

By the Committees on Governmental Oversight and Productivity;
Transportation; and Senator Sebesta

585-2201-05

1 A bill to be entitled
2 An act relating to transportation; creating s.
3 311.22, F.S.; establishing a program to provide
4 matching funds for dredging projects in
5 eligible counties; requiring that funds
6 appropriated under the program be used for
7 certain projects; requiring that the Florida
8 Seaport Transportation and Economic Development
9 Council adopt rules for evaluating the dredging
10 projects; providing criteria for the rules;
11 providing for a project-review process by the
12 Department of Community Affairs, the Department
13 of Transportation, and the Office of Tourism,
14 Trade, and Economic Development; amending s.
15 332.007, F.S.; authorizing the Department of
16 Transportation to fund certain eligible
17 aviation planning projects to be performed by
18 not-for-profit organizations representing a
19 majority of public airports; amending s.
20 322.14, F.S.; reducing the number of members of
21 the Secure Airports for Florida's Economy
22 (SAFE) Council; providing for the funding of
23 the council through annual grants made by the
24 Department of Transportation; authorizing the
25 council to contract for administrative support;
26 requiring the council to establish an advisory
27 board; authorizing the council to advise the
28 department on aviation issues; removing the
29 Department of Community Affairs from the review
30 of council products; eliminating the
31 requirement that airports fund the council;

1 abolishing the council by a specified date;
2 amending s. 337.11, F.S.; adding written work
3 orders to the type of documents covered by the
4 department's contracting laws; specifying
5 changes to surety bondholder's liability under
6 certain circumstances; creating s. 337.195,
7 F.S.; providing presumptions relating to
8 liability in certain actions against the
9 department; limiting liability, in certain
10 circumstances, of contractors and engineers
11 doing work for the department; amending
12 338.155, F.S.; providing that persons
13 participating in the funeral procession of a
14 law enforcement officer or firefighter killed
15 in the line of duty are exempt from paying
16 tolls; amending 339.175, F.S.; requiring
17 metropolitan planning organizations to have
18 recorded roll-votes and super-majority votes on
19 certain plans; amending s. 339.64, F.S.;
20 requiring the Florida Transportation Commission
21 to include as part of its annual work program
22 review an assessment of the department's
23 progress on the Strategic Intermodal System;
24 requiring an annual report to the Governor and
25 the Legislature by a certain time period;
26 directing the department to coordinate with
27 federal, regional, and local entities for
28 transportation planning that impacts military
29 installations; requiring the Strategic
30 Intermodal System Plan to include an assessment
31 of the impacts of proposed projects on military

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

1 providing for public-private partnerships;
2 providing covenant of the state; providing for
3 exemption from taxation; providing for
4 eligibility for investments and security;
5 providing that pledges are enforceable by
6 bondholders; providing for complete and
7 additional statutory authority for the
8 department and other state agencies; amending
9 s. 380.06, F.S., relating to developments of
10 regional impact; deleting a provision stating
11 criteria for determining when a change to
12 certain airports necessitates a review;
13 providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Section 311.22, Florida Statutes, is
18 created to read:

19 311.22 Additional authorization for funding certain
20 dredging projects.--

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

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

11 Section 2. Subsection (10) is added to section
12 332.007, Florida Statutes, to read:

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

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

23 Section 3. Section 332.14, Florida Statutes, is
24 amended to read:

25 332.14 Secure Airports for Florida's Economy
26 Council.--

27 (1) This section shall be known by the popular name
28 the "Secure Airports for Florida's Economy Act" or the "SAFE
29 Act."

30 (2) The Secure Airports for Florida's Economy (SAFE)
31 Council is created within the Department of Transportation.

1 The council shall consist of the following ~~7~~ 27 members
2 appointed by the Department of Transportation from a list of
3 recommendations submitted by the Board of the Florida Airports
4 Council. Council members shall be the airport director, or his
5 or her designee, of each of the following types of airports:

6 (a) One large-hub commercial airport.

7 (b) One medium-hub commercial airport.

8 (c) One small-hub commercial airport.

9 (d) One non-hub commercial airport.

10 (e) Two general aviation airports.

11 (f) One general aviation reliever airport.

12
13 Members shall serve two year terms.

14 ~~(a) The airport director, or his or her designee, of~~
15 ~~each of the following airports:~~

16 ~~1. Daytona Beach International Airport.~~

17 ~~2. Ft. Lauderdale Hollywood International Airport.~~

18 ~~3. Gainesville Regional Airport.~~

19 ~~4. Jacksonville International Airport.~~

20 ~~5. Key West International Airport.~~

21 ~~6. Melbourne International Airport.~~

22 ~~7. Miami International Airport.~~

23 ~~8. Naples Municipal Airport.~~

24 ~~9. Okaloosa County Regional Airport.~~

25 ~~10. Orlando International Airport.~~

26 ~~11. Orlando Sanford International Airport.~~

27 ~~12. Palm Beach County International Airport.~~

28 ~~13. Panama City Bay County International Airport.~~

29 ~~14. Pensacola Regional Airport.~~

30 ~~15. Sarasota Bradenton International Airport.~~

31 ~~16. Southwest Florida International Airport.~~

1 ~~17. St. Petersburg Clearwater International Airport.~~

2 ~~18. Tallahassee Regional Airport.~~

3 ~~19. Tampa International Airport.~~

4 ~~(b) The executive directors of two general aviation~~
5 ~~airports appointed by the Florida Airports Council.~~

6 ~~(c) The secretary of the Department of Transportation~~
7 ~~or his or her designee.~~

8 ~~(d) The director of the Office of Tourism, Trade, and~~
9 ~~Economic Development or his or her designee.~~

10 ~~(e) The secretary of the Department of Community~~
11 ~~Affairs or his or her designee.~~

12 ~~(f) The executive director of the Department of Law~~
13 ~~Enforcement or his or her designee.~~

14 ~~(g) A representative of the airline industry appointed~~
15 ~~by the Air Transport Association.~~

16 ~~(h) A representative of the general aviation industry~~
17 ~~appointed by the Florida Aviation Trades Association.~~

18 (3) The Department of Transportation shall fund the
19 council through annual grants made to the council. The
20 department shall fund the council from funds generated by s.
21 320.08058(33)(a), as well as other funds provided for in s.
22 332.007. The council may contract for administrative support
23 and services from not-for-profit organizations that represent
24 a majority of public airports in this state.

25 (4) The council shall identify and use, to the extent
26 necessary, airport, aviation industry, and agency
27 representatives to advise it concerning its policy and
28 planning activities. The council shall establish a SAFE
29 Council Advisory Board to consist of representatives from
30 industry and local, state, and federal agencies including, but
31 not limited to, representatives of the Department of

1 Transportation, the Office of Tourism, Trade, and Economic
2 Development, the Department of Community Affairs, and the
3 Department of Law Enforcement.

4 ~~(5)(3)~~ Members of the council shall serve without
5 compensation but are entitled to receive reimbursement for per
6 diem and travel expenses as provided in s. 112.061. ~~The~~
7 ~~council may elect to hire an administrative staff to provide~~
8 ~~services to the council on matters relating to the SAFE Act~~
9 ~~and the council.~~

10 ~~(6)(4)~~ The council shall adopt bylaws governing the
11 manner in which the business of the council will be conducted.
12 The bylaws shall specify the procedure by which the chair of
13 the council is elected. The council shall meet at the call of
14 its chair, at the request of a majority of its membership, or
15 at such times as may be prescribed in its bylaws. However, the
16 council must meet at least once ~~twice~~ a year. All members of
17 the council are voting members. A majority of voting members
18 of the council constitutes a quorum for the purpose of
19 transacting the business of the council. A vote of the
20 majority of the members present is sufficient for any action
21 of the council, ~~except that a member representing the~~
22 ~~Department of Transportation, the Department of Community~~
23 ~~Affairs, the Department of Law Enforcement, or the Office of~~
24 ~~Tourism, Trade, and Economic Development may vote to overrule~~
25 ~~any action of the council approving a project pursuant to~~
26 ~~paragraph (7)(a). The bylaws of the council may require a~~
27 ~~greater vote for a particular action.~~

28 ~~(7)(5)(a)~~ The council shall prepare a 5-year SAFE
29 Master Plan defining the goals and objectives of the council
30 concerning the development of airport facilities ~~and an~~
31 ~~intermodal transportation system~~ consistent with the goals of

1 | the Florida Transportation Plan developed pursuant to s.
2 | 339.155. The SAFE Master Plan ~~may shall~~ include specific
3 | recommendations for:

4 | 1. Ensuring the safety, security, and economic
5 | well-being of commercial service, general aviation airports,
6 | and aviation-related infrastructure in this state. The
7 | ~~acquisition and construction of transportation facilities~~
8 | ~~connecting any airport to another transportation mode.~~

9 | 2. The acquisition and construction of transportation
10 | facilities or airport facilities for the purpose of protecting
11 | the safety and security of passengers and cargo, ~~enhancing~~
12 | ~~international trade, promoting cargo flow, increasing~~
13 | ~~enplanements, increasing airport revenues,~~ and providing
14 | economic benefits to the state.

15 | (b) The council shall update the 5-year SAFE Master
16 | Plan annually and shall submit the plan, no later than
17 | February 1 of each year, to the President of the Senate, the
18 | Speaker of the House of Representatives, the Department of
19 | Transportation, the Department of Community Affairs, the
20 | Department of Law Enforcement, and the Office of Tourism,
21 | Trade, and Economic Development.

22 | ~~(8)(6)~~ The council shall make recommendations for the
23 | development of develop programs, based on an examination of
24 | existing programs in Florida and other states, for the
25 | training of minorities and secondary school students in job
26 | skills associated with employment opportunities in the
27 | aviation industry. Annually, the council shall report on the
28 | progress of these programs and make recommendations for
29 | further action to the President of the Senate and the Speaker
30 | of the House of Representatives.

31 |

1 ~~(9)(7)~~ The SAFE council may use ~~utilize~~, as
2 appropriate and with legislative spending authorization, any
3 federal, state, and local government contributions as well as
4 private donations to fund SAFE Master Plan projects.

5 (10) The council shall be available to the Secretary
6 of Transportation to provide advice on issues pertaining to
7 the Florida Aviation System.

8 ~~(11)(a)~~ The council shall adopt rules for evaluating
9 projects which may be funded under this act. The rules shall
10 provide criteria for evaluating the economic benefit of the
11 project, measured by the potential for the proposed project to
12 maintain or increase airport security, enplanements, cargo
13 flow, international commerce, airport revenues, and the number
14 of jobs for the airport's local community.

15 ~~(b) The council shall review and approve or disapprove~~
16 ~~each project eligible to be funded pursuant to this act. The~~
17 ~~council shall annually submit a list of projects which have~~
18 ~~been approved by the council to the Secretary of~~
19 ~~Transportation, the Secretary of Community Affairs, the~~
20 ~~executive director of the Department of Law Enforcement, and~~
21 ~~the director of the Office of Tourism, Trade, and Economic~~
22 ~~Development. The list shall specify the recommended funding~~
23 ~~level for each project, and, if staged implementation of the~~
24 ~~project is appropriate, the funding requirements for each~~
25 ~~stage shall be specified.~~

26 ~~1. The Department of Community Affairs shall review~~
27 ~~the list of projects approved by the council to determine~~
28 ~~consistency with approved local government comprehensive plans~~
29 ~~of the units of local government in which the airport is~~
30 ~~located and consistency with the airport master plan. The~~
31 ~~Department of Community Affairs shall identify and notify the~~

1 ~~council of those projects which are not consistent, to the~~
2 ~~maximum extent feasible, with such comprehensive plans and~~
3 ~~airport master plans.~~

4 (12)2- The Department of Transportation shall review
5 the list of projects approved by the council for consistency
6 with the Florida Transportation Plan and the department's
7 adopted work program. In evaluating the consistency of a
8 project, the department shall determine whether the
9 transportation impact of the proposed project is adequately
10 handled by existing state-owned transportation facilities or
11 by the construction of additional state-owned transportation
12 facilities as identified in the Florida Transportation Plan
13 and the department's adopted work program. In reviewing for
14 consistency a transportation facility project as defined in s.
15 334.03(31) which is not otherwise part of the department's
16 work program, the department shall evaluate whether the
17 project is needed to provide for projected movement of cargo
18 or passengers from the airport to a state transportation
19 facility or local road. If the project is needed to provide
20 for projected movement of cargo or passengers, the project
21 shall be approved for consistency as a consideration to
22 facilitate the economic development and growth of the state in
23 a timely manner. The department shall identify those projects
24 which are inconsistent with the Florida Transportation Plan
25 and the adopted work program and shall notify the council of
26 projects found to be inconsistent.

27 (13)3- The Office of Tourism, Trade, and Economic
28 Development, in consultation with Enterprise Florida, Inc.,
29 shall review the list of projects approved by the council to
30 evaluate the economic benefit of the project and to determine
31 whether the project is consistent with the SAFE Master Plan.

1 The Office of Tourism, Trade, and Economic Development shall
2 review the economic benefits of each project based upon the
3 rules adopted pursuant to subsection (11) ~~paragraph (a)~~. The
4 Office of Tourism, Trade, and Economic Development shall
5 identify those projects which it has determined do not offer
6 an economic benefit to the state or are not consistent with
7 the SAFE Master Plan and shall notify the council of its
8 findings.

9 ~~(14)4.~~ The Department of Law Enforcement shall review
10 the list of projects approved by the council for consistency
11 with domestic security provisions of ss. 943.03101, 943.0311,
12 and 943.0312. The Department of Law Enforcement shall identify
13 those projects that it has determined are inconsistent with
14 the state's strategic plan for domestic security and shall
15 notify the council of its findings.

16 ~~(8) The council shall review the findings of the~~
17 ~~Department of Community Affairs, the Department of Law~~
18 ~~Enforcement, the Department of Transportation, and the Office~~
19 ~~of Tourism, Trade, and Economic Development. Projects found to~~
20 ~~be inconsistent by the review process under subparagraphs~~
21 ~~(7)(b)1. 4. and projects which have been determined not to~~
22 ~~offer an economic benefit to the state by the review process~~
23 ~~under subparagraph (7)(b)3. shall be removed from the list of~~
24 ~~projects to be funded.~~

25 ~~(9) The cost for administrative services of the~~
26 ~~council shall be paid by all airports that receive funding~~
27 ~~under the SAFE Act, based upon a pro rata formula measured by~~
28 ~~each recipient's share of the funds as compared to the total~~
29 ~~funds disbursed to all recipients during the year. The share~~
30 ~~of costs for administrative services shall be paid in its~~
31 ~~total amount by the recipient airport upon execution by the~~

1 ~~airport and the Department of Transportation of a joint~~
2 ~~participation agreement for each council approved project, and~~
3 ~~such payment is in addition to the matching funds required to~~
4 ~~be paid by the recipient airport.~~

5 ~~(15)(10)~~ Except as otherwise exempted by law, all
6 moneys derived from the SAFE programs shall be expended in
7 accordance with the provisions of s. 287.057. Airports subject
8 to competitive negotiation requirements of a local governing
9 body are exempt from this requirement.

10 ~~(16)(11)~~ Project funding expended pursuant to this act
11 shall be monitored for compliance with all applicable laws.

12 ~~(17) The council is abolished on January 1, 2009.~~

13 Section 4. Subsection (8) of section 337.11, Florida
14 Statutes, is amended to read:

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

19 (8)(a) The department shall permit the use of written
20 supplemental agreements, written work orders pursuant to a
21 contingency pay item or contingency supplemental agreement,
22 and written change orders to any contract entered into by the
23 department. Any supplemental agreement shall be reduced to
24 written contract form, ~~approved by the contractor's surety,~~
25 and executed by the contractor and the department. Any
26 supplemental agreement modifying any item in the original
27 contract must be approved by the head of the department, or
28 his or her designee, and executed by the appropriate person
29 designated by him or her. Any surety issuing a bond under s.
30 337.18 shall be fully liable under such surety bond to the
31 full extent of any modified contract amount up to and

1 including 25 percent over the original contract amount and
2 without regard to the fact that the surety was not aware of or
3 did not approve such modifications. However, if modifications
4 of the original contract amount cumulatively result in
5 modifications of the contract amount in excess of 25 percent
6 of the original contract amount, the surety's approval shall
7 be required to bind the surety under the bond on that portion
8 in excess of 25 percent of the original contract amount.

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

29 (c) Written change orders may be issued by the
30 department and accepted by the contractor covering minor
31 changes in the plans, specifications, or quantities of work

1 within the scope of a contract, when prices for the items of
2 work affected are previously established in the contract, but
3 in no event may such change orders extend the physical limits
4 of the work.

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

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

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

19 Section 5. Section 337.195, Florida Statutes, is
20 created to read:

21 337.195 Limits on liability.--

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

1 controlled under chapter 893 to the extent that her or his
2 normal faculties were impaired or that she or he operated a
3 vehicle at an unlawful speed as prohibited in s. 316.183, it
4 is presumed that the driver's operation of the vehicle was the
5 sole proximate cause of the death, injury, or damage. This
6 presumption can be overcome if the gross negligence or
7 intentional misconduct of the Department of Transportation, or
8 of its agents, consultants, or contractors, was a proximate
9 cause of the death, injury, or damage.

10 (2) A contractor who constructs or repairs a highway,
11 road, street, bridge, or other transportation facility for the
12 Department of Transportation is not liable to a claimant for
13 personal injury, property damage, or death arising from the
14 performance of the construction or repair if, at the time of
15 the personal injury, property damage, or death, the contractor
16 was in compliance with contract documents material to the
17 condition that was the proximate cause of the personal injury,
18 property damage, or death. This subsection does not alter or
19 affect any claim of the Department of Transportation against
20 such contractor.

21 (3) In all cases involving personal injury, property
22 damage, or death, a person or entity who contracts to prepare
23 or provide engineering plans for the construction or repair of
24 a highway, road, street, bridge, or other transportation
25 facility for the Department of Transportation is not liable to
26 a claimant for personal injury, property damage, or death
27 arising from the preparation of such engineering plans if the
28 engineer prepared such engineering plans using that degree of
29 care and skill ordinarily exercised by other engineers in the
30 field under similar conditions, and similar localities, and
31 with due regard for acceptable engineering standards and

1 principles. This subsection does not alter or affect any claim
2 of the Department of Transportation against such engineer or
3 engineering firm.

4 Section 6. Subsection (1) of section 338.155, Florida
5 Statutes, is amended to read:

6 338.155 Payment of toll on toll facilities required;
7 exemptions.--

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

31

1 Section 7. Subsection (12) is added to section
2 339.175, Florida Statutes, to read:
3 339.175 Metropolitan planning organization.--It is the
4 intent of the Legislature to encourage and promote the safe
5 and efficient management, operation, and development of
6 surface transportation systems that will serve the mobility
7 needs of people and freight within and through urbanized areas
8 of this state while minimizing transportation-related fuel
9 consumption and air pollution. To accomplish these objectives,
10 metropolitan planning organizations, referred to in this
11 section as M.P.O.'s, shall develop, in cooperation with the
12 state and public transit operators, transportation plans and
13 programs for metropolitan areas. The plans and programs for
14 each metropolitan area must provide for the development and
15 integrated management and operation of transportation systems
16 and facilities, including pedestrian walkways and bicycle
17 transportation facilities that will function as an intermodal
18 transportation system for the metropolitan area, based upon
19 the prevailing principles provided in s. 334.046(1). The
20 process for developing such plans and programs shall provide
21 for consideration of all modes of transportation and shall be
22 continuing, cooperative, and comprehensive, to the degree
23 appropriate, based on the complexity of the transportation
24 problems to be addressed. To ensure that the process is
25 integrated with the statewide planning process, M.P.O.'s shall
26 develop plans and programs that identify transportation
27 facilities that should function as an integrated metropolitan
28 transportation system, giving emphasis to facilities that
29 serve important national, state, and regional transportation
30 functions. For the purposes of this section, those facilities
31

1 include the facilities on the Strategic Intermodal System
2 designated under s. 339.63.

3 (12) VOTING REQUIREMENTS.--Each long-range
4 transportation plan required pursuant to subsection (6); each
5 annually updated Transportation Improvement Program required
6 pursuant to subsection (7); and each annual unified planning
7 work program required pursuant to subsection (8) must be
8 approved by each M.P.O. on a recorded roll-call vote of the
9 membership present. Any proposed modification of a
10 Transportation Improvement Program and the annual unified
11 planning work program that affects projects in the first 3
12 years of such plans or programs requires a recorded roll-call,
13 super majority vote of two-thirds of the M.P.O. membership
14 present and voting.

15 Section 8. Section 339.64, Florida Statutes, is
16 amended to read:

17 339.64 Strategic Intermodal System Plan.--

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

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

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

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

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

1 System, the Strategic Highway Network, or the Strategic Rail
2 Corridor is regionally significant and should be included in
3 the Strategic Intermodal System Plan.

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

6 (a) A needs assessment.

7 (b) A project prioritization process.

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

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

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

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

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

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

31

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

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

8 1. ~~Six~~ Five intermodal industry representatives
9 selected by the Governor as follows:

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

13 b. One individual representing a fixed-route,
14 local-government transit system.

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

18 d. One representative from a spaceport.

19 e. One representative from intermodal trucking
20 companies.

21 f. One representative having command responsibilities
22 of a major military installation.

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

25 a. One representative from major-line railroads.

26 b. One representative from seaports listed in s.
27 311.09(1) from the Atlantic Coast.

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

31

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

3 a. One representative from short-line railroads.

4 b. One representative from seaports listed in s.
5 311.09(1) from the Gulf Coast.

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

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

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

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

23 3. Vacancies on the council shall be filled in the
24 same manner as the initial appointments.

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

31

1 (e) The department shall provide administrative staff
2 support and shall ensure that council meetings are
3 electronically recorded. Such recordings and all documents
4 received, prepared for, or used by the council in conducting
5 its business shall be preserved pursuant to chapters 119 and
6 257.

7 Section 9. Part IV of chapter 343, Florida Statutes,
8 consisting of sections 343.80, 343.805, 343.81, 343.82,
9 343.83, 343.835, 343.836, 343.837, 343.84, 343.85, 343.87,
10 343.875, 343.88, 343.881, 343.884, 343.885, and 343.89, is
11 created to read:

12 PART IV

13 NORTHWEST FLORIDA TRANSPORTATION CORRIDOR AUTHORITY

14 343.80 Short title.--This part may be cited as the
15 "Northwest Florida Transportation Corridor Authority Law."

16 343.805 Definitions.--As used in this part, the term:

17 (1) "Agency of the state" means the state and any
18 department of, or corporation, agency, or instrumentality
19 heretofore or hereafter created, designated, or established
20 by, the state.

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

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

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

29 (5) "Federal agency" means the United States, the
30 President of the United States, and any department of, or
31 corporation, agency, or instrumentality heretofore or

1 hereafter created, designated, or established by, the United
2 States.

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

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

16 (8) "Members" means the governing body of the
17 authority, and the term "member" means one of the individuals
18 constituting such governing body.

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

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

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

1 authority or whose ownership is transferred to the authority
2 by other governmental or private entities.

3
4 Terms importing singular number include the plural number in
5 each case and vice versa, and terms importing persons include
6 firms and corporations.

7 343.81 Northwest Florida Transportation Corridor
8 Authority.--

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

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

28 (b) The district secretary of the Department of
29 Transportation serving Northwest Florida shall serve as an ex
30 officio, nonvoting member.

31

1 (3)(a) The authority shall elect one of its members as
2 chair and shall also elect a secretary and a treasurer who may
3 or may not be members of the authority. The chair, secretary,
4 and treasurer shall hold such offices at the will of the
5 authority.

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

12 (c) The authority shall meet at least quarterly but
13 may meet more frequently upon the call of the chair. The
14 authority should alternate the locations of its meetings among
15 the seven counties.

16 (4) Members of the authority shall serve without
17 compensation but shall be entitled to receive from the
18 authority their travel expenses and per diem incurred in
19 connection with the business of the authority, as provided in
20 s. 112.061.

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

1 this part, subject always to the supervision and control of
2 the authority.

3 (6) The authority may establish technical advisory
4 committees to provide guidance and advice on corridor-related
5 issues. The authority shall establish the size, composition,
6 and focus of any technical advisory committee created. A
7 member appointed to a technical advisory committee shall serve
8 without compensation but shall be entitled to per diem or
9 travel expenses, as provided in s. 112.061.

10 343.82 Purposes and powers.--

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

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

28 (3)(a) The authority shall develop and adopt a
29 corridor master plan no later than July 1, 2007. The goals and
30 objectives of the master plan are to identify areas of the
31 corridor where mobility, traffic safety, and efficient

1 hurricane evacuation needs to be improved; evaluate the
2 economic development potential of the corridor and consider
3 strategies to develop that potential; develop methods of
4 building partnerships with local governments, other state and
5 federal entities, the private-sector business community, and
6 the public in support of corridor improvements; and to
7 identify projects that will accomplish these goals and
8 objectives.

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

11 (c) The authority shall present the original master
12 plan and updates to the governing bodies of the counties
13 within the corridor and to the legislative delegation members
14 representing those counties within 90 days after adoption.

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

24 (4) The authority is granted and shall have and may
25 exercise all powers necessary, appurtenant, convenient, or
26 incidental to the carrying out of the aforesaid purposes,
27 including, but not limited to, the following rights and
28 powers:

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

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

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

25 (d) To acquire by donation or otherwise, purchase,
26 hold, lease as lessee, and use any franchise, property, real,
27 personal, or mixed, tangible or intangible, or any options
28 thereof in its own name or in conjunction with others, or
29 interest therein, necessary or desirable for carrying out the
30 purposes of the authority and to sell, lease as lessor,
31

1 transfer, and dispose of any property or interest therein at
2 any time acquired by it.
3 (e) To sue and be sued, implead and be impleaded,
4 complain, and defend in all courts.
5 (f) To adopt, use, and alter at will a corporate seal.
6 (g) To enter into and make leases.
7 (h) To enter into and make lease-purchase agreements
8 with the department for terms not exceeding 40 years or until
9 any bonds secured by a pledge of rentals thereunder, and any
10 refundings thereof, are fully paid as to both principal and
11 interest, whichever is longer.
12 (i) To make contracts of every name and nature,
13 including, but not limited to, partnerships providing for
14 participation in ownership and revenues, and to execute all
15 instruments necessary or convenient for the carrying on of its
16 business.
17 (j) Without limitation of the foregoing, to borrow
18 money and accept grants from and to enter into contracts,
19 leases, or other transactions with any federal agency, the
20 state, any agency of the state, or any other public body of
21 the state.
22 (k) To have the power of eminent domain, including the
23 procedural powers granted under chapters 73 and 74.
24 (l) To pledge, hypothecate, or otherwise encumber all
25 or any part of the revenues, rates, fees, rentals, or other
26 charges or receipts of the authority.
27 (m) To enter into partnership and other agreements
28 respecting ownership and revenue participation in order to
29 facilitate financing and constructing any project or portions
30 thereof.
31

1 (n) To participate in agreements with private entities
2 and to receive private contributions.

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

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

10 (q) To construct, operate, and maintain roads,
11 bridges, avenues of access, thoroughfares, and boulevards and
12 to construct, repair, replace, operate, install, and maintain
13 electronic toll payment systems thereon, with all necessary
14 and incidental powers to accomplish the foregoing.

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

24 343.83 Improvements, bond financing
25 authority.--Pursuant to s. 11(f), Art. VII of the State
26 Constitution, the Legislature approves bond financing by the
27 Northwest Florida Transportation Corridor Authority for
28 improvements to toll collection facilities, interchanges to
29 the legislatively approved system, and any other facility
30 appurtenant, necessary, or incidental to the approved system.
31 Subject to terms and conditions of applicable revenue bond

1 resolutions and covenants, such costs may be financed in whole
2 or in part by revenue bonds issued pursuant to s.
3 343.835(1)(a) or (b) whether currently issued or issued in the
4 future or by a combination of such bonds.
5 343.835 Bonds of the authority.--
6 (1)(a) Bonds may be issued on behalf of the authority
7 pursuant to the State Bond Act.
8 (b) Alternatively, the authority may issue its own
9 bonds pursuant to this part at such times and in such
10 principal amount as, in the opinion of the authority, is
11 necessary to provide sufficient moneys for achieving its
12 purposes; however, such bonds may not pledge the full faith
13 and credit of the state. Bonds issued by the authority
14 pursuant to this paragraph or paragraph (a), whether on
15 original issuance or on refunding, shall be authorized by
16 resolution of the members thereof, may be either term or
17 serial bonds, and shall bear such date or dates, mature at
18 such time or times, not exceeding 40 years after their
19 respective dates, bear interest at such rate or rates, be
20 payable semiannually, be in such denominations, be in such
21 form, either coupon or fully registered, carry such
22 registration, exchangeability, and interchangeability
23 privileges, be payable in such medium of payment and at such
24 place or places, be subject to such terms of redemption, and
25 be entitled to such priorities on the revenues, rates, fees,
26 rentals, or other charges or receipts of the authority,
27 including revenues from lease-purchase agreements. The bonds
28 shall be executed either by manual or facsimile signature by
29 such officers as the authority shall determine, however, such
30 bonds shall bear at least one signature that is manually
31 executed thereon, and the coupons attached to such bonds shall

1 bear the facsimile signature or signatures of such officer or
2 officers as shall be designated by the authority and have the
3 seal of the authority affixed, imprinted, reproduced, or
4 lithographed thereon, all as may be prescribed in such
5 resolution or resolutions.

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

23 (d) The authority may issue bonds pursuant to
24 paragraph (b) to refund any bonds previously issued regardless
25 of whether the bonds being refunded were issued by the
26 authority pursuant to this chapter or on behalf of the
27 authority pursuant to the State Bond Act.

28 (2) Any such resolution or resolutions authorizing any
29 bonds hereunder may contain provisions that are part of the
30 contract with the holders of such bonds, as to:
31

1 (a) The pledging of all or any part of the revenues,
2 rates, fees, rentals, or other charges or receipts of the
3 authority, derived by the authority for the U.S. 98 corridor
4 improvements.

5 (b) The completion, improvement, operation, extension,
6 maintenance, repair, lease, or lease-purchase agreement of the
7 system, and the duties of the authority and others, including
8 the department, with reference thereto.

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

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

15 (e) The setting aside of reserves or sinking funds or
16 repair and replacement funds and the regulation and
17 disposition thereof.

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

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

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

25 (3) The authority may employ fiscal agents as provided
26 by this part or the State Board of Administration may, upon
27 request of the authority, act as fiscal agent for the
28 authority in the issuance of any bonds that are issued
29 pursuant to this part, and the State Board of Administration
30 may, upon request of the authority, take over the management,
31 control, administration, custody, and payment of any or all

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

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

17 (b) The application of funds and the safeguarding of
18 funds on hand or on deposit.

19 (c) The rights and remedies of the trustee and the
20 holders of the bonds.

21 (d) The terms and provisions of the bonds or the
22 resolutions authorizing the issuance of the bonds.

23 (4) Any of the bonds issued pursuant to this part are,
24 and are hereby declared to be, negotiable instruments and have
25 all the qualities and incidents of negotiable instruments
26 under the law merchant and the negotiable instruments law of
27 the state.

28 (5) Notwithstanding any of the provisions of this
29 part, each project, building, or facility that has been
30 financed by the issuance of bonds or other evidence of
31 indebtedness under this part and any refinancing thereof are

1 hereby approved as provided for in s. 11(f), Art. VII of the
2 State Constitution.

3 343.836 Remedies of the bondholders.--

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

1 to the secretary of the department at the principal office of
2 the department.

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

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

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

29 (c) Bring suit upon the bonds.
30
31

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

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

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

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

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

30 343.837 Lease-purchase agreement.--
31

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

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

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

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

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

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

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

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

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

12 343.85 Acquisition of lands and property.--

13 (1) For the purposes of this part, the Northwest
14 Florida Transportation Corridor Authority may acquire private
15 or public property and property rights, including rights of
16 access, air, view, and light, by gift, devise, purchase, or
17 condemnation by eminent domain proceedings, as the authority
18 may deem necessary for any purpose of this part, including,
19 but not limited to, any lands reasonably necessary for
20 securing applicable permits, areas necessary for management of
21 access, borrow pits, drainage ditches, water retention areas,
22 rest areas, replacement access for landowners whose access is
23 impaired due to the construction of a facility, and
24 replacement rights-of-way for relocated rail and utility
25 facilities; for existing, proposed, or anticipated
26 transportation facilities within the U.S. 98 transportation
27 corridor designated by the authority; or for the purposes of
28 screening, relocation, removal, or disposal of junkyards and
29 scrap metal processing facilities. The authority may condemn
30 any material and property necessary for such purposes.
31

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

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

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

30 343.875 Public-private partnerships.--
31

1 (1) The authority may receive or solicit proposals and
2 enter into agreements with private entities or consortia
3 thereof, for the building, operation, ownership, or financing
4 of transportation facilities within the jurisdiction of the
5 authority. Before approval, the authority must determine that
6 a proposed project:

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

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

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

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

28 (3) The authority may request proposals for
29 public-private transportation projects or, if it receives an
30 unsolicited proposal, it must publish a notice in the Florida
31 Administrative Weekly and a newspaper of general circulation

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

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

28 (5) Each public-private transportation facility
29 constructed pursuant to this section shall comply with all
30 requirements of federal, state, and local laws; state,
31 regional, and local comprehensive plans; the authority's

1 rules, policies, procedures, and standards for transportation
2 facilities; and any other conditions that the authority
3 determines to be in the public's best interest.

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

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

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

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

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

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

1 exemption granted by this section does not apply to any tax
2 imposed by chapter 220 on interest, income, or profits on debt
3 obligations owned by corporations.

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

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

20 343.89 Complete and additional statutory authority.--

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

1 contained in any other general, special, or local law,
2 including, but not limited to, s. 215.821. An approval of any
3 bonds issued under this part by the qualified electors or
4 qualified electors who are freeholders in the state or in any
5 other political subdivision of the state is not required for
6 the issuance of such bonds pursuant to this part.

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

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

15 380.06 Developments of regional impact.--

16 (19) SUBSTANTIAL DEVIATIONS.--

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

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

30 2. A new runway, a new terminal facility, a 25-percent
31 lengthening of an existing runway, or a 25-percent increase in

1 | the number of gates of an existing terminal, but only if the
2 | increase adds at least three additional gates. ~~However, if an~~
3 | ~~airport is located in two counties, a 10 percent lengthening~~
4 | ~~of an existing runway or a 20 percent increase in the number~~
5 | ~~of gates of an existing terminal is the applicable criteria.~~

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

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

10 | 5. An increase in the average annual acreage mined by
11 | 5 percent or 10 acres, whichever is greater, or an increase in
12 | the average daily water consumption by a mining operation by 5
13 | percent or 300,000 gallons, whichever is greater. An increase
14 | in the size of the mine by 5 percent or 750 acres, whichever
15 | is less.

16 | 6. An increase in land area for office development by
17 | 5 percent or an increase of gross floor area of office
18 | development by 5 percent or 60,000 gross square feet,
19 | whichever is greater.

20 | 7. An increase in the storage capacity for chemical or
21 | petroleum storage facilities by 5 percent, 20,000 barrels, or
22 | 7 million pounds, whichever is greater.

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

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

31 |

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

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

7 12. An increase in a recreational vehicle park area by
8 5 percent or 100 vehicle spaces, whichever is less.

9 13. A decrease in the area set aside for open space of
10 5 percent or 20 acres, whichever is less.

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

18 15. A 15-percent increase in the number of external
19 vehicle trips generated by the development above that which
20 was projected during the original
21 development-of-regional-impact review.

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

1
2 The substantial deviation numerical standards in subparagraphs
3 4., 6., 10., 14., excluding residential uses, and 15., are
4 increased by 100 percent for a project certified under s.
5 403.973 which creates jobs and meets criteria established by
6 the Office of Tourism, Trade, and Economic Development as to
7 its impact on an area's economy, employment, and prevailing
8 wage and skill levels. The substantial deviation numerical
9 standards in subparagraphs 4., 6., 9., 10., 11., and 14. are
10 increased by 50 percent for a project located wholly within an
11 urban infill and redevelopment area designated on the
12 applicable adopted local comprehensive plan future land use
13 map and not located within the coastal high hazard area.

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

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 CS for Senate Bill 460
4 Requires the Florida Seaport Transportation and Economic
5 Development Council to develop programs for funding dredging
6 projects in counties having a population of less than 300,000.
7
8 Adjusts the composition and the duties of the Safe Airports
9 for Florida's Economy (SAFE) Council.
10 Provides that the presumption that an impaired driver's
11 actions are the cause of his or her death or injury can be
12 overcome if the gross negligence or intentional misconduct of
13 the FDOT or its contractors was a proximate cause of the death
14 or injury. The limitation of liability provisions for
15 contractors do not alter any claim of the FDOT against a
16 contractor.
17 Provides that persons participating in the funeral procession
18 of a law enforcement officer or firefighter killed in the line
19 of duty are exempt from the payment of road tolls.
20 Provides for roll call votes on plans and modifications of
21 plans by metropolitan planning organizations.
22
23 Creates the Northwest Florida Transportation Corridor
24 Authority to improve mobility and economic development along
25 the U.S. 98 corridor.
26
27 Adjusts a provision requiring development-of-regional-impact
28 review for proposed changes to airports located in two
29 counties.
30
31