or the Division of Bond Finance
8 within the State Board of Administration; however, this part
9 supersedes such other laws as are inconsistent with its
10 provisions, including, but not limited to, s. 215.821.

11 (3) This part does not preclude the department from
12 acquiring, holding, constructing, improving, maintaining,
13 operating, or owning tolled or nontolled facilities funded and
14 constructed from nonauthority sources that are part of the
15 State Highway System within the geographical boundaries of the
16 Northwest Florida Transportation Corridor Authority.

17 Section 9. Subsection (10) is added to section
18 337.251, Florida Statutes, to read:

19 337.251 Lease of property for joint public-private
20 development and areas above or below department property.--

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

23 Section 10. Subsection (1) of section 337.406, Florida
24 Statutes, is amended to read:

25 337.406 Unlawful use of state transportation facility
26 right-of-way; penalties.--

27 (1) Except when leased as provided in s. 337.25(5) or
28 otherwise authorized by the rules of the department, it is
29 unlawful to make any use of the right-of-way of any state
30 transportation facility, including appendages thereto, outside
31 of an incorporated municipality in any manner that interferes

Bill No. HB 1681, 1st Eng.

Barcode 400706

1 with the safe and efficient movement of people and property
 2 from place to place on the transportation facility. Failure
 3 to prohibit the use of right-of-way in this manner will
 4 endanger the health, safety, and general welfare of the public
 5 by causing distractions to motorists, unsafe pedestrian
 6 movement within travel lanes, sudden stoppage or slowdown of
 7 traffic, rapid lane changing and other dangerous traffic
 8 movement, increased vehicular accidents, and motorist injuries
 9 and fatalities. Such prohibited uses include, but are not
 10 limited to, the free distribution or sale, or display or
 11 solicitation for free distribution or sale, of any
 12 merchandise, goods, property or services; the solicitation for
 13 charitable purposes; the servicing or repairing of any
 14 vehicle, except the rendering of emergency service; the
 15 storage of vehicles being serviced or repaired on abutting
 16 property or elsewhere; and the display of advertising of any
 17 sort, except that any portion of a state transportation
 18 facility may be used for an art festival, parade, fair, or
 19 other special event if permitted by the appropriate local
 20 governmental entity. Local government entities within
 21 ~~incorporated municipalities, the local governmental entity~~ may
 22 issue permits of limited duration for the temporary use of the
 23 right-of-way of a state transportation facility for any of
 24 these prohibited uses if it is determined that the use will
 25 not interfere with the safe and efficient movement of traffic
 26 and the use will cause no danger to the public. The permitting
 27 authority granted in this subsection shall be exercised by the
 28 municipality within incorporated municipalities and by the
 29 county outside an incorporated municipality. Before a road on
 30 the State Highway System may be temporarily closed for a
 31 special event, the local governmental entity which permits the

Bill No. HB 1681, 1st Eng.

Barcode 400706

1 special event to take place must determine that the temporary
 2 closure of the road is necessary and must obtain the prior
 3 written approval for the temporary road closure from the
 4 department. Nothing in this subsection shall be construed to
 5 authorize such activities on any limited access highway ~~the~~
 6 ~~Interstate Highway System~~. Local governmental entities may,
 7 within their respective jurisdictions, initiate enforcement
 8 action by the appropriate code enforcement authority or law
 9 enforcement authority for a violation of this section.

10 Section 11. Subsection (2) of section 339.55, Florida
 11 Statutes, is amended to read:

12 339.55 State-funded infrastructure bank.--

13 (2) The bank may lend capital costs or provide credit
 14 enhancements for a transportation facility project that is on
 15 the State Highway System or that provides for increased
 16 mobility on the state's transportation system or provides
 17 intermodal connectivity with airports, seaports, rail
 18 facilities, and other transportation terminals, pursuant to s.
 19 341.053, for the movement of people and goods. Loans from the
 20 bank may be subordinated to senior project debt that has an
 21 investment grade rating of "BBB" or higher. Notwithstanding
 22 any other provision of law, the total outstanding state-funded
 23 infrastructure bank loan repayments over the average term of
 24 the loan repayment period, as needed to meet the requirements
 25 of the documents authorizing the bonds issued or proposed to
 26 be issued under s. 215.617 to be paid from the State
 27 Transportation Trust Fund, may not exceed 0.75 percent of the
 28 revenues deposited into the State Transportation Trust Fund.

29 Section 12. Section 373.4137, Florida Statutes, is
 30 amended to read:

31 373.4137 Mitigation requirements for specified

Bill No. HB 1681, 1st Eng.

Barcode 400706

1 transportation projects.--

2 (1) The Legislature finds that environmental
 3 mitigation for the impact of transportation projects proposed
 4 by the Department of Transportation or a transportation
 5 authority established pursuant to chapter 348 or chapter 349
 6 can be more effectively achieved by regional, long-range
 7 mitigation planning rather than on a project-by-project basis.
 8 It is the intent of the Legislature that mitigation to offset
 9 the adverse effects of these transportation projects be funded
 10 by the Department of Transportation and be carried out by ~~the~~
 11 ~~Department of Environmental Protection and~~ the water
 12 management districts, including the use of mitigation banks
 13 established pursuant to this part.

14 (2) Environmental impact inventories for
 15 transportation projects proposed by the Department of
 16 Transportation or a transportation authority established
 17 pursuant to chapter 348 or chapter 349 shall be developed as
 18 follows:

19 (a) By July ~~May~~ 1 of each year, the Department of
 20 Transportation or a transportation authority established
 21 pursuant to chapter 348 or chapter 349 shall submit to ~~the~~
 22 ~~Department of Environmental Protection and~~ the water
 23 management districts a copy of its adopted work program and an
 24 environmental impact inventory of habitats addressed in the
 25 rules adopted ~~tentatively~~, pursuant to this part and s. 404 of
 26 the Clean Water Act, 33 U.S.C. s. 1344, which may be impacted
 27 by its plan of construction for transportation projects in the
 28 next 3 years of the tentative work program. The Department of
 29 Transportation or a transportation authority established
 30 pursuant to chapter 348 or chapter 349 may also include in its
 31 environmental impact inventory the habitat impacts of any

Barcode 400706

1 ~~future transportation project identified in the tentative work~~
 2 ~~program. The Department of Transportation and each~~
 3 ~~transportation authority established pursuant to chapter 348~~
 4 ~~or chapter 349 may fund any mitigation activities for future~~
 5 ~~projects using current year funds.~~

6 (b) The environmental impact inventory shall include a
 7 description of these habitat impacts, including their
 8 location, acreage, and type; state water quality
 9 classification of impacted wetlands and other surface waters;
 10 any other state or regional designations for these habitats;
 11 and a survey of threatened species, endangered species, and
 12 species of special concern affected by the proposed project.

13 (3)(a) To fund development and implementation of the
 14 mitigation plan for the projected impacts identified in the
 15 environmental impact inventory described in subsection (2),
 16 the Department of Transportation shall identify funds
 17 quarterly in an escrow account within the State Transportation
 18 Trust Fund for the environmental mitigation phase of projects
 19 budgeted by the Department of Transportation for the current
 20 fiscal year. The escrow account shall be maintained by the
 21 Department of Transportation for the benefit of ~~the Department~~
 22 ~~of Environmental Protection and~~ the water management
 23 districts. Any interest earnings from the escrow account shall
 24 remain with the Department of Transportation.

25 (b) Each transportation authority established pursuant
 26 to chapter 348 or chapter 349 that chooses to participate in
 27 this program shall create an escrow account within its
 28 financial structure and deposit funds in the account to pay
 29 for the environmental mitigation phase of projects budgeted
 30 for the current fiscal year. The escrow account shall be
 31 maintained by the authority for the benefit of ~~the Department~~

Bill No. HB 1681, 1st Eng.

Barcode 400706

1 ~~of Environmental Protection and the water management~~
2 districts. Any interest earnings from the escrow account shall
3 remain with the authority.

4 (c) Except for current mitigation projects in the
5 monitoring and maintenance phase and except as allowed by
6 paragraph (d), the ~~Department of Environmental Protection or~~
7 water management districts may request a transfer of funds
8 from an escrow account no sooner than 30 days prior to the
9 date the funds are needed to pay for activities associated
10 with development or implementation of the approved mitigation
11 plan described in subsection (4) for the current fiscal year,
12 including, but not limited to, design, engineering,
13 production, and staff support. Actual conceptual plan
14 preparation costs incurred before plan approval may be
15 submitted to the Department of Transportation or the
16 appropriate transportation authority ~~and the Department of~~
17 ~~Environmental Protection by November 1 of~~ each year with the
18 plan. The conceptual plan preparation costs of each water
19 management district will be paid from mitigation funds
20 associated with the environmental impact inventory for the
21 current year ~~based on the amount approved on the mitigation~~
22 ~~plan and allocated to the current fiscal year projects~~
23 ~~identified by the water management district.~~ The amount
24 transferred to the escrow accounts each year by the Department
25 of Transportation and participating transportation authorities
26 established pursuant to chapter 348 or chapter 349 shall
27 correspond to a cost per acre of \$75,000 multiplied by the
28 projected acres of impact identified in the environmental
29 impact inventory described in subsection (2). However, the
30 \$75,000 cost per acre does not constitute an admission against
31 interest by the state or its subdivisions nor is the cost

Bill No. HB 1681, 1st Eng.

Barcode 400706

1 admissible as evidence of full compensation for any property
 2 acquired by eminent domain or through inverse condemnation.
 3 Each July 1, the cost per acre shall be adjusted by the
 4 percentage change in the average of the Consumer Price Index
 5 issued by the United States Department of Labor for the most
 6 recent 12-month period ending September 30, compared to the
 7 base year average, which is the average for the 12-month
 8 period ending September 30, 1996. Each quarter ~~At the end of~~
 9 ~~each year~~, the projected acreage of impact shall be reconciled
 10 with the acreage of impact of projects as permitted, including
 11 permit modifications, pursuant to this part and s. 404 of the
 12 Clean Water Act, 33 U.S.C. s. 1344. The subject year's
 13 transfer of funds shall be adjusted accordingly to reflect the
 14 acreage of impacts as permitted ~~overtransfer or undertransfer~~
 15 ~~of funds from the preceding year~~. The Department of
 16 Transportation and participating transportation authorities
 17 established pursuant to chapter 348 or chapter 349 are
 18 authorized to transfer such funds from the escrow accounts to
 19 ~~the Department of Environmental Protection and the water~~
 20 management districts to carry out the mitigation programs. For
 21 a mitigation project that is in the maintenance and monitoring
 22 phase, the water management district may request and receive a
 23 one-time payment based on the project's expected future
 24 maintenance and monitoring costs. Upon disbursement of the
 25 final maintenance and monitoring payment, the escrow account
 26 for the project established by the Department of
 27 Transportation or the participating transportation authority
 28 may be closed. Any interest earned on these disbursed funds
 29 shall remain with the water management district and must be
 30 used as authorized under paragraph (4)(c).

31 (d) Beginning in the 2005-2006 fiscal year, each water

Bill No. HB 1681, 1st Eng.

Barcode 400706

1 management district shall be paid a lump-sum amount of \$75,000
2 per acre, adjusted as provided under paragraph (c), for
3 federally funded transportation projects that are included on
4 the environmental impact inventory and that have an approved
5 mitigation plan. Beginning in the 2009-2010 fiscal year, each
6 water management district shall be paid a lump-sum amount of
7 \$75,000 per acre, adjusted as provided under paragraph (c),
8 for federally funded and nonfederally funded transportation
9 projects that have an approved mitigation plan. All mitigation
10 costs, including, but not limited to, the costs of preparing
11 conceptual plans and the costs of design, construction, staff
12 support, future maintenance, and monitoring the mitigated
13 acres shall be funded through these lump-sum amounts.

14 (4) Prior to ~~March~~ ~~December~~ 1 of each year, each water
15 management district, in consultation with the Department of
16 Environmental Protection, the United States Army Corps of
17 Engineers, the Department of Transportation, transportation
18 authorities established pursuant to chapter 348 or chapter
19 349, and other appropriate federal, state, and local
20 governments, and other interested parties, including entities
21 operating mitigation banks, shall develop a plan for the
22 primary purpose of complying with the mitigation requirements
23 adopted pursuant to this part and 33 U.S.C. s. 1344. ~~This plan~~
24 ~~shall also address significant invasive plant problems within~~
25 ~~wetlands and other surface waters.~~ In developing such plans,
26 the districts shall utilize sound ecosystem management
27 practices to address significant water resource needs and
28 shall focus on activities of the Department of Environmental
29 Protection and the water management districts, such as surface
30 water improvement and management (SWIM) ~~projects~~ ~~waterbodies~~
31 and lands identified for potential acquisition for

Bill No. HB 1681, 1st Eng.

Barcode 400706

1 preservation, restoration ~~or, and~~ enhancement, and the control
 2 of invasive and exotic plants in wetlands and other surface
 3 waters, to the extent that such activities comply with the
 4 mitigation requirements adopted under this part and 33 U.S.C.
 5 s. 1344. In determining the activities to be included in such
 6 plans, the districts shall also consider the purchase of
 7 credits from public or private mitigation banks permitted
 8 under s. 373.4136 and associated federal authorization and
 9 shall include such purchase as a part of the mitigation plan
 10 when such purchase would offset the impact of the
 11 transportation project, provide equal benefits to the water
 12 resources than other mitigation options being considered, and
 13 provide the most cost-effective mitigation option. The
 14 mitigation plan shall be submitted to ~~preliminarily approved~~
 15 ~~by~~ the water management district governing board, or its
 16 designee, ~~and shall be submitted to the secretary of the~~
 17 ~~Department of Environmental Protection~~ for review and final
 18 approval. ~~The preliminary approval by the water management~~
 19 ~~district governing board does not constitute a decision that~~
 20 ~~affects substantial interests as provided by s. 120.569.~~ At
 21 least 14 ~~30~~ days prior to ~~preliminary~~ approval, the water
 22 management district shall provide a copy of the draft
 23 mitigation plan to any person who has requested a copy.

24 (a) For each transportation project with a funding
 25 request for the next fiscal year, the mitigation plan must
 26 include a brief explanation of why a mitigation bank was or
 27 was not chosen as a mitigation option, including an estimation
 28 of identifiable costs of the mitigation bank and nonbank
 29 options to the extent practicable.

30 (b) Specific projects may be excluded from the
 31 mitigation plan, in whole or in part, and shall not be subject

Bill No. HB 1681, 1st Eng.

Barcode 400706

1 to this section upon the agreement of the Department of
 2 Transportation, or a transportation authority if applicable,
 3 ~~the Department of Environmental Protection,~~ and the
 4 appropriate water management district that the inclusion of
 5 such projects would hamper the efficiency or timeliness of the
 6 mitigation planning and permitting process., ~~or the Department~~
 7 ~~of Environmental Protection and~~ The water management district
 8 may choose to exclude a project in whole or in part if the
 9 district is ~~are~~ unable to identify mitigation that would
 10 offset ~~the~~ impacts of the project.

11 (c) Surface water improvement and management or
 12 invasive plant control projects undertaken using the \$12
 13 million advance transferred from the Department of
 14 Transportation to the Department of Environmental Protection
 15 in fiscal year 1996-1997 which meet the requirements for
 16 mitigation under this part and 33 U.S.C. s. 1344 shall remain
 17 available for mitigation until the \$12 million is fully
 18 credited ~~up to and including fiscal year 2005-2006.~~ When these
 19 projects are used as mitigation, the \$12 million advance shall
 20 be reduced by \$75,000 per acre of impact mitigated. ~~For any~~
 21 ~~fiscal year through and including fiscal year 2005-2006,~~ To
 22 the extent the cost of developing and implementing the
 23 mitigation plans is less than the funds placed in the escrow
 24 account ~~amount transferred~~ pursuant to subsection (3), the
 25 difference shall be retained by the Department of
 26 Transportation and credited towards the \$12 million advance
 27 until the Department of Transportation is fully refunded for
 28 this advance funding. After the \$12 million advance funding is
 29 fully credited ~~Except as provided in this paragraph,~~ any funds
 30 not directed to implement the mitigation plan should, to the
 31 greatest extent possible, be directed to fund invasive plant

Bill No. HB 1681, 1st Eng.

Barcode 400706

1 control within wetlands and other surface waters, SWIM
 2 projects, or other water-resource projects approved by the
 3 governing board of the water management district which may be
 4 appropriate to offset environmental impacts of future
 5 transportation projects. The water management districts may
 6 request these funds upon submittal of the final invoice for
 7 each road project.

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

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

31 (7) Upon approval by the governing board of the water

1 management district or its designee ~~secretary of the~~
2 ~~Department of Environmental Protection~~, the mitigation plan
3 shall be deemed to satisfy the mitigation requirements under
4 this part for impacts specifically identified in the
5 environmental impact inventory described in subsection (2) and
6 any other mitigation requirements imposed by local, regional,
7 and state agencies for these same ~~impacts identified in the~~
8 ~~inventory described in subsection (2)~~. The approval of the
9 governing board of the water management district or its
10 designee ~~secretary~~ shall authorize the activities proposed in
11 the mitigation plan, and no other state, regional, or local
12 permit or approval shall be necessary.

13 (8) This section shall not be construed to eliminate
14 the need for the Department of Transportation or a
15 transportation authority established pursuant to chapter 348
16 or chapter 349 to comply with the requirement to implement
17 practicable design modifications, including realignment of
18 transportation projects, to reduce or eliminate the impacts of
19 its transportation projects on wetlands and other surface
20 waters as required by rules adopted pursuant to this part, or
21 to diminish the authority under this part to regulate other
22 impacts, including water quantity or water quality impacts, or
23 impacts regulated under this part that are not identified in
24 the environmental impact inventory described in subsection
25 (2).

26 (9) The process for environmental mitigation for the
27 impact of transportation projects under this section shall be
28 available to an expressway, bridge, or transportation
29 authority established under chapter 348 or chapter 349. Use of
30 this process may be initiated by an authority depositing the
31 requisite funds into an escrow account set up by the authority

Barcode 400706

1 and filing an environmental impact inventory with the
 2 appropriate water management district. An authority that
 3 initiates the environmental mitigation process established by
 4 this section shall comply with subsection (6) by timely
 5 providing the appropriate water management district ~~and the~~
 6 ~~Department of Environmental Protection~~ with the requisite work
 7 program information. A water management district may draw down
 8 funds from the escrow account as provided in this section.

9 Section 13. Paragraph (b) of subsection (19) of
 10 section 380.06, Florida Statutes, is amended to read:

11 380.06 Developments of regional impact.--

12 (19) SUBSTANTIAL DEVIATIONS.--

13 (b) Any proposed change to a previously approved
 14 development of regional impact or development order condition
 15 which, either individually or cumulatively with other changes,
 16 exceeds any of the following criteria shall constitute a
 17 substantial deviation and shall cause the development to be
 18 subject to further development-of-regional-impact review
 19 without the necessity for a finding of same by the local
 20 government:

21 1. An increase in the number of parking spaces at an
 22 attraction or recreational facility by 5 percent or 300
 23 spaces, whichever is greater, or an increase in the number of
 24 spectators that may be accommodated at such a facility by 5
 25 percent or 1,000 spectators, whichever is greater.

26 2. A new runway, a new terminal facility, a 25-percent
 27 lengthening of an existing runway, or a 25-percent increase in
 28 the number of gates of an existing terminal, but only if the
 29 increase adds at least three additional gates. ~~However, if an~~
 30 ~~airport is located in two counties, a 10 percent lengthening~~
 31 ~~of an existing runway or a 20 percent increase in the number~~

Barcode 400706

1 ~~of gates of an existing terminal is the applicable criteria.~~

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

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

6 5. An increase in the average annual acreage mined by
7 5 percent or 10 acres, whichever is greater, or an increase in
8 the average daily water consumption by a mining operation by 5
9 percent or 300,000 gallons, whichever is greater. An increase
10 in the size of the mine by 5 percent or 750 acres, whichever
11 is less.

12 6. An increase in land area for office development by
13 5 percent or an increase of gross floor area of office
14 development by 5 percent or 60,000 gross square feet,
15 whichever is greater.

16 7. An increase in the storage capacity for chemical or
17 petroleum storage facilities by 5 percent, 20,000 barrels, or
18 7 million pounds, whichever is greater.

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

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

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

31 11. An increase in hotel or motel facility units by 5

Barcode 400706

1 percent or 75 units, whichever is greater.

2 12. An increase in a recreational vehicle park area by
3 5 percent or 100 vehicle spaces, whichever is less.

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

6 14. A proposed increase to an approved multiuse
7 development of regional impact where the sum of the increases
8 of each land use as a percentage of the applicable substantial
9 deviation criteria is equal to or exceeds 100 percent. The
10 percentage of any decrease in the amount of open space shall
11 be treated as an increase for purposes of determining when 100
12 percent has been reached or exceeded.

13 15. A 15-percent increase in the number of external
14 vehicle trips generated by the development above that which
15 was projected during the original
16 development-of-regional-impact review.

17 16. Any change which would result in development of
18 any area which was specifically set aside in the application
19 for development approval or in the development order for
20 preservation or special protection of endangered or threatened
21 plants or animals designated as endangered, threatened, or
22 species of special concern and their habitat, primary dunes,
23 or archaeological and historical sites designated as
24 significant by the Division of Historical Resources of the
25 Department of State. The further refinement of such areas by
26 survey shall be considered under sub-subparagraph (e)5.b.

27
28 The substantial deviation numerical standards in subparagraphs
29 4., 6., 10., 14., excluding residential uses, and 15., are
30 increased by 100 percent for a project certified under s.

31 403.973 which creates jobs and meets criteria established by

Bill No. HB 1681, 1st Eng.

Barcode 400706

1 the Office of Tourism, Trade, and Economic Development as to
 2 its impact on an area's economy, employment, and prevailing
 3 wage and skill levels. The substantial deviation numerical
 4 standards in subparagraphs 4., 6., 9., 10., 11., and 14. are
 5 increased by 50 percent for a project located wholly within an
 6 urban infill and redevelopment area designated on the
 7 applicable adopted local comprehensive plan future land use
 8 map and not located within the coastal high hazard area.

9 Section 14. Bicycle system study.--Prior to October 1,
 10 2005, the Department of Transportation shall perform a bicycle
 11 system study of bicycle facilities that are on or connected to
 12 the State Highway System. The results of the bicycle system
 13 study shall be presented to the Governor, the President of the
 14 Senate, and the Speaker of the House of Representatives by
 15 October 1, 2005. The bicycle system study shall include paved
 16 bicycle lanes, bicycle trails, bicycle paths, and any route or
 17 facility designated specifically for bicycle traffic. The
 18 study shall be performed by a consultant selected and funded
 19 by the department and shall be managed by the department's
 20 State Pedestrian and Bicycle Coordinator. The study shall
 21 include:

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

24 (2) Identification of state highways with existing
 25 designated bicycle lanes.

26 (3) Identification of state highways with no
 27 designated bicycle lanes and any constraints to incorporating
 28 these facilities.

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

31 (5) Identification of all bicycle facility needs on

Bill No. HB 1681, 1st Eng.

Barcode 400706

1 the State Highway System.

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

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

10 Section 15. This act shall take effect upon becoming a
11 law.

12

13

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

15 And the title is amended as follows:

16 Delete everything before the enacting clause

17

18 and insert:

19 A bill to be entitled

20 An act relating to transportation; creating s.
21 311.22, F.S.; establishing a program to provide
22 matching funds for dredging projects in
23 eligible counties; requiring that funds
24 appropriated under the program be used for
25 certain projects; requiring that the Florida
26 Seaport Transportation and Economic Development
27 Council adopt rules for evaluating the dredging
28 projects; providing criteria for the rules;
29 providing for a project-review process by the
30 Department of Community Affairs, the Department
31 of Transportation, and the Office of Tourism,

Bill No. HB 1681, 1st Eng.

Barcode 400706

1 Trade, and Economic Development; amending s.
2 332.007, F.S.; authorizing the Department of
3 Transportation to fund certain eligible
4 aviation planning projects to be performed by
5 not-for-profit organizations representing a
6 majority of public airports; emending s.
7 337.11, F.S.; adding written work orders to the
8 type of documents covered by the department's
9 contracting laws; specifying changes to surety
10 bondholder's liability under certain
11 circumstances; creating s. 337.195, F.S.;
12 providing presumptions relating to liability in
13 certain actions against the department;
14 limiting liability, in certain circumstances,
15 of contractors and engineers doing work for the
16 department; amending s. 338.155, F.S.;
17 providing that persons participating in the
18 funeral procession of a law enforcement officer
19 or firefighter killed in the line of duty are
20 exempt from paying tolls; amending s. 339.175,
21 F.S.; requiring metropolitan planning
22 organizations to have recorded roll-votes and
23 super-majority votes on certain plans; amending
24 s. 339.64, F.S.; requiring the Florida
25 Transportation Commission to include as part of
26 its annual work program review an assessment of
27 the department's progress on the Strategic
28 Intermodal System; requiring an annual report
29 to the Governor and the Legislature by a
30 certain time period; directing the department
31 to coordinate with federal, regional, and local

Bill No. HB 1681, 1st Eng.

Barcode 400706

1 entities for transportation planning that
2 impacts military installations; requiring the
3 Strategic Intermodal System Plan to include an
4 assessment of the impacts of proposed projects
5 on military installations; adding a military
6 representative to the Governor's appointees to
7 the Strategic Intermodal Transportation
8 Advisory Council; deleting obsolete provisions;
9 creating part IV of chapter 343, F.S., entitled
10 "Northwest Florida Transportation Corridor
11 Authority"; providing a short title; providing
12 definitions; creating the Northwest Florida
13 Transportation Corridor Authority encompassing
14 Escambia, Santa Rosa, Okaloosa, Walton, Bay,
15 Gulf, Franklin, and Wakulla Counties; providing
16 for a governing body of the authority;
17 providing for membership, organization,
18 purposes, and powers of the authority;
19 requiring a master plan; providing for the U.S.
20 98 Corridor System; prohibiting tolls on
21 certain existing highways and other
22 transportation facilities within the corridor;
23 providing for procurement; providing bond
24 financing authority for improvements; providing
25 for bonds of the authority; providing for
26 fiscal agents; providing that the State Board
27 of Administration may act as fiscal agent;
28 providing for certain financial agreements;
29 providing for the rights and remedies of
30 bondholders; providing for a lease-purchase
31 agreement with the department; authorizing the

Bill No. HB 1681, 1st Eng.

Barcode 400706

1 authority to appoint the department as its
2 agent for construction; providing for
3 acquisition of lands and property; providing
4 for cooperation with other units, boards,
5 agencies, and individuals; providing for
6 public-private partnerships; providing covenant
7 of the state; providing for exemption from
8 taxation; providing for eligibility for
9 investments and security; providing that
10 pledges are enforceable by bondholders;
11 providing for complete and additional statutory
12 authority for the department and other state
13 agencies; amending s. 337.251, F.S.;

14 authorizing the department to adopt rules
15 governing the leasing of property for joint
16 public-private development; amending s.
17 337.406, F.S.; granting local governments
18 authority to issue permits allowing limited
19 temporary use of state transportation
20 right-of-way; clarifying limited access
21 facilities are not included in such authority;
22 amending s. 339.55, F.S.; establishing a
23 maximum limit on state-funded infrastructure
24 bank loans to the State Transportation Trust
25 Fund; amending s. 373.4137, F.S.; revising the
26 requirements for projects intended to mitigate
27 the adverse effects of transportation projects;
28 removing the Department of Environmental
29 Protection from the mitigation process;
30 revising requirements for the Department of
31 Transportation and the transportation

Bill No. HB 1681, 1st Eng.

Barcode 400706

1 authorities with respect to submitting plans
2 and inventories; authorizing the use of
3 current-year funds for future projects;
4 revising the requirements for reconciling
5 escrow accounts used to fund mitigation
6 projects; authorizing payments to a water
7 management district to fund the costs of future
8 maintenance and monitoring; requiring specified
9 lump-sum payments to be used for the mitigation
10 costs of certain projects; authorizing a
11 governing board of a water management district
12 to approve the use of mitigation funds for
13 certain future projects; requiring that
14 mitigation plans be approved by the water
15 management district rather than the Department
16 of Environmental Protection; amending s.
17 380.06, F.S., relating to developments of
18 regional impact; deleting a provision stating
19 criteria for determining when a change to
20 certain airports necessitates a review;
21 directing the Department of Transportation to
22 select and fund a consultant to perform a study
23 of bicycle facilities on or connected to the
24 State Highway System; requiring the results of
25 the study to be presented to the Governor and
26 the Legislature; providing for management of
27 the study by the State Pedestrian and Bicycle
28 Coordinator; providing for inclusion of certain
29 elements in the study; requiring the study to
30 include an implementation plan; providing an
31 effective date.