

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

606-2354-05

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 directing the Department of Transportation to  
14 select and fund a consultant to perform a study  
15 of bicycle facilities on or connected to the  
16 State Highway System; requiring the results of  
17 the study to be presented to the Governor and  
18 the Legislature; providing for management of  
19 the study by the State Pedestrian and Bicycle  
20 Coordinator; providing for inclusion of certain  
21 elements in the study; requiring the study to  
22 include an implementation plan; providing an  
23 effective date.

24  
25 Be It Enacted by the Legislature of the State of Florida:

26  
27 Section 1. Section 311.22, Florida Statutes, is  
28 created to read:

29 311.22 Additional authorization for funding certain  
30 dredging projects.--

31

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

12           (2) The council shall adopt rules for evaluating the  
13 projects that may be funded pursuant to this section. The  
14 rules must provide criteria for evaluating the economic  
15 benefit of the project. The rules must include the creation of  
16 an administrative review process by the council which is  
17 similar to the process described in s. 311.09(5)-(12), and  
18 provide for a review by the Department of Community Affairs,  
19 the Department of Transportation, and the Office of Tourism,  
20 Trade, and Economic Development of all projects submitted for  
21 funding under this section.

22           Section 2. Subsection (10) is added to section  
23 332.007, Florida Statutes, to read:

24           332.007 Administration and financing of aviation and  
25 airport programs and projects; state plan.--

26           (10) The department may also fund eligible projects  
27 performed by not-for-profit organizations that represent a  
28 majority of public airports in this state. Eligible projects  
29 may include activities associated with aviation master  
30 planning, professional education, safety and security  
31 planning, enhancing economic development and efficiency at

1 airports in this state, or other planning efforts to improve  
2 the viability of airports in this state.

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

5 332.14 Secure Airports for Florida's Economy  
6 Council.--

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

10 (2) The Secure Airports for Florida's Economy (SAFE)  
11 Council is created within the Department of Transportation.  
12 The council shall consist of the following 7 ~~27~~ members  
13 appointed by the Department of Transportation from a list of  
14 recommendations submitted by the Board of the Florida Airports  
15 Council. Council members shall be the airport director, or his  
16 or her designee, of each of the following types of airports:

17 (a) One large-hub commercial airport.

18 (b) One medium-hub commercial airport.

19 (c) One small-hub commercial airport.

20 (d) One non-hub commercial airport.

21 (e) Two general aviation airports.

22 (f) One general aviation reliever airport.

23  
24 Members shall serve two year terms.

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

27 ~~1. Daytona Beach International Airport.~~

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

29 ~~3. Gainesville Regional Airport.~~

30 ~~4. Jacksonville International Airport.~~

31 ~~5. Key West International Airport.~~

- 1           ~~6. Melbourne International Airport.~~
- 2           ~~7. Miami International Airport.~~
- 3           ~~8. Naples Municipal Airport.~~
- 4           ~~9. Okaloosa County Regional Airport.~~
- 5           ~~10. Orlando International Airport.~~
- 6           ~~11. Orlando Sanford International Airport.~~
- 7           ~~12. Palm Beach County International Airport.~~
- 8           ~~13. Panama City Bay County International Airport.~~
- 9           ~~14. Pensacola Regional Airport.~~
- 10           ~~15. Sarasota Bradenton International Airport.~~
- 11           ~~16. Southwest Florida International Airport.~~
- 12           ~~17. St. Petersburg Clearwater International Airport.~~
- 13           ~~18. Tallahassee Regional Airport.~~
- 14           ~~19. Tampa International Airport.~~
- 15           ~~(b) The executive directors of two general aviation~~
- 16 ~~airports appointed by the Florida Airports Council.~~
- 17           ~~(c) The secretary of the Department of Transportation~~
- 18 ~~or his or her designee.~~
- 19           ~~(d) The director of the Office of Tourism, Trade, and~~
- 20 ~~Economic Development or his or her designee.~~
- 21           ~~(e) The secretary of the Department of Community~~
- 22 ~~Affairs or his or her designee.~~
- 23           ~~(f) The executive director of the Department of Law~~
- 24 ~~Enforcement or his or her designee.~~
- 25           ~~(g) A representative of the airline industry appointed~~
- 26 ~~by the Air Transport Association.~~
- 27           ~~(h) A representative of the general aviation industry~~
- 28 ~~appointed by the Florida Aviation Trades Association.~~
- 29           (3) The Department of Transportation shall fund the
- 30 council through annual grants made to the council. The
- 31 department shall fund the council from funds generated by s.

1 320.08058(33)(a), as well as other funds provided for in s.  
2 332.007. The council may contract for administrative support  
3 and services from not-for-profit organizations that represent  
4 a majority of public airports in this state.

5 (4) The council shall identify and use, to the extent  
6 necessary, airport, aviation industry, and agency  
7 representatives to advise it concerning its policy and  
8 planning activities. The council shall establish a SAFE  
9 Council Advisory Board to consist of representatives from  
10 industry and local, state, and federal agencies including, but  
11 not limited to, representatives of the Department of  
12 Transportation, the Office of Tourism, Trade, and Economic  
13 Development, the Department of Community Affairs, and the  
14 Department of Law Enforcement.

15 (5)(3) Members of the council shall serve without  
16 compensation but are entitled to receive reimbursement for per  
17 diem and travel expenses as provided in s. 112.061. ~~The~~  
18 ~~council may elect to hire an administrative staff to provide~~  
19 ~~services to the council on matters relating to the SAFE Act~~  
20 ~~and the council.~~

21 (6)(4) The council shall adopt bylaws governing the  
22 manner in which the business of the council will be conducted.  
23 The bylaws shall specify the procedure by which the chair of  
24 the council is elected. The council shall meet at the call of  
25 its chair, at the request of a majority of its membership, or  
26 at such times as may be prescribed in its bylaws. However, the  
27 council must meet at least once ~~twice~~ a year. All members of  
28 the council are voting members. A majority of voting members  
29 of the council constitutes a quorum for the purpose of  
30 transacting the business of the council. A vote of the  
31 majority of the members present is sufficient for any action



1 of the council, ~~except that a member representing the~~  
2 ~~Department of Transportation, the Department of Community~~  
3 ~~Affairs, the Department of Law Enforcement, or the Office of~~  
4 ~~Tourism, Trade, and Economic Development may vote to overrule~~  
5 ~~any action of the council approving a project pursuant to~~  
6 ~~paragraph (7)(a). The bylaws of the council may require a~~  
7 ~~greater vote for a particular action.~~

8       ~~(7)(5)~~(a) The council shall prepare a 5-year SAFE  
9 Master Plan defining the goals and objectives of the council  
10 concerning the development of airport facilities ~~and an~~  
11 ~~intermodal transportation system~~ consistent with the goals of  
12 the Florida Transportation Plan developed pursuant to s.  
13 339.155. The SAFE Master Plan ~~may~~ shall include specific  
14 recommendations for:

15           1. Ensuring the safety, security, and economic  
16 well-being of commercial service, general aviation airports,  
17 and aviation-related infrastructure in this state. ~~The~~  
18 ~~acquisition and construction of transportation facilities~~  
19 ~~connecting any airport to another transportation mode.~~

20           2. The acquisition and construction of transportation  
21 facilities or airport facilities for the purpose of protecting  
22 the safety and security of passengers and cargo, ~~enhancing~~  
23 ~~international trade, promoting cargo flow, increasing~~  
24 ~~enplanements, increasing airport revenues,~~ and providing  
25 economic benefits to the state.

26           (b) The council shall update the 5-year SAFE Master  
27 Plan annually and shall submit the plan, no later than  
28 February 1 of each year, to the President of the Senate, the  
29 Speaker of the House of Representatives, the Department of  
30 Transportation, the Department of Community Affairs, the  
31

1 Department of Law Enforcement, and the Office of Tourism,  
2 Trade, and Economic Development.

3 ~~(8)(6)~~ The council shall make recommendations for the  
4 development of develop programs, based on an examination of  
5 existing programs in Florida and other states, for the  
6 training of minorities and secondary school students in job  
7 skills associated with employment opportunities in the  
8 aviation industry. Annually, the council shall report on the  
9 progress of these programs and make recommendations for  
10 further action to the President of the Senate and the Speaker  
11 of the House of Representatives.

12 ~~(9)(7)~~ The SAFE council may use ~~utilize~~, as  
13 appropriate and with legislative spending authorization, any  
14 federal, state, and local government contributions as well as  
15 private donations to fund SAFE Master Plan projects.

16 (10) The council shall be available to the Secretary  
17 of Transportation to provide advice on issues pertaining to  
18 the Florida Aviation System.

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

26 ~~(b) The council shall review and approve or disapprove~~  
27 ~~each project eligible to be funded pursuant to this act. The~~  
28 ~~council shall annually submit a list of projects which have~~  
29 ~~been approved by the council to the Secretary of~~  
30 ~~Transportation, the Secretary of Community Affairs, the~~  
31 ~~executive director of the Department of Law Enforcement, and~~

1 ~~the director of the Office of Tourism, Trade, and Economic~~  
2 ~~Development. The list shall specify the recommended funding~~  
3 ~~level for each project, and, if staged implementation of the~~  
4 ~~project is appropriate, the funding requirements for each~~  
5 ~~stage shall be specified.~~

6 ~~1. The Department of Community Affairs shall review~~  
7 ~~the list of projects approved by the council to determine~~  
8 ~~consistency with approved local government comprehensive plans~~  
9 ~~of the units of local government in which the airport is~~  
10 ~~located and consistency with the airport master plan. The~~  
11 ~~Department of Community Affairs shall identify and notify the~~  
12 ~~council of those projects which are not consistent, to the~~  
13 ~~maximum extent feasible, with such comprehensive plans and~~  
14 ~~airport master plans.~~

15 ~~(12)2.~~ The Department of Transportation shall review  
16 the list of projects approved by the council for consistency  
17 with the Florida Transportation Plan and the department's  
18 adopted work program. In evaluating the consistency of a  
19 project, the department shall determine whether the  
20 transportation impact of the proposed project is adequately  
21 handled by existing state-owned transportation facilities or  
22 by the construction of additional state-owned transportation  
23 facilities as identified in the Florida Transportation Plan  
24 and the department's adopted work program. In reviewing for  
25 consistency a transportation facility project as defined in s.  
26 334.03(31) which is not otherwise part of the department's  
27 work program, the department shall evaluate whether the  
28 project is needed to provide for projected movement of cargo  
29 or passengers from the airport to a state transportation  
30 facility or local road. If the project is needed to provide  
31 for projected movement of cargo or passengers, the project

1 shall be approved for consistency as a consideration to  
2 facilitate the economic development and growth of the state in  
3 a timely manner. The department shall identify those projects  
4 which are inconsistent with the Florida Transportation Plan  
5 and the adopted work program and shall notify the council of  
6 projects found to be inconsistent.

7 ~~(13)3-~~ The Office of Tourism, Trade, and Economic  
8 Development, in consultation with Enterprise Florida, Inc.,  
9 shall review the list of projects approved by the council to  
10 evaluate the economic benefit of the project and to determine  
11 whether the project is consistent with the SAFE Master Plan.  
12 The Office of Tourism, Trade, and Economic Development shall  
13 review the economic benefits of each project based upon the  
14 rules adopted pursuant to subsection (11) ~~paragraph (a)~~. The  
15 Office of Tourism, Trade, and Economic Development shall  
16 identify those projects which it has determined do not offer  
17 an economic benefit to the state or are not consistent with  
18 the SAFE Master Plan and shall notify the council of its  
19 findings.

20 ~~(14)4-~~ The Department of Law Enforcement shall review  
21 the list of projects approved by the council for consistency  
22 with domestic security provisions of ss. 943.03101, 943.0311,  
23 and 943.0312. The Department of Law Enforcement shall identify  
24 those projects that it has determined are inconsistent with  
25 the state's strategic plan for domestic security and shall  
26 notify the council of its findings.

27 ~~(8) The council shall review the findings of the~~  
28 ~~Department of Community Affairs, the Department of Law~~  
29 ~~Enforcement, the Department of Transportation, and the Office~~  
30 ~~of Tourism, Trade, and Economic Development. Projects found to~~  
31 ~~be inconsistent by the review process under subparagraphs~~

1 ~~(7)(b)1. 4. and projects which have been determined not to~~  
2 ~~offer an economic benefit to the state by the review process~~  
3 ~~under subparagraph (7)(b)3. shall be removed from the list of~~  
4 ~~projects to be funded.~~

5 ~~(9) The cost for administrative services of the~~  
6 ~~council shall be paid by all airports that receive funding~~  
7 ~~under the SAFE Act, based upon a pro rata formula measured by~~  
8 ~~each recipient's share of the funds as compared to the total~~  
9 ~~funds disbursed to all recipients during the year. The share~~  
10 ~~of costs for administrative services shall be paid in its~~  
11 ~~total amount by the recipient airport upon execution by the~~  
12 ~~airport and the Department of Transportation of a joint~~  
13 ~~participation agreement for each council approved project, and~~  
14 ~~such payment is in addition to the matching funds required to~~  
15 ~~be paid by the recipient airport.~~

16 ~~(15)(10)~~ Except as otherwise exempted by law, all  
17 moneys derived from the SAFE programs shall be expended in  
18 accordance with the provisions of s. 287.057. Airports subject  
19 to competitive negotiation requirements of a local governing  
20 body are exempt from this requirement.

21 ~~(16)(11)~~ Project funding expended pursuant to this act  
22 shall be monitored for compliance with all applicable laws.

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

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

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

30 (8)(a) The department shall permit the use of written  
31 supplemental agreements, written work orders pursuant to a

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

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

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

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

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

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

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

30 |       Section 5. Section 337.195, Florida Statutes, is  
31 | created to read:

1           337.195 Limits on liability.--  
2           (1) In a civil action for the death of or injury to a  
3 person, or for damage to property, against the Department of  
4 Transportation or its agents, consultants, or contractors for  
5 work performed on a highway, road, street, bridge, or other  
6 transportation facility when the death, injury, or damage  
7 resulted from a motor vehicle crash within a construction zone  
8 in which the driver of one of the vehicles was under the  
9 influence of alcoholic beverages as set forth in s. 316.193,  
10 under the influence of any chemical substance as set forth in  
11 s. 877.111, or illegally under the influence of any substance  
12 controlled under chapter 893 to the extent that her or his  
13 normal faculties were impaired or that she or he operated a  
14 vehicle at an unlawful speed as prohibited in s. 316.183, it  
15 is presumed that the driver's operation of the vehicle was the  
16 sole proximate cause of the death, injury, or damage. This  
17 presumption can be overcome if the gross negligence or  
18 intentional misconduct of the Department of Transportation, or  
19 of its agents, consultants, or contractors, was a proximate  
20 cause of the death, injury, or damage.  
21           (2) A contractor who constructs, maintains, or repairs  
22 a highway, road, street, bridge, or other transportation  
23 facility for the Department of Transportation is not liable to  
24 a claimant for personal injury, property damage, or death  
25 arising from the performance of the construction, maintenance,  
26 or repair if, at the time of the personal injury, property  
27 damage, or death, the contractor was in compliance with  
28 contract documents material to the condition that was the  
29 proximate cause of the personal injury, property damage, or  
30 death.  
31



1           (a) The limitation on liability contained in this  
2 subsection does not apply when the proximate cause of the  
3 personal injury, property damage, or death is found to be a  
4 latent condition, defect, error, or omission that was created  
5 by the contractor and not a defect, error, or omission in the  
6 contract documents.

7           (b) If an error or omission in the contract documents  
8 is open and obvious, nothing in this subsection shall be  
9 interpreted or construed as relieving the contractor of any  
10 obligation to provide the Department of Transportation with  
11 written notice of the error or omission.

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

15           (3) In all cases involving personal injury, property  
16 damage, or death, a person or entity who contracts to prepare  
17 or provide engineering plans for the construction or repair of  
18 a highway, road, street, bridge, or other transportation  
19 facility for the Department of Transportation shall be  
20 presumed to have prepared such engineering plans using the  
21 degree of care and skill ordinarily exercised by other  
22 engineers in the field under similar conditions and in similar  
23 localities and with due regard for acceptable engineering  
24 standards and principles if the engineering plans conformed to  
25 the Department of Transportation's design standards material  
26 to the condition or defect that was the proximate cause of the  
27 person injury, property damage, or death. This presumption can  
28 be overcome only upon a showing of the person's or entity's  
29 gross negligence in the preparation of the engineering plans  
30 and shall not be interpreted or construed to alter or affect  
31

1 any claim of the Department of Transportation against such  
2 person or entity.

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

5 338.155 Payment of toll on toll facilities required;  
6 exemptions.--

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

30 Section 7. Subsection (12) is added to section  
31 339.175, Florida Statutes, to read:

1           339.175 Metropolitan planning organization.--It is the  
2 intent of the Legislature to encourage and promote the safe  
3 and efficient management, operation, and development of  
4 surface transportation systems that will serve the mobility  
5 needs of people and freight within and through urbanized areas  
6 of this state while minimizing transportation-related fuel  
7 consumption and air pollution. To accomplish these objectives,  
8 metropolitan planning organizations, referred to in this  
9 section as M.P.O.'s, shall develop, in cooperation with the  
10 state and public transit operators, transportation plans and  
11 programs for metropolitan areas. The plans and programs for  
12 each metropolitan area must provide for the development and  
13 integrated management and operation of transportation systems  
14 and facilities, including pedestrian walkways and bicycle  
15 transportation facilities that will function as an intermodal  
16 transportation system for the metropolitan area, based upon  
17 the prevailing principles provided in s. 334.046(1). The  
18 process for developing such plans and programs shall provide  
19 for consideration of all modes of transportation and shall be  
20 continuing, cooperative, and comprehensive, to the degree  
21 appropriate, based on the complexity of the transportation  
22 problems to be addressed. To ensure that the process is  
23 integrated with the statewide planning process, M.P.O.'s shall  
24 develop plans and programs that identify transportation  
25 facilities that should function as an integrated metropolitan  
26 transportation system, giving emphasis to facilities that  
27 serve important national, state, and regional transportation  
28 functions. For the purposes of this section, those facilities  
29 include the facilities on the Strategic Intermodal System  
30 designated under s. 339.63.

31

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

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

10           339.64 Strategic Intermodal System Plan.--

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

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

1 Transportation Advisory Council, and other appropriate  
2 entities when developing this assessment. The Florida  
3 Transportation Commission shall deliver a report to the  
4 Governor and Legislature no later than 14 days after the  
5 regular session begins ~~by December 15, 2003,~~ with  
6 recommendations as necessary to fully implement the Strategic  
7 Intermodal System.

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

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

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

30 (a) A needs assessment.

31 (b) A project prioritization process.

1           (c) A map of facilities designated as Strategic  
2 Intermodal System facilities; ~~and~~ facilities that are emerging  
3 in importance that are likely to become part of the system in  
4 the future; and planned facilities that will meet the  
5 established criteria.

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

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

14           (5) STATEWIDE INTERMODAL TRANSPORTATION ADVISORY  
15 COUNCIL.--

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

21           1. Advising the department on the policies, planning,  
22 and implementation of strategies related to intermodal  
23 transportation.

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

28           (b) MEMBERSHIP.--Members of the Statewide Intermodal  
29 Transportation Advisory Council shall consist of the  
30 following:

31

- 1           1. ~~Six~~ Five intermodal industry representatives  
2 selected by the Governor as follows:  
3           a. One representative from an airport involved in the  
4 movement of freight and people from their airport facility to  
5 another transportation mode.  
6           b. One individual representing a fixed-route,  
7 local-government transit system.  
8           c. One representative from an intercity bus company  
9 providing regularly scheduled bus travel as determined by  
10 federal regulations.  
11           d. One representative from a spaceport.  
12           e. One representative from intermodal trucking  
13 companies.  
14           f. One representative having command responsibilities  
15 of a major military installation.  
16           2. Three intermodal industry representatives selected  
17 by the President of the Senate as follows:  
18           a. One representative from major-line railroads.  
19           b. One representative from seaports listed in s.  
20 311.09(1) from the Atlantic Coast.  
21           c. One representative from an airport involved in the  
22 movement of freight and people from their airport facility to  
23 another transportation mode.  
24           3. Three intermodal industry representatives selected  
25 by the Speaker of the House of Representatives as follows:  
26           a. One representative from short-line railroads.  
27           b. One representative from seaports listed in s.  
28 311.09(1) from the Gulf Coast.  
29           c. One representative from intermodal trucking  
30 companies. In no event may this representative be employed by  
31

1 | the same company that employs the intermodal trucking company  
2 | representative selected by the Governor.

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

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

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

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

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

24 |       (e) The department shall provide administrative staff  
25 | support and shall ensure that council meetings are  
26 | electronically recorded. Such recordings and all documents  
27 | received, prepared for, or used by the council in conducting  
28 | its business shall be preserved pursuant to chapters 119 and  
29 | 257.

30 |       Section 9. Part IV of chapter 343, Florida Statutes,  
31 | consisting of sections 343.80, 343.805, 343.81, 343.82,



1 343.83, 343.835, 343.836, 343.837, 343.84, 343.85, 343.87,  
2 343.875, 343.88, 343.881, 343.884, 343.885, and 343.89, is  
3 created to read:

4 PART IV

5 NORTHWEST FLORIDA TRANSPORTATION CORRIDOR AUTHORITY

6 343.80 Short title.--This part may be cited as the  
7 "Northwest Florida Transportation Corridor Authority Law."

8 343.805 Definitions.--As used in this part, the term:

9 (1) "Agency of the state" means the state and any  
10 department of, or corporation, agency, or instrumentality  
11 heretofore or hereafter created, designated, or established  
12 by, the state.

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

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

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

21 (5) "Federal agency" means the United States, the  
22 President of the United States, and any department of, or  
23 corporation, agency, or instrumentality heretofore or  
24 hereafter created, designated, or established by, the United  
25 States.

26 (6) "Lease-purchase agreement" means the  
27 lease-purchase agreements that the authority is authorized  
28 pursuant to this part to enter into with the Department of  
29 Transportation.

30 (7) "Limited access expressway" or "expressway" means  
31 a street or highway especially designed for through traffic

1 and over, from, or to which a person does not have the right  
2 of easement, use, or access except in accordance with the  
3 rules adopted and established by the authority for the use of  
4 such facility. Such highway or street may be a parkway, from  
5 which trucks, buses, and other commercial vehicles are  
6 excluded, or it may be a freeway open to use by all customary  
7 forms of street and highway traffic.

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

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

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

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

26  
27 Terms importing singular number include the plural number in  
28 each case and vice versa, and terms importing persons include  
29 firms and corporations.

30 343.81 Northwest Florida Transportation Corridor  
31 Authority.--

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

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

20       (b) The district secretary of the Department of  
21 Transportation serving Northwest Florida shall serve as an ex  
22 officio, nonvoting member.

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

28       (b) Five members of the authority shall constitute a  
29 quorum, and the vote of at least five members shall be  
30 necessary for any action taken by the authority. A vacancy in  
31 the authority does not impair the right of a quorum of the

1 authority to exercise all of the rights and perform all of the  
2 duties of the authority.

3 (c) The authority shall meet at least quarterly but  
4 may meet more frequently upon the call of the chair. The  
5 authority should alternate the locations of its meetings among  
6 the seven counties.

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

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

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

1           343.82 Purposes and powers.--

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

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

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

31

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

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

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

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

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

24           (b) To borrow money and to make and issue negotiable  
25 notes, bonds, refunding bonds, and other evidences of  
26 indebtedness or obligations, either in temporary or definitive  
27 form, hereinafter in this chapter sometimes called "revenue  
28 bonds" of the authority, for the purpose of financing all or  
29 part of the mobility improvements within the U.S. 98 corridor,  
30 as well as the appurtenant facilities, including all  
31 approaches, streets, roads, bridges, and avenues of access

1 authorized by this part, the bonds to mature not exceeding 40  
2 years after the date of the issuance thereof, and to secure  
3 the payment of such bonds or any part thereof by a pledge of  
4 any or all of its revenues, rates, fees, rentals, or other  
5 charges.

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

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

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

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

28 (g) To enter into and make leases.

29 (h) To enter into and make lease-purchase agreements  
30 with the department for terms not exceeding 40 years or until  
31 any bonds secured by a pledge of rentals thereunder, and any

1 refundings thereof, are fully paid as to both principal and  
2 interest, whichever is longer.

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

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

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

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

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

22 (n) To participate in agreements with private entities  
23 and to receive private contributions.

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

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

31



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

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

15       343.83 Improvements, bond financing  
16 authority.--Pursuant to s. 11(f), Art. VII of the State  
17 Constitution, the Legislature approves bond financing by the  
18 Northwest Florida Transportation Corridor Authority for  
19 improvements to toll collection facilities, interchanges to  
20 the legislatively approved system, and any other facility  
21 appurtenant, necessary, or incidental to the approved system.  
22 Subject to terms and conditions of applicable revenue bond  
23 resolutions and covenants, such costs may be financed in whole  
24 or in part by revenue bonds issued pursuant to s.  
25 343.835(1)(a) or (b) whether currently issued or issued in the  
26 future or by a combination of such bonds.

27       343.835 Bonds of the authority.--

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

30       (b) Alternatively, the authority may issue its own  
31 bonds pursuant to this part at such times and in such

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

28 (c) Bonds issued pursuant to paragraph (a) or  
29 paragraph (b) shall be sold at public sale in the manner  
30 provided by the State Bond Act. However, if the authority, by  
31 official action at a public meeting, determines that a

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

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

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

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

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

30  
31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 343.836 Remedies of the bondholders.--

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

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

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

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

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

20       (c) Bring suit upon the bonds.

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

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

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

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

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



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

19 343.837 Lease-purchase agreement.--

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

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

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

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

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

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

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

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

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

31 343.85 Acquisition of lands and property.--

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

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

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

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

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

17 343.875 Public-private partnerships.--

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

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

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

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

1 of default or the cancellation of the agreement by the  
2 authority.

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

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

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

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

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

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

29 (7) Except as herein provided, this section is not  
30 intended to amend existing law by granting additional powers  
31 to or imposing further restrictions on the governmental

1 entities with regard to regulating and entering into  
2 cooperative arrangements with the private sector for the  
3 planning, construction, and operation of transportation  
4 facilities.

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

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



1 and the purposes of the United States in the completion,  
2 extension, or improvement of the system or any part or portion  
3 thereof.

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

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

31

1           343.885 Pledges enforceable by bondholders.--It is the  
2 express intention of this part that any pledge to the  
3 authority by the department of rates, fees, revenues, or other  
4 funds as rentals, or any covenants or agreements relative  
5 thereto, is enforceable in any court of competent jurisdiction  
6 against the authority or directly against the department by  
7 any holder of bonds issued by the authority.

8           343.89 Complete and additional statutory authority.--

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

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

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

3           380.06 Developments of regional impact.--

4           (19) SUBSTANTIAL DEVIATIONS.--

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

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

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

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

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

29           5. An increase in the average annual acreage mined by  
30 5 percent or 10 acres, whichever is greater, or an increase in  
31 the average daily water consumption by a mining operation by 5

1 | percent or 300,000 gallons, whichever is greater. An increase  
2 | in the size of the mine by 5 percent or 750 acres, whichever  
3 | is less.

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

8 |         7. An increase in the storage capacity for chemical or  
9 | petroleum storage facilities by 5 percent, 20,000 barrels, or  
10 | 7 million pounds, whichever is greater.

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

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

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

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

25 |         12. An increase in a recreational vehicle park area by  
26 | 5 percent or 100 vehicle spaces, whichever is less.

27 |         13. A decrease in the area set aside for open space of  
28 | 5 percent or 20 acres, whichever is less.

29 |         14. A proposed increase to an approved multiuse  
30 | development of regional impact where the sum of the increases  
31 | of each land use as a percentage of the applicable substantial

1 deviation criteria is equal to or exceeds 100 percent. The  
2 percentage of any decrease in the amount of open space shall  
3 be treated as an increase for purposes of determining when 100  
4 percent has been reached or exceeded.

5           15. A 15-percent increase in the number of external  
6 vehicle trips generated by the development above that which  
7 was projected during the original  
8 development-of-regional-impact review.

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

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

1           Section 11. Bicycle system study.--Prior to October 1,  
2 2005, the Department of Transportation shall perform a bicycle  
3 system study of bicycle facilities that are on or connected to  
4 the State Highway System. The results of the bicycle system  
5 study shall be presented to the Governor, the President of the  
6 Senate, and the Speaker of the House of Representatives by  
7 October 1, 2005. The bicycle system study shall include paved  
8 bicycle lanes, bicycle trails, bicycle paths, and any route or  
9 facility designated specifically for bicycle traffic. The  
10 study shall be performed by a consultant selected and funded  
11 by the department and shall be managed by the department's  
12 State Pedestrian and Bicycle Coordinator. The study shall  
13 include:

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

16           (2) Identification of state highways with existing  
17 designated bicycle lanes.

18           (3) Identification of state highways with no  
19 designated bicycle lanes and any constraints to incorporating  
20 these facilities.

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

23           (5) Identification of all bicycle facility needs on  
24 the State Highway System.

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

27           (7) A proposed implementation plan that will identify  
28 the incorporation of bicycle facilities on those state  
29 highways programmed for rehabilitation or new construction in  
30 the department's 5-year work program. The proposed plan must  
31

1 include the costs associated within the work program to add  
2 these facilities.

3 Section 12. This act shall take effect upon becoming a  
4 law.

5  
6 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
7 COMMITTEE SUBSTITUTE FOR  
8 CS/CS Senate Bill 460

9 The committee substitute for Senate Bill 0460 extends the  
10 limitation on liability to contractors who maintain  
11 transportation facilities and clarifies the responsibility of  
12 contractors and engineers to notify Florida Department of  
13 Transportation of errors or omissions in contract documents.

14 Requires that each long-range transportation plan, each  
15 annually updated Transportation Improvement Program, and each  
16 amendment that affects projects in the first three years of  
17 such plans be approved by each metropolitan planning  
18 organization on a recorded roll call vote of the membership  
19 present.

20 Requires FDOT to contract with a consultant for a study of the  
21 bicycle facilities that are on or connected to the State  
22 Highway System. Provides specific criteria for review and  
23 inclusion in the study. The results of the bicycle system  
24 study are to be presented to the Governor, the President of  
25 the Senate, and the Speaker of the House of Representatives by  
26 October 1, 2005.  
27  
28  
29  
30  
31