

1 A bill to be entitled
 2 An act relating to transportation facilities; amending s.
 3 334.03, F.S.; revising definitions relating to the Florida
 4 Transportation Code; amending s. 334.044, F.S.; revising
 5 powers and duties of the Department of Transportation;
 6 removing duty to assign jurisdictional responsibility and
 7 to designate facilities as part of the State Highway
 8 System; amending s. 334.047, F.S.; removing a provision
 9 prohibiting the department from establishing a maximum
 10 number of miles of urban principal arterial roads within a
 11 district or county; amending ss. 163.3180, 288.063,
 12 311.07, 311.09, 316.2122, 316.515, 332.14, 336.01,
 13 338.222, 403.7211, and 479.01, F.S.; correcting cross-
 14 references; providing an effective date.

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

17
 18 Section 1. Section 334.03, Florida Statutes, is amended to
 19 read:

20 334.03 Definitions.--When used in the Florida
 21 Transportation Code, the term:

22 ~~(1) "Arterial road" means a route providing service which~~
 23 ~~is relatively continuous and of relatively high traffic volume,~~
 24 ~~long average trip length, high operating speed, and high~~
 25 ~~mobility importance. In addition, every United States numbered~~
 26 ~~highway is an arterial road.~~

27 (1) ~~(2)~~ "Bridge" means a structure, including supports,
 28 erected over a depression or an obstruction, such as water or a

29 highway or railway, and having a track or passageway for
 30 carrying traffic as defined in chapter 316 or other moving
 31 loads.

32 (2)~~(3)~~ "City street system" means all local roads within a
 33 municipality that were under the jurisdiction of that
 34 municipality on June 10, 1995, roads constructed by a
 35 municipality for that municipality's street system, and roads
 36 transferred to the municipality's jurisdiction after that date
 37 by mutual consent with another governmental entity, but does not
 38 include roads so transferred from the municipality's
 39 jurisdiction, and all collector roads inside that municipality,
 40 which are not in the county road system.

41 ~~(4)~~ "Collector road" means a route providing service which
 42 is of relatively moderate average traffic volume, moderately
 43 average trip length, and moderately average operating speed.
 44 Such a route also collects and distributes traffic between local
 45 roads or arterial roads and serves as a linkage between land
 46 access and mobility needs.

47 (3)~~(5)~~ "Commissioners" means the governing body of a
 48 county.

49 (4)~~(6)~~ "Consolidated metropolitan statistical area" means
 50 two or more metropolitan statistical areas that are socially and
 51 economically interrelated as defined by the United States Bureau
 52 of the Census.

53 (5)~~(7)~~ "Controlled access facility" means a street or
 54 highway to which the right of access is highly regulated by the
 55 governmental entity having jurisdiction over the facility in
 56 order to maximize the operational efficiency and safety of the

HB 1451

2009

57 high-volume through traffic utilizing the facility. Owners or
 58 occupants of abutting lands and other persons have a right of
 59 access to or from such facility at such points only and in such
 60 manner as may be determined by the governmental entity.

61 (6)~~(8)~~ "County road system" means all roads within a
 62 county which were under the jurisdiction of that county on June
 63 10, 1995, roads constructed by a county for that county's road
 64 system, and roads transferred to the county's jurisdiction after
 65 that date by mutual consent with another governmental entity,
 66 but does not include roads so transferred from the county's
 67 jurisdiction ~~collector roads in the unincorporated areas of a~~
 68 ~~county and all extensions of such collector roads into and~~
 69 ~~through any incorporated areas, all local roads in the~~
 70 ~~unincorporated areas, and all urban minor arterial roads not in~~
 71 ~~the State Highway System.~~

72 (7)~~(9)~~ "Department" means the Department of
 73 Transportation.

74 (8)~~(10)~~ "Florida Intrastate Highway System" means a system
 75 of limited access and controlled access facilities on the State
 76 Highway System which have the capacity to provide high-speed and
 77 high-volume traffic movements in an efficient and safe manner.

78 (9)~~(11)~~ "Functional classification" means the assignment
 79 of roads into systems according to the character of service they
 80 provide in relation to the total road network using procedures
 81 developed by the Federal Highway Administration. ~~Basic~~
 82 ~~functional categories include arterial roads, collector roads,~~
 83 ~~and local roads which may be subdivided into principal, major,~~

84 ~~or minor levels. Those levels may be additionally divided into~~
 85 ~~rural and urban categories.~~

86 (10)~~(12)~~ "Governmental entity" means a unit of government,
 87 or any officially designated public agency or authority of a
 88 unit of government, that has the responsibility for planning,
 89 construction, operation, or maintenance or jurisdiction over
 90 transportation facilities; the term includes the Federal
 91 Government, the state government, a county, an incorporated
 92 municipality, a metropolitan planning organization, an
 93 expressway or transportation authority, a road and bridge
 94 district, a special road and bridge district, and a regional
 95 governmental unit.

96 (11)~~(13)~~ "Limited access facility" means a street or
 97 highway especially designed for through traffic, and over, from,
 98 or to which owners or occupants of abutting land or other
 99 persons have no right or easement of access, light, air, or view
 100 by reason of the fact that their property abuts upon such
 101 limited access facility or for any other reason. Such highways
 102 or streets may be facilities from which trucks, buses, and other
 103 commercial vehicles are excluded; or they may be facilities open
 104 to use by all customary forms of street and highway traffic.

105 (12)~~(14)~~ "Local governmental entity" means a unit of
 106 government with less than statewide jurisdiction, or any
 107 officially designated public agency or authority of such a unit
 108 of government, that has the responsibility for planning,
 109 construction, operation, or maintenance of, or jurisdiction
 110 over, a transportation facility; the term includes, but is not
 111 limited to, a county, an incorporated municipality, a

112 metropolitan planning organization, an expressway or
 113 transportation authority, a road and bridge district, a special
 114 road and bridge district, and a regional governmental unit.

115 ~~(15) "Local road" means a route providing service which is~~
 116 ~~of relatively low average traffic volume, short average trip~~
 117 ~~length or minimal through-traffic movements, and high land~~
 118 ~~access for abutting property.~~

119 (13) ~~(16)~~ "Metropolitan area" means a geographic region
 120 comprising as a minimum the existing urbanized area and the
 121 contiguous area projected to become urbanized within a 20-year
 122 forecast period. The boundaries of a metropolitan area may be
 123 designated so as to encompass a metropolitan statistical area or
 124 a consolidated metropolitan statistical area. If a metropolitan
 125 area, or any part thereof, is located within a nonattainment
 126 area, the boundaries of the metropolitan area must be designated
 127 so as to include the boundaries of the entire nonattainment
 128 area, unless otherwise provided by agreement between the
 129 applicable metropolitan planning organization and the Governor.

130 (14) ~~(17)~~ "Metropolitan statistical area" means an area
 131 that includes a municipality of 50,000 persons or more, or an
 132 urbanized area of at least 50,000 persons as defined by the
 133 United States Bureau of the Census, provided that the component
 134 county or counties have a total population of at least 100,000.

135 (15) ~~(18)~~ "Nonattainment area" means an area designated by
 136 the United States Environmental Protection Agency, pursuant to
 137 federal law, as exceeding national primary or secondary ambient
 138 air quality standards for the pollutants carbon monoxide or
 139 ozone.

HB 1451

2009

140 (16)~~(19)~~ "Periodic maintenance" means activities that are
141 large in scope and require a major work effort to restore
142 deteriorated components of the transportation system to a safe
143 and serviceable condition, including, but not limited to, the
144 repair of large bridge structures, major repairs to bridges and
145 bridge systems, and the mineral sealing of lengthy sections of
146 roadway.

147 (17)~~(20)~~ "Person" means any person described in s. 1.01 or
148 any unit of government in or outside the state.

149 (18)~~(21)~~ "Right of access" means the right of ingress to a
150 highway from abutting land and egress from a highway to abutting
151 land.

152 (19)~~(22)~~ "Right-of-way" means land in which the state, the
153 department, a county, or a municipality owns the fee or has an
154 easement devoted to or required for use as a transportation
155 facility.

156 (20)~~(23)~~ "Road" means a way open to travel by the public,
157 including, but not limited to, a street, highway, or alley. The
158 term includes associated sidewalks, the roadbed, the right-of-
159 way, and all culverts, drains, sluices, ditches, water storage
160 areas, waterways, embankments, slopes, retaining walls, bridges,
161 tunnels, and viaducts necessary for the maintenance of travel
162 and all ferries used in connection therewith.

163 (21)~~(24)~~ "Routine maintenance" means minor repairs and
164 associated tasks necessary to maintain a safe and efficient
165 transportation system. The term includes: pavement patching;
166 shoulder repair; cleaning and repair of drainage ditches,
167 traffic signs, and structures; mowing; bridge inspection and

168 maintenance; pavement striping; litter cleanup; and other
 169 similar activities.

170 ~~(22)-(25)~~ "State Highway System" means the ~~following, which~~
 171 ~~shall be facilities to which access is regulated:~~

172 ~~(a)~~ The interstate system and all other roads within the
 173 state which were under the jurisdiction of the state on June 10,
 174 1995, roads constructed by an agency of the state for the State
 175 Highway System, and roads transferred to the state's
 176 jurisdiction after that date by mutual consent with another
 177 governmental entity, but does not include roads so transferred
 178 from the state's jurisdiction. These facilities shall be
 179 facilities to which access is regulated.

180 ~~(b)~~ ~~All rural arterial routes and their extensions into~~
 181 ~~and through urban areas;~~

182 ~~(c)~~ ~~All urban principal arterial routes; and~~

183 ~~(d)~~ ~~The urban minor arterial mileage on the existing State~~
 184 ~~Highway System as of July 1, 1987, plus additional mileage to~~
 185 ~~comply with the 2-percent requirement as described below.~~

186
 187 ~~However, not less than 2 percent of the public road mileage of~~
 188 ~~each urbanized area on record as of June 30, 1986, shall be~~
 189 ~~included as minor arterials in the State Highway System.~~

190 ~~Urbanized areas not meeting the foregoing minimum requirement~~
 191 ~~shall have transferred to the State Highway System additional~~
 192 ~~minor arterials of the highest significance in which case the~~
 193 ~~total minor arterials in the State Highway System from any~~
 194 ~~urbanized area shall not exceed 2.5 percent of that area's total~~
 195 ~~public urban road mileage.~~

196 (23)~~(26)~~ "State Park Road System" means roads embraced
 197 within the boundaries of state parks and state roads leading to
 198 state parks, other than roads of the State Highway System, the
 199 county road systems, or the city street systems.

200 (24)~~(27)~~ "State road" means a street, road, highway, or
 201 other way open to travel by the public generally and dedicated
 202 to the public use according to law or by prescription and
 203 designated by the department, as provided by law, as part of the
 204 State Highway System.

205 (25)~~(28)~~ "Structure" means a bridge, viaduct, tunnel,
 206 causeway, approach, ferry slip, culvert, toll plaza, gate, or
 207 other similar facility used in connection with a transportation
 208 facility.

209 (26)~~(29)~~ "Sufficiency rating" means the objective rating
 210 of a road or section of a road for the purpose of determining
 211 its capability to serve properly the actual or anticipated
 212 volume of traffic using the road.

213 (27)~~(30)~~ "Transportation corridor" means any land area
 214 designated by the state, a county, or a municipality which is
 215 between two geographic points and which area is used or suitable
 216 for the movement of people and goods by one or more modes of
 217 transportation, including areas necessary for management of
 218 access and securing applicable approvals and permits.

219 Transportation corridors shall contain, but are not limited to,
 220 the following:

- 221 (a) Existing publicly owned rights-of-way;
- 222 (b) All property or property interests necessary for
- 223 future transportation facilities, including rights of access,

HB 1451

2009

224 air, view, and light, whether public or private, for the purpose
225 of securing and utilizing future transportation rights-of-way,
226 including, but not limited to, any lands reasonably necessary
227 now or in the future for securing applicable approvals and
228 permits, borrow pits, drainage ditches, water retention areas,
229 rest areas, replacement access for landowners whose access could
230 be impaired due to the construction of a future facility, and
231 replacement rights-of-way for relocation of rail and utility
232 facilities.

233 (28)~~(31)~~ "Transportation facility" means any means for the
234 transportation of people or property from place to place which
235 is constructed, operated, or maintained in whole or in part from
236 public funds. The term includes the property or property rights,
237 both real and personal, which have been or may be established by
238 public bodies for the transportation of people or property from
239 place to place.

240 (29)~~(32)~~ "Urban area" means a geographic region comprising
241 as a minimum the area inside the United States Bureau of the
242 Census boundary of an urban place with a population of 5,000 or
243 more persons, expanded to include adjacent developed areas as
244 provided for by Federal Highway Administration regulations.

245 ~~(33) "Urban minor arterial road" means a route that~~
246 ~~generally interconnects with and augments an urban principal~~
247 ~~arterial road and provides service to trips of shorter length~~
248 ~~and a lower level of travel mobility. The term includes all~~
249 ~~arterials not classified as "principal" and contain facilities~~
250 ~~that place more emphasis on land access than the higher system.~~

251 (30)~~(34)~~ "Urban place" means a geographic region composed
 252 of one or more contiguous census tracts that have been found by
 253 the United States Bureau of the Census to contain a population
 254 density of at least 1,000 persons per square mile.

255 ~~(35) "Urban principal arterial road" means a route that~~
 256 ~~generally serves the major centers of activity of an urban area,~~
 257 ~~the highest traffic volume corridors, and the longest trip~~
 258 ~~purpose and carries a high proportion of the total urban area~~
 259 ~~travel on a minimum of mileage. Such roads are integrated, both~~
 260 ~~internally and between major rural connections.~~

261 (31)~~(36)~~ "Urbanized area" means a geographic region
 262 comprising as a minimum the area inside an urban place of 50,000
 263 or more persons, as designated by the United States Bureau of
 264 the Census, expanded to include adjacent developed areas as
 265 provided for by Federal Highway Administration regulations.
 266 Urban areas with a population of fewer than 50,000 persons which
 267 are located within the expanded boundary of an urbanized area
 268 are not separately recognized.

269 (32)~~(37)~~ "511" or "511 services" means three-digit
 270 telecommunications dialing to access interactive voice response
 271 telephone traveler information services provided in the state as
 272 defined by the Federal Communications Commission in FCC Order
 273 No. 00-256, July 31, 2000.

274 (33)~~(38)~~ "Interactive voice response" means a software
 275 application that accepts a combination of voice telephone input
 276 and touch-tone keypad selection and provides appropriate
 277 responses in the form of voice, fax, callback, e-mail, and other
 278 media.

HB 1451

2009

279 Section 2. Subsections (11) and (13) of section 334.044,
 280 Florida Statutes, are amended to read:

281 334.044 Department; powers and duties.--The department
 282 shall have the following general powers and duties:

283 (11) To establish a numbering system for public roads and
 284 to functionally classify such roads, ~~and to assign~~
 285 ~~jurisdictional responsibility.~~

286 (13) To ~~designate existing and to~~ plan proposed
 287 transportation facilities as part of the State Highway System,
 288 and to construct, maintain, and operate such facilities.

289 Section 3. Section 334.047, Florida Statutes, is amended
 290 to read:

291 334.047 Prohibition.--Notwithstanding any other provision
 292 of law to the contrary, the Department of Transportation may not
 293 establish a cap on the number of miles in the State Highway
 294 System ~~or a maximum number of miles of urban principal arterial~~
 295 ~~roads, as defined in s. 334.03, within a district or county.~~

296 Section 4. Paragraph (d) of subsection (12) of section
 297 163.3180, Florida Statutes, is amended to read:

298 163.3180 Concurrency.--

299 (12) A development of regional impact may satisfy the
 300 transportation concurrency requirements of the local
 301 comprehensive plan, the local government's concurrency
 302 management system, and s. 380.06 by payment of a proportionate-
 303 share contribution for local and regionally significant traffic
 304 impacts, if:

305 (d) If the regionally significant transportation facility
 306 to be constructed or improved is under the maintenance authority

HB 1451

2009

307 of a governmental entity, as defined by s. 334.03 (10) ~~(12)~~, other
308 than the local government with jurisdiction over the development
309 of regional impact, the developer is required to enter into a
310 binding and legally enforceable commitment to transfer funds to
311 the governmental entity having maintenance authority or to
312 otherwise assure construction or improvement of the facility.

313

314 The proportionate-share contribution may be applied to any
315 transportation facility to satisfy the provisions of this
316 subsection and the local comprehensive plan, but, for the
317 purposes of this subsection, the amount of the proportionate-
318 share contribution shall be calculated based upon the cumulative
319 number of trips from the proposed development expected to reach
320 roadways during the peak hour from the complete buildout of a
321 stage or phase being approved, divided by the change in the peak
322 hour maximum service volume of roadways resulting from
323 construction of an improvement necessary to maintain the adopted
324 level of service, multiplied by the construction cost, at the
325 time of developer payment, of the improvement necessary to
326 maintain the adopted level of service. For purposes of this
327 subsection, "construction cost" includes all associated costs of
328 the improvement. Proportionate-share mitigation shall be limited
329 to ensure that a development of regional impact meeting the
330 requirements of this subsection mitigates its impact on the
331 transportation system but is not responsible for the additional
332 cost of reducing or eliminating backlogs. This subsection also
333 applies to Florida Quality Developments pursuant to s. 380.061

HB 1451

2009

334 and to detailed specific area plans implementing optional sector
335 plans pursuant to s. 163.3245.

336 Section 5. Subsection (3) of section 288.063, Florida
337 Statutes, is amended to read:

338 288.063 Contracts for transportation projects.--

339 (3) With respect to any contract executed pursuant to this
340 section, the term "transportation project" means a
341 transportation facility as defined in s. 334.03(28)~~(31)~~ which is
342 necessary in the judgment of the Office of Tourism, Trade, and
343 Economic Development to facilitate the economic development and
344 growth of the state. Except for applications received prior to
345 July 1, 1996, such transportation projects shall be approved
346 only as a consideration to attract new employment opportunities
347 to the state or expand or retain employment in existing
348 companies operating within the state, or to allow for the
349 construction or expansion of a state or federal correctional
350 facility in a county with a population of 75,000 or less that
351 creates new employment opportunities or expands or retains
352 employment in the county. The Office of Tourism, Trade, and
353 Economic Development shall institute procedures to ensure that
354 small and minority businesses have equal access to funding
355 provided under this section. Funding for approved transportation
356 projects may include any expenses, other than administrative
357 costs and equipment purchases specified in the contract,
358 necessary for new, or improvement to existing, transportation
359 facilities. Funds made available pursuant to this section may
360 not be expended in connection with the relocation of a business
361 from one community to another community in this state unless the

362 Office of Tourism, Trade, and Economic Development determines
 363 that without such relocation the business will move outside this
 364 state or determines that the business has a compelling economic
 365 rationale for the relocation which creates additional jobs.
 366 Subject to appropriation for projects under this section, any
 367 appropriation greater than \$10 million shall be allocated to
 368 each of the districts of the Department of Transportation to
 369 ensure equitable geographical distribution. Such allocated funds
 370 that remain uncommitted by the third quarter of the fiscal year
 371 shall be reallocated among the districts based on pending
 372 project requests.

373 Section 6. Paragraph (b) of subsection (3) of section
 374 311.07, Florida Statutes, is amended to read:

375 311.07 Florida seaport transportation and economic
 376 development funding.--

377 (3)

378 (b) Projects eligible for funding by grants under the
 379 program are limited to the following port facilities or port
 380 transportation projects:

381 1. Transportation facilities within the jurisdiction of
 382 the port.

383 2. The dredging or deepening of channels, turning basins,
 384 or harbors.

385 3. The construction or rehabilitation of wharves, docks,
 386 structures, jetties, piers, storage facilities, cruise
 387 terminals, automated people mover systems, or any facilities
 388 necessary or useful in connection with any of the foregoing.

HB 1451

2009

389 4. The acquisition of vessel tracking systems, container
 390 cranes, or other mechanized equipment used in the movement of
 391 cargo or passengers in international commerce.

392 5. The acquisition of land to be used for port purposes.

393 6. The acquisition, improvement, enlargement, or extension
 394 of existing port facilities.

395 7. Environmental protection projects which are necessary
 396 because of requirements imposed by a state agency as a condition
 397 of a permit or other form of state approval; which are necessary
 398 for environmental mitigation required as a condition of a state,
 399 federal, or local environmental permit; which are necessary for
 400 the acquisition of spoil disposal sites and improvements to
 401 existing and future spoil sites; or which result from the
 402 funding of eligible projects listed in this paragraph.

403 8. Transportation facilities as defined in s.
 404 334.03(28) ~~(31)~~ which are not otherwise part of the Department of
 405 Transportation's adopted work program.

406 9. Seaport intermodal access projects identified in the 5-
 407 year Florida Seaport Mission Plan as provided in s. 311.09(3).

408 10. Construction or rehabilitation of port facilities as
 409 defined in s. 315.02, excluding any park or recreational
 410 facilities, in ports listed in s. 311.09(1) with operating
 411 revenues of \$5 million or less, provided that such projects
 412 create economic development opportunities, capital improvements,
 413 and positive financial returns to such ports.

414 Section 7. Subsection (7) of section 311.09, Florida
 415 Statutes, is amended to read:

416 311.09 Florida Seaport Transportation and Economic
417 Development Council.--

418 (7) The Department of Transportation shall review the list
419 of projects approved by the council for consistency with the
420 Florida Transportation Plan and the department's adopted work
421 program. In evaluating the consistency of a project, the
422 department shall determine whether the transportation impact of
423 the proposed project is adequately handled by existing state-
424 owned transportation facilities or by the construction of
425 additional state-owned transportation facilities as identified
426 in the Florida Transportation Plan and the department's adopted
427 work program. In reviewing for consistency a transportation
428 facility project as defined in s. 334.03 (28) ~~(31)~~ which is not
429 otherwise part of the department's work program, the department
430 shall evaluate whether the project is needed to provide for
431 projected movement of cargo or passengers from the port to a
432 state transportation facility or local road. If the project is
433 needed to provide for projected movement of cargo or passengers,
434 the project shall be approved for consistency as a consideration
435 to facilitate the economic development and growth of the state
436 in a timely manner. The Department of Transportation shall
437 identify those projects which are inconsistent with the Florida
438 Transportation Plan and the adopted work program and shall
439 notify the council of projects found to be inconsistent.

440 Section 8. Section 316.2122, Florida Statutes, is amended
441 to read:

442 316.2122 Operation of a low-speed vehicle on certain
443 roadways.--The operation of a low-speed vehicle, as defined in

HB 1451

2009

444 s. 320.01(42), on any road under the jurisdiction of a county or
 445 municipality or on an urban minor arterial road under the
 446 jurisdiction of the Department of Transportation as defined in
 447 ~~s. 334.03(15) or (33)~~, is authorized with the following
 448 restrictions:

449 (1) A low-speed vehicle may be operated only on streets
 450 where the posted speed limit is 35 miles per hour or less. This
 451 does not prohibit a low-speed vehicle from crossing a road or
 452 street at an intersection where the road or street has a posted
 453 speed limit of more than 35 miles per hour.

454 (2) A low-speed vehicle must be equipped with headlamps,
 455 stop lamps, turn signal lamps, taillamps, reflex reflectors,
 456 parking brakes, rearview mirrors, windshields, seat belts, and
 457 vehicle identification numbers.

458 (3) A low-speed vehicle must be registered and insured in
 459 accordance with s. 320.02.

460 (4) Any person operating a low-speed vehicle must have in
 461 his or her possession a valid driver's license.

462 (5) A county or municipality may prohibit the operation of
 463 low-speed vehicles on any road under its jurisdiction if the
 464 governing body of the county or municipality determines that
 465 such prohibition is necessary in the interest of safety.

466 (6) The Department of Transportation may prohibit the
 467 operation of low-speed vehicles on any road under its
 468 jurisdiction if it determines that such prohibition is necessary
 469 in the interest of safety.

470 Section 9. Paragraph (c) of subsection (5) of section
 471 316.515, Florida Statutes, is amended to read:

472 316.515 Maximum width, height, length.--

473 (5) IMPLEMENTS OF HUSBANDRY AND FARM EQUIPMENT;
 474 AGRICULTURAL TRAILERS; FORESTRY EQUIPMENT; SAFETY
 475 REQUIREMENTS.--

476 (c) The width and height limitations of this section do
 477 not apply to farming or agricultural equipment, whether self-
 478 propelled, pulled, or hauled, when temporarily operated during
 479 daylight hours upon a public road that is not a limited access
 480 facility as defined in s. 334.03(11)~~(13)~~, and the width and
 481 height limitations may be exceeded by such equipment without a
 482 permit. To be eligible for this exemption, the equipment shall
 483 be operated within a radius of 50 miles of the real property
 484 owned, rented, or leased by the equipment owner. However,
 485 equipment being delivered by a dealer to a purchaser is not
 486 subject to the 50-mile limitation. Farming or agricultural
 487 equipment greater than 174 inches in width must have one warning
 488 lamp mounted on each side of the equipment to denote the width
 489 and must have a slow-moving vehicle sign. Warning lamps required
 490 by this paragraph must be visible from the front and rear of the
 491 vehicle and must be visible from a distance of at least 1,000
 492 feet.

493 Section 10. Paragraph (b) of subsection (7) of section
 494 332.14, Florida Statutes, is amended to read:

495 332.14 Secure Airports for Florida's Economy Council.--

496 (7) The SAFE council may utilize, as appropriate and with
 497 legislative spending authorization, any federal, state, and
 498 local government contributions as well as private donations to
 499 fund SAFE Master Plan projects.

HB 1451

2009

500 (b) The council shall review and approve or disapprove
501 each project eligible to be funded pursuant to this act. The
502 council shall annually submit a list of projects which have been
503 approved by the council to the Secretary of Transportation, the
504 Secretary of Community Affairs, the executive director of the
505 Department of Law Enforcement, and the director of the Office of
506 Tourism, Trade, and Economic Development. The list shall specify
507 the recommended funding level for each project, and, if staged
508 implementation of the project is appropriate, the funding
509 requirements for each stage shall be specified.

510 1. The Department of Community Affairs shall review the
511 list of projects approved by the council to determine
512 consistency with approved local government comprehensive plans
513 of the units of local government in which the airport is located
514 and consistency with the airport master plan. The Department of
515 Community Affairs shall identify and notify the council of those
516 projects which are not consistent, to the maximum extent
517 feasible, with such comprehensive plans and airport master
518 plans.

519 2. The Department of Transportation shall review the list
520 of projects approved by the council for consistency with the
521 Florida Transportation Plan and the department's adopted work
522 program. In evaluating the consistency of a project, the
523 department shall determine whether the transportation impact of
524 the proposed project is adequately handled by existing state-
525 owned transportation facilities or by the construction of
526 additional state-owned transportation facilities as identified
527 in the Florida Transportation Plan and the department's adopted

HB 1451

2009

528 work program. In reviewing for consistency a transportation
529 facility project as defined in s. 334.03 (28) ~~(31)~~ which is not
530 otherwise part of the department's work program, the department
531 shall evaluate whether the project is needed to provide for
532 projected movement of cargo or passengers from the airport to a
533 state transportation facility or local road. If the project is
534 needed to provide for projected movement of cargo or passengers,
535 the project shall be approved for consistency as a consideration
536 to facilitate the economic development and growth of the state
537 in a timely manner. The department shall identify those projects
538 which are inconsistent with the Florida Transportation Plan and
539 the adopted work program and shall notify the council of
540 projects found to be inconsistent.

541 3. The Office of Tourism, Trade, and Economic Development,
542 in consultation with Enterprise Florida, Inc., shall review the
543 list of projects approved by the council to evaluate the
544 economic benefit of the project and to determine whether the
545 project is consistent with the SAFE Master Plan. The Office of
546 Tourism, Trade, and Economic Development shall review the
547 economic benefits of each project based upon the rules adopted
548 pursuant to paragraph (a). The Office of Tourism, Trade, and
549 Economic Development shall identify those projects which it has
550 determined do not offer an economic benefit to the state or are
551 not consistent with the SAFE Master Plan and shall notify the
552 council of its findings.

553 4. The Department of Law Enforcement shall review the list
554 of projects approved by the council for consistency with
555 domestic security provisions of ss. 943.03101, 943.0311, and

HB 1451

2009

556 943.0312. The Department of Law Enforcement shall identify those
 557 projects that it has determined are inconsistent with the
 558 state's strategic plan for domestic security and shall notify
 559 the council of its findings.

560 Section 11. Section 336.01, Florida Statutes, is amended
 561 to read:

562 336.01 Designation of county road system.--The county road
 563 system shall be as defined in s. 334.03(6)~~(8)~~.

564 Section 12. Subsection (2) of section 338.222, Florida
 565 Statutes, is amended to read:

566 338.222 Department of Transportation sole governmental
 567 entity to acquire, construct, or operate turnpike projects;
 568 exception.--

569 (2) The department may contract with any local
 570 governmental entity as defined in s. 334.03(12)~~(14)~~ for the
 571 design, right-of-way acquisition, or construction of any
 572 turnpike project which the Legislature has approved. Local
 573 governmental entities may negotiate with the department for the
 574 design, right-of-way acquisition, and construction of any
 575 section of the turnpike project within areas of their respective
 576 jurisdictions or within counties with which they have interlocal
 577 agreements.

578 Section 13. Paragraph (a) of subsection (2) of section
 579 403.7211, Florida Statutes, is amended to read:

580 403.7211 Hazardous waste facilities managing hazardous
 581 wastes generated offsite; federal facilities managing hazardous
 582 waste.--

583 (2) The department shall not issue any permit under s.
 584 403.722 for the construction, initial operation, or substantial
 585 modification of a facility for the disposal, storage, or
 586 treatment of hazardous waste generated offsite which is proposed
 587 to be located in any of the following locations:

588 (a) Any area where life-threatening concentrations of
 589 hazardous substances could accumulate at any residence or
 590 residential subdivision as the result of a catastrophic event at
 591 the proposed facility, unless each such residence or residential
 592 subdivision is served by at least one arterial road or urban
 593 minor arterial road that, ~~as defined in s. 334.03, which~~
 594 provides safe and direct egress by land to an area where such
 595 life-threatening concentrations of hazardous substances could
 596 not accumulate in a catastrophic event. Egress by any road
 597 leading from any residence or residential subdivision to any
 598 point located within 1,000 yards of the proposed facility is
 599 unsafe for the purposes of this paragraph. In determining
 600 whether egress proposed by the applicant is safe and direct, the
 601 department shall also consider, at a minimum, the following
 602 factors:

603 1. Natural barriers such as water bodies, and whether any
 604 road in the proposed evacuation route is impaired by a natural
 605 barrier such as a water body;

606 2. Potential exposure during egress and potential
 607 increases in the duration of exposure;

608 3. Whether any road in a proposed evacuation route passes
 609 in close proximity to the facility; and

610 4. Whether any portion of the evacuation route is
 611 inherently directed toward the facility.
 612
 613 For the purposes of this subsection, all distances shall be
 614 measured from the outer limit of the active hazardous waste
 615 management area. "Substantial modification" includes: any
 616 physical change in, change in the operations of, or addition to
 617 a facility which could increase the potential offsite impact, or
 618 risk of impact, from a release at that facility; and any change
 619 in permit conditions which is reasonably expected to lead to
 620 greater potential impacts or risks of impacts, from a release at
 621 that facility. "Substantial modification" does not include a
 622 change in operations, structures, or permit conditions which
 623 does not substantially increase either the potential impact
 624 from, or the risk of, a release. Physical or operational changes
 625 to a facility related solely to the management of nonhazardous
 626 waste at the facility shall not be considered a substantial
 627 modification. The department shall, by rule, adopt criteria to
 628 determine whether a facility has been substantially modified.
 629 "Initial operation" means the initial commencement of operations
 630 at the facility.

631 Section 14. Subsection (24) of section 479.01, Florida
 632 Statutes, is amended to read:

633 479.01 Definitions.--As used in this chapter, the term:
 634 (24) "Urban area" has the same meaning as defined in s.
 635 334.03 (29) ~~(32)~~.

636 Section 15. This act shall take effect July 1, 2009.