

Bill No. HB 1681, 1st Eng.

Barcode 800204

CHAMBER ACTION

Senate

House

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Senator Sebesta moved the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. Section 311.22, Florida Statutes, is created to read:

311.22 Additional authorization for funding certain dredging projects.--

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

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

11           Section 2. Subsection (8) of section 337.11, Florida  
12 Statutes, is amended to read:

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

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

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

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

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

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

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

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

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

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

19 337.195 Limits on liability.--

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

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

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

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

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

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

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

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

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

3           338.155 Payment of toll on toll facilities required;  
4 exemptions.--

5           (1) No persons are permitted to use any toll facility  
6 without payment of tolls, except employees of the agency  
7 operating the toll project when using the toll facility on  
8 official state business, state military personnel while on  
9 official military business, handicapped persons as provided in  
10 this section, persons exempt from toll payment by the  
11 authorizing resolution for bonds issued to finance the  
12 facility, and persons exempt on a temporary basis where use of  
13 such toll facility is required as a detour route. Any law  
14 enforcement officer operating a marked official vehicle is  
15 exempt from toll payment when on official law enforcement  
16 business. Any person operating a fire vehicle when on official  
17 business or a rescue vehicle when on official business is  
18 exempt from toll payment. Any person participating in the  
19 funeral procession of a law enforcement officer or firefighter  
20 killed in the line of duty is exempt from toll payment. The  
21 secretary, or the secretary's designee, may suspend the  
22 payment of tolls on a toll facility when necessary to assist  
23 in emergency evacuation. The failure to pay a prescribed toll  
24 constitutes a noncriminal traffic infraction, punishable as a  
25 moving violation pursuant to s. 318.18. The department is  
26 authorized to adopt rules relating to guaranteed toll  
27 accounts.

28           Section 5. Subsection (12) is added to section  
29 339.175, Florida Statutes, to read:

30           339.175 Metropolitan planning organization.--It is the  
31 intent of the Legislature to encourage and promote the safe

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1 and efficient management, operation, and development of  
2 surface transportation systems that will serve the mobility  
3 needs of people and freight within and through urbanized areas  
4 of this state while minimizing transportation-related fuel  
5 consumption and air pollution. To accomplish these objectives,  
6 metropolitan planning organizations, referred to in this  
7 section as M.P.O.'s, shall develop, in cooperation with the  
8 state and public transit operators, transportation plans and  
9 programs for metropolitan areas. The plans and programs for  
10 each metropolitan area must provide for the development and  
11 integrated management and operation of transportation systems  
12 and facilities, including pedestrian walkways and bicycle  
13 transportation facilities that will function as an intermodal  
14 transportation system for the metropolitan area, based upon  
15 the prevailing principles provided in s. 334.046(1). The  
16 process for developing such plans and programs shall provide  
17 for consideration of all modes of transportation and shall be  
18 continuing, cooperative, and comprehensive, to the degree  
19 appropriate, based on the complexity of the transportation  
20 problems to be addressed. To ensure that the process is  
21 integrated with the statewide planning process, M.P.O.'s shall  
22 develop plans and programs that identify transportation  
23 facilities that should function as an integrated metropolitan  
24 transportation system, giving emphasis to facilities that  
25 serve important national, state, and regional transportation  
26 functions. For the purposes of this section, those facilities  
27 include the facilities on the Strategic Intermodal System  
28 designated under s. 339.63.

29 (12) VOTING REQUIREMENTS.--Each long-range  
30 transportation plan required pursuant to subsection (6); each  
31 annually updated Transportation Improvement Program required



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1 under subsection (7), and each amendment that affects projects  
 2 in the first 3 years of such plans and programs, must be  
 3 approved by each M.P.O. on a recorded roll call vote of the  
 4 membership present.

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

7 339.64 Strategic Intermodal System Plan.--

8 (1) The department shall develop, in cooperation with  
 9 metropolitan planning organizations, regional planning  
 10 councils, local governments, the Statewide Intermodal  
 11 Transportation Advisory Council and other transportation  
 12 providers, a Strategic Intermodal System Plan. The plan shall  
 13 be consistent with the Florida Transportation Plan developed  
 14 pursuant to s. 339.155 and shall be updated at least once  
 15 every 5 years, subsequent to updates of the Florida  
 16 Transportation Plan.

17 (2) In association with the continued development of  
 18 the ~~initial~~ Strategic Intermodal System Plan ~~and other~~  
 19 ~~transportation plans~~, the Florida Transportation Commission,  
 20 as part of its work program review process, shall conduct an  
 21 annual assessment of the progress that the department and its  
 22 transportation partners have made in realizing the goals of  
 23 economic development, improved mobility, and increased  
 24 intermodal connectivity ~~need for an improved philosophical~~  
 25 ~~approach to regional and intermodal input in the planning for~~  
 26 ~~and governing~~ of the Strategic Intermodal System ~~and other~~  
 27 ~~transportation systems~~. The Florida Transportation Commission  
 28 shall coordinate with the department, the Statewide Intermodal  
 29 Transportation Advisory Council, and other appropriate  
 30 entities when developing this assessment. The Florida  
 31 Transportation Commission shall deliver a report to the

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1 Governor and Legislature no later than 14 days after the  
2 regular session begins ~~by December 15, 2003,~~ with  
3 recommendations as necessary to fully implement the Strategic  
4 Intermodal System.

5 (3)(a) During the development of updates to the  
6 Strategic Intermodal System Plan ~~and the development of all~~  
7 ~~subsequent updates,~~ the department shall provide metropolitan  
8 planning organizations, regional planning councils, local  
9 governments, transportation providers, affected public  
10 agencies, and citizens with an opportunity to participate in  
11 and comment on the development of the ~~proposed plan or update.~~

12 (b) The department also shall coordinate with federal,  
13 regional, and local partners the planning for the Strategic  
14 Highway Network and the Strategic Rail Corridor Network  
15 transportation facilities that either are included in the  
16 Strategic Intermodal System or that provide a direct  
17 connection between military installations and the Strategic  
18 Intermodal System. In addition, the department shall  
19 coordinate with regional and local partners to determine  
20 whether the road and other transportation infrastructure that  
21 connects military installations to the Strategic Intermodal  
22 System, the Strategic Highway Network, or the Strategic Rail  
23 Corridor is regionally significant and should be included in  
24 the Strategic Intermodal System Plan.

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

27 (a) A needs assessment.

28 (b) A project prioritization process.

29 (c) A map of facilities designated as Strategic  
30 Intermodal System facilities; ~~and~~ facilities that are emerging  
31 in importance that are likely to become part of the system in

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1 the future; and planned facilities that will meet the  
2 established criteria.

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

6 (e) An assessment of the impacts of proposed  
7 improvements to Strategic Intermodal System corridors on  
8 military installations that are either located directly on the  
9 Strategic Intermodal System or located on the Strategic  
10 Highway Network or Strategic Rail Corridor Network.

11 (5) STATEWIDE INTERMODAL TRANSPORTATION ADVISORY  
12 COUNCIL.--

13 (a) The Statewide Intermodal Transportation Advisory  
14 Council is created to advise and make recommendations to the  
15 Legislature and the department on policies, planning, and  
16 funding of intermodal transportation projects. The council's  
17 responsibilities shall include:

18 1. Advising the department on the policies, planning,  
19 and implementation of strategies related to intermodal  
20 transportation.

21 2. Providing advice and recommendations to the  
22 Legislature on funding for projects to move goods and people  
23 in the most efficient and effective manner for the State of  
24 Florida.

25 (b) MEMBERSHIP.--Members of the Statewide Intermodal  
26 Transportation Advisory Council shall consist of the  
27 following:

28 1. Six ~~Five~~ intermodal industry representatives  
29 selected by the Governor as follows:

30 a. One representative from an airport involved in the  
31 movement of freight and people from their airport facility to

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1 another transportation mode.

2 b. One individual representing a fixed-route,  
3 local-government transit system.

4 c. One representative from an intercity bus company  
5 providing regularly scheduled bus travel as determined by  
6 federal regulations.

7 d. One representative from a spaceport.

8 e. One representative from intermodal trucking  
9 companies.

10 f. One representative having command responsibilities  
11 of a major military installation.

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

14 a. One representative from major-line railroads.

15 b. One representative from seaports listed in s.  
16 311.09(1) from the Atlantic Coast.

17 c. One representative from an airport involved in the  
18 movement of freight and people from their airport facility to  
19 another transportation mode.

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

22 a. One representative from short-line railroads.

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

25 c. One representative from intermodal trucking  
26 companies. In no event may this representative be employed by  
27 the same company that employs the intermodal trucking company  
28 representative selected by the Governor.

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



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1           343.80 Short title.--This part may be cited as the  
2 "Northwest Florida Transportation Corridor Authority Law."

3           343.805 Definitions.--As used in this part, the term:

4           (1) "Agency of the state" means the state and any  
5 department of, or corporation, agency, or instrumentality  
6 heretofore or hereafter created, designated, or established  
7 by, the state.

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

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

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

16           (5) "Federal agency" means the United States, the  
17 President of the United States, and any department of, or  
18 corporation, agency, or instrumentality heretofore or  
19 hereafter created, designated, or established by, the United  
20 States.

21           (6) "Lease-purchase agreement" means the  
22 lease-purchase agreements that the authority is authorized  
23 pursuant to this part to enter into with the Department of  
24 Transportation.

25           (7) "Limited access expressway" or "expressway" means  
26 a street or highway especially designed for through traffic  
27 and over, from, or to which a person does not have the right  
28 of easement, use, or access except in accordance with the  
29 rules adopted and established by the authority for the use of  
30 such facility. Such highway or street may be a parkway, from  
31 which trucks, buses, and other commercial vehicles are

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1 excluded, or it may be a freeway open to use by all customary  
2 forms of street and highway traffic.

3 (8) "Members" means the governing body of the  
4 authority, and the term "member" means one of the individuals  
5 constituting such governing body.

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

9 (10) "U.S. 98 corridor" means U.S. Highway 98 and any  
10 feeder roads, reliever roads, connector roads, bridges, and  
11 other transportation appurtenances, existing or constructed in  
12 the future, that support U.S. Highway 98 in Escambia, Santa  
13 Rosa, Okaloosa, Walton, Bay, Gulf, Franklin, and Wakulla  
14 Counties.

15 (11) "U.S. 98 corridor system" means any and all  
16 expressways and appurtenant facilities, including, but not  
17 limited to, all approaches, roads, bridges, and avenues of  
18 access for the expressways that are either built by the  
19 authority or whose ownership is transferred to the authority  
20 by other governmental or private entities.

21  
22 Terms importing singular number include the plural number in  
23 each case and vice versa, and terms importing persons include  
24 firms and corporations.

25 343.81 Northwest Florida Transportation Corridor  
26 Authority.--

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

31 (2)(a) The governing body of the authority shall

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

15 (b) The district secretary of the Department of  
16 Transportation serving Northwest Florida shall serve as an ex  
17 officio, nonvoting member.

18 (3)(a) The authority shall elect one of its members as  
19 chair and shall also elect a secretary and a treasurer who may  
20 or may not be members of the authority. The chair, secretary,  
21 and treasurer shall hold such offices at the will of the  
22 authority.

23 (b) Five members of the authority shall constitute a  
24 quorum, and the vote of at least five members shall be  
25 necessary for any action taken by the authority. A vacancy in  
26 the authority does not impair the right of a quorum of the  
27 authority to exercise all of the rights and perform all of the  
28 duties of the authority.

29 (c) The authority shall meet at least quarterly but  
30 may meet more frequently upon the call of the chair. The  
31 authority should alternate the locations of its meetings among



1 the seven counties.

2 (4) Members of the authority shall serve without  
3 compensation but shall be entitled to receive from the  
4 authority their travel expenses and per diem incurred in  
5 connection with the business of the authority, as provided in  
6 s. 112.061.

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

20 (6) The authority may establish technical advisory  
21 committees to provide guidance and advice on corridor-related  
22 issues. The authority shall establish the size, composition,  
23 and focus of any technical advisory committee created. A  
24 member appointed to a technical advisory committee shall serve  
25 without compensation but shall be entitled to per diem or  
26 travel expenses, as provided in s. 112.061.

27 343.82 Purposes and powers.--

28 (1) The primary purpose of the authority is to improve  
29 mobility on the U.S. 98 corridor in Northwest Florida to  
30 enhance traveler safety, identify and develop hurricane  
31 evacuation routes, promote economic development along the

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1 corridor, and implement transportation projects to alleviate  
 2 current or anticipated traffic congestion.

3 (2) The authority is authorized to construct any  
 4 feeder roads, reliever roads, connector roads, bypasses, or  
 5 appurtenant facilities that are intended to improve mobility  
 6 along the U.S. 98 corridor. The transportation improvement  
 7 projects may also include all necessary approaches, roads,  
 8 bridges, and avenues of access that are desirable and proper  
 9 with the concurrence, where applicable, of the department if  
 10 the project is to be part of the State Highway System or the  
 11 respective county or municipal governing boards. Any  
 12 transportation facilities constructed by the authority may be  
 13 tolled.

14 (3)(a) The authority shall develop and adopt a  
 15 corridor master plan no later than July 1, 2007. The goals and  
 16 objectives of the master plan are to identify areas of the  
 17 corridor where mobility, traffic safety, and efficient  
 18 hurricane evacuation needs to be improved; evaluate the  
 19 economic development potential of the corridor and consider  
 20 strategies to develop that potential; develop methods of  
 21 building partnerships with local governments, other state and  
 22 federal entities, the private-sector business community, and  
 23 the public in support of corridor improvements; and to  
 24 identify projects that will accomplish these goals and  
 25 objectives.

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

28 (c) The authority shall present the original master  
 29 plan and updates to the governing bodies of the counties  
 30 within the corridor and to the legislative delegation members  
 31 representing those counties within 90 days after adoption.

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1       (d) The authority may undertake projects or other  
2 improvements in the master plan in phases as particular  
3 projects or segments thereof become feasible, as determined by  
4 the authority. In carrying out its purposes and powers, the  
5 authority may request funding and technical assistance from  
6 the department and appropriate federal and local agencies,  
7 including, but not limited to, state infrastructure bank  
8 loans, advances from the Toll Facilities Revolving Trust Fund,  
9 and from any other sources.

10       (4) The authority is granted and shall have and may  
11 exercise all powers necessary, appurtenant, convenient, or  
12 incidental to the carrying out of the aforesaid purposes,  
13 including, but not limited to, the following rights and  
14 powers:

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

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

31       (c) To fix, alter, charge, establish, and collect

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1 tolls, rates, fees, rentals, and other charges for the  
 2 services and facilities of the Northwest Florida  
 3 Transportation Corridor System, which rates, fees, rentals,  
 4 and other charges shall always be sufficient to comply with  
 5 any covenants made with the holders of any bonds issued  
 6 pursuant to this part; however, such right and power may be  
 7 assigned or delegated by the authority to the department. The  
 8 authority may not impose tolls or other charges on existing  
 9 highways and other transportation facilities within the  
 10 corridor.

11 (d) To acquire by donation or otherwise, purchase,  
 12 hold, lease as lessee, and use any franchise, property, real,  
 13 personal, or mixed, tangible or intangible, or any options  
 14 thereof in its own name or in conjunction with others, or  
 15 interest therein, necessary or desirable for carrying out the  
 16 purposes of the authority and to sell, lease as lessor,  
 17 transfer, and dispose of any property or interest therein at  
 18 any time acquired by it.

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

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

22 (g) To enter into and make leases.

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

28 (i) To make contracts of every name and nature,  
 29 including, but not limited to, partnerships providing for  
 30 participation in ownership and revenues, and to execute all  
 31 instruments necessary or convenient for the carrying on of its

1 business.

2       (j) Without limitation of the foregoing, to borrow  
3 money and accept grants from and to enter into contracts,  
4 leases, or other transactions with any federal agency, the  
5 state, any agency of the state, or any other public body of  
6 the state.

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

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

12       (m) To enter into partnership and other agreements  
13 respecting ownership and revenue participation in order to  
14 facilitate financing and constructing any project or portions  
15 thereof.

16       (n) To participate in agreements with private entities  
17 and to receive private contributions.

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

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

25       (q) To construct, operate, and maintain roads,  
26 bridges, avenues of access, thoroughfares, and boulevards and  
27 to construct, repair, replace, operate, install, and maintain  
28 electronic toll payment systems thereon, with all necessary  
29 and incidental powers to accomplish the foregoing.

30       (5) The authority does not have power at any time or  
31 in any manner to pledge the credit or taxing power of the

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1 state or any political subdivision or agency thereof, nor  
 2 shall any of the authority's obligations be deemed to be  
 3 obligations of the state or of any political subdivision or  
 4 agency thereof, nor shall the state or any political  
 5 subdivision or agency thereof, except the authority, be liable  
 6 for the payment of the principal of or interest on such  
 7 obligations.

8       343.83 Improvements, bond financing  
 9 authority.--Pursuant to s. 11(f), Art. VII of the State  
 10 Constitution, the Legislature approves bond financing by the  
 11 Northwest Florida Transportation Corridor Authority for  
 12 improvements to toll collection facilities, interchanges to  
 13 the legislatively approved system, and any other facility  
 14 appurtenant, necessary, or incidental to the approved system.  
 15 Subject to terms and conditions of applicable revenue bond  
 16 resolutions and covenants, such costs may be financed in whole  
 17 or in part by revenue bonds issued pursuant to s.  
 18 343.835(1)(a) or (b) whether currently issued or issued in the  
 19 future or by a combination of such bonds.

20       343.835 Bonds of the authority.--  
 21       (1)(a) Bonds may be issued on behalf of the authority  
 22 pursuant to the State Bond Act.

23       (b) Alternatively, the authority may issue its own  
 24 bonds pursuant to this part at such times and in such  
 25 principal amount as, in the opinion of the authority, is  
 26 necessary to provide sufficient moneys for achieving its  
 27 purposes; however, such bonds may not pledge the full faith  
 28 and credit of the state. Bonds issued by the authority  
 29 pursuant to this paragraph or paragraph (a), whether on  
 30 original issuance or on refunding, shall be authorized by  
 31 resolution of the members thereof, may be either term or

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1 serial bonds, and shall bear such date or dates, mature at  
2 such time or times, not exceeding 40 years after their  
3 respective dates, bear interest at such rate or rates, be  
4 payable semiannually, be in such denominations, be in such  
5 form, either coupon or fully registered, carry such  
6 registration, exchangeability, and interchangeability  
7 privileges, be payable in such medium of payment and at such  
8 place or places, be subject to such terms of redemption, and  
9 be entitled to such priorities on the revenues, rates, fees,  
10 rentals, or other charges or receipts of the authority,  
11 including revenues from lease-purchase agreements. The bonds  
12 shall be executed either by manual or facsimile signature by  
13 such officers as the authority shall determine, however, such  
14 bonds shall bear at least one signature that is manually  
15 executed thereon, and the coupons attached to such bonds shall  
16 bear the facsimile signature or signatures of such officer or  
17 officers as shall be designated by the authority and have the  
18 seal of the authority affixed, imprinted, reproduced, or  
19 lithographed thereon, all as may be prescribed in such  
20 resolution or resolutions.

21 (c) Bonds issued pursuant to paragraph (a) or  
22 paragraph (b) shall be sold at public sale in the manner  
23 provided by the State Bond Act. However, if the authority, by  
24 official action at a public meeting, determines that a  
25 negotiated sale of such bonds is in the best interest of the  
26 authority, the authority may negotiate the sale of such bonds  
27 with the underwriter designated by the authority and the  
28 Division of Bond Finance within the State Board of  
29 Administration with respect to bonds issued pursuant to  
30 paragraph (a) or solely the authority with respect to bonds  
31 issued pursuant to paragraph (b). The authority's

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1 determination to negotiate the sale of such bonds may be  
 2 based, in part, upon the written advice of the authority's  
 3 financial adviser. Pending the preparation of definitive  
 4 bonds, interim certificates may be issued to the purchaser or  
 5 purchasers of such bonds and may contain such terms and  
 6 conditions as the authority may determine.

7       (d) The authority may issue bonds pursuant to  
 8 paragraph (b) to refund any bonds previously issued regardless  
 9 of whether the bonds being refunded were issued by the  
 10 authority pursuant to this chapter or on behalf of the  
 11 authority pursuant to the State Bond Act.

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

15       (a) The pledging of all or any part of the revenues,  
 16 rates, fees, rentals, or other charges or receipts of the  
 17 authority, derived by the authority for the U.S. 98 corridor  
 18 improvements.

19       (b) The completion, improvement, operation, extension,  
 20 maintenance, repair, lease, or lease-purchase agreement of the  
 21 system, and the duties of the authority and others, including  
 22 the department, with reference thereto.

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

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

29       (e) The setting aside of reserves or sinking funds or  
 30 repair and replacement funds and the regulation and  
 31 disposition thereof.



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

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

5       (h) Any other or additional agreements with the  
6 holders of the bonds which the authority may deem desirable  
7 and proper.

8       (3) The authority may employ fiscal agents as provided  
9 by this part or the State Board of Administration may, upon  
10 request of the authority, act as fiscal agent for the  
11 authority in the issuance of any bonds that are issued  
12 pursuant to this part, and the State Board of Administration  
13 may, upon request of the authority, take over the management,  
14 control, administration, custody, and payment of any or all  
15 debt services or funds or assets now or hereafter available  
16 for any bonds issued pursuant to this part. The authority may  
17 enter into any deeds of trust, indentures, or other agreements  
18 with its fiscal agent, or with any bank or trust company  
19 within or without the state, as security for such bonds and  
20 may, under such agreements, sign and pledge all or any of the  
21 revenues, rates, fees, rentals, or other charges or receipts  
22 of the authority. Such deed of trust, indenture, or other  
23 agreement may contain such provisions as are customary in such  
24 instruments or, as the authority authorizes, including, but  
25 without limitation, provisions as to:

26           (a) The completion, improvement, operation, extension,  
27 maintenance, repair, and lease of or lease-purchase agreement  
28 relating to U.S. 98 corridor improvements and the duties of  
29 the authority and others, including the department, with  
30 reference thereto.

31           (b) The application of funds and the safeguarding of

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1 funds on hand or on deposit.

2 (c) The rights and remedies of the trustee and the  
3 holders of the bonds.

4 (d) The terms and provisions of the bonds or the  
5 resolutions authorizing the issuance of the bonds.

6 (4) Any of the bonds issued pursuant to this part are,  
7 and are hereby declared to be, negotiable instruments and have  
8 all the qualities and incidents of negotiable instruments  
9 under the law merchant and the negotiable instruments law of  
10 the state.

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

17 343.836 Remedies of the bondholders.--

18 (1) The rights and the remedies in this section  
19 conferred upon or granted to the bondholders are in addition  
20 to and not in limitation of any rights and remedies lawfully  
21 granted to such bondholders by the resolution or resolutions  
22 providing for the issuance of bonds or by a lease-purchase  
23 agreement, deed of trust, indenture, or other agreement under  
24 which the bonds may be issued or secured. If the authority  
25 defaults in the payment of the principal of or interest on any  
26 of the bonds issued pursuant to the provisions of this part  
27 after such principal of or interest on the bonds becomes due,  
28 whether at maturity or upon call for redemption, or the  
29 department defaults in any payments under, or covenants made  
30 in, any lease-purchase agreement between the authority and the  
31 department, and such default continues for a period of 30

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1 days, or if the authority or the department fails or refuses  
 2 to comply with the provisions of this part or any agreement  
 3 made with, or for the benefit of, the holders of the bonds,  
 4 the holders of 25 percent in aggregate principal amount of the  
 5 bonds then outstanding may appoint a trustee to represent such  
 6 bondholders for the purposes hereof, if such holders of 25  
 7 percent in aggregate principal amount of the bonds then  
 8 outstanding shall first give notice of their intention to  
 9 appoint a trustee to the authority and to the department. Such  
 10 notice shall be deemed to have been given if given in writing,  
 11 deposited in a securely sealed postpaid wrapper, mailed at a  
 12 regularly maintained United States post office box or station,  
 13 and addressed, respectively, to the chair of the authority and  
 14 to the secretary of the department at the principal office of  
 15 the department.

16 (2) Such trustee and any trustee under any deed of  
 17 trust, indenture, or other agreement may, and upon written  
 18 request of the holders of 25 percent or such other percentages  
 19 as are specified in any deed of trust, indenture, or other  
 20 agreement aforesaid in principal amount of the bonds then  
 21 outstanding shall, in any court of competent jurisdiction, in  
 22 his, her, or its own name:

23 (a) By mandamus or other suit, action, or proceeding  
 24 at law or in equity, enforce all rights of the bondholders,  
 25 including the right to require the authority to fix,  
 26 establish, maintain, collect, and charge rates, fees, rentals,  
 27 and other charges adequate to carry out any agreement as to or  
 28 pledge of the revenues or receipts of the authority to carry  
 29 out any other covenants and agreements with or for the benefit  
 30 of the bondholders, and to perform its and their duties under  
 31 this part.

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1       (b) By mandamus or other suit, action, or proceeding  
2 at law or in equity, enforce all rights of the bondholders  
3 under or pursuant to any lease-purchase agreement between the  
4 authority and the department, including the right to require  
5 the department to make all rental payments required to be made  
6 by it under the provisions of any such lease-purchase  
7 agreement, to require the department to carry out any other  
8 covenants and agreements with or for the benefit of the  
9 bondholders and to perform its and their duties under this  
10 part.

11       (c) Bring suit upon the bonds.

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

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

18       (3) Any trustee, when appointed as aforesaid or acting  
19 under a deed of trust, indenture, or other agreement, and  
20 whether or not all bonds have been declared due and payable,  
21 may appoint a receiver who may enter upon and take possession  
22 of the system or the facilities or any part or parts thereof,  
23 the rates, fees, rentals, or other revenues, charges, or  
24 receipts from which are or may be applicable to the payment of  
25 the bonds so in default, and, subject to and in compliance  
26 with the provisions of any lease-purchase agreement between  
27 the authority and the department, operate and maintain the  
28 same for and on behalf of and in the name of the authority,  
29 the department, and the bondholders, and collect and receive  
30 all rates, fees, rentals, and other charges or receipts or  
31 revenues arising therefrom in the same manner as the authority

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

18 (4) This section or any other section of this part  
19 does not authorize any receiver appointed pursuant hereto for  
20 the purpose, subject to and in compliance with the provisions  
21 of any lease-purchase agreement between the authority and the  
22 department, of operating and maintaining the system or any  
23 facilities or part or parts thereof, to sell, assign,  
24 mortgage, or otherwise dispose of any of the assets of  
25 whatever kind and character belonging to the authority. It is  
26 the intention of this part to limit the powers of such  
27 receiver, subject to and in compliance with the provisions of  
28 any lease-purchase agreement between the authority and the  
29 department, to the operation and maintenance of the system or  
30 any facility or part or parts thereof, as the court may  
31 direct, in the name and for and on behalf of the authority,

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1 the department, and the bondholders. In any suit, action, or  
 2 proceeding at law or in equity, a holder of bonds on the  
 3 authority, a trustee, or any court may not compel or direct a  
 4 receiver to sell, assign, mortgage, or otherwise dispose of  
 5 any assets of whatever kind or character belonging to the  
 6 authority. A receiver also may not be authorized to sell,  
 7 assign, mortgage, or otherwise dispose of any assets of  
 8 whatever kind or character belonging to the authority in any  
 9 suit, action, or proceeding at law or in equity.

10 343.837 Lease-purchase agreement.--

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

15 (2) Such lease-purchase agreement shall provide for  
 16 the leasing of the system by the authority, as lessor, to the  
 17 department, as lessee, shall prescribe the term of such lease  
 18 and the rentals to be paid thereunder, and shall provide that,  
 19 upon the completion of the faithful performance thereunder and  
 20 the termination of such lease-purchase agreement, title in fee  
 21 simple absolute to the system as then constituted shall be  
 22 transferred in accordance with law by the authority to the  
 23 state and the authority shall deliver to the department such  
 24 deeds and conveyances as shall be necessary or convenient to  
 25 vest title in fee simple absolute in the state.

26 (3) Such lease-purchase agreement may include such  
 27 other provisions, agreements, and covenants as the authority  
 28 and the department deem advisable or required, including, but  
 29 not limited to, provisions as to the bonds to be issued for  
 30 the purposes of this part, the completion, extension,  
 31 improvement, operation, and maintenance of the system and the

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1 expenses and the cost of operation of the authority, the  
 2 charging and collection of tolls, rates, fees, and other  
 3 charges for the use of the services and facilities thereof,  
 4 and the application of federal or state grants or aid which  
 5 may be made or given to assist the authority in the  
 6 completion, extension, improvement, operation, and maintenance  
 7 of the system.

8 (4) The department as lessee under such lease-purchase  
 9 agreement may pay as rentals thereunder any rates, fees,  
 10 charges, funds, moneys, receipts, or income accruing to the  
 11 department from the operation of the system and may also pay  
 12 as rentals any appropriations received by the department  
 13 pursuant to any act of the Legislature heretofore or hereafter  
 14 enacted; however, nothing in this section or in such  
 15 lease-purchase agreement is intended to require, nor shall  
 16 this part or such lease-purchase agreement require, the making  
 17 or continuance of such appropriations, nor shall any holder of  
 18 bonds issued pursuant to this part ever have any right to  
 19 compel the making or continuance of such appropriations.

20 (5) The department shall have power to covenant in any  
 21 lease-purchase agreement that it will pay all or any part of  
 22 the cost of the operation, maintenance, repair, renewal, and  
 23 replacement of the corridor system, and any part of the cost  
 24 of completing the corridor system to the extent that the  
 25 proceeds of bonds issued are insufficient, from sources other  
 26 than the revenues derived from the operation of the system.

27 (6) The U.S. 98 Corridor System shall be a part of the  
 28 State Highway System as defined in s. 334.03, and the  
 29 department may, upon the request of the authority, expend out  
 30 of any funds available for that purpose, and use such of its  
 31 engineering and other forces, as may be necessary and

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1 desirable in the judgment of the department, for the operation  
 2 of the authority and for traffic surveys, borings, surveys,  
 3 preparation of plans and specifications, estimates of cost,  
 4 and other preliminary engineering and other studies.

5       343.84 Department may be appointed agent of authority  
 6 for construction.--The department may be appointed by the  
 7 authority as its agent for the purpose of constructing  
 8 improvements and extensions to the system and for the  
 9 completion thereof. In such event, the authority shall provide  
 10 the department with complete copies of all documents,  
 11 agreements, resolutions, contracts, and instruments relating  
 12 thereto, shall request the department to do such construction  
 13 work, including the planning, surveying, and actual  
 14 construction of the completion, extensions, and improvements  
 15 to the system, and shall transfer to the credit of an account  
 16 of the department in the treasury of the state the necessary  
 17 funds therefor. The department shall proceed with such  
 18 construction and use the funds for such purpose in the same  
 19 manner that it is now authorized to use the funds otherwise  
 20 provided by law for its use in construction of roads and  
 21 bridges.

22       343.85 Acquisition of lands and property.--  
 23       (1) For the purposes of this part, the Northwest  
 24 Florida Transportation Corridor Authority may acquire private  
 25 or public property and property rights, including rights of  
 26 access, air, view, and light, by gift, devise, purchase, or  
 27 condemnation by eminent domain proceedings, as the authority  
 28 may deem necessary for any purpose of this part, including,  
 29 but not limited to, any lands reasonably necessary for  
 30 securing applicable permits, areas necessary for management of  
 31 access, borrow pits, drainage ditches, water retention areas,



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1 rest areas, replacement access for landowners whose access is  
 2 impaired due to the construction of a facility, and  
 3 replacement rights-of-way for relocated rail and utility  
 4 facilities; for existing, proposed, or anticipated  
 5 transportation facilities within the U.S. 98 transportation  
 6 corridor designated by the authority; or for the purposes of  
 7 screening, relocation, removal, or disposal of junkyards and  
 8 scrap metal processing facilities. The authority may condemn  
 9 any material and property necessary for such purposes.

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

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

25       343.87 Cooperation with other units, boards, agencies,  
 26 and individuals.--Express authority and power is hereby given  
 27 and granted to any county, municipality, drainage district,  
 28 road and bridge district, school district, or any other  
 29 political subdivision, board, commission, or individual in or  
 30 of the state to make and enter into contracts, leases,  
 31 conveyances, partnerships, or other agreements with the

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1 authority within the provisions and purposes of this part. The  
 2 authority may make and enter into contracts, leases,  
 3 conveyances, partnerships, and other agreements with any  
 4 political subdivision, agency, or instrumentality of the state  
 5 and any and all federal agencies, corporations, and  
 6 individuals for the purpose of carrying out the provisions of  
 7 this part.

8 343.875 Public-private partnerships.--

9 (1) The authority may receive or solicit proposals and  
 10 enter into agreements with private entities or consortia  
 11 thereof, for the building, operation, ownership, or financing  
 12 of transportation facilities within the jurisdiction of the  
 13 authority. Before approval, the authority must determine that  
 14 a proposed project:

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

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

19 (c) Would have adequate safeguards to ensure that  
 20 additional costs or service disruptions would not be realized  
 21 by the traveling public and citizens of the state in the event  
 22 of default or the cancellation of the agreement by the  
 23 authority.

24 (2) The authority shall ensure that all reasonable  
 25 costs to the state related to transportation facilities that  
 26 are not part of the State Highway System are borne by the  
 27 private entity. The authority also shall ensure that all  
 28 reasonable costs to the state and substantially affected local  
 29 governments and utilities related to the private  
 30 transportation facility are borne by the private entity for  
 31 transportation facilities that are owned by private entities.

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1 For projects on the State Highway System, the department may  
 2 use state resources to participate in funding and financing  
 3 the project as provided for under the department's enabling  
 4 legislation.

5       (3) The authority may request proposals for  
 6 public-private transportation projects or, if it receives an  
 7 unsolicited proposal, it must publish a notice in the Florida  
 8 Administrative Weekly and a newspaper of general circulation  
 9 in the county in which it is located at least once a week for  
 10 2 weeks stating that it has received the proposal and will  
 11 accept, for 60 days after the initial date of publication,  
 12 other proposals for the same project purpose. A copy of the  
 13 notice must be mailed to each local government in the affected  
 14 areas. After the public notification period has expired, the  
 15 authority shall rank the proposals in order of preference. In  
 16 ranking the proposals, the authority shall consider  
 17 professional qualifications, general business terms,  
 18 innovative engineering or cost-reduction terms, finance plans,  
 19 and the need for state funds to deliver the proposal. If the  
 20 authority is not satisfied with the results of the  
 21 negotiations, it may, at its sole discretion, terminate  
 22 negotiations with the proposer. If these negotiations are  
 23 unsuccessful, the authority may go to the second and  
 24 lower-ranked firms, in order, using the same procedure. If  
 25 only one proposal is received, the authority may negotiate in  
 26 good faith and, if it is not satisfied with the results, it  
 27 may, at its sole discretion, terminate negotiations with the  
 28 proposer. Notwithstanding this subsection, the authority may,  
 29 at its discretion, reject all proposals at any point in the  
 30 process up to completion of a contract with the proposer.

31       (4) Agreements entered into pursuant to this section

1 may authorize the public-private entity to impose tolls or  
 2 fares for the use of the facility. However, the amount and use  
 3 of toll or fare revenues shall be regulated by the authority  
 4 to avoid unreasonable costs to users of the facility.

5 (5) Each public-private transportation facility  
 6 constructed pursuant to this section shall comply with all  
 7 requirements of federal, state, and local laws; state,  
 8 regional, and local comprehensive plans; the authority's  
 9 rules, policies, procedures, and standards for transportation  
 10 facilities; and any other conditions that the authority  
 11 determines to be in the public's best interest.

12 (6) The authority may exercise any of its powers,  
 13 including eminent domain, to facilitate the development and  
 14 construction of transportation projects pursuant to this  
 15 section. The authority may pay all or part of the cost of  
 16 operating and maintaining the facility or may provide services  
 17 to the private entity for which it receives full or partial  
 18 reimbursement for services rendered.

19 (7) Except as herein provided, this section is not  
 20 intended to amend existing law by granting additional powers  
 21 to or imposing further restrictions on the governmental  
 22 entities with regard to regulating and entering into  
 23 cooperative arrangements with the private sector for the  
 24 planning, construction, and operation of transportation  
 25 facilities.

26 (8) The authority may adopt rules to implement this  
 27 section and shall, by rule, establish an application fee for  
 28 the submission of unsolicited proposals under this section.  
 29 The fee must be sufficient to pay the costs of evaluating the  
 30 proposals.

31 343.88 Covenant of the state.--The state does hereby

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

25 343.881 Exemption from taxation.--The effectuation of  
26 the authorized purposes of the authority created under this  
27 part is for the benefit of the people of this state, for the  
28 increase of their commerce and prosperity, and for the  
29 improvement of their health and living conditions and, because  
30 the authority performs essential governmental functions in  
31 effectuating such purposes, the authority is not required to

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1 pay any taxes or assessments of any kind or nature whatsoever  
 2 upon any property acquired or used by it for such purposes, or  
 3 upon any rates, fees, rentals, receipts, income, or charges at  
 4 any time received by it. The bonds issued by the authority,  
 5 their transfer, and the income therefrom, including any  
 6 profits made on the sale thereof, shall at all times be free  
 7 from taxation of any kind by the state or by any political  
 8 subdivision, taxing agency, or instrumentality thereof. The  
 9 exemption granted by this section does not apply to any tax  
 10 imposed by chapter 220 on interest, income, or profits on debt  
 11 obligations owned by corporations.

12 343.884 Eligibility for investments and security.--Any  
 13 bonds or other obligations issued pursuant to this part shall  
 14 be and constitute legal investments for banks, savings banks,  
 15 trustees, executors, administrators, and all other fiduciaries  
 16 and for all state, municipal, and other public funds and shall  
 17 also be and constitute securities eligible for deposit as  
 18 security for all state, municipal, or other public funds,  
 19 notwithstanding the provisions of any other law to the  
 20 contrary.

21 343.885 Pledges enforceable by bondholders.--It is the  
 22 express intention of this part that any pledge to the  
 23 authority by the department of rates, fees, revenues, or other  
 24 funds as rentals, or any covenants or agreements relative  
 25 thereto, is enforceable in any court of competent jurisdiction  
 26 against the authority or directly against the department by  
 27 any holder of bonds issued by the authority.

28 343.89 Complete and additional statutory authority.--  
 29 (1) The powers conferred by this part are supplemental  
 30 to the existing powers of the board and the department. This  
 31 part does not repeal any of the provisions of any other law,

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1 general, special, or local, but supersedes such other laws in  
 2 the exercise of the powers provided in this part and provides  
 3 a complete method for the exercise of the powers granted in  
 4 this part. The extension and improvement of the system, and  
 5 the issuance of bonds hereunder to finance all or part of the  
 6 cost thereof, may be accomplished upon compliance with the  
 7 provisions of this part without regard to or necessity for  
 8 compliance with the provisions, limitations, or restrictions  
 9 contained in any other general, special, or local law,  
 10 including, but not limited to, s. 215.821. An approval of any  
 11 bonds issued under this part by the qualified electors or  
 12 qualified electors who are freeholders in the state or in any  
 13 other political subdivision of the state is not required for  
 14 the issuance of such bonds pursuant to this part.

15       (2) This part does not repeal, rescind, or modify any  
 16 other law relating to the State Board of Administration, the  
 17 Department of Transportation, or the Division of Bond Finance  
 18 within the State Board of Administration; however, this part  
 19 supersedes such other laws as are inconsistent with its  
 20 provisions, including, but not limited to, s. 215.821.

21       (3) This part does not preclude the department from  
 22 acquiring, holding, constructing, improving, maintaining,  
 23 operating, or owning tolled or nontolled facilities funded and  
 24 constructed from nonauthority sources that are part of the  
 25 State Highway System within the geographical boundaries of the  
 26 Northwest Florida Transportation Corridor Authority.

27       Section 8. Subsection (10) is added to section  
 28 337.251, Florida Statutes, to read:

29       337.251 Lease of property for joint public-private  
 30 development and areas above or below department property.--

31       (10) The department may adopt rules to administer the

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1 provisions of this section.

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

4 337.406 Unlawful use of state transportation facility  
5 right-of-way; penalties.--

6 (1) Except when leased as provided in s. 337.25(5) or  
7 otherwise authorized by the rules of the department, it is  
8 unlawful to make any use of the right-of-way of any state  
9 transportation facility, including appendages thereto, outside  
10 of an incorporated municipality in any manner that interferes  
11 with the safe and efficient movement of people and property  
12 from place to place on the transportation facility. Failure  
13 to prohibit the use of right-of-way in this manner will  
14 endanger the health, safety, and general welfare of the public  
15 by causing distractions to motorists, unsafe pedestrian  
16 movement within travel lanes, sudden stoppage or slowdown of  
17 traffic, rapid lane changing and other dangerous traffic  
18 movement, increased vehicular accidents, and motorist injuries  
19 and fatalities. Such prohibited uses include, but are not  
20 limited to, the free distribution or sale, or display or  
21 solicitation for free distribution or sale, of any  
22 merchandise, goods, property or services; the solicitation for  
23 charitable purposes; the servicing or repairing of any  
24 vehicle, except the rendering of emergency service; the  
25 storage of vehicles being serviced or repaired on abutting  
26 property or elsewhere; and the display of advertising of any  
27 sort, except that any portion of a state transportation  
28 facility may be used for an art festival, parade, fair, or  
29 other special event if permitted by the appropriate local  
30 governmental entity. Local government entities ~~Within~~  
31 ~~incorporated municipalities, the local governmental entity~~ may



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1 issue permits of limited duration for the temporary use of the  
 2 right-of-way of a state transportation facility for any of  
 3 these prohibited uses if it is determined that the use will  
 4 not interfere with the safe and efficient movement of traffic  
 5 and the use will cause no danger to the public. The permitting  
 6 authority granted in this subsection shall be exercised by the  
 7 municipality within incorporated municipalities and by the  
 8 county outside an incorporated municipality. Before a road on  
 9 the State Highway System may be temporarily closed for a  
 10 special event, the local governmental entity which permits the  
 11 special event to take place must determine that the temporary  
 12 closure of the road is necessary and must obtain the prior  
 13 written approval for the temporary road closure from the  
 14 department. Nothing in this subsection shall be construed to  
 15 authorize such activities on any limited access highway the  
 16 ~~Interstate Highway System~~. Local governmental entities may,  
 17 within their respective jurisdictions, initiate enforcement  
 18 action by the appropriate code enforcement authority or law  
 19 enforcement authority for a violation of this section.

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

22 339.55 State-funded infrastructure bank.--

23 (2) The bank may lend capital costs or provide credit  
 24 enhancements for a transportation facility project that is on  
 25 the State Highway System or that provides for increased  
 26 mobility on the state's transportation system or provides  
 27 intermodal connectivity with airports, seaports, rail  
 28 facilities, and other transportation terminals, pursuant to s.  
 29 341.053, for the movement of people and goods. Loans from the  
 30 bank may be subordinated to senior project debt that has an  
 31 investment grade rating of "BBB" or higher. Notwithstanding

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1 any other provision of law, the total outstanding state-funded  
 2 infrastructure bank loan repayments over the average term of  
 3 the loan repayment period, as needed to meet the requirements  
 4 of the documents authorizing the bonds issued or proposed to  
 5 be issued under s. 215.617 to be paid from the State  
 6 Transportation Trust Fund, may not exceed 0.75 percent of the  
 7 revenues deposited into the State Transportation Trust Fund.

8 Section 11. Section 373.4137, Florida Statutes, is  
 9 amended to read:

10 373.4137 Mitigation requirements for specified  
 11 transportation projects.--

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

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

29 (a) By July ~~May~~ 1 of each year, the Department of  
 30 Transportation or a transportation authority established  
 31 pursuant to chapter 348 or chapter 349 shall submit to ~~the~~

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

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

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

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

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

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

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

1 phase, the water management district may request and receive a  
 2 one-time payment based on the project's expected future  
 3 maintenance and monitoring costs. Upon disbursement of the  
 4 final maintenance and monitoring payment, the escrow account  
 5 for the project established by the Department of  
 6 Transportation or the participating transportation authority  
 7 may be closed. Any interest earned on these disbursed funds  
 8 shall remain with the water management district and must be  
 9 used as authorized under paragraph (4)(c).

10       (d) Beginning in the 2005-2006 fiscal year, each water  
 11 management district shall be paid a lump-sum amount of \$75,000  
 12 per acre, adjusted as provided under paragraph (c), for  
 13 federally funded transportation projects that are included on  
 14 the environmental impact inventory and that have an approved  
 15 mitigation plan. Beginning in the 2009-2010 fiscal year, each  
 16 water management district shall be paid a lump-sum amount of  
 17 \$75,000 per acre, adjusted as provided under paragraph (c),  
 18 for federally funded and nonfederally funded transportation  
 19 projects that have an approved mitigation plan. All mitigation  
 20 costs, including, but not limited to, the costs of preparing  
 21 conceptual plans and the costs of design, construction, staff  
 22 support, future maintenance, and monitoring the mitigated  
 23 acres shall be funded through these lump-sum amounts.

24       (4) Prior to March ~~December~~ 1 of each year, each water  
 25 management district, in consultation with the Department of  
 26 Environmental Protection, the United States Army Corps of  
 27 Engineers, the Department of Transportation, transportation  
 28 authorities established pursuant to chapter 348 or chapter  
 29 349, and other appropriate federal, state, and local  
 30 governments, and other interested parties, including entities  
 31 operating mitigation banks, shall develop a plan for the

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

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

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

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

21 (c) Surface water improvement and management or  
22 invasive plant control projects undertaken using the \$12  
23 million advance transferred from the Department of  
24 Transportation to the Department of Environmental Protection  
25 in fiscal year 1996-1997 which meet the requirements for  
26 mitigation under this part and 33 U.S.C. s. 1344 shall remain  
27 available for mitigation until the \$12 million is fully  
28 credited ~~up to and including fiscal year 2005-2006~~. When these  
29 projects are used as mitigation, the \$12 million advance shall  
30 be reduced by \$75,000 per acre of impact mitigated. ~~For any~~  
31 ~~fiscal year through and including fiscal year 2005-2006, To~~



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1 the extent the cost of developing and implementing the  
2 mitigation plans is less than the funds placed in the escrow  
3 account amount transferred pursuant to subsection (3), the  
4 difference shall be retained by the Department of  
5 Transportation and credited towards the \$12 million advance  
6 until the Department of Transportation is fully refunded for  
7 this advance funding. After the \$12 million advance funding is  
8 fully credited ~~Except as provided in this paragraph~~, any funds  
9 not directed to implement the mitigation plan should, to the  
10 greatest extent possible, be directed to fund invasive plant  
11 control within wetlands and other surface waters, SWIM  
12 projects, or other water-resource projects approved by the  
13 governing board of the water management district which may be  
14 appropriate to offset environmental impacts of future  
15 transportation projects. The water management districts may  
16 request these funds upon submittal of the final invoice for  
17 each road project.

18 (5) The water management district shall be responsible  
19 for ensuring that mitigation requirements pursuant to 33  
20 U.S.C. s. 1344 are met for the impacts identified in the  
21 environmental impact inventory described in subsection (2), by  
22 implementation of the approved plan described in subsection  
23 (4) to the extent funding is provided by the Department of  
24 Transportation, or a transportation authority established  
25 pursuant to chapter 348 or chapter 349, if applicable. During  
26 the federal permitting process, the water management district  
27 may deviate from the approved mitigation plan in order to  
28 comply with federal permitting requirements.

29 (6) The mitigation plans shall be updated annually to  
30 reflect the most current Department of Transportation work  
31 program and project list of a transportation authority

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1 established pursuant to chapter 348 or chapter 349, if  
 2 applicable, and may be amended throughout the year to  
 3 anticipate schedule changes or additional projects which may  
 4 arise. Each update and amendment of the mitigation plan shall  
 5 be submitted to the governing board of the water management  
 6 district or its designee ~~secretary of the Department of~~  
 7 ~~Environmental Protection~~ for approval. However, such approval  
 8 shall not be applicable to a deviation as described in  
 9 subsection (5).

10 (7) Upon approval by the governing board of the water  
 11 management district or its designee ~~secretary of the~~  
 12 ~~Department of Environmental Protection~~, the mitigation plan  
 13 shall be deemed to satisfy the mitigation requirements under  
 14 this part for impacts specifically identified in the  
 15 environmental impact inventory described in subsection (2) and  
 16 any other mitigation requirements imposed by local, regional,  
 17 and state agencies for these same impacts ~~identified in the~~  
 18 ~~inventory described in subsection (2)~~. The approval of the  
 19 governing board of the water management district or its  
 20 designee ~~secretary~~ shall authorize the activities proposed in  
 21 the mitigation plan, and no other state, regional, or local  
 22 permit or approval shall be necessary.

23 (8) This section shall not be construed to eliminate  
 24 the need for the Department of Transportation or a  
 25 transportation authority established pursuant to chapter 348  
 26 or chapter 349 to comply with the requirement to implement  
 27 practicable design modifications, including realignment of  
 28 transportation projects, to reduce or eliminate the impacts of  
 29 its transportation projects on wetlands and other surface  
 30 waters as required by rules adopted pursuant to this part, or  
 31 to diminish the authority under this part to regulate other

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1 impacts, including water quantity or water quality impacts, or  
2 impacts regulated under this part that are not identified in  
3 the environmental impact inventory described in subsection  
4 (2).

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

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

21 380.06 Developments of regional impact.--

22 (19) SUBSTANTIAL DEVIATIONS.--

23 (b) Any proposed change to a previously approved  
24 development of regional impact or development order condition  
25 which, either individually or cumulatively with other changes,  
26 exceeds any of the following criteria shall constitute a  
27 substantial deviation and shall cause the development to be  
28 subject to further development-of-regional-impact review  
29 without the necessity for a finding of same by the local  
30 government:

31 1. An increase in the number of parking spaces at an

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1 attraction or recreational facility by 5 percent or 300  
 2 spaces, whichever is greater, or an increase in the number of  
 3 spectators that may be accommodated at such a facility by 5  
 4 percent or 1,000 spectators, whichever is greater.

5           2. A new runway, a new terminal facility, a 25-percent  
 6 lengthening of an existing runway, or a 25-percent increase in  
 7 the number of gates of an existing terminal, but only if the  
 8 increase adds at least three additional gates. ~~However, if an~~  
 9 ~~airport is located in two counties, a 10-percent lengthening~~  
 10 ~~of an existing runway or a 20-percent increase in the number~~  
 11 ~~of gates of an existing terminal is the applicable criteria.~~

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

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

16           5. An increase in the average annual acreage mined by  
 17 5 percent or 10 acres, whichever is greater, or an increase in  
 18 the average daily water consumption by a mining operation by 5  
 19 percent or 300,000 gallons, whichever is greater. An increase  
 20 in the size of the mine by 5 percent or 750 acres, whichever  
 21 is less.

22           6. An increase in land area for office development by  
 23 5 percent or an increase of gross floor area of office  
 24 development by 5 percent or 60,000 gross square feet,  
 25 whichever is greater.

26           7. An increase in the storage capacity for chemical or  
 27 petroleum storage facilities by 5 percent, 20,000 barrels, or  
 28 7 million pounds, whichever is greater.

29           8. An increase of development at a waterport of wet  
 30 storage for 20 watercraft, dry storage for 30 watercraft, or  
 31 wet/dry storage for 60 watercraft in an area identified in the

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1 state marina siting plan as an appropriate site for additional  
2 waterport development or a 5-percent increase in watercraft  
3 storage capacity, whichever is greater.

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

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

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

12 12. An increase in a recreational vehicle park area by  
13 5 percent or 100 vehicle spaces, whichever is less.

14 13. A decrease in the area set aside for open space of  
15 5 percent or 20 acres, whichever is less.

16 14. A proposed increase to an approved multiuse  
17 development of regional impact where the sum of the increases  
18 of each land use as a percentage of the applicable substantial  
19 deviation criteria is equal to or exceeds 100 percent. The  
20 percentage of any decrease in the amount of open space shall  
21 be treated as an increase for purposes of determining when 100  
22 percent has been reached or exceeded.

23 15. A 15-percent increase in the number of external  
24 vehicle trips generated by the development above that which  
25 was projected during the original  
26 development-of-regional-impact review.

27 16. Any change which would result in development of  
28 any area which was specifically set aside in the application  
29 for development approval or in the development order for  
30 preservation or special protection of endangered or threatened  
31 plants or animals designated as endangered, threatened, or

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1 species of special concern and their habitat, primary dunes,  
 2 or archaeological and historical sites designated as  
 3 significant by the Division of Historical Resources of the  
 4 Department of State. The further refinement of such areas by  
 5 survey shall be considered under sub-subparagraph (e)5.b.

6  
 7 The substantial deviation numerical standards in subparagraphs  
 8 4., 6., 10., 14., excluding residential uses, and 15., are  
 9 increased by 100 percent for a project certified under s.  
 10 403.973 which creates jobs and meets criteria established by  
 11 the Office of Tourism, Trade, and Economic Development as to  
 12 its impact on an area's economy, employment, and prevailing  
 13 wage and skill levels. The substantial deviation numerical  
 14 standards in subparagraphs 4., 6., 9., 10., 11., and 14. are  
 15 increased by 50 percent for a project located wholly within an  
 16 urban infill and redevelopment area designated on the  
 17 applicable adopted local comprehensive plan future land use  
 18 map and not located within the coastal high hazard area.

19 Section 13. Bicycle system study.--Prior to October 1,  
 20 2005, the Department of Transportation shall perform a bicycle  
 21 system study of bicycle facilities that are on or connected to  
 22 the State Highway System. The results of the bicycle system  
 23 study shall be presented to the Governor, the President of the  
 24 Senate, and the Speaker of the House of Representatives by  
 25 October 1, 2005. The bicycle system study shall include paved  
 26 bicycle lanes, bicycle trails, bicycle paths, and any route or  
 27 facility designated specifically for bicycle traffic. The  
 28 study shall be performed by a consultant selected and funded  
 29 by the department and shall be managed by the department's  
 30 State Pedestrian and Bicycle Coordinator. The study shall  
 31 include:

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

3       (2) Identification of state highways with existing  
4 designated bicycle lanes.

5       (3) Identification of state highways with no  
6 designated bicycle lanes and any constraints to incorporating  
7 these facilities.

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

10       (5) Identification of all bicycle facility needs on  
11 the State Highway System.

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

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

20           Section 14. This act shall take effect upon becoming a  
21 law.

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

25 And the title is amended as follows:

26           Delete everything before the enacting clause

27

28 and insert:

29                           A bill to be entitled

30           An act relating to transportation; creating s.

31           311.22, F.S.; establishing a program to provide

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1 matching funds for dredging projects in  
2 eligible counties; requiring that funds  
3 appropriated under the program be used for  
4 certain projects; requiring that the Florida  
5 Seaport Transportation and Economic Development  
6 Council adopt rules for evaluating the dredging  
7 projects; providing criteria for the rules;  
8 providing for a project-review process by the  
9 Department of Community Affairs, the Department  
10 of Transportation, and the Office of Tourism,  
11 Trade, and Economic Development; amending s.  
12 337.11, F.S.; adding written work orders to the  
13 type of documents covered by the department's  
14 contracting laws; specifying changes to surety  
15 bondholder's liability under certain  
16 circumstances; creating s. 337.195, F.S.;  
17 providing presumptions relating to liability in  
18 certain actions against the department;  
19 limiting liability, in certain circumstances,  
20 of contractors and engineers doing work for the  
21 department; amending 338.155, F.S.; providing  
22 that persons participating in the funeral  
23 procession of a law enforcement officer or  
24 firefighter killed in the line of duty are  
25 exempt from paying tolls; amending 339.175,  
26 F.S.; requiring metropolitan planning  
27 organizations to have recorded roll-votes and  
28 super-majority votes on certain plans; amending  
29 s. 339.64, F.S.; requiring the Florida  
30 Transportation Commission to include as part of  
31 its annual work program review an assessment of



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

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1 of Administration may act as fiscal agent;  
2 providing for certain financial agreements;  
3 providing for the rights and remedies of  
4 bondholders; providing for a lease-purchase  
5 agreement with the department; authorizing the  
6 authority to appoint the department as its  
7 agent for construction; providing for  
8 acquisition of lands and property; providing  
9 for cooperation with other units, boards,  
10 agencies, and individuals; providing for  
11 public-private partnerships; providing covenant  
12 of the state; providing for exemption from  
13 taxation; providing for eligibility for  
14 investments and security; providing that  
15 pledges are enforceable by bondholders;  
16 providing for complete and additional statutory  
17 authority for the department and other state  
18 agencies; amending s. 337.251, F.S.;  
19 authorizing the department to adopt rules  
20 governing the leasing of property for joint  
21 public-private development; amending s.  
22 337.406, F.S.; granting local governments  
23 authority to issue permits allowing limited  
24 temporary use of state transportation  
25 right-of-way; clarifying limited access  
26 facilities are not included in such authority;  
27 amending s. 339.55, F.S.; establishing a  
28 maximum limit on state-funded infrastructure  
29 bank loans to the State Transportation Trust  
30 Fund; amending s. 373.4137, F.S.; revising the  
31 requirements for projects intended to mitigate

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

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the study by the State Pedestrian and Bicycle  
Coordinator; providing for inclusion of certain  
elements in the study; requiring the study to  
include an implementation plan; providing an  
effective date.