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HB 1681, Engrossed 2

2005 Legislature

1 A bill to be entitled

2 An act relating to transportation; creating s. 311.22,

3 F.S.; establishing a program to provide matching funds for

4 dredging projects in eligible counties; requiring that

5 funds appropriated under the program be used for certain

6 projects; requiring that the Florida Seaport

7 Transportation and Economic Development Council adopt

8 rules for evaluating the dredging projects; providing

9 criteria for the rules; providing for a project-review

10 process by the Department of Community Affairs, the

11 Department of Transportation, and the Office of Tourism,

12 Trade, and Economic Development; amending s. 332.007,

13 F.S.; authorizing the Department of Transportation to fund

14 certain eligible aviation planning projects to be

15 performed by not-for-profit organizations representing a

16 majority of public airports; amending s. 337.11, F.S.;

17 adding written work orders to the type of documents

18 covered by the department's contracting laws; specifying

19 changes to surety bondholder's liability under certain

20 circumstances; creating s. 337.195, F.S.; providing

21 presumptions relating to liability in certain actions

22 against the department; limiting liability, in certain

23 circumstances, of contractors and engineers doing work for

24 the department; amending s. 338.155, F.S.; providing that

25 persons participating in the funeral procession of a law

26 enforcement officer or firefighter killed in the line of

27 duty are exempt from paying tolls; amending s. 339.175,

28 F.S.; requiring metropolitan planning organizations to

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29 | have recorded roll-votes and super-majority votes on
30 | certain plans; amending s. 339.64, F.S.; requiring the
31 | Florida Transportation Commission to include as part of
32 | its annual work program review an assessment of the
33 | department's progress on the Strategic Intermodal System;
34 | requiring an annual report to the Governor and the
35 | Legislature by a certain time period; directing the
36 | department to coordinate with federal, regional, and local
37 | entities for transportation planning that impacts military
38 | installations; requiring the Strategic Intermodal System
39 | Plan to include an assessment of the impacts of proposed
40 | projects on military installations; adding a military
41 | representative to the Governor's appointees to the
42 | Strategic Intermodal Transportation Advisory Council;
43 | deleting obsolete provisions; creating part IV of chapter
44 | 343, F.S., entitled "Northwest Florida Transportation
45 | Corridor Authority"; providing a short title; providing
46 | definitions; creating the Northwest Florida Transportation
47 | Corridor Authority encompassing Escambia, Santa Rosa,
48 | Okaloosa, Walton, Bay, Gulf, Franklin, and Wakulla
49 | Counties; providing for a governing body of the authority;
50 | providing for membership, organization, purposes, and
51 | powers of the authority; requiring a master plan;
52 | providing for the U.S. 98 Corridor System; prohibiting
53 | tolls on certain existing highways and other
54 | transportation facilities within the corridor; providing
55 | for procurement; providing bond financing authority for
56 | improvements; providing for bonds of the authority;

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57 | providing for fiscal agents; providing that the State
58 | Board of Administration may act as fiscal agent; providing
59 | for certain financial agreements; providing for the rights
60 | and remedies of bondholders; providing for a lease-
61 | purchase agreement with the department; authorizing the
62 | authority to appoint the department as its agent for
63 | construction; providing for acquisition of lands and
64 | property; providing for cooperation with other units,
65 | boards, agencies, and individuals; providing for public-
66 | private partnerships; providing covenant of the state;
67 | providing for exemption from taxation; providing for
68 | eligibility for investments and security; providing that
69 | pledges are enforceable by bondholders; providing for
70 | complete and additional statutory authority for the
71 | department and other state agencies; amending s. 337.251,
72 | F.S.; authorizing the department to adopt rules governing
73 | the leasing of property for joint public-private
74 | development; amending s. 337.406, F.S.; granting local
75 | governments authority to issue permits allowing limited
76 | temporary use of state transportation right-of-way;
77 | clarifying limited access facilities are not included in
78 | such authority; amending s. 339.55, F.S.; establishing a
79 | maximum limit on state-funded infrastructure bank loans to
80 | the State Transportation Trust Fund; amending s. 373.4137,
81 | F.S.; revising the requirements for projects intended to
82 | mitigate the adverse effects of transportation projects;
83 | removing the Department of Environmental Protection from
84 | the mitigation process; revising requirements for the

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85 Department of Transportation and the transportation
86 authorities with respect to submitting plans and
87 inventories; authorizing the use of current-year funds for
88 future projects; revising the requirements for reconciling
89 escrow accounts used to fund mitigation projects;
90 authorizing payments to a water management district to
91 fund the costs of future maintenance and monitoring;
92 requiring specified lump-sum payments to be used for the
93 mitigation costs of certain projects; authorizing a
94 governing board of a water management district to approve
95 the use of mitigation funds for certain future projects;
96 requiring that mitigation plans be approved by the water
97 management district rather than the Department of
98 Environmental Protection; amending s. 380.06, F.S.,
99 relating to developments of regional impact; deleting a
100 provision stating criteria for determining when a change
101 to certain airports necessitates a review; directing the
102 Department of Transportation to select and fund a
103 consultant to perform a study of bicycle facilities on or
104 connected to the State Highway System; requiring the
105 results of the study to be presented to the Governor and
106 the Legislature; providing for management of the study by
107 the State Pedestrian and Bicycle Coordinator; providing
108 for inclusion of certain elements in the study; requiring
109 the study to include an implementation plan; providing an
110 effective date.

111
112 Be It Enacted by the Legislature of the State of Florida:

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113
114 Section 1. Section 311.22, Florida Statutes, is created to
115 read:

116 311.22 Additional authorization for funding certain
117 dredging projects.--

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

128 (2) The council shall adopt rules for evaluating the
129 projects that may be funded pursuant to this section. The rules
130 must provide criteria for evaluating the economic benefit of the
131 project. The rules must include the creation of an
132 administrative review process by the council which is similar to
133 the process described in s. 311.09(5)-(12), and provide for a
134 review by the Department of Community Affairs, the Department of
135 Transportation, and the Office of Tourism, Trade, and Economic
136 Development of all projects submitted for funding under this
137 section.

138 Section 2. Subsection (10) is added to section 332.007,
139 Florida Statutes, to read:

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140 332.007 Administration and financing of aviation and
 141 airport programs and projects; state plan.--

142 (10) The department may also fund eligible projects
 143 performed by not-for-profit organizations that represent a
 144 majority of public airports in this state. Eligible projects may
 145 include activities associated with aviation master planning,
 146 professional education, safety and security planning, enhancing
 147 economic development and efficiency at airports in this state,
 148 or other planning efforts to improve the viability of airports
 149 in this state.

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

152 337.11 Contracting authority of department; bids;
 153 emergency repairs, supplemental agreements, and change orders;
 154 combined design and construction contracts; progress payments;
 155 records; requirements of vehicle registration.--

156 (8) (a) The department shall permit the use of written
 157 supplemental agreements, written work orders pursuant to a
 158 contingency pay item or contingency supplemental agreement, and
 159 written change orders to any contract entered into by the
 160 department. Any supplemental agreement shall be reduced to
 161 written contract form, ~~approved by the contractor's surety,~~ and
 162 executed by the contractor and the department. Any supplemental
 163 agreement modifying any item in the original contract must be
 164 approved by the head of the department, or his or her designee,
 165 and executed by the appropriate person designated by him or her.
 166 Any surety issuing a bond under s. 337.18 shall be fully liable
 167 under such surety bond to the full extent of any modified

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168 contract amount up to and including 25 percent over the original
169 contract amount and without regard to the fact that the surety
170 was not aware of or did not approve such modifications. However,
171 if modifications of the original contract amount cumulatively
172 result in modifications of the contract amount in excess of 25
173 percent of the original contract amount, the surety's approval
174 shall be required to bind the surety under the bond on that
175 portion in excess of 25 percent of the original contract amount.

176 (b) Supplemental agreements and written work orders
177 pursuant to a contingency pay item or contingency supplemental
178 agreement shall be used to clarify the plans and specifications
179 of a contract; ~~to provide for major quantity differences which~~
180 ~~result in the contractor's work effort exceeding the original~~
181 ~~contract amount by more than 5 percent;~~ to provide for
182 unforeseen work, grade changes, or alterations in plans which
183 could not reasonably have been contemplated or foreseen in the
184 original plans and specifications; to change the limits of
185 construction to meet field conditions; to provide a safe and
186 functional connection to an existing pavement; to settle
187 contract claims; and to make the project functionally
188 operational in accordance with the intent of the original
189 contract. Supplemental agreements may be used to expand the
190 physical limits of a project only to the extent necessary to
191 make the project functionally operational in accordance with the
192 intent of the original contract. The cost of any such agreement
193 extending the physical limits of a project shall not exceed
194 \$100,000 or 10 percent of the original contract price, whichever
195 is greater.

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196 (c) Written change orders may be issued by the department
 197 and accepted by the contractor covering minor changes in the
 198 plans, specifications, or quantities of work within the scope of
 199 a contract, when prices for the items of work affected are
 200 previously established in the contract, but in no event may such
 201 change orders extend the physical limits of the work.

202 (d) For the purpose of this section, the term "physical
 203 limits" means the length or width of any project and
 204 specifically includes drainage facilities not running parallel
 205 to the project. The length and width of temporary connections
 206 affected by such supplemental agreements shall be established in
 207 accordance with current engineering practice.

208 (e) Upon completion and final inspection of the contract
 209 work, the department may accept the improvement if it is in
 210 substantial compliance with the plans, specifications, special
 211 provisions, proposals, and contract and if a proper adjustment
 212 in the contract price is made.

213 (f) Any supplemental agreement or change order in
 214 violation of this section is null and void and unenforceable for
 215 payment.

216 Section 4. Section 337.195, Florida Statutes, is created
 217 to read:

218 337.195 Limits on liability.--

219 (1) In a civil action for the death of or injury to a
 220 person, or for damage to property, against the Department of
 221 Transportation or its agents, consultants, or contractors for
 222 work performed on a highway, road, street, bridge, or other
 223 transportation facility when the death, injury, or damage

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224 resulted from a motor vehicle crash within a construction zone
225 in which the driver of one of the vehicles was under the
226 influence of alcoholic beverages as set forth in s. 316.193,
227 under the influence of any chemical substance as set forth in s.
228 877.111, or illegally under the influence of any substance
229 controlled under chapter 893 to the extent that her or his
230 normal faculties were impaired or that she or he operated a
231 vehicle recklessly as defined in s. 316.192, it is presumed that
232 the driver's operation of the vehicle was the sole proximate
233 cause of his or her own death, injury, or damage. This
234 presumption can be overcome if the gross negligence or
235 intentional misconduct of the Department of Transportation, or
236 of its agents, consultants, or contractors, was a proximate
237 cause of the driver's death, injury, or damage.

238 (2) A contractor who constructs, maintains, or repairs a
239 highway, road, street, bridge, or other transportation facility
240 for the Department of Transportation is not liable to a claimant
241 for personal injury, property damage, or death arising from the
242 performance of the construction, maintenance, or repair if, at
243 the time of the personal injury, property damage, or death, the
244 contractor was in compliance with contract documents material to
245 the condition that was the proximate cause of the personal
246 injury, property damage, or death.

247 (a) The limitation on liability contained in this
248 subsection does not apply when the proximate cause of the
249 personal injury, property damage, or death is a latent
250 condition, defect, error, or omission that was created by the
251 contractor and not a defect, error, or omission in the contract

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252 documents; or when the proximate cause of the personal injury,
 253 property damage or death was the contractor's failure to
 254 perform, update or comply with the maintenance of traffic safety
 255 plan as required by the contract documents.

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

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

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

267 (3) In all cases involving personal injury, property
 268 damage, or death, a person or entity who contracts to prepare or
 269 provide engineering plans for the construction or repair of a
 270 highway, road, street, bridge, or other transportation facility
 271 for the Department of Transportation shall be presumed to have
 272 prepared such engineering plans using the degree of care and
 273 skill ordinarily exercised by other engineers in the field under
 274 similar conditions and in similar localities and with due regard
 275 for acceptable engineering standards and principles if the
 276 engineering plans conformed to the Department of
 277 Transportation's design standards material to the condition or
 278 defect that was the proximate cause of the person injury,
 279 property damage, or death. This presumption can be overcome only

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280 upon a showing of the person's or entity's gross negligence in
 281 the preparation of the engineering plans and shall not be
 282 interpreted or construed to alter or affect any claim of the
 283 Department of Transportation against such person or entity. The
 284 limitation on liability contained in this subsection shall not
 285 apply to any hidden or undiscoverable condition created by the
 286 engineer. This subsection does not affect any claim of any
 287 entity against such engineer or engineering firm, which claim is
 288 associated with such entity's facilities on or in Department of
 289 Transportation roads or other transportation facilities.

290 (4) In any civil action for death, injury, or damages
 291 against the Department of Transportation or its agents,
 292 consultants, engineers or contractors for work performed on a
 293 highway, road, street, bridge, or other transportation facility,
 294 if the department, its agents, consultants, engineers, or
 295 contractors are immune from liability pursuant to this section
 296 or are not parties to the litigation, they may not be named on
 297 the jury verdict form or be found to be at fault or responsible
 298 for the injury, death, or damage that gave rise to the damages.

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

301 338.155 Payment of toll on toll facilities required;
 302 exemptions.--

303 (1) No persons are permitted to use any toll facility
 304 without payment of tolls, except employees of the agency
 305 operating the toll project when using the toll facility on
 306 official state business, state military personnel while on
 307 official military business, handicapped persons as provided in

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308 | this section, persons exempt from toll payment by the
 309 | authorizing resolution for bonds issued to finance the facility,
 310 | and persons exempt on a temporary basis where use of such toll
 311 | facility is required as a detour route. Any law enforcement
 312 | officer operating a marked official vehicle is exempt from toll
 313 | payment when on official law enforcement business. Any person
 314 | operating a fire vehicle when on official business or a rescue
 315 | vehicle when on official business is exempt from toll payment.
 316 | Any person participating in the funeral procession of a law
 317 | enforcement officer or firefighter killed in the line of duty is
 318 | exempt from toll payment. The secretary, or the secretary's
 319 | designee, may suspend the payment of tolls on a toll facility
 320 | when necessary to assist in emergency evacuation. The failure to
 321 | pay a prescribed toll constitutes a noncriminal traffic
 322 | infraction, punishable as a moving violation pursuant to s.
 323 | 318.18. The department is authorized to adopt rules relating to
 324 | guaranteed toll accounts.

325 | Section 6. Subsection (12) is added to section 339.175,
 326 | Florida Statutes, to read:

327 | 339.175 Metropolitan planning organization.--It is the
 328 | intent of the Legislature to encourage and promote the safe and
 329 | efficient management, operation, and development of surface
 330 | transportation systems that will serve the mobility needs of
 331 | people and freight within and through urbanized areas of this
 332 | state while minimizing transportation-related fuel consumption
 333 | and air pollution. To accomplish these objectives, metropolitan
 334 | planning organizations, referred to in this section as M.P.O.'s,
 335 | shall develop, in cooperation with the state and public transit

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336 operators, transportation plans and programs for metropolitan
337 areas. The plans and programs for each metropolitan area must
338 provide for the development and integrated management and
339 operation of transportation systems and facilities, including
340 pedestrian walkways and bicycle transportation facilities that
341 will function as an intermodal transportation system for the
342 metropolitan area, based upon the prevailing principles provided
343 in s. 334.046(1). The process for developing such plans and
344 programs shall provide for consideration of all modes of
345 transportation and shall be continuing, cooperative, and
346 comprehensive, to the degree appropriate, based on the
347 complexity of the transportation problems to be addressed. To
348 ensure that the process is integrated with the statewide
349 planning process, M.P.O.'s shall develop plans and programs that
350 identify transportation facilities that should function as an
351 integrated metropolitan transportation system, giving emphasis
352 to facilities that serve important national, state, and regional
353 transportation functions. For the purposes of this section,
354 those facilities include the facilities on the Strategic
355 Intermodal System designated under s. 339.63.

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

362 Section 7. Section 339.64, Florida Statutes, is amended to
363 read:

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364 339.64 Strategic Intermodal System Plan.--

365 (1) The department shall develop, in cooperation with
366 metropolitan planning organizations, regional planning councils,
367 local governments, the Statewide Intermodal Transportation
368 Advisory Council and other transportation providers, a Strategic
369 Intermodal System Plan. The plan shall be consistent with the
370 Florida Transportation Plan developed pursuant to s. 339.155 and
371 shall be updated at least once every 5 years, subsequent to
372 updates of the Florida Transportation Plan.

373 (2) In association with the continued development of the
374 ~~initial~~ Strategic Intermodal System Plan ~~and other~~
375 ~~transportation plans~~, the Florida Transportation Commission, as
376 part of its work program review process, shall conduct an annual
377 assessment of the progress that the department and its
378 transportation partners have made in realizing the goals of
379 economic development, improved mobility, and increased
380 intermodal connectivity ~~need for an improved philosophical~~
381 ~~approach to regional and intermodal input in the planning for~~
382 ~~and governing~~ of the Strategic Intermodal System ~~and other~~
383 ~~transportation systems~~. The Florida Transportation Commission
384 shall coordinate with the department, the Statewide Intermodal
385 Transportation Advisory Council, and other appropriate entities
386 when developing this assessment. The Florida Transportation
387 Commission shall deliver a report to the Governor and
388 Legislature no later than 14 days after the regular session
389 begins ~~by December 15, 2003~~, with recommendations as necessary
390 to fully implement the Strategic Intermodal System.

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391 (3) (a) During the development of updates to the Strategic
 392 Intermodal System Plan ~~and the development of all subsequent~~
 393 ~~updates~~, the department shall provide metropolitan planning
 394 organizations, regional planning councils, local governments,
 395 transportation providers, affected public agencies, and citizens
 396 with an opportunity to participate in and comment on the
 397 development of the ~~proposed plan or~~ update.

398 (b) The department also shall coordinate with federal,
 399 regional, and local partners the planning for the Strategic
 400 Highway Network and the Strategic Rail Corridor Network
 401 transportation facilities that either are included in the
 402 Strategic Intermodal System or that provide a direct connection
 403 between military installations and the Strategic Intermodal
 404 System. In addition, the department shall coordinate with
 405 regional and local partners to determine whether the road and
 406 other transportation infrastructure that connects military
 407 installations to the Strategic Intermodal System, the Strategic
 408 Highway Network, or the Strategic Rail Corridor is regionally
 409 significant and should be included in the Strategic Intermodal
 410 System Plan.

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

- 413 (a) A needs assessment.
- 414 (b) A project prioritization process.
- 415 (c) A map of facilities designated as Strategic Intermodal
 416 System facilities; ~~and~~ facilities that are emerging in
 417 importance that are likely to become part of the system in the

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418 future; and planned facilities that will meet the established
 419 criteria.

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

423 (e) An assessment of the impacts of proposed improvements
 424 to Strategic Intermodal System corridors on military
 425 installations that are either located directly on the Strategic
 426 Intermodal System or located on the Strategic Highway Network or
 427 Strategic Rail Corridor Network.

428 (5) STATEWIDE INTERMODAL TRANSPORTATION ADVISORY COUNCIL.--

429 (a) The Statewide Intermodal Transportation Advisory
 430 Council is created to advise and make recommendations to the
 431 Legislature and the department on policies, planning, and
 432 funding of intermodal transportation projects. The council's
 433 responsibilities shall include:

434 1. Advising the department on the policies, planning, and
 435 implementation of strategies related to intermodal
 436 transportation.

437 2. Providing advice and recommendations to the Legislature
 438 on funding for projects to move goods and people in the most
 439 efficient and effective manner for the State of Florida.

440 (b) MEMBERSHIP.--Members of the Statewide Intermodal
 441 Transportation Advisory Council shall consist of the following:

442 1. Six ~~Five~~ intermodal industry representatives selected
 443 by the Governor as follows:

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- 444 a. One representative from an airport involved in the
 445 movement of freight and people from their airport facility to
 446 another transportation mode.
- 447 b. One individual representing a fixed-route, local-
 448 government transit system.
- 449 c. One representative from an intercity bus company
 450 providing regularly scheduled bus travel as determined by
 451 federal regulations.
- 452 d. One representative from a spaceport.
- 453 e. One representative from intermodal trucking companies.
- 454 f. One representative having command responsibilities of a
 455 major military installation.
- 456 2. Three intermodal industry representatives selected by
 457 the President of the Senate as follows:
- 458 a. One representative from major-line railroads.
- 459 b. One representative from seaports listed in s. 311.09(1)
 460 from the Atlantic Coast.
- 461 c. One representative from an airport involved in the
 462 movement of freight and people from their airport facility to
 463 another transportation mode.
- 464 3. Three intermodal industry representatives selected by
 465 the Speaker of the House of Representatives as follows:
- 466 a. One representative from short-line railroads.
- 467 b. One representative from seaports listed in s. 311.09(1)
 468 from the Gulf Coast.
- 469 c. One representative from intermodal trucking companies.
- 470 In no event may this representative be employed by the same

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471 | company that employs the intermodal trucking company
 472 | representative selected by the Governor.

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

475 | 1. The initial appointments made by the President of the
 476 | Senate and the Speaker of the House of Representatives shall
 477 | serve terms concurrent with those of the respective appointing
 478 | officer. Beginning January 15, 2005, and for all subsequent
 479 | appointments, council members appointed by the President of the
 480 | Senate and the Speaker of the House of Representatives shall
 481 | serve 2-year terms, concurrent with the term of the respective
 482 | appointing officer.

483 | 2. The initial appointees, and all subsequent appointees,
 484 | made by the Governor shall serve 2-year terms.

485 | 3. Vacancies on the council shall be filled in the same
 486 | manner as the initial appointments.

487 | (d) Each member of the council shall be allowed one vote.
 488 | The council shall select a chair from among its membership.
 489 | Meetings shall be held at the call of the chair, but not less
 490 | frequently than quarterly. The members of the council shall be
 491 | reimbursed for per diem and travel expenses as provided in s.
 492 | 112.061.

493 | (e) The department shall provide administrative staff
 494 | support and shall ensure that council meetings are
 495 | electronically recorded. Such recordings and all documents
 496 | received, prepared for, or used by the council in conducting its
 497 | business shall be preserved pursuant to chapters 119 and 257.

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498 Section 8. Part IV of chapter 343, Florida Statutes,
 499 consisting of sections 343.80, 343.805, 343.81, 343.82, 343.83,
 500 343.835, 343.836, 343.837, 343.84, 343.85, 343.87, 343.875,
 501 343.88, 343.881, 343.884, 343.885, and 343.89, is created to
 502 read:

503 PART IV

504 NORTHWEST FLORIDA TRANSPORTATION CORRIDOR AUTHORITY

505 343.80 Short title.--This part may be cited as the
 506 "Northwest Florida Transportation Corridor Authority Law."

507 343.805 Definitions.--As used in this part, the term:

508 (1) "Agency of the state" means the state and any
 509 department of, or corporation, agency, or instrumentality
 510 heretofore or hereafter created, designated, or established by,
 511 the state.

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

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

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

520 (5) "Federal agency" means the United States, the
 521 President of the United States, and any department of, or
 522 corporation, agency, or instrumentality heretofore or hereafter
 523 created, designated, or established by, the United States.

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524 (6) "Lease-purchase agreement" means the lease-purchase
 525 agreements that the authority is authorized pursuant to this
 526 part to enter into with the Department of Transportation.

527 (7) "Limited access expressway" or "expressway" means a
 528 street or highway especially designed for through traffic and
 529 over, from, or to which a person does not have the right of
 530 easement, use, or access except in accordance with the rules
 531 adopted and established by the authority for the use of such
 532 facility. Such highway or street may be a parkway, from which
 533 trucks, buses, and other commercial vehicles are excluded, or it
 534 may be a freeway open to use by all customary forms of street
 535 and highway traffic.

536 (8) "Members" means the governing body of the authority,
 537 and the term "member" means one of the individuals constituting
 538 such governing body.

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

542 (10) "U.S. 98 corridor" means U.S. Highway 98 and any
 543 feeder roads, reliever roads, connector roads, bridges, and
 544 other transportation appurtenances, existing or constructed in
 545 the future, that support U.S. Highway 98 in Escambia, Santa
 546 Rosa, Okaloosa, Walton, Bay, Gulf, Franklin, and Wakulla
 547 Counties.

548 (11) "U.S. 98 corridor system" means any and all
 549 expressways and appurtenant facilities, including, but not
 550 limited to, all approaches, roads, bridges, and avenues of
 551 access for the expressways that are either built by the

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552 authority or whose ownership is transferred to the authority by
 553 other governmental or private entities.

554
 555 Terms importing singular number include the plural number in
 556 each case and vice versa, and terms importing persons include
 557 firms and corporations.

558 343.81 Northwest Florida Transportation Corridor
 559 Authority.--

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

564 (2) (a) The governing body of the authority shall consist
 565 of eight voting members, one each from Escambia, Santa Rosa,
 566 Walton, Okaloosa, Bay, Gulf, Franklin, and Wakulla Counties,
 567 appointed by the Governor to a 4-year term. The appointees shall
 568 be residents of their respective counties. Upon the effective
 569 date of his or her appointment, or as soon thereafter as
 570 practicable, each appointed member of the authority shall enter
 571 upon his or her duties. Each appointed member shall hold office
 572 until his or her successor has been appointed and has qualified.
 573 A vacancy occurring during a term shall be filled only for the
 574 balance of the unexpired term. Any member of the authority shall
 575 be eligible for reappointment. Members of the authority may be
 576 removed from office by the Governor for misconduct, malfeasance,
 577 misfeasance, or nonfeasance in office.

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578 (b) The district secretary of the Department of
579 Transportation serving Northwest Florida shall serve as an ex
580 officio, nonvoting member.

581 (3) (a) The authority shall elect one of its members as
582 chair and shall also elect a secretary and a treasurer who may
583 or may not be members of the authority. The chair, secretary,
584 and treasurer shall hold such offices at the will of the
585 authority.

586 (b) Five members of the authority shall constitute a
587 quorum, and the vote of at least five members shall be necessary
588 for any action taken by the authority. A vacancy in the
589 authority does not impair the right of a quorum of the authority
590 to exercise all of the rights and perform all of the duties of
591 the authority.

592 (c) The authority shall meet at least quarterly but may
593 meet more frequently upon the call of the chair. The authority
594 should alternate the locations of its meetings among the seven
595 counties.

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

600 (5) The authority may employ an executive director, an
601 executive secretary, its own counsel and legal staff, technical
602 experts, engineers, and such employees, permanent or temporary,
603 as it may require. The authority shall determine the
604 qualifications and fix the compensation of such persons, firms,
605 or corporations and may employ a fiscal agent or agents;

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606 however, the authority shall solicit sealed proposals from at
 607 least three persons, firms, or corporations for the performance
 608 of any services as fiscal agents. The authority may delegate to
 609 one or more of its agents or employees its power as it shall
 610 deem necessary to carry out the purposes of this part, subject
 611 always to the supervision and control of the authority.

612 (6) The authority may establish technical advisory
 613 committees to provide guidance and advice on corridor-related
 614 issues. The authority shall establish the size, composition, and
 615 focus of any technical advisory committee created. A member
 616 appointed to a technical advisory committee shall serve without
 617 compensation but shall be entitled to per diem or travel
 618 expenses, as provided in s. 112.061.

619 343.82 Purposes and powers.--

620 (1) The primary purpose of the authority is to improve
 621 mobility on the U.S. 98 corridor in Northwest Florida to enhance
 622 traveler safety, identify and develop hurricane evacuation
 623 routes, promote economic development along the corridor, and
 624 implement transportation projects to alleviate current or
 625 anticipated traffic congestion.

626 (2) The authority is authorized to construct any feeder
 627 roads, reliever roads, connector roads, bypasses, or appurtenant
 628 facilities that are intended to improve mobility along the U.S.
 629 98 corridor. The transportation improvement projects may also
 630 include all necessary approaches, roads, bridges, and avenues of
 631 access that are desirable and proper with the concurrence, where
 632 applicable, of the department if the project is to be part of
 633 the State Highway System or the respective county or municipal

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634 governing boards. Any transportation facilities constructed by
635 the authority may be tolled.

636 (3) (a) The authority shall develop and adopt a corridor
637 master plan no later than July 1, 2007. The goals and objectives
638 of the master plan are to identify areas of the corridor where
639 mobility, traffic safety, and efficient hurricane evacuation
640 needs to be improved; evaluate the economic development
641 potential of the corridor and consider strategies to develop
642 that potential; develop methods of building partnerships with
643 local governments, other state and federal entities, the
644 private-sector business community, and the public in support of
645 corridor improvements; and to identify projects that will
646 accomplish these goals and objectives.

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

649 (c) The authority shall present the original master plan
650 and updates to the governing bodies of the counties within the
651 corridor and to the legislative delegation members representing
652 those counties within 90 days after adoption.

653 (d) The authority may undertake projects or other
654 improvements in the master plan in phases as particular projects
655 or segments thereof become feasible, as determined by the
656 authority. In carrying out its purposes and powers, the
657 authority may request funding and technical assistance from the
658 department and appropriate federal and local agencies,
659 including, but not limited to, state infrastructure bank loans,
660 advances from the Toll Facilities Revolving Trust Fund, and from
661 any other sources.

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662 (4) The authority is granted and shall have and may
663 exercise all powers necessary, appurtenant, convenient, or
664 incidental to the carrying out of the aforesaid purposes,
665 including, but not limited to, the following rights and powers:

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

669 (b) To borrow money and to make and issue negotiable
670 notes, bonds, refunding bonds, and other evidences of
671 indebtedness or obligations, either in temporary or definitive
672 form, hereinafter in this chapter sometimes called "revenue
673 bonds" of the authority, for the purpose of financing all or
674 part of the mobility improvements within the U.S. 98 corridor,
675 as well as the appurtenant facilities, including all approaches,
676 streets, roads, bridges, and avenues of access authorized by
677 this part, the bonds to mature not exceeding 40 years after the
678 date of the issuance thereof, and to secure the payment of such
679 bonds or any part thereof by a pledge of any or all of its
680 revenues, rates, fees, rentals, or other charges.

681 (c) To fix, alter, charge, establish, and collect tolls,
682 rates, fees, rentals, and other charges for the services and
683 facilities of the Northwest Florida Transportation Corridor
684 System, which rates, fees, rentals, and other charges shall
685 always be sufficient to comply with any covenants made with the
686 holders of any bonds issued pursuant to this part; however, such
687 right and power may be assigned or delegated by the authority to
688 the department. The authority may not impose tolls or other

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689 charges on existing highways and other transportation facilities
 690 within the corridor.

691 (d) To acquire by donation or otherwise, purchase, hold,
 692 lease as lessee, and use any franchise, property, real,
 693 personal, or mixed, tangible or intangible, or any options
 694 thereof in its own name or in conjunction with others, or
 695 interest therein, necessary or desirable for carrying out the
 696 purposes of the authority and to sell, lease as lessor,
 697 transfer, and dispose of any property or interest therein at any
 698 time acquired by it.

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

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

702 (g) To enter into and make leases.

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

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

712 (j) Without limitation of the foregoing, to borrow money
 713 and accept grants from and to enter into contracts, leases, or
 714 other transactions with any federal agency, the state, any
 715 agency of the state, or any other public body of the state.

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

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

721 (m) To enter into partnership and other agreements
 722 respecting ownership and revenue participation in order to
 723 facilitate financing and constructing any project or portions
 724 thereof.

725 (n) To participate in agreements with private entities and
 726 to receive private contributions.

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

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

734 (q) To construct, operate, and maintain roads, bridges,
 735 avenues of access, thoroughfares, and boulevards and to
 736 construct, repair, replace, operate, install, and maintain
 737 electronic toll payment systems thereon, with all necessary and
 738 incidental powers to accomplish the foregoing.

739 (5) The authority does not have power at any time or in
 740 any manner to pledge the credit or taxing power of the state or
 741 any political subdivision or agency thereof, nor shall any of
 742 the authority's obligations be deemed to be obligations of the
 743 state or of any political subdivision or agency thereof, nor

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744 shall the state or any political subdivision or agency thereof,
 745 except the authority, be liable for the payment of the principal
 746 of or interest on such obligations.

747 343.83 Improvements, bond financing authority.--Pursuant
 748 to s. 11(f), Art. VII of the State Constitution, the Legislature
 749 approves bond financing by the Northwest Florida Transportation
 750 Corridor Authority for improvements to toll collection
 751 facilities, interchanges to the legislatively approved system,
 752 and any other facility appurtenant, necessary, or incidental to
 753 the approved system. Subject to terms and conditions of
 754 applicable revenue bond resolutions and covenants, such costs
 755 may be financed in whole or in part by revenue bonds issued
 756 pursuant to s. 343.835(1) (a) or (b) whether currently issued or
 757 issued in the future or by a combination of such bonds.

758 343.835 Bonds of the authority.--

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

761 (b) Alternatively, the authority may issue its own bonds
 762 pursuant to this part at such times and in such principal amount
 763 as, in the opinion of the authority, is necessary to provide
 764 sufficient moneys for achieving its purposes; however, such
 765 bonds may not pledge the full faith and credit of the state.
 766 Bonds issued by the authority pursuant to this paragraph or
 767 paragraph (a), whether on original issuance or on refunding,
 768 shall be authorized by resolution of the members thereof, may be
 769 either term or serial bonds, and shall bear such date or dates,
 770 mature at such time or times, not exceeding 40 years after their
 771 respective dates, bear interest at such rate or rates, be

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772 payable semiannually, be in such denominations, be in such form,
773 either coupon or fully registered, carry such registration,
774 exchangeability, and interchangeability privileges, be payable
775 in such medium of payment and at such place or places, be
776 subject to such terms of redemption, and be entitled to such
777 priorities on the revenues, rates, fees, rentals, or other
778 charges or receipts of the authority, including revenues from
779 lease-purchase agreements. The bonds shall be executed either by
780 manual or facsimile signature by such officers as the authority
781 shall determine, however, such bonds shall bear at least one
782 signature that is manually executed thereon, and the coupons
783 attached to such bonds shall bear the facsimile signature or
784 signatures of such officer or officers as shall be designated by
785 the authority and have the seal of the authority affixed,
786 imprinted, reproduced, or lithographed thereon, all as may be
787 prescribed in such resolution or resolutions.

788 (c) Bonds issued pursuant to paragraph (a) or paragraph
789 (b) shall be sold at public sale in the manner provided by the
790 State Bond Act. However, if the authority, by official action at
791 a public meeting, determines that a negotiated sale of such
792 bonds is in the best interest of the authority, the authority
793 may negotiate the sale of such bonds with the underwriter
794 designated by the authority and the Division of Bond Finance
795 within the State Board of Administration with respect to bonds
796 issued pursuant to paragraph (a) or solely the authority with
797 respect to bonds issued pursuant to paragraph (b). The
798 authority's determination to negotiate the sale of such bonds
799 may be based, in part, upon the written advice of the

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800 authority's financial adviser. Pending the preparation of
 801 definitive bonds, interim certificates may be issued to the
 802 purchaser or purchasers of such bonds and may contain such terms
 803 and conditions as the authority may determine.

804 (d) The authority may issue bonds pursuant to paragraph
 805 (b) to refund any bonds previously issued regardless of whether
 806 the bonds being refunded were issued by the authority pursuant
 807 to this chapter or on behalf of the authority pursuant to the
 808 State Bond Act.

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

812 (a) The pledging of all or any part of the revenues,
 813 rates, fees, rentals, or other charges or receipts of the
 814 authority, derived by the authority for the U.S. 98 corridor
 815 improvements.

816 (b) The completion, improvement, operation, extension,
 817 maintenance, repair, lease, or lease-purchase agreement of the
 818 system, and the duties of the authority and others, including
 819 the department, with reference thereto.

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

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

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826 (e) The setting aside of reserves or sinking funds or
 827 repair and replacement funds and the regulation and disposition
 828 thereof.

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

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

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

835 (3) The authority may employ fiscal agents as provided by
 836 this part or the State Board of Administration may, upon request
 837 of the authority, act as fiscal agent for the authority in the
 838 issuance of any bonds that are issued pursuant to this part, and
 839 the State Board of Administration may, upon request of the
 840 authority, take over the management, control, administration,
 841 custody, and payment of any or all debt services or funds or
 842 assets now or hereafter available for any bonds issued pursuant
 843 to this part. The authority may enter into any deeds of trust,
 844 indentures, or other agreements with its fiscal agent, or with
 845 any bank or trust company within or without the state, as
 846 security for such bonds and may, under such agreements, sign and
 847 pledge all or any of the revenues, rates, fees, rentals, or
 848 other charges or receipts of the authority. Such deed of trust,
 849 indenture, or other agreement may contain such provisions as are
 850 customary in such instruments or, as the authority authorizes,
 851 including, but without limitation, provisions as to:

852 (a) The completion, improvement, operation, extension,
 853 maintenance, repair, and lease of or lease-purchase agreement

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854 relating to U.S. 98 corridor improvements and the duties of the
 855 authority and others, including the department, with reference
 856 thereto.

857 (b) The application of funds and the safeguarding of funds
 858 on hand or on deposit.

859 (c) The rights and remedies of the trustee and the holders
 860 of the bonds.

861 (d) The terms and provisions of the bonds or the
 862 resolutions authorizing the issuance of the bonds.

863 (4) Any of the bonds issued pursuant to this part are, and
 864 are hereby declared to be, negotiable instruments and have all
 865 the qualities and incidents of negotiable instruments under the
 866 law merchant and the negotiable instruments law of the state.

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

872 343.836 Remedies of the bondholders.--

873 (1) The rights and the remedies in this section conferred
 874 upon or granted to the bondholders are in addition to and not in
 875 limitation of any rights and remedies lawfully granted to such
 876 bondholders by the resolution or resolutions providing for the
 877 issuance of bonds or by a lease-purchase agreement, deed of
 878 trust, indenture, or other agreement under which the bonds may
 879 be issued or secured. If the authority defaults in the payment
 880 of the principal of or interest on any of the bonds issued
 881 pursuant to the provisions of this part after such principal of

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882 or interest on the bonds becomes due, whether at maturity or
883 upon call for redemption, or the department defaults in any
884 payments under, or covenants made in, any lease-purchase
885 agreement between the authority and the department, and such
886 default continues for a period of 30 days, or if the authority
887 or the department fails or refuses to comply with the provisions
888 of this part or any agreement made with, or for the benefit of,
889 the holders of the bonds, the holders of 25 percent in aggregate
890 principal amount of the bonds then outstanding may appoint a
891 trustee to represent such bondholders for the purposes hereof,
892 if such holders of 25 percent in aggregate principal amount of
893 the bonds then outstanding shall first give notice of their
894 intention to appoint a trustee to the authority and to the
895 department. Such notice shall be deemed to have been given if
896 given in writing, deposited in a securely sealed postpaid
897 wrapper, mailed at a regularly maintained United States post
898 office box or station, and addressed, respectively, to the chair
899 of the authority and to the secretary of the department at the
900 principal office of the department.

901 (2) Such trustee and any trustee under any deed of trust,
902 indenture, or other agreement may, and upon written request of
903 the holders of 25 percent or such other percentages as are
904 specified in any deed of trust, indenture, or other agreement
905 aforesaid in principal amount of the bonds then outstanding
906 shall, in any court of competent jurisdiction, in his, her, or
907 its own name:

908 (a) By mandamus or other suit, action, or proceeding at
909 law or in equity, enforce all rights of the bondholders,

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910 including the right to require the authority to fix, establish,
911 maintain, collect, and charge rates, fees, rentals, and other
912 charges adequate to carry out any agreement as to or pledge of
913 the revenues or receipts of the authority to carry out any other
914 covenants and agreements with or for the benefit of the
915 bondholders, and to perform its and their duties under this
916 part.

917 (b) By mandamus or other suit, action, or proceeding at
918 law or in equity, enforce all rights of the bondholders under or
919 pursuant to any lease-purchase agreement between the authority
920 and the department, including the right to require the
921 department to make all rental payments required to be made by it
922 under the provisions of any such lease-purchase agreement, to
923 require the department to carry out any other covenants and
924 agreements with or for the benefit of the bondholders and to
925 perform its and their duties under this part.

926 (c) Bring suit upon the bonds.

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

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

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

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938 rates, fees, rentals, or other revenues, charges, or receipts
 939 from which are or may be applicable to the payment of the bonds
 940 so in default, and, subject to and in compliance with the
 941 provisions of any lease-purchase agreement between the authority
 942 and the department, operate and maintain the same for and on
 943 behalf of and in the name of the authority, the department, and
 944 the bondholders, and collect and receive all rates, fees,
 945 rentals, and other charges or receipts or revenues arising
 946 therefrom in the same manner as the authority or the department
 947 might do, and shall deposit all such moneys in a separate
 948 account and apply such moneys in such manner as the court shall
 949 direct. In any suit, action, or proceeding by the trustee, the
 950 fees, counsel fees, and expenses of the trustee and the
 951 receiver, if any, and all costs and disbursements allowed by the
 952 court shall be a first charge on any rates, fees, rentals, or
 953 other charges, revenues, or receipts derived from the system or
 954 the facilities or services or any part or parts thereof,
 955 including payments under any such lease-purchase agreement as
 956 aforesaid, which rates, fees, rentals, or other charges,
 957 revenues, or receipts may be applicable to the payment of the
 958 bonds so in default. Such trustee, in addition to the foregoing,
 959 possesses all of the powers necessary for the exercise of any
 960 functions specifically set forth herein or incident to the
 961 representation of the bondholders in the enforcement and
 962 protection of their rights.

963 (4) This section or any other section of this part does
 964 not authorize any receiver appointed pursuant hereto for the
 965 purpose, subject to and in compliance with the provisions of any

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966 lease-purchase agreement between the authority and the
 967 department, of operating and maintaining the system or any
 968 facilities or part or parts thereof, to sell, assign, mortgage,
 969 or otherwise dispose of any of the assets of whatever kind and
 970 character belonging to the authority. It is the intention of
 971 this part to limit the powers of such receiver, subject to and
 972 in compliance with the provisions of any lease-purchase
 973 agreement between the authority and the department, to the
 974 operation and maintenance of the system or any facility or part
 975 or parts thereof, as the court may direct, in the name and for
 976 and on behalf of the authority, the department, and the
 977 bondholders. In any suit, action, or proceeding at law or in
 978 equity, a holder of bonds on the authority, a trustee, or any
 979 court may not compel or direct a receiver to sell, assign,
 980 mortgage, or otherwise dispose of any assets of whatever kind or
 981 character belonging to the authority. A receiver also may not be
 982 authorized to sell, assign, mortgage, or otherwise dispose of
 983 any assets of whatever kind or character belonging to the
 984 authority in any suit, action, or proceeding at law or in
 985 equity.

986 343.837 Lease-purchase agreement.--

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

991 (2) Such lease-purchase agreement shall provide for the
 992 leasing of the system by the authority, as lessor, to the
 993 department, as lessee, shall prescribe the term of such lease

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994 and the rentals to be paid thereunder, and shall provide that,
 995 upon the completion of the faithful performance thereunder and
 996 the termination of such lease-purchase agreement, title in fee
 997 simple absolute to the system as then constituted shall be
 998 transferred in accordance with law by the authority to the state
 999 and the authority shall deliver to the department such deeds and
 1000 conveyances as shall be necessary or convenient to vest title in
 1001 fee simple absolute in the state.

1002 (3) Such lease-purchase agreement may include such other
 1003 provisions, agreements, and covenants as the authority and the
 1004 department deem advisable or required, including, but not
 1005 limited to, provisions as to the bonds to be issued for the
 1006 purposes of this part, the completion, extension, improvement,
 1007 operation, and maintenance of the system and the expenses and
 1008 the cost of operation of the authority, the charging and
 1009 collection of tolls, rates, fees, and other charges for the use
 1010 of the services and facilities thereof, and the application of
 1011 federal or state grants or aid which may be made or given to
 1012 assist the authority in the completion, extension, improvement,
 1013 operation, and maintenance of the system.

1014 (4) The department as lessee under such lease-purchase
 1015 agreement may pay as rentals thereunder any rates, fees,
 1016 charges, funds, moneys, receipts, or income accruing to the
 1017 department from the operation of the system and may also pay as
 1018 rentals any appropriations received by the department pursuant
 1019 to any act of the Legislature heretofore or hereafter enacted;
 1020 however, nothing in this section or in such lease-purchase
 1021 agreement is intended to require, nor shall this part or such

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1022 lease-purchase agreement require, the making or continuance of
 1023 such appropriations, nor shall any holder of bonds issued
 1024 pursuant to this part ever have any right to compel the making
 1025 or continuance of such appropriations.

1026 (5) The department shall have power to covenant in any
 1027 lease-purchase agreement that it will pay all or any part of the
 1028 cost of the operation, maintenance, repair, renewal, and
 1029 replacement of the corridor system, and any part of the cost of
 1030 completing the corridor system to the extent that the proceeds
 1031 of bonds issued are insufficient, from sources other than the
 1032 revenues derived from the operation of the system.

1033 (6) The U.S. 98 Corridor System shall be a part of the
 1034 State Highway System as defined in s. 334.03, and the department
 1035 may, upon the request of the authority, expend out of any funds
 1036 available for that purpose, and use such of its engineering and
 1037 other forces, as may be necessary and desirable in the judgment
 1038 of the department, for the operation of the authority and for
 1039 traffic surveys, borings, surveys, preparation of plans and
 1040 specifications, estimates of cost, and other preliminary
 1041 engineering and other studies.

1042 343.84 Department may be appointed agent of authority for
 1043 construction.--The department may be appointed by the authority
 1044 as its agent for the purpose of constructing improvements and
 1045 extensions to the system and for the completion thereof. In such
 1046 event, the authority shall provide the department with complete
 1047 copies of all documents, agreements, resolutions, contracts, and
 1048 instruments relating thereto, shall request the department to do
 1049 such construction work, including the planning, surveying, and

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1050 actual construction of the completion, extensions, and
 1051 improvements to the system, and shall transfer to the credit of
 1052 an account of the department in the treasury of the state the
 1053 necessary funds therefor. The department shall proceed with such
 1054 construction and use the funds for such purpose in the same
 1055 manner that it is now authorized to use the funds otherwise
 1056 provided by law for its use in construction of roads and
 1057 bridges.

1058 343.85 Acquisition of lands and property.--

1059 (1) For the purposes of this part, the Northwest Florida
 1060 Transportation Corridor Authority may acquire private or public
 1061 property and property rights, including rights of access, air,
 1062 view, and light, by gift, devise, purchase, or condemnation by
 1063 eminent domain proceedings, as the authority may deem necessary
 1064 for any purpose of this part, including, but not limited to, any
 1065 lands reasonably necessary for securing applicable permits,
 1066 areas necessary for management of access, borrow pits, drainage
 1067 ditches, water retention areas, rest areas, replacement access
 1068 for landowners whose access is impaired due to the construction
 1069 of a facility, and replacement rights-of-way for relocated rail
 1070 and utility facilities; for existing, proposed, or anticipated
 1071 transportation facilities within the U.S. 98 transportation
 1072 corridor designated by the authority; or for the purposes of
 1073 screening, relocation, removal, or disposal of junkyards and
 1074 scrap metal processing facilities. The authority may condemn any
 1075 material and property necessary for such purposes.

1076 (2) The right of eminent domain herein conferred shall be
 1077 exercised by the authority in the manner provided by law.

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1078 (3) When the authority acquires property for a
1079 transportation facility or in a transportation corridor, the
1080 authority is not subject to any liability imposed by chapter 376
1081 or chapter 403 for preexisting soil or groundwater contamination
1082 due solely to its ownership. This section does not affect the
1083 rights or liabilities of any past or future owners of the
1084 acquired property, nor does it affect the liability of any
1085 governmental entity for the results of its actions which create
1086 or exacerbate a pollution source. The authority and the
1087 Department of Environmental Protection may enter into
1088 interagency agreements for the performance, funding, and
1089 reimbursement of the investigative and remedial acts necessary
1090 for property acquired by the authority.

1091 343.87 Cooperation with other units, boards, agencies, and
1092 individuals.--Express authority and power is hereby given and
1093 granted to any county, municipality, drainage district, road and
1094 bridge district, school district, or any other political
1095 subdivision, board, commission, or individual in or of the state
1096 to make and enter into contracts, leases, conveyances,
1097 partnerships, or other agreements with the authority within the
1098 provisions and purposes of this part. The authority may make and
1099 enter into contracts, leases, conveyances, partnerships, and
1100 other agreements with any political subdivision, agency, or
1101 instrumentality of the state and any and all federal agencies,
1102 corporations, and individuals for the purpose of carrying out
1103 the provisions of this part.

1104 343.875 Public-private partnerships.--

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1105 (1) The authority may receive or solicit proposals and
 1106 enter into agreements with private entities or consortia
 1107 thereof, for the building, operation, ownership, or financing of
 1108 transportation facilities within the jurisdiction of the
 1109 authority. Before approval, the authority must determine that a
 1110 proposed project:

1111 (a) Is in the public's best interest.

1112 (b) Would not require state funds to be used unless the
 1113 project is on or provides increased mobility on the State
 1114 Highway System.

1115 (c) Would have adequate safeguards to ensure that
 1116 additional costs or service disruptions would not be realized by
 1117 the traveling public and citizens of the state in the event of
 1118 default or the cancellation of the agreement by the authority.

1119 (2) The authority shall ensure that all reasonable costs
 1120 to the state related to transportation facilities that are not
 1121 part of the State Highway System are borne by the private
 1122 entity. The authority also shall ensure that all reasonable
 1123 costs to the state and substantially affected local governments
 1124 and utilities related to the private transportation facility are
 1125 borne by the private entity for transportation facilities that
 1126 are owned by private entities. For projects on the State Highway
 1127 System, the department may use state resources to participate in
 1128 funding and financing the project as provided for under the
 1129 department's enabling legislation.

1130 (3) The authority may request proposals for public-private
 1131 transportation projects or, if it receives an unsolicited
 1132 proposal, it must publish a notice in the Florida Administrative

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1133 Weekly and a newspaper of general circulation in the county in
 1134 which it is located at least once a week for 2 weeks stating
 1135 that it has received the proposal and will accept, for 60 days
 1136 after the initial date of publication, other proposals for the
 1137 same project purpose. A copy of the notice must be mailed to
 1138 each local government in the affected areas. After the public
 1139 notification period has expired, the authority shall rank the
 1140 proposals in order of preference. In ranking the proposals, the
 1141 authority shall consider professional qualifications, general
 1142 business terms, innovative engineering or cost-reduction terms,
 1143 finance plans, and the need for state funds to deliver the
 1144 proposal. If the authority is not satisfied with the results of
 1145 the negotiations, it may, at its sole discretion, terminate
 1146 negotiations with the proposer. If these negotiations are
 1147 unsuccessful, the authority may go to the second and lower-
 1148 ranked firms, in order, using the same procedure. If only one
 1149 proposal is received, the authority may negotiate in good faith
 1150 and, if it is not satisfied with the results, it may, at its
 1151 sole discretion, terminate negotiations with the proposer.
 1152 Notwithstanding this subsection, the authority may, at its
 1153 discretion, reject all proposals at any point in the process up
 1154 to completion of a contract with the proposer.

1155 (4) Agreements entered into pursuant to this section may
 1156 authorize the public-private entity to impose tolls or fares for
 1157 the use of the facility. However, the amount and use of toll or
 1158 fare revenues shall be regulated by the authority to avoid
 1159 unreasonable costs to users of the facility.

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1160 (5) Each public-private transportation facility
 1161 constructed pursuant to this section shall comply with all
 1162 requirements of federal, state, and local laws; state, regional,
 1163 and local comprehensive plans; the authority's rules, policies,
 1164 procedures, and standards for transportation facilities; and any
 1165 other conditions that the authority determines to be in the
 1166 public's best interest.

1167 (6) The authority may exercise any of its powers,
 1168 including eminent domain, to facilitate the development and
 1169 construction of transportation projects pursuant to this
 1170 section. The authority may pay all or part of the cost of
 1171 operating and maintaining the facility or may provide services
 1172 to the private entity for which it receives full or partial
 1173 reimbursement for services rendered.

1174 (7) Except as herein provided, this section is not
 1175 intended to amend existing law by granting additional powers to
 1176 or imposing further restrictions on the governmental entities
 1177 with regard to regulating and entering into cooperative
 1178 arrangements with the private sector for the planning,
 1179 construction, and operation of transportation facilities.

1180 (8) The authority may adopt rules to implement this
 1181 section and shall, by rule, establish an application fee for the
 1182 submission of unsolicited proposals under this section. The fee
 1183 must be sufficient to pay the costs of evaluating the proposals.

1184 343.88 Covenant of the state.--The state does hereby
 1185 pledge to, and agrees with, any person, firm or corporation, or
 1186 federal or state agency subscribing to or acquiring the bonds to
 1187 be issued by the authority for the purposes of this part that

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1188 the state will not limit or alter the rights hereby vested in
 1189 the authority and the department until all bonds at any time
 1190 issued, together with the interest thereon, are fully paid and
 1191 discharged insofar as the same affects the rights of the holders
 1192 of bonds issued hereunder. The state does further pledge to, and
 1193 agree with, the United States that, if any federal agency
 1194 constructs or contributes any funds for the completion,
 1195 extension, or improvement of the system or any part or portion
 1196 thereof, the state will not alter or limit the rights and powers
 1197 of the authority and the department in any manner which would be
 1198 inconsistent with the continued maintenance and operation of the
 1199 system or the completion, extension, or improvement thereof or
 1200 which would be inconsistent with the due performance of any
 1201 agreements between the authority and any such federal agency.
 1202 The authority and the department shall continue to have and may
 1203 exercise all powers herein granted so long as necessary or
 1204 desirable for the carrying out of the purposes of this part and
 1205 the purposes of the United States in the completion, extension,
 1206 or improvement of the system or any part or portion thereof.

1207 343.881 Exemption from taxation.--The effectuation of the
 1208 authorized purposes of the authority created under this part is
 1209 for the benefit of the people of this state, for the increase of
 1210 their commerce and prosperity, and for the improvement of their
 1211 health and living conditions and, because the authority performs
 1212 essential governmental functions in effectuating such purposes,
 1213 the authority is not required to pay any taxes or assessments of
 1214 any kind or nature whatsoever upon any property acquired or used
 1215 by it for such purposes, or upon any rates, fees, rentals,

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1216 receipts, income, or charges at any time received by it. The
 1217 bonds issued by the authority, their transfer, and the income
 1218 therefrom, including any profits made on the sale thereof, shall
 1219 at all times be free from taxation of any kind by the state or
 1220 by any political subdivision, taxing agency, or instrumentality
 1221 thereof. The exemption granted by this section does not apply to
 1222 any tax imposed by chapter 220 on interest, income, or profits
 1223 on debt obligations owned by corporations.

1224 343.884 Eligibility for investments and security.--Any
 1225 bonds or other obligations issued pursuant to this part shall be
 1226 and constitute legal investments for banks, savings banks,
 1227 trustees, executors, administrators, and all other fiduciaries
 1228 and for all state, municipal, and other public funds and shall
 1229 also be and constitute securities eligible for deposit as
 1230 security for all state, municipal, or other public funds,
 1231 notwithstanding the provisions of any other law to the contrary.

1232 343.885 Pledges enforceable by bondholders.--It is the
 1233 express intention of this part that any pledge to the authority
 1234 by the department of rates, fees, revenues, or other funds as
 1235 rentals, or any covenants or agreements relative thereto, is
 1236 enforceable in any court of competent jurisdiction against the
 1237 authority or directly against the department by any holder of
 1238 bonds issued by the authority.

1239 343.89 Complete and additional statutory authority.--
 1240 (1) The powers conferred by this part are supplemental to
 1241 the existing powers of the board and the department. This part
 1242 does not repeal any of the provisions of any other law, general,
 1243 special, or local, but supersedes such other laws in the

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1244 exercise of the powers provided in this part and provides a
 1245 complete method for the exercise of the powers granted in this
 1246 part. The extension and improvement of the system, and the
 1247 issuance of bonds hereunder to finance all or part of the cost
 1248 thereof, may be accomplished upon compliance with the provisions
 1249 of this part without regard to or necessity for compliance with
 1250 the provisions, limitations, or restrictions contained in any
 1251 other general, special, or local law, including, but not limited
 1252 to, s. 215.821. An approval of any bonds issued under this part
 1253 by the qualified electors or qualified electors who are
 1254 freeholders in the state or in any other political subdivision
 1255 of the state is not required for the issuance of such bonds
 1256 pursuant to this part.

1257 (2) This part does not repeal, rescind, or modify any
 1258 other law relating to the State Board of Administration, the
 1259 Department of Transportation, or the Division of Bond Finance
 1260 within the State Board of Administration; however, this part
 1261 supersedes such other laws as are inconsistent with its
 1262 provisions, including, but not limited to, s. 215.821.

1263 (3) This part does not preclude the department from
 1264 acquiring, holding, constructing, improving, maintaining,
 1265 operating, or owning tolled or nontolled facilities funded and
 1266 constructed from nonauthority sources that are part of the State
 1267 Highway System within the geographical boundaries of the
 1268 Northwest Florida Transportation Corridor Authority.

1269 Section 9. Subsection (10) is added to section 337.251,
 1270 Florida Statutes, to read:

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1271 | 337.251 Lease of property for joint public-private
 1272 | development and areas above or below department property.--

1273 | (10) The department may adopt rules to administer the
 1274 | provisions of this section.

1275 | Section 10. Subsection (1) of section 337.406, Florida
 1276 | Statutes, is amended to read:

1277 | 337.406 Unlawful use of state transportation facility
 1278 | right-of-way; penalties.--

1279 | (1) Except when leased as provided in s. 337.25(5) or
 1280 | otherwise authorized by the rules of the department, it is
 1281 | unlawful to make any use of the right-of-way of any state
 1282 | transportation facility, including appendages thereto, outside
 1283 | of an incorporated municipality in any manner that interferes
 1284 | with the safe and efficient movement of people and property from
 1285 | place to place on the transportation facility. Failure to
 1286 | prohibit the use of right-of-way in this manner will endanger
 1287 | the health, safety, and general welfare of the public by causing
 1288 | distractions to motorists, unsafe pedestrian movement within
 1289 | travel lanes, sudden stoppage or slowdown of traffic, rapid lane
 1290 | changing and other dangerous traffic movement, increased
 1291 | vehicular accidents, and motorist injuries and fatalities. Such
 1292 | prohibited uses include, but are not limited to, the free
 1293 | distribution or sale, or display or solicitation for free
 1294 | distribution or sale, of any merchandise, goods, property or
 1295 | services; the solicitation for charitable purposes; the
 1296 | servicing or repairing of any vehicle, except the rendering of
 1297 | emergency service; the storage of vehicles being serviced or
 1298 | repaired on abutting property or elsewhere; and the display of

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1299 advertising of any sort, except that any portion of a state
 1300 transportation facility may be used for an art festival, parade,
 1301 fair, or other special event if permitted by the appropriate
 1302 local governmental entity. Local government entities ~~Within~~
 1303 ~~incorporated municipalities, the local governmental entity~~ may
 1304 issue permits of limited duration for the temporary use of the
 1305 right-of-way of a state transportation facility for any of these
 1306 prohibited uses if it is determined that the use will not
 1307 interfere with the safe and efficient movement of traffic and
 1308 the use will cause no danger to the public. The permitting
 1309 authority granted in this subsection shall be exercised by the
 1310 municipality within incorporated municipalities and by the
 1311 county outside an incorporated municipality. Before a road on
 1312 the State Highway System may be temporarily closed for a special
 1313 event, the local governmental entity which permits the special
 1314 event to take place must determine that the temporary closure of
 1315 the road is necessary and must obtain the prior written approval
 1316 for the temporary road closure from the department. Nothing in
 1317 this subsection shall be construed to authorize such activities
 1318 on any limited access highway ~~the Interstate Highway System.~~
 1319 Local governmental entities may, within their respective
 1320 jurisdictions, initiate enforcement action by the appropriate
 1321 code enforcement authority or law enforcement authority for a
 1322 violation of this section.

1323 Section 11. Subsection (2) of section 339.55, Florida
 1324 Statutes, is amended to read:

1325 339.55 State-funded infrastructure bank.--

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1326 (2) The bank may lend capital costs or provide credit
 1327 enhancements for a transportation facility project that is on
 1328 the State Highway System or that provides for increased mobility
 1329 on the state's transportation system or provides intermodal
 1330 connectivity with airports, seaports, rail facilities, and other
 1331 transportation terminals, pursuant to s. 341.053, for the
 1332 movement of people and goods. Loans from the bank may be
 1333 subordinated to senior project debt that has an investment grade
 1334 rating of "BBB" or higher. Notwithstanding any other provision
 1335 of law, the total outstanding state-funded infrastructure bank
 1336 loan repayments over the average term of the loan repayment
 1337 period, as needed to meet the requirements of the documents
 1338 authorizing the bonds issued or proposed to be issued under s.
 1339 215.617 to be paid from the State Transportation Trust Fund, may
 1340 not exceed 0.75 percent of the revenues deposited into the State
 1341 Transportation Trust Fund.

1342 Section 12. Section 373.4137, Florida Statutes, is amended
 1343 to read:

1344 373.4137 Mitigation requirements for specified
 1345 transportation projects.--

1346 (1) The Legislature finds that environmental mitigation
 1347 for the impact of transportation projects proposed by the
 1348 Department of Transportation or a transportation authority
 1349 established pursuant to chapter 348 or chapter 349 can be more
 1350 effectively achieved by regional, long-range mitigation planning
 1351 rather than on a project-by-project basis. It is the intent of
 1352 the Legislature that mitigation to offset the adverse effects of
 1353 these transportation projects be funded by the Department of

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1354 Transportation and be carried out by ~~the Department of~~
 1355 ~~Environmental Protection and~~ the water management districts,
 1356 including the use of mitigation banks established pursuant to
 1357 this part.

1358 (2) Environmental impact inventories for transportation
 1359 projects proposed by the Department of Transportation or a
 1360 transportation authority established pursuant to chapter 348 or
 1361 chapter 349 shall be developed as follows:

1362 (a) By July ~~May~~ 1 of each year, the Department of
 1363 Transportation or a transportation authority established
 1364 pursuant to chapter 348 or chapter 349 shall submit to ~~the~~
 1365 ~~Department of Environmental Protection and~~ the water management
 1366 districts a copy of its adopted work program and an
 1367 environmental impact inventory of habitats addressed in the
 1368 rules adopted tentatively, pursuant to this part and s. 404 of
 1369 the Clean Water Act, 33 U.S.C. s. 1344, which may be impacted by
 1370 its plan of construction for transportation projects in the next
 1371 3 years of the tentative work program. The Department of
 1372 Transportation or a transportation authority established
 1373 pursuant to chapter 348 or chapter 349 may also include in its
 1374 environmental impact inventory the habitat impacts of any future
 1375 transportation project ~~identified in the tentative work program.~~
 1376 The Department of Transportation and each transportation
 1377 authority established pursuant to chapter 348 or chapter 349 may
 1378 fund any mitigation activities for future projects using current
 1379 year funds.

1380 (b) The environmental impact inventory shall include a
 1381 description of these habitat impacts, including their location,

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1382 acreage, and type; state water quality classification of
 1383 impacted wetlands and other surface waters; any other state or
 1384 regional designations for these habitats; and a survey of
 1385 threatened species, endangered species, and species of special
 1386 concern affected by the proposed project.

1387 (3) (a) To fund development and implementation of the
 1388 mitigation plan for the projected impacts identified in the
 1389 environmental impact inventory described in subsection (2), the
 1390 Department of Transportation shall identify funds quarterly in
 1391 an escrow account within the State Transportation Trust Fund for
 1392 the environmental mitigation phase of projects budgeted by the
 1393 Department of Transportation for the current fiscal year. The
 1394 escrow account shall be maintained by the Department of
 1395 Transportation for the benefit of ~~the Department of~~
 1396 ~~Environmental Protection and~~ the water management districts. Any
 1397 interest earnings from the escrow account shall remain with the
 1398 Department of Transportation.

1399 (b) Each transportation authority established pursuant to
 1400 chapter 348 or chapter 349 that chooses to participate in this
 1401 program shall create an escrow account within its financial
 1402 structure and deposit funds in the account to pay for the
 1403 environmental mitigation phase of projects budgeted for the
 1404 current fiscal year. The escrow account shall be maintained by
 1405 the authority for the benefit of ~~the Department of Environmental~~
 1406 ~~Protection and~~ the water management districts. Any interest
 1407 earnings from the escrow account shall remain with the
 1408 authority.

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1409 (c) Except for current mitigation projects in the
 1410 monitoring and maintenance phase and except as allowed by
 1411 paragraph (d), ~~the Department of Environmental Protection or~~
 1412 water management districts may request a transfer of funds from
 1413 an escrow account no sooner than 30 days prior to the date the
 1414 funds are needed to pay for activities associated with
 1415 development or implementation of the approved mitigation plan
 1416 described in subsection (4) for the current fiscal year,
 1417 including, but not limited to, design, engineering, production,
 1418 and staff support. Actual conceptual plan preparation costs
 1419 incurred before plan approval may be submitted to the Department
 1420 of Transportation or the appropriate transportation authority
 1421 ~~and the Department of Environmental Protection by November 1 of~~
 1422 each year with the plan. The conceptual plan preparation costs
 1423 of each water management district will be paid from mitigation
 1424 funds associated with the environmental impact inventory for the
 1425 current year ~~based on the amount approved on the mitigation plan~~
 1426 ~~and allocated to the current fiscal year projects identified by~~
 1427 ~~the water management district.~~ The amount transferred to the
 1428 escrow accounts each year by the Department of Transportation
 1429 and participating transportation authorities established
 1430 pursuant to chapter 348 or chapter 349 shall correspond to a
 1431 cost per acre of \$75,000 multiplied by the projected acres of
 1432 impact identified in the environmental impact inventory
 1433 described in subsection (2). However, the \$75,000 cost per acre
 1434 does not constitute an admission against interest by the state
 1435 or its subdivisions nor is the cost admissible as evidence of
 1436 full compensation for any property acquired by eminent domain or

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1437 through inverse condemnation. Each July 1, the cost per acre
1438 shall be adjusted by the percentage change in the average of the
1439 Consumer Price Index issued by the United States Department of
1440 Labor for the most recent 12-month period ending September 30,
1441 compared to the base year average, which is the average for the
1442 12-month period ending September 30, 1996. Each quarter ~~At the~~
1443 ~~end of each year,~~ the projected acreage of impact shall be
1444 reconciled with the acreage of impact of projects as permitted,
1445 including permit modifications, pursuant to this part and s. 404
1446 of the Clean Water Act, 33 U.S.C. s. 1344. The subject year's
1447 transfer of funds shall be adjusted accordingly to reflect the
1448 acreage of impacts as permitted ~~overtransfer or undertransfer of~~
1449 ~~funds from the preceding year.~~ The Department of Transportation
1450 and participating transportation authorities established
1451 pursuant to chapter 348 or chapter 349 are authorized to
1452 transfer such funds from the escrow accounts to ~~the Department~~
1453 ~~of Environmental Protection and~~ the water management districts
1454 to carry out the mitigation programs. For a mitigation project
1455 that is in the maintenance and monitoring phase, the water
1456 management district may request and receive a one-time payment
1457 based on the project's expected future maintenance and
1458 monitoring costs. Upon disbursement of the final maintenance and
1459 monitoring payment, the escrow account for the project
1460 established by the Department of Transportation or the
1461 participating transportation authority may be closed. Any
1462 interest earned on these disbursed funds shall remain with the
1463 water management district and must be used as authorized under
1464 paragraph (4) (c).

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1465 (d) Beginning in the 2005-2006 fiscal year, each water
 1466 management district shall be paid a lump-sum amount of \$75,000
 1467 per acre, adjusted as provided under paragraph (c), for
 1468 federally funded transportation projects that are included on
 1469 the environmental impact inventory and that have an approved
 1470 mitigation plan. Beginning in the 2009-2010 fiscal year, each
 1471 water management district shall be paid a lump-sum amount of
 1472 \$75,000 per acre, adjusted as provided under paragraph (c), for
 1473 federally funded and nonfederally funded transportation projects
 1474 that have an approved mitigation plan. All mitigation costs,
 1475 including, but not limited to, the costs of preparing conceptual
 1476 plans and the costs of design, construction, staff support,
 1477 future maintenance, and monitoring the mitigated acres shall be
 1478 funded through these lump-sum amounts.

1479 (4) Prior to March ~~December~~ 1 of each year, each water
 1480 management district, in consultation with the Department of
 1481 Environmental Protection, the United States Army Corps of
 1482 Engineers, the Department of Transportation, transportation
 1483 authorities established pursuant to chapter 348 or chapter 349,
 1484 and other appropriate federal, state, and local governments, and
 1485 other interested parties, including entities operating
 1486 mitigation banks, shall develop a plan for the primary purpose
 1487 of complying with the mitigation requirements adopted pursuant
 1488 to this part and 33 U.S.C. s. 1344. ~~This plan shall also address~~
 1489 ~~significant invasive plant problems within wetlands and other~~
 1490 ~~surface waters.~~ In developing such plans, the districts shall
 1491 utilize sound ecosystem management practices to address
 1492 significant water resource needs and shall focus on activities

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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1493 of the Department of Environmental Protection and the water
 1494 management districts, such as surface water improvement and
 1495 management (SWIM) projects ~~waterbodies~~ and lands identified for
 1496 potential acquisition for preservation, restoration or, ~~and~~
 1497 enhancement, and the control of invasive and exotic plants in
 1498 wetlands and other surface waters, to the extent that such
 1499 activities comply with the mitigation requirements adopted under
 1500 this part and 33 U.S.C. s. 1344. In determining the activities
 1501 to be included in such plans, the districts shall also consider
 1502 the purchase of credits from public or private mitigation banks
 1503 permitted under s. 373.4136 and associated federal authorization
 1504 and shall include such purchase as a part of the mitigation plan
 1505 when such purchase would offset the impact of the transportation
 1506 project, provide equal benefits to the water resources than
 1507 other mitigation options being considered, and provide the most
 1508 cost-effective mitigation option. The mitigation plan shall be
 1509 submitted to ~~preliminarily approved by~~ the water management
 1510 district governing board, or its designee, ~~and shall be~~
 1511 ~~submitted to the secretary of the Department of Environmental~~
 1512 ~~Protection for review and final approval. The preliminary~~
 1513 ~~approval by the water management district governing board does~~
 1514 ~~not constitute a decision that affects substantial interests as~~
 1515 ~~provided by s. 120.569.~~ At least 14 ~~30~~ days prior to preliminary
 1516 approval, the water management district shall provide a copy of
 1517 the draft mitigation plan to any person who has requested a
 1518 copy.

1519 (a) For each transportation project with a funding request
 1520 for the next fiscal year, the mitigation plan must include a

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1521 | brief explanation of why a mitigation bank was or was not chosen
 1522 | as a mitigation option, including an estimation of identifiable
 1523 | costs of the mitigation bank and nonbank options to the extent
 1524 | practicable.

1525 | (b) Specific projects may be excluded from the mitigation
 1526 | plan, in whole or in part, and shall not be subject to this
 1527 | section upon the agreement of the Department of Transportation,
 1528 | or a transportation authority if applicable, ~~the Department of~~
 1529 | ~~Environmental Protection~~, and the appropriate water management
 1530 | district that the inclusion of such projects would hamper the
 1531 | efficiency or timeliness of the mitigation planning and
 1532 | permitting process., ~~or the Department of Environmental~~
 1533 | ~~Protection and~~ The water management district may choose to
 1534 | exclude a project in whole or in part if the district is are
 1535 | unable to identify mitigation that would offset ~~the~~ impacts of
 1536 | the project.

1537 | (c) Surface water improvement and management or invasive
 1538 | plant control projects undertaken using the \$12 million advance
 1539 | transferred from the Department of Transportation to the
 1540 | Department of Environmental Protection in fiscal year 1996-1997
 1541 | which meet the requirements for mitigation under this part and
 1542 | 33 U.S.C. s. 1344 shall remain available for mitigation until
 1543 | the \$12 million is fully credited ~~up to and including fiscal~~
 1544 | ~~year 2005-2006~~. When these projects are used as mitigation, the
 1545 | \$12 million advance shall be reduced by \$75,000 per acre of
 1546 | impact mitigated. ~~For any fiscal year through and including~~
 1547 | ~~fiscal year 2005-2006~~, To the extent the cost of developing and
 1548 | implementing the mitigation plans is less than the funds placed

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1549 in the escrow account ~~amount transferred~~ pursuant to subsection
 1550 (3), the difference shall be retained by the Department of
 1551 Transportation and credited towards the \$12 million advance
 1552 until the Department of Transportation is fully refunded for
 1553 this advance funding. After the \$12 million advance funding is
 1554 fully credited ~~Except as provided in this paragraph~~, any funds
 1555 not directed to implement the mitigation plan should, to the
 1556 greatest extent possible, be directed to fund invasive plant
 1557 control within wetlands and other surface waters, SWIM projects,
 1558 or other water-resource projects approved by the governing board
 1559 of the water management district which may be appropriate to
 1560 offset environmental impacts of future transportation projects.
 1561 The water management districts may request these funds upon
 1562 submittal of the final invoice for each road project.

1563 (5) The water management district shall be responsible for
 1564 ensuring that mitigation requirements pursuant to 33 U.S.C. s.
 1565 1344 are met for the impacts identified in the environmental
 1566 impact inventory described in subsection (2), by implementation
 1567 of the approved plan described in subsection (4) to the extent
 1568 funding is provided by the Department of Transportation, or a
 1569 transportation authority established pursuant to chapter 348 or
 1570 chapter 349, if applicable. During the federal permitting
 1571 process, the water management district may deviate from the
 1572 approved mitigation plan in order to comply with federal
 1573 permitting requirements.

1574 (6) The mitigation plans shall be updated annually to
 1575 reflect the most current Department of Transportation work
 1576 program and project list of a transportation authority

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1577 established pursuant to chapter 348 or chapter 349, if
 1578 applicable, and may be amended throughout the year to anticipate
 1579 schedule changes or additional projects which may arise. Each
 1580 update and amendment of the mitigation plan shall be submitted
 1581 to the governing board of the water management district or its
 1582 designee ~~secretary of the Department of Environmental Protection~~
 1583 for approval. However, such approval shall not be applicable to
 1584 a deviation as described in subsection (5).

1585 (7) Upon approval by the governing board of the water
 1586 management district or its designee ~~secretary of the Department~~
 1587 ~~of Environmental Protection~~, the mitigation plan shall be deemed
 1588 to satisfy the mitigation requirements under this part for
 1589 impacts specifically identified in the environmental impact
 1590 inventory described in subsection (2) and any other mitigation
 1591 requirements imposed by local, regional, and state agencies for
 1592 these same impacts identified in the inventory described in
 1593 ~~subsection (2)~~. The approval of the governing board of the water
 1594 management district or its designee ~~secretary~~ shall authorize
 1595 the activities proposed in the mitigation plan, and no other
 1596 state, regional, or local permit or approval shall be necessary.

1597 (8) This section shall not be construed to eliminate the
 1598 need for the Department of Transportation or a transportation
 1599 authority established pursuant to chapter 348 or chapter 349 to
 1600 comply with the requirement to implement practicable design
 1601 modifications, including realignment of transportation projects,
 1602 to reduce or eliminate the impacts of its transportation
 1603 projects on wetlands and other surface waters as required by
 1604 rules adopted pursuant to this part, or to diminish the

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1605 authority under this part to regulate other impacts, including
 1606 water quantity or water quality impacts, or impacts regulated
 1607 under this part that are not identified in the environmental
 1608 impact inventory described in subsection (2).

1609 (9) The process for environmental mitigation for the
 1610 impact of transportation projects under this section shall be
 1611 available to an expressway, bridge, or transportation authority
 1612 established under chapter 348 or chapter 349. Use of this
 1613 process may be initiated by an authority depositing the
 1614 requisite funds into an escrow account set up by the authority
 1615 and filing an environmental impact inventory with the
 1616 appropriate water management district. An authority that
 1617 initiates the environmental mitigation process established by
 1618 this section shall comply with subsection (6) by timely
 1619 providing the appropriate water management district ~~and the~~
 1620 ~~Department of Environmental Protection~~ with the requisite work
 1621 program information. A water management district may draw down
 1622 funds from the escrow account as provided in this section.

1623 Section 13. Paragraph (b) of subsection (19) of section
 1624 380.06, Florida Statutes, is amended to read:

1625 380.06 Developments of regional impact.--

1626 (19) SUBSTANTIAL DEVIATIONS.--

1627 (b) Any proposed change to a previously approved
 1628 development of regional impact or development order condition
 1629 which, either individually or cumulatively with other changes,
 1630 exceeds any of the following criteria shall constitute a
 1631 substantial deviation and shall cause the development to be

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1632 subject to further development-of-regional-impact review without
 1633 the necessity for a finding of same by the local government:

1634 1. An increase in the number of parking spaces at an
 1635 attraction or recreational facility by 5 percent or 300 spaces,
 1636 whichever is greater, or an increase in the number of spectators
 1637 that may be accommodated at such a facility by 5 percent or
 1638 1,000 spectators, whichever is greater.

1639 2. A new runway, a new terminal facility, a 25-percent
 1640 lengthening of an existing runway, or a 25-percent increase in
 1641 the number of gates of an existing terminal, but only if the
 1642 increase adds at least three additional gates. ~~However, if an~~
 1643 ~~airport is located in two counties, a 10 percent lengthening of~~
 1644 ~~an existing runway or a 20 percent increase in the number of~~
 1645 ~~gates of an existing terminal is the applicable criteria.~~

1646 3. An increase in the number of hospital beds by 5 percent
 1647 or 60 beds, whichever is greater.

1648 4. An increase in industrial development area by 5 percent
 1649 or 32 acres, whichever is greater.

1650 5. An increase in the average annual acreage mined by 5
 1651 percent or 10 acres, whichever is greater, or an increase in the
 1652 average daily water consumption by a mining operation by 5
 1653 percent or 300,000 gallons, whichever is greater. An increase
 1654 in the size of the mine by 5 percent or 750 acres, whichever is
 1655 less.

1656 6. An increase in land area for office development by 5
 1657 percent or an increase of gross floor area of office development
 1658 by 5 percent or 60,000 gross square feet, whichever is greater.

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1659 | 7. An increase in the storage capacity for chemical or
 1660 | petroleum storage facilities by 5 percent, 20,000 barrels, or 7
 1661 | million pounds, whichever is greater.

1662 | 8. An increase of development at a waterport of wet
 1663 | storage for 20 watercraft, dry storage for 30 watercraft, or
 1664 | wet/dry storage for 60 watercraft in an area identified in the
 1665 | state marina siting plan as an appropriate site for additional
 1666 | waterport development or a 5-percent increase in watercraft
 1667 | storage capacity, whichever is greater.

1668 | 9. An increase in the number of dwelling units by 5
 1669 | percent or 50 dwelling units, whichever is greater.

1670 | 10. An increase in commercial development by 50,000 square
 1671 | feet of gross floor area or of parking spaces provided for
 1672 | customers for 300 cars or a 5-percent increase of either of
 1673 | these, whichever is greater.

1674 | 11. An increase in hotel or motel facility units by 5
 1675 | percent or 75 units, whichever is greater.

1676 | 12. An increase in a recreational vehicle park area by 5
 1677 | percent or 100 vehicle spaces, whichever is less.

1678 | 13. A decrease in the area set aside for open space of 5
 1679 | percent or 20 acres, whichever is less.

1680 | 14. A proposed increase to an approved multiuse
 1681 | development of regional impact where the sum of the increases of
 1682 | each land use as a percentage of the applicable substantial
 1683 | deviation criteria is equal to or exceeds 100 percent. The
 1684 | percentage of any decrease in the amount of open space shall be
 1685 | treated as an increase for purposes of determining when 100
 1686 | percent has been reached or exceeded.

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1687 15. A 15-percent increase in the number of external
 1688 vehicle trips generated by the development above that which was
 1689 projected during the original development-of-regional-impact
 1690 review.

1691 16. Any change which would result in development of any
 1692 area which was specifically set aside in the application for
 1693 development approval or in the development order for
 1694 preservation or special protection of endangered or threatened
 1695 plants or animals designated as endangered, threatened, or
 1696 species of special concern and their habitat, primary dunes, or
 1697 archaeological and historical sites designated as significant by
 1698 the Division of Historical Resources of the Department of State.
 1699 The further refinement of such areas by survey shall be
 1700 considered under sub-subparagraph (e)5.b.

1701
 1702 The substantial deviation numerical standards in subparagraphs
 1703 4., 6., 10., 14., excluding residential uses, and 15., are
 1704 increased by 100 percent for a project certified under s.
 1705 403.973 which creates jobs and meets criteria established by the
 1706 Office of Tourism, Trade, and Economic Development as to its
 1707 impact on an area's economy, employment, and prevailing wage and
 1708 skill levels. The substantial deviation numerical standards in
 1709 subparagraphs 4., 6., 9., 10., 11., and 14. are increased by 50
 1710 percent for a project located wholly within an urban infill and
 1711 redevelopment area designated on the applicable adopted local
 1712 comprehensive plan future land use map and not located within
 1713 the coastal high hazard area.

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1714 Section 14. Bicycle system study.--Prior to October 1,
 1715 2005, the Department of Transportation shall perform a bicycle
 1716 system study of bicycle facilities that are on or connected to
 1717 the State Highway System. The results of the bicycle system
 1718 study shall be presented to the Governor, the President of the
 1719 Senate, and the Speaker of the House of Representatives by
 1720 October 1, 2005. The bicycle system study shall include paved
 1721 bicycle lanes, bicycle trails, bicycle paths, and any route or
 1722 facility designated specifically for bicycle traffic. The study
 1723 shall be performed by a consultant selected and funded by the
 1724 department and shall be managed by the department's State
 1725 Pedestrian and Bicycle Coordinator. The study shall include:
 1726 (1) Review of department standards for bicycle lanes to
 1727 determine if they meet the needs of the state's bicyclists.
 1728 (2) Identification of state highways with existing
 1729 designated bicycle lanes.
 1730 (3) Identification of state highways with no designated
 1731 bicycle lanes and any constraints to incorporating these
 1732 facilities.
 1733 (4) Providing electronic mapping of those facilities
 1734 identified in subsections (2) and (3).
 1735 (5) Identification of all bicycle facility needs on the
 1736 State Highway System.
 1737 (6) Review and identification of possible funding sources
 1738 for new or improved facilities.
 1739 (7) A proposed implementation plan that will identify the
 1740 incorporation of bicycle facilities on those state highways
 1741 programmed for rehabilitation or new construction in the

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1742 | department's 5-year work program. The proposed plan must include
1743 | the costs associated within the work program to add these
1744 | facilities.

1745 | Section 15. This act shall take effect upon becoming a
1746 | law.

1747