

1                   A bill to be entitled  
2           An act relating to transportation; amending s. 163.3180,  
3           F.S., relating to transportation concurrency; providing  
4           for evaluating whether certain necessary transportation  
5           facilities will be in place or under actual construction  
6           within a required timeframe; providing that certain  
7           projects or high-performance transit systems be considered  
8           as committed facilities; revising an exception to  
9           transportation concurrency requirements to provide for  
10          hangars used for assembly and manufacture of aircraft;  
11          exempting certain housing developments from concurrency  
12          requirements; revising provisions for a development of  
13          regional impact to satisfy specified concurrency  
14          requirements by paying a proportionate-share contribution  
15          for traffic impacts; providing that the cost of certain  
16          improvements shall be credited against a development of  
17          regional impact's proportionate-share contribution;  
18          requiring local government agreements relating to funding  
19          regional transportation impacts under certain  
20          circumstances; defining the term "backlog" as it applies  
21          to the impacts of development on transportation  
22          facilities; conforming a cross-reference; amending s.  
23          380.06, F.S., relating to developments of regional impact;  
24          revising provisions for preapplication procedures for  
25          development approval; requiring the level-of-service  
26          standards in the transportation methodology applied to a  
27          development of regional impact to be the same level-of-  
28          service standards used to evaluate concurrency under

29 | specified provisions; amending ss. 316.1001, 320.03, and  
30 | 338.155, F.S.; providing that failure to pay a toll may be  
31 | punished by the withholding of license plates and  
32 | revalidation stickers; providing procedures for  
33 | enforcement; amending s. 322.27, F.S.; exempting  
34 | violations of specified requirements to pay a toll from  
35 | the Department of Highway Safety and Motor Vehicles' point  
36 | system for evaluation of violations of motor vehicle laws  
37 | and ordinances; amending s. 316.29545, F.S.; excluding  
38 | vehicles owned or leased by private investigative services  
39 | from specified provisions restricting window sunscreening  
40 | when such vehicle is used in specified activities;  
41 | amending s. 316.515, F.S.; revising a limitation on the  
42 | length of certain trailers issued a special permit by the  
43 | department to deliver manufactured buildings; amending s.  
44 | 316.535, F.S.; requiring specified scale tolerances to be  
45 | applied to weight limits for vehicles on highways that are  
46 | not in the Interstate Highway System; amending s. 316.545,  
47 | F.S.; providing for a reduction in the gross weight of  
48 | certain vehicles equipped with idle-reduction technologies  
49 | when calculating a penalty for exceeding maximum weight  
50 | limits; requiring the operator to provide certification of  
51 | the weight of the idle-reduction technology and to  
52 | demonstrate or certify that the idle-reduction technology  
53 | is fully functional at all times; amending s. 334.03,  
54 | F.S.; revising definitions relating to the Florida  
55 | Transportation Code; amending s. 334.044, F.S.; revising  
56 | powers and duties of the Department of Transportation;

57 removing duty to assign jurisdictional responsibility and  
58 to designate existing facilities as part of the State  
59 Highway System; amending s. 334.047, F.S.; removing a  
60 provision prohibiting the department from establishing a  
61 maximum number of miles of urban principal arterial roads  
62 within a district or county; creating s. 336.445, F.S.;  
63 authorizing counties to enter into agreements with private  
64 entities for the building, operation, ownership, or  
65 financing of toll facilities; requiring public  
66 declaration; requiring a public hearing; requiring county  
67 to make certain determinations prior to awarding a  
68 project; providing requirements for an agreement; amending  
69 s. 337.0261, F.S.; recognizing that construction aggregate  
70 materials mining is an industry of critical importance and  
71 that the mining of construction aggregate materials is in  
72 the public interest; amending s. 337.401, F.S.; revising  
73 provisions for rules of the department that provide for  
74 the placement of and access to certain electrical  
75 transmission lines on the right-of-way of department-  
76 controlled roads; authorizing the rules to include that  
77 the use of the limited access right-of-way for  
78 longitudinal placement of such transmission lines is  
79 reasonable based upon consideration of certain economic  
80 and environmental factors; amending s. 339.2816, F.S.,  
81 relating to the Small County Road Assistance Program;  
82 providing for resumption of certain funding for the  
83 program; revising criteria for program eligibility;  
84 revising criteria for prioritization of projects; amending

85 s. 339.2818, F.S., relating to the Small County Outreach  
86 Program; revising the purpose of the program to include  
87 certain project types; amending s. 339.64, F.S., relating  
88 to the Strategic Intermodal System Plan; removing  
89 provisions for the Statewide Intermodal Transportation  
90 Advisory Council; amending s. 348.51, F.S.; revising the  
91 definition of the terms "bonds" and "expressway system" in  
92 reference to the Tampa-Hillsborough County Expressway  
93 Authority Law; amending s. 348.53, F.S.; providing that  
94 the authority is to benefit the Tampa Bay Region;  
95 providing that the purpose of the authority includes  
96 transit support facilities; amending s. 348.54, F.S.;  
97 authorizing the Tampa-Hillsborough County Expressway  
98 Authority to make and issue notes, refunding bonds, and  
99 other evidences of indebtedness or obligations for  
100 specified purposes relating to the expressway system;  
101 prohibiting the authority from pledging the credit or  
102 taxing power of the state; providing that the authority's  
103 obligations are not obligations of the state, a political  
104 subdivision, or an agency; providing that the state, a  
105 political subdivision, or an agency is not liable for the  
106 payment of the principal or interest on the authority's  
107 obligations; amending s. 348.545, F.S.; authorizing costs  
108 of authority improvements to be financed by bonds issued  
109 on behalf of the authority pursuant to the State Bond Act  
110 or bonds issued by the authority under specified  
111 provisions; amending s. 348.56, F.S.; authorizing bonds to  
112 be issued on behalf of the authority pursuant to the State

113 Bond Act or issued by the authority under specified  
114 provisions; revising requirements for such bonds;  
115 requiring the bonds to be sold at public sale; authorizing  
116 the authority to negotiate the sale of bonds with  
117 underwriters under certain circumstances; amending s.  
118 348.565, F.S.; providing that facilities of the expressway  
119 system are approved to be refinanced by the revenue bonds  
120 issued by the Division of Bond Finance of the State Board  
121 of Administration and the State Bond Act or by revenue  
122 bonds issued by the authority; providing that certain  
123 projects of the authority are approved for financing or  
124 refinancing by revenue bonds; providing an additional  
125 project type where the authority may use revenue bonds;  
126 amending s. 348.57, F.S.; authorizing the authority to  
127 provide for the issuance of certain bonds for the  
128 refunding of bonds outstanding regardless of whether the  
129 bonds being refunded were issued by the authority or on  
130 behalf of the authority; amending s. 348.70, F.S.;

131 providing that the Tampa-Hillsborough County Expressway  
132 Authority Law does not repeal, rescind, or modify any  
133 other laws; providing that such law supersedes laws that  
134 are inconsistent with the provisions of that law; amending  
135 s. 369.317, F.S., relating to Wekiva Parkway; providing  
136 that the use of certain lands as environmental mitigation  
137 for road-construction-related impacts incurred by certain  
138 entities satisfies specified cumulative impact  
139 requirements; amending s. 705.18, F.S.; removing  
140 provisions for disposal of personal property lost or

141 | abandoned at certain public-use airports; creating s.  
142 | 705.182, F.S.; providing for disposal of personal property  
143 | found on premises owned or controlled by the operator of a  
144 | public-use airport; providing a timeframe for the property  
145 | to be claimed; providing options for disposing of such  
146 | personal property; providing procedures for selling  
147 | abandoned personal property; providing for notice of sale;  
148 | permitting airport tenants to establish lost and found  
149 | procedures; providing that purchaser holds title to the  
150 | property free of the rights of persons then holding any  
151 | legal or equitable interest thereto; creating s. 705.183,  
152 | F.S.; providing for disposition of derelict or abandoned  
153 | aircraft on the premises of public-use airports; providing  
154 | procedures for such disposition; requiring a record of  
155 | when the aircraft is found; defining the terms "derelict  
156 | aircraft" and "abandoned aircraft"; providing for  
157 | notification of aircraft owner and all persons having an  
158 | equitable or legal interest in the aircraft; providing for  
159 | notice if the owner of the aircraft is unknown or cannot  
160 | be found; providing for disposition if the aircraft is not  
161 | removed upon payment of required fees; requiring any sale  
162 | of the aircraft to be at a public auction; providing  
163 | notice requirements for such public auction; providing  
164 | procedures for disposal of the aircraft; providing for  
165 | liability if charges and costs related to the disposition  
166 | are more than that obtained from the sale; providing for a  
167 | lien by the airport for fees and charges; providing for  
168 | notice of lien; requiring the filing of a claim of lien;

169 providing for the form of the claim of lien; providing for  
170 service of the claim of lien; providing that the purchaser  
171 of the aircraft takes the property free of rights of  
172 persons holding legal or equitable interest in the  
173 aircraft; requiring purchaser or recipient to notify the  
174 Federal Aviation Administration of change in ownership;  
175 providing for disposition of moneys received for an  
176 aircraft sold at public sale; authorizing the airport to  
177 issue documents relating to the aircraft's disposal;  
178 creating s. 705.184, F.S.; providing for disposition of  
179 derelict or abandoned motor vehicles on the premises of  
180 public-use airports; providing procedures; requiring  
181 recording of the abandoned motor vehicle; defining the  
182 terms "derelict motor vehicle" and "abandoned motor  
183 vehicle"; providing for removal of such motor vehicle from  
184 airport premises; providing for notice to the owner, the  
185 company insuring the motor vehicle, and any lienholder;  
186 providing for disposition if the motor vehicle is not  
187 removed upon payment of required fees; requiring any sale  
188 of the motor vehicle to be at a public auction; providing  
189 notice requirements for such public auction; providing  
190 procedures for disposal of the motor vehicle; providing  
191 for liability if charges and costs related to the  
192 disposition are more than that obtained from the sale;  
193 providing for a lien by the airport or a licensed  
194 independent wrecker for fees and charges; providing for  
195 notice of lien; requiring the filing of a claim of lien;  
196 providing for the form of the claim of lien; providing for

197 service of claim of lien; providing that the purchaser of  
198 the motor vehicle takes the property free of the rights of  
199 persons holding legal or equitable interest in the motor  
200 vehicle; amending ss. 288.063, 311.07, 311.09, 316.2122,  
201 316.515, 332.14, 336.01, 338.222, 403.7211, and 479.01,  
202 F.S.; correcting cross-references; conforming provisions  
203 to changes made by the act; designating "Drowsy Driving  
204 Prevention Week"; encouraging the Department of Highway  
205 Safety and Motor Vehicles and the Department of  
206 Transportation to educate the law enforcement community  
207 and the public about the relationship between fatigue and  
208 driving performance; authorizing the Northwest Florida  
209 Regional Transportation Planning Organization to conduct a  
210 study on advancing funds for certain construction  
211 projects; authorizing the Department of Transportation to  
212 assist with the study; requiring results of the study to  
213 be provided to the Governor, the Legislature, and certain  
214 entities; providing principles for the study; providing  
215 for content of the study; providing for legislative  
216 authorization prior to implementation of the study;  
217 providing an effective date.

218  
219 Be It Enacted by the Legislature of the State of Florida:

220  
221 Section 1. Paragraph (c) of subsection (2), paragraphs (b)  
222 and (c) of subsection (4), and subsection (12) of section  
223 163.3180, Florida Statutes, are amended, and paragraph (i) is  
224 added to subsection (16) of that section, to read:



225 | 163.3180 Concurrency.--

226 | (2)

227 | (c) Consistent with the public welfare, and except as  
 228 | otherwise provided in this section, transportation facilities  
 229 | needed to serve new development shall be in place or under  
 230 | actual construction within 3 years after the local government  
 231 | approves a building permit or its functional equivalent that  
 232 | results in traffic generation. In evaluating whether such  
 233 | transportation facilities will be in place or under actual  
 234 | construction, the following shall be considered a committed  
 235 | facility:

236 | 1. A project that is included in the first 3 years of a  
 237 | local government's adopted capital improvements plan;

238 | 2. A project that is included in the first 3 years of the  
 239 | Department of Transportation's adopted work program; or

240 | 3. A high-performance transit system that serves multiple  
 241 | municipalities, connects to an existing rail system, and is  
 242 | included in a county's or the Department of Transportation's  
 243 | long-range transportation plan.

244 | (4)

245 | (b) The concurrency requirement as implemented in local  
 246 | comprehensive plans does not apply to public transit facilities.  
 247 | For the purposes of this paragraph, public transit facilities  
 248 | include transit stations and terminals; transit station parking;  
 249 | park-and-ride lots; intermodal public transit connection or  
 250 | transfer facilities; fixed bus, guideway, and rail stations; and  
 251 | airport passenger terminals and concourses, air cargo  
 252 | facilities, and hangars for the assembly, manufacture,

253 maintenance, or storage of aircraft. As used in this paragraph,  
 254 the terms "terminals" and "transit facilities" do not include  
 255 seaports or commercial or residential development constructed in  
 256 conjunction with a public transit facility.

257 (c) The concurrency requirement, except as it relates to  
 258 transportation facilities and public schools, as implemented in  
 259 local government comprehensive plans, may be waived by a local  
 260 government for urban infill and redevelopment areas designated  
 261 pursuant to s. 163.2517 if such a waiver does not endanger  
 262 public health or safety as defined by the local government in  
 263 its local government comprehensive plan. The waiver shall be  
 264 adopted as a plan amendment pursuant to the process set forth in  
 265 s. 163.3187(3) (a). A local government may grant a concurrency  
 266 exception pursuant to subsection (5) for transportation  
 267 facilities located within these urban infill and redevelopment  
 268 areas. Affordable housing developments that serve residents who  
 269 have incomes at or below 60 percent of the area median income  
 270 and are proposed to be located on arterial roadways that have  
 271 public transit available are exempt from transportation  
 272 concurrency requirements.

273 (12) (a) A development of regional impact satisfies ~~may~~  
 274 ~~satisfy~~ the transportation concurrency requirements of the local  
 275 comprehensive plan, the local government's concurrency  
 276 management system, and s. 380.06 by paying ~~payment of~~ a  
 277 proportionate-share contribution for local and regionally  
 278 significant traffic impacts, if:

279 1. (a) The development of regional impact which, based on  
 280 its location or mix of land uses, is designed to encourage

281 pedestrian or other nonautomotive modes of transportation;  
 282 2.(b) The proportionate-share contribution for local and  
 283 regionally significant traffic impacts is sufficient to pay for  
 284 one or more ~~required~~ mobility improvements that will benefit the  
 285 network of a regionally significant transportation facilities  
 286 facility;

287 3.(e) The owner and developer of the development of  
 288 regional impact pays or assures payment of the proportionate-  
 289 share contribution to the local government having jurisdiction  
 290 over the development of regional impact; and

291 4.(d) If the regionally significant transportation  
 292 facility to be constructed or improved is under the maintenance  
 293 authority of a governmental entity, as defined by s.  
 294 334.03 (10) ~~(12)~~, other than the local government with  
 295 jurisdiction over the development of regional impact, the local  
 296 government having jurisdiction over the development of regional  
 297 impact must ~~developer is required to~~ enter into a binding and  
 298 legally enforceable commitment to transfer funds to the  
 299 governmental entity having maintenance authority or to otherwise  
 300 assure construction or improvement of a the facility reasonably  
 301 related to the mobility demands created by the development.

302 (b) As used in this subsection, the term "backlog" means a  
 303 facility or facilities on which the adopted level-of-service  
 304 standard is exceeded by the existing trips, plus additional  
 305 projected background trips from any source other than the  
 306 development project under review that are forecast by  
 307 established traffic standards, including traffic modeling,  
 308 consistent with the University of Florida Bureau of Economic and

309 Business Research medium population projections. Additional  
310 projected background trips are to be coincident with the  
311 particular stage or phase of development under review.

312 (c) The proportionate-share contribution may be applied to  
313 any transportation facility to satisfy the provisions of this  
314 subsection and the local comprehensive plan, but, for the  
315 purposes of this subsection, the amount of the proportionate-  
316 share contribution shall be calculated based upon the cumulative  
317 number of trips from the proposed development expected to reach  
318 roadways during the peak hour from the complete buildout of a  
319 stage or phase being approved, divided by the change in the peak  
320 hour maximum service volume of roadways resulting from  
321 construction of an improvement necessary to maintain the adopted  
322 level of service, multiplied by the construction cost, at the  
323 time of developer payment, of the improvement necessary to  
324 maintain the adopted level of service. For purposes of this  
325 subsection, "construction cost" includes all associated costs of  
326 the improvement. The cost of any improvements made to a  
327 regionally significant transportation facility that is  
328 constructed by the owner or developer of the development of  
329 regional impact, including the costs associated with  
330 accommodating a transit facility within the development of  
331 regional impact which is in a county's or the Department of  
332 Transportation's long-range transportation plan, shall be  
333 credited against a development of regional impact's  
334 proportionate-share contribution. Proportionate-share mitigation  
335 shall be limited to ensure that a development of regional impact  
336 meeting the requirements of this subsection mitigates its impact

337 on the transportation system but is not responsible for the  
 338 additional cost of reducing or eliminating backlogs. This  
 339 subsection also applies to Florida Quality Developments pursuant  
 340 to s. 380.061 and to detailed specific area plans implementing  
 341 optional sector plans pursuant to s. 163.3245.

342 (16) It is the intent of the Legislature to provide a  
 343 method by which the impacts of development on transportation  
 344 facilities can be mitigated by the cooperative efforts of the  
 345 public and private sectors. The methodology used to calculate  
 346 proportionate fair-share mitigation under this section shall be  
 347 as provided for in subsection (12).

348 (i) As used in this subsection, the term "backlog" means a  
 349 facility or facilities on which the adopted level-of-service  
 350 standard is exceeded by the existing trips, plus additional  
 351 projected background trips from any source other than the  
 352 development project under review that are forecast by  
 353 established traffic standards, including traffic modeling,  
 354 consistent with the University of Florida Bureau of Economic and  
 355 Business Research medium population projections. Additional  
 356 projected background trips are to be coincident with the  
 357 particular stage or phase of development under review.

358 Section 2. Paragraph (a) of subsection (7) of section  
 359 380.06, Florida Statutes, is amended to read:

360 380.06 Developments of regional impact.--

361 (7) PREAPPLICATION PROCEDURES.--

362 (a) Before filing an application for development approval,  
 363 the developer shall contact the regional planning agency with  
 364 jurisdiction over the proposed development to arrange a

365 preapplication conference. Upon the request of the developer or  
 366 the regional planning agency, other affected state and regional  
 367 agencies shall participate in this conference and shall identify  
 368 the types of permits issued by the agencies, the level of  
 369 information required, and the permit issuance procedures as  
 370 applied to the proposed development. The level-of-service  
 371 standards required in the transportation methodology must be the  
 372 same level-of-service standards used to evaluate concurrency in  
 373 accordance with s. 163.3180. The regional planning agency shall  
 374 provide ~~the developer~~ information to the developer about the  
 375 development-of-regional-impact process and the use of  
 376 preapplication conferences to identify issues, coordinate  
 377 appropriate state and local agency requirements, and otherwise  
 378 promote a proper and efficient review of the proposed  
 379 development. If an agreement is reached regarding assumptions  
 380 and methodology to be used in the application for development  
 381 approval, the reviewing agencies may not subsequently object to  
 382 those assumptions and methodologies unless subsequent changes to  
 383 the project or information obtained during the review make those  
 384 assumptions and methodologies inappropriate.

385 Section 3. Subsections (1) and (4) of section 316.1001,  
 386 Florida Statutes, are amended to read:

387 316.1001 Payment of toll on toll facilities required;  
 388 penalties.--

389 (1) A person may not use any toll facility without payment  
 390 of tolls, except as provided in s. 338.155. Failure to pay a  
 391 prescribed toll is a noncriminal traffic infraction, punishable  
 392 as a moving violation under chapter 318 or by the withholding of

393 a license plate or revalidation sticker for any motor vehicle  
 394 pursuant to s. 320.03(8).

395 (4) Any governmental entity, including, without  
 396 limitation, a clerk of court, may supply the department with  
 397 data that is machine readable by the department's computer  
 398 system, listing persons who have one or more outstanding  
 399 violations of this section, with reference to the person's  
 400 driver's license number or license plate number in the case of a  
 401 business entity. Pursuant to s. 320.03(8), the department and  
 402 its authorized agents may not issue ~~those persons may not be~~  
 403 ~~issued~~ a license plate or revalidation sticker for any motor  
 404 vehicle owned by a person whose name appears on the department's  
 405 list of persons having any outstanding violations of this  
 406 section until the person's name no longer appears on the list or  
 407 until the person presents a receipt from the governmental entity  
 408 or clerk showing that all applicable amounts owed on outstanding  
 409 violations have been paid.

410 Section 4. Subsection (8) of section 320.03, Florida  
 411 Statutes, is amended to read:

412 320.03 Registration; duties of tax collectors;  
 413 International Registration Plan.--

414 (8) If the applicant's name appears on the list referred  
 415 to in s. 316.1001(4), s. 316.1967(6), or s. 713.78(13), a  
 416 license plate or revalidation sticker may not be issued until  
 417 that person's name no longer appears on the list or until the  
 418 person presents a receipt from the governmental entity that  
 419 supplied the list or the clerk of court showing that the fines  
 420 outstanding have been paid. This subsection does not apply to

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421 the owner of a leased vehicle if the vehicle is registered in  
422 the name of the lessee of the vehicle. The tax collector and the  
423 clerk of the court are each entitled to receive monthly, as  
424 costs for implementing and administering this subsection, 10  
425 percent of the civil penalties and fines recovered from such  
426 persons. As used in this subsection, the term "civil penalties  
427 and fines" does not include a wrecker operator's lien as  
428 described in s. 713.78(13). If the tax collector has private tag  
429 agents, such tag agents are entitled to receive a pro rata share  
430 of the amount paid to the tax collector, based upon the  
431 percentage of license plates and revalidation stickers issued by  
432 the tag agent compared to the total issued within the county.  
433 The authority of any private agent to issue license plates shall  
434 be revoked, after notice and a hearing as provided in chapter  
435 120, if he or she issues any license plate or revalidation  
436 sticker contrary to the provisions of this subsection. This  
437 section applies only to the annual renewal in the owner's birth  
438 month of a motor vehicle registration and does not apply to the  
439 transfer of a registration of a motor vehicle sold by a motor  
440 vehicle dealer licensed under this chapter, except for the  
441 transfer of registrations which is inclusive of the annual  
442 renewals. This section does not affect the issuance of the title  
443 to a motor vehicle, notwithstanding s. 319.23(7)(b).

444 Section 5. Paragraph (d) of subsection (3) of section  
445 322.27, Florida Statutes, is amended to read:

446 322.27 Authority of department to suspend or revoke  
447 license.--

448 (3) There is established a point system for evaluation of



449 | convictions of violations of motor vehicle laws or ordinances,  
 450 | and violations of applicable provisions of s. 403.413(6) (b) when  
 451 | such violations involve the use of motor vehicles, for the  
 452 | determination of the continuing qualification of any person to  
 453 | operate a motor vehicle. The department is authorized to suspend  
 454 | the license of any person upon showing of its records or other  
 455 | good and sufficient evidence that the licensee has been  
 456 | convicted of violation of motor vehicle laws or ordinances, or  
 457 | applicable provisions of s. 403.413(6) (b), amounting to 12 or  
 458 | more points as determined by the point system. The suspension  
 459 | shall be for a period of not more than 1 year.

460 | (d) The point system shall have as its basic element a  
 461 | graduated scale of points assigning relative values to  
 462 | convictions of the following violations:

- 463 | 1. Reckless driving, willful and wanton--4 points.
- 464 | 2. Leaving the scene of a crash resulting in property  
 465 | damage of more than \$50--6 points.
- 466 | 3. Unlawful speed resulting in a crash--6 points.
- 467 | 4. Passing a stopped school bus--4 points.
- 468 | 5. Unlawful speed:
  - 469 | a. Not in excess of 15 miles per hour of lawful or posted  
 470 | speed--3 points.
  - 471 | b. In excess of 15 miles per hour of lawful or posted  
 472 | speed--4 points.
- 473 | 6. A violation of a traffic control signal device as  
 474 | provided in s. 316.074(1) or s. 316.075(1) (c)1.--4 points.
- 475 | 7. All other moving violations (including parking on a  
 476 | highway outside the limits of a municipality)--3 points.

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477 However, no points shall be imposed for a violation of s.  
478 316.0741, s. 316.1001, or s. 316.2065(12).

479 8. Any moving violation covered above, excluding unlawful  
480 speed, resulting in a crash--4 points.

481 9. Any conviction under s. 403.413(6)(b)--3 points.

482 10. Any conviction under s. 316.0775(2)--4 points.

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

485 338.155 Payment of toll on toll facilities required;  
486 exemptions.--

487 (1) No persons are permitted to use any toll facility  
488 without payment of tolls, except employees of the agency  
489 operating the toll project when using the toll facility on  
490 official state business, state military personnel while on  
491 official military business, handicapped persons as provided in  
492 this section, persons exempt from toll payment by the  
493 authorizing resolution for bonds issued to finance the facility,  
494 and persons exempt on a temporary basis where use of such toll  
495 facility is required as a detour route. Any law enforcement  
496 officer operating a marked official vehicle is exempt from toll  
497 payment when on official law enforcement business. Any person  
498 operating a fire vehicle when on official business or a rescue  
499 vehicle when on official business is exempt from toll payment.  
500 Any person participating in the funeral procession of a law  
501 enforcement officer or firefighter killed in the line of duty is  
502 exempt from toll payment. The secretary, or the secretary's  
503 designee, may suspend the payment of tolls on a toll facility  
504 when necessary to assist in emergency evacuation. The failure to

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505 pay a prescribed toll constitutes a noncriminal traffic  
 506 infraction, punishable as a moving violation pursuant to s.  
 507 318.18 or by the withholding of a license plate or revalidation  
 508 sticker for any motor vehicle pursuant to s. 320.03(8). The  
 509 department is authorized to adopt rules relating to guaranteed  
 510 toll accounts.

511 Section 7. Subsection (3) of section 316.29545, Florida  
 512 Statutes, is renumbered as subsection (4), and a new subsection  
 513 (3) is added to that section to read:

514 316.29545 Window sunscreening exclusions; medical  
 515 exemption; certain law enforcement vehicles and private  
 516 investigative service vehicles exempt.--

517 (3) The department shall exempt from the window  
 518 sunscreening restrictions of ss. 316.2953, 316.2954, and  
 519 316.2956 vehicles owned or leased by private investigative  
 520 agencies licensed under chapter 493 and used in homeland  
 521 security functions on behalf of federal, state, or local  
 522 authorities; executive protection activities; undercover,  
 523 covert, or surveillance operations involving child abductions,  
 524 convicted sex offenders, insurance fraud, or missing persons or  
 525 property; or investigative activities in which evidence is being  
 526 obtained for civil or criminal court proceedings.

527 Section 8. Subsection (14) of section 316.515, Florida  
 528 Statutes, is amended to read:

529 316.515 Maximum width, height, length.--

530 (14) MANUFACTURED BUILDINGS.--The Department of  
 531 Transportation may, in its discretion and upon application and  
 532 good cause shown therefor that the same is not contrary to the

533 public interest, issue a special permit for truck tractor-  
 534 semitrailer combinations if ~~where~~ the total number of overwidth  
 535 deliveries of manufactured buildings, as defined in s.  
 536 553.36(13), may be reduced by permitting the use of multiple  
 537 sections or single units on an overlength trailer of no more  
 538 than 80 ~~54~~ feet.

539 Section 9. Subsection (5) of section 316.535, Florida  
 540 Statutes, is amended to read:

541 316.535 Maximum weights.--

542 (5) With respect to those highways not in the Interstate  
 543 Highway System, in all cases in which it exceeds state law in  
 544 effect on January 4, 1975, the overall gross weight on the  
 545 vehicle or combination of vehicles, ~~including all enforcement~~  
 546 ~~tolerances~~, shall be as determined by the following formula:

547  
 548 
$$W = 500((LN \div (N-1)) + 12N + 36)$$

549  
 550 where W = overall gross weight of the vehicle to the nearest 500  
 551 pounds; L = distance in feet between the extreme of the external  
 552 axles; and N = number of axles on the vehicle. However, such  
 553 overall gross weight of any vehicle or combination of vehicles  
 554 may not exceed 80,000 pounds ~~including all enforcement~~  
 555 ~~tolerances~~. The scale tolerance provided in s. 316.545(2) shall  
 556 be applicable to all weight limitations of this subsection.  
 557 Except when a vehicle exceeds the posted weight limit on a  
 558 bridge, fines for violations of the total gross weight  
 559 limitations provided for in this subsection shall be based on  
 560 the amount by which the actual weight of the vehicle and load

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561 exceeds the allowable maximum weight determined under this  
562 subsection plus the scale tolerance provided in s. 316.545(2).

563 Section 10. Subsection (3) of section 316.545, Florida  
564 Statutes, is amended to read:

565 316.545 Weight and load unlawful; special fuel and motor  
566 fuel tax enforcement; inspection; penalty; review.--

567 (3) Any person who violates the overloading provisions of  
568 this chapter shall be conclusively presumed to have damaged the  
569 highways of this state by reason of such overloading, which  
570 damage is hereby fixed as follows:

571 (a) When the excess weight is 200 pounds or less than the  
572 maximum herein provided, the penalty shall be \$10;

573 (b) Five cents per pound for each pound of weight in  
574 excess of the maximum herein provided when the excess weight  
575 exceeds 200 pounds. However, whenever the gross weight of the  
576 vehicle or combination of vehicles does not exceed the maximum  
577 allowable gross weight, the maximum fine for the first 600  
578 pounds of unlawful axle weight shall be \$10;

579 (c) For a vehicle equipped with fully functional idle-  
580 reduction technology, any penalty shall be calculated by  
581 reducing the actual gross vehicle weight or the internal bridge  
582 weight by the certified weight of the idle-reduction technology  
583 or by 400 pounds, whichever is less. The vehicle operator must  
584 present written certification of the weight of the idle-  
585 reduction technology and must demonstrate or certify that the  
586 idle-reduction technology is fully functional at all times. This  
587 calculation is not allowed for vehicles described in s.  
588 316.535(6);

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589        (d)~~(e)~~ An apportioned motor vehicle, as defined in s.  
 590 320.01, operating on the highways of this state without being  
 591 properly licensed and registered shall be subject to the  
 592 penalties as herein provided; and

593        (e)~~(d)~~ Vehicles operating on the highways of this state  
 594 from nonmember International Registration Plan jurisdictions  
 595 which are not in compliance with the provisions of s. 316.605  
 596 shall be subject to the penalties as herein provided.

597        Section 11. Section 334.03, Florida Statutes, is amended  
 598 to read:

599        334.03 Definitions.--When used in the Florida  
 600 Transportation Code, the term:

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

606        (1)~~(2)~~ "Bridge" means a structure, including supports,  
 607 erected over a depression or an obstruction, such as water or a  
 608 highway or railway, and having a track or passageway for  
 609 carrying traffic as defined in chapter 316 or other moving  
 610 loads.

611        (2)~~(3)~~ "City street system" means all local roads within a  
 612 municipality which were under the jurisdiction of that  
 613 municipality on June 10, 1995, roads constructed by a  
 614 municipality for that municipality's street system, and roads  
 615 transferred to the municipality's jurisdiction after that date  
 616 by mutual consent with another governmental entity, but does not

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617 include roads so transferred from the municipality's  
618 jurisdiction, ~~and all collector roads inside that municipality,~~  
619 ~~which are not in the county road system.~~

620 ~~(4) "Collector road" means a route providing service which~~  
621 ~~is of relatively moderate average traffic volume, moderately~~  
622 ~~average trip length, and moderately average operating speed.~~  
623 ~~Such a route also collects and distributes traffic between local~~  
624 ~~roads or arterial roads and serves as a linkage between land~~  
625 ~~access and mobility needs.~~

626 ~~(3)(5)~~ "Commissioners" means the governing body of a  
627 county.

628 ~~(4)(6)~~ "Consolidated metropolitan statistical area" means  
629 two or more metropolitan statistical areas that are socially and  
630 economically interrelated as defined by the United States Bureau  
631 of the Census.

632 ~~(5)(7)~~ "Controlled access facility" means a street or  
633 highway to which the right of access is highly regulated by the  
634 governmental entity having jurisdiction over the facility in  
635 order to maximize the operational efficiency and safety of the  
636 high-volume through traffic utilizing the facility. Owners or  
637 occupants of abutting lands and other persons have a right of  
638 access to or from such facility at such points only and in such  
639 manner as may be determined by the governmental entity.

640 ~~(6)(8)~~ "County road system" means all roads within a  
641 county which were under the jurisdiction of that county on June  
642 10, 1995, roads constructed by a county for that county's road  
643 system, and roads transferred to the county's jurisdiction after  
644 that date by mutual consent with another governmental entity,

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645 but does not include roads so transferred from the county's  
646 jurisdiction ~~collector roads in the unincorporated areas of a~~  
647 ~~county and all extensions of such collector roads into and~~  
648 ~~through any incorporated areas, all local roads in the~~  
649 ~~unincorporated areas, and all urban minor arterial roads not in~~  
650 ~~the State Highway System.~~

651 (7)~~(9)~~ "Department" means the Department of  
652 Transportation.

653 (8)~~(10)~~ "Florida Intrastate Highway System" means a system  
654 of limited access and controlled access facilities on the State  
655 Highway System which have the capacity to provide high-speed and  
656 high-volume traffic movements in an efficient and safe manner.

657 (9)~~(11)~~ "Functional classification" means the assignment  
658 of roads into systems according to the character of service they  
659 provide in relation to the total road network using procedures  
660 developed by the Federal Highway Administration. ~~Basic~~  
661 ~~functional categories include arterial roads, collector roads,~~  
662 ~~and local roads which may be subdivided into principal, major,~~  
663 ~~or minor levels. These levels may be additionally divided into~~  
664 ~~rural and urban categories.~~

665 (10)~~(12)~~ "Governmental entity" means a unit of government,  
666 or any officially designated public agency or authority of a  
667 unit of government, that has the responsibility for planning,  
668 construction, operation, or maintenance or jurisdiction over  
669 transportation facilities; the term includes the Federal  
670 Government, the state government, a county, an incorporated  
671 municipality, a metropolitan planning organization, an  
672 expressway or transportation authority, a road and bridge



673 district, a special road and bridge district, and a regional  
 674 governmental unit.

675 (11)~~(13)~~ "Limited access facility" means a street or  
 676 highway especially designed for through traffic, and over, from,  
 677 or to which owners or occupants of abutting land or other  
 678 persons have no right or easement of access, light, air, or view  
 679 by reason of the fact that their property abuts upon such  
 680 limited access facility or for any other reason. Such highways  
 681 or streets may be facilities from which trucks, buses, and other  
 682 commercial vehicles are excluded; or they may be facilities open  
 683 to use by all customary forms of street and highway traffic.

684 (12)~~(14)~~ "Local governmental entity" means a unit of  
 685 government with less than statewide jurisdiction, or any  
 686 officially designated public agency or authority of such a unit  
 687 of government, that has the responsibility for planning,  
 688 construction, operation, or maintenance of, or jurisdiction  
 689 over, a transportation facility; the term includes, but is not  
 690 limited to, a county, an incorporated municipality, a  
 691 metropolitan planning organization, an expressway or  
 692 transportation authority, a road and bridge district, a special  
 693 road and bridge district, and a regional governmental unit.

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

698 (13)~~(16)~~ "Metropolitan area" means a geographic region  
 699 comprising as a minimum the existing urbanized area and the  
 700 contiguous area projected to become urbanized within a 20-year

701 forecast period. The boundaries of a metropolitan area may be  
 702 designated so as to encompass a metropolitan statistical area or  
 703 a consolidated metropolitan statistical area. If a metropolitan  
 704 area, or any part thereof, is located within a nonattainment  
 705 area, the boundaries of the metropolitan area must be designated  
 706 so as to include the boundaries of the entire nonattainment  
 707 area, unless otherwise provided by agreement between the  
 708 applicable metropolitan planning organization and the Governor.

709 (14)~~(17)~~ "Metropolitan statistical area" means an area  
 710 that includes a municipality of 50,000 persons or more, or an  
 711 urbanized area of at least 50,000 persons as defined by the  
 712 United States Bureau of the Census, provided that the component  
 713 county or counties have a total population of at least 100,000.

714 (15)~~(18)~~ "Nonattainment area" means an area designated by  
 715 the United States Environmental Protection Agency, pursuant to  
 716 federal law, as exceeding national primary or secondary ambient  
 717 air quality standards for the pollutants carbon monoxide or  
 718 ozone.

719 (16)~~(19)~~ "Periodic maintenance" means activities that are  
 720 large in scope and require a major work effort to restore  
 721 deteriorated components of the transportation system to a safe  
 722 and serviceable condition, including, but not limited to, the  
 723 repair of large bridge structures, major repairs to bridges and  
 724 bridge systems, and the mineral sealing of lengthy sections of  
 725 roadway.

726 (17)~~(20)~~ "Person" means any person described in s. 1.01 or  
 727 any unit of government in or outside the state.

728 (18)~~(21)~~ "Right of access" means the right of ingress to a

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729 highway from abutting land and egress from a highway to abutting  
730 land.

731 ~~(19)-(22)~~ "Right-of-way" means land in which the state, the  
732 department, a county, or a municipality owns the fee or has an  
733 easement devoted to or required for use as a transportation  
734 facility.

735 ~~(20)-(23)~~ "Road" means a way open to travel by the public,  
736 including, but not limited to, a street, highway, or alley. The  
737 term includes associated sidewalks, the roadbed, the right-of-  
738 way, and all culverts, drains, sluices, ditches, water storage  
739 areas, waterways, embankments, slopes, retaining walls, bridges,  
740 tunnels, and viaducts necessary for the maintenance of travel  
741 and all ferries used in connection therewith.

742 ~~(21)-(24)~~ "Routine maintenance" means minor repairs and  
743 associated tasks necessary to maintain a safe and efficient  
744 transportation system. The term includes: pavement patching;  
745 shoulder repair; cleaning and repair of drainage ditches,  
746 traffic signs, and structures; mowing; bridge inspection and  
747 maintenance; pavement striping; litter cleanup; and other  
748 similar activities.

749 ~~(22)-(25)~~ "State Highway System" means the ~~following, which~~  
750 ~~shall be facilities to which access is regulated:~~

751 ~~(a)~~ The interstate system and all other roads within the  
752 state which were under the jurisdiction of the state on June 10,  
753 1995, roads constructed by an agency of the state for the State  
754 Highway System, and roads transferred to the state's  
755 jurisdiction after that date by mutual consent with another  
756 governmental entity, but does not include roads so transferred

757 from the state's jurisdiction. These facilities shall be  
758 facilities to which access is regulated.‡

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

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

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

765  
766 ~~However, not less than 2 percent of the public road mileage of~~  
767 ~~each urbanized area on record as of June 30, 1986, shall be~~  
768 ~~included as minor arterials in the State Highway System.~~

769 ~~Urbanized areas not meeting the foregoing minimum requirement~~  
770 ~~shall have transferred to the State Highway System additional~~  
771 ~~minor arterials of the highest significance in which case the~~  
772 ~~total minor arterials in the State Highway System from any~~  
773 ~~urbanized area shall not exceed 2.5 percent of that area's total~~  
774 ~~public urban road mileage.~~

775 ~~(23)-(26)~~ (23) "State Park Road System" means roads embraced  
776 within the boundaries of state parks and state roads leading to  
777 state parks, other than roads of the State Highway System, the  
778 county road systems, or the city street systems.

779 ~~(24)-(27)~~ (24) "State road" means a street, road, highway, or  
780 other way open to travel by the public generally and dedicated  
781 to the public use according to law or by prescription and  
782 designated by the department, as provided by law, as part of the  
783 State Highway System.

784 ~~(25)-(28)~~ (25) "Structure" means a bridge, viaduct, tunnel,

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785 causeway, approach, ferry slip, culvert, toll plaza, gate, or  
 786 other similar facility used in connection with a transportation  
 787 facility.

788 (26)~~(29)~~ "Sufficiency rating" means the objective rating  
 789 of a road or section of a road for the purpose of determining  
 790 its capability to serve properly the actual or anticipated  
 791 volume of traffic using the road.

792 (27)~~(30)~~ "Transportation corridor" means any land area  
 793 designated by the state, a county, or a municipality which is  
 794 between two geographic points and which area is used or suitable  
 795 for the movement of people and goods by one or more modes of  
 796 transportation, including areas necessary for management of  
 797 access and securing applicable approvals and permits.

798 Transportation corridors shall contain, but are not limited to,  
 799 the following:

800 (a) Existing publicly owned rights-of-way;

801 (b) All property or property interests necessary for  
 802 future transportation facilities, including rights of access,  
 803 air, view, and light, whether public or private, for the purpose  
 804 of securing and utilizing future transportation rights-of-way,  
 805 including, but not limited to, any lands reasonably necessary  
 806 now or in the future for securing applicable approvals and  
 807 permits, borrow pits, drainage ditches, water retention areas,  
 808 rest areas, replacement access for landowners whose access could  
 809 be impaired due to the construction of a future facility, and  
 810 replacement rights-of-way for relocation of rail and utility  
 811 facilities.

812 (28)~~(31)~~ "Transportation facility" means any means for the

813 transportation of people or property from place to place which  
 814 is constructed, operated, or maintained in whole or in part from  
 815 public funds. The term includes the property or property rights,  
 816 both real and personal, which have been or may be established by  
 817 public bodies for the transportation of people or property from  
 818 place to place.

819 (29)~~(32)~~ "Urban area" means a geographic region comprising  
 820 as a minimum the area inside the United States Bureau of the  
 821 Census boundary of an urban place with a population of 5,000 or  
 822 more persons, expanded to include adjacent developed areas as  
 823 provided for by Federal Highway Administration regulations.

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

830 (30)~~(34)~~ "Urban place" means a geographic region composed  
 831 of one or more contiguous census tracts that have been found by  
 832 the United States Bureau of the Census to contain a population  
 833 density of at least 1,000 persons per square mile.

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

840 (31)~~(36)~~ "Urbanized area" means a geographic region

841 comprising as a minimum the area inside an urban place of 50,000  
 842 or more persons, as designated by the United States Bureau of  
 843 the Census, expanded to include adjacent developed areas as  
 844 provided for by Federal Highway Administration regulations.  
 845 Urban areas with a population of fewer than 50,000 persons which  
 846 are located within the expanded boundary of an urbanized area  
 847 are not separately recognized.

848 (32)~~(37)~~ "511" or "511 services" means three-digit  
 849 telecommunications dialing to access interactive voice response  
 850 telephone traveler information services provided in the state as  
 851 defined by the Federal Communications Commission in FCC Order  
 852 No. 00-256, July 31, 2000.

853 (33)~~(38)~~ "Interactive voice response" means a software  
 854 application that accepts a combination of voice telephone input  
 855 and touch-tone keypad selection and provides appropriate  
 856 responses in the form of voice, fax, callback, e-mail, and other  
 857 media.

858 Section 12. Subsections (11) and (13) of section 334.044,  
 859 Florida Statutes, are amended to read:

860 334.044 Department; powers and duties.--The department  
 861 shall have the following general powers and duties:

862 (11) To establish a numbering system for public roads and~~7~~  
 863 to functionally classify such roads, ~~and to assign~~  
 864 ~~jurisdictional responsibility.~~

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

868 Section 13. Section 334.047, Florida Statutes, is amended

869 to read:

870 334.047 Prohibition.--Notwithstanding any other provision  
 871 of law to the contrary, the Department of Transportation may not  
 872 establish a cap on the number of miles in the State Highway  
 873 System ~~or a maximum number of miles of urban principal arterial~~  
 874 ~~roads, as defined in s. 334.03, within a district or county.~~

875 Section 14. Section 336.445, Florida Statutes, is created  
 876 to read:

877 336.445 Public-private partnerships with counties.--

878 (1) Notwithstanding any other provision of law or  
 879 ordinance, a county may enter into agreements with private  
 880 entities, or a consortia thereof, for the building, operation,  
 881 ownership, or financing of toll facilities as part of the county  
 882 road system under the following circumstances:

883 (a) The county has publically declared at a properly  
 884 noticed commission meeting the need for a toll facility and a  
 885 desire to contract with a private entity for the building,  
 886 operation, ownership, or financing of a toll facility; and

887 (b) The county establishes after a public hearing that the  
 888 proposal includes unique benefits and that adoption of the  
 889 project is not contrary to the interest of the public.

890 (2) Before awarding the project to a private entity, the  
 891 county must determine that the proposed project:

892 (a) Is not contrary to the public's interest;

893 (b) Would not require state funds to be used;

894 (c) Would have adequate safeguards in place to ensure that  
 895 no additional costs or service disruptions would be realized by  
 896 the travelling public in the event of default or cancellation of



897 the agreement by the county; and

898 (d) Would have adequate safeguards in place to ensure that  
 899 the county or the private entity has the opportunity to add  
 900 capacity to the proposed project and other transportation  
 901 facilities serving similar origins and destinations.

902 (3) Any agreement between a county and a private entity,  
 903 or consortia thereof, must address the following:

904 (a) Regulations governing the future increase of toll or  
 905 fare revenues; and

906 (b) That the private entity shall provide an investment  
 907 grade traffic and revenue study prepared by an internationally  
 908 recognized traffic and revenue expert that is accepted by the  
 909 national bond rating agencies. The private entity shall also  
 910 provide a finance plan than identifies the project cost,  
 911 revenues by source, financing, major assumptions, internal rate  
 912 of return on private investment, whether any government funds  
 913 are assumed to deliver a cost-feasible project, and a total cash  
 914 flow analysis beginning with the implementation of the project  
 915 and extending for the term of the agreement.

916 Section 15. Subsection (2) of section 337.0261, Florida  
 917 Statutes, is amended to read:

918 337.0261 Construction aggregate materials.--

919 (2) LEGISLATIVE INTENT.--The Legislature finds that there  
 920 is a strategic and critical need for an available supply of  
 921 construction aggregate materials within the state and that a  
 922 disruption of the supply would cause a significant detriment to  
 923 the state's construction industry, transportation system, and  
 924 overall health, safety, and welfare. In addition, the

925 Legislature recognizes that construction aggregate materials  
 926 mining is an industry of critical importance to the state and  
 927 that the mining of construction aggregate materials is in the  
 928 public interest.

929 Section 16. Subsection (1) of section 337.401, Florida  
 930 Statutes, is amended to read:

931 337.401 Use of right-of-way for utilities subject to  
 932 regulation; permit; fees.--

933 (1) (a) The department and local governmental entities,  
 934 referred to in ss. 337.401-337.404 as the "authority," that have  
 935 jurisdiction and control of public roads or publicly owned rail  
 936 corridors are authorized to prescribe and enforce reasonable  
 937 rules or regulations with reference to the placing and  
 938 maintaining along, across, or on any road or publicly owned rail  
 939 corridors under their respective jurisdictions any electric  
 940 transmission, telephone, telegraph, or other communications  
 941 services lines; pole lines; poles; railways; ditches; sewers;  
 942 water, heat, or gas mains; pipelines; fences; gasoline tanks and  
 943 pumps; or other structures referred to in this section as the  
 944 "utility." ~~For aerial and underground electric utility~~  
 945 ~~transmission lines designed to operate at 69 or more kilovolts~~  
 946 ~~that are needed to accommodate the additional electrical~~  
 947 ~~transfer capacity on the transmission grid resulting from new~~  
 948 ~~base-load generating facilities, where there is no other~~  
 949 ~~practicable alternative available for placement of the electric~~  
 950 ~~utility transmission lines on the department's rights-of-way,~~  
 951 ~~the department's rules shall provide for placement of and access~~  
 952 ~~to such transmission lines adjacent to and within the right-of-~~

953 ~~way of any department-controlled public roads, including~~  
954 ~~longitudinally within limited access facilities to the greatest~~  
955 ~~extent allowed by federal law, if compliance with the standards~~  
956 ~~established by such rules is achieved. Such rules may include,~~  
957 ~~but need not be limited to, that the use of the right-of-way is~~  
958 ~~reasonable based upon a consideration of economic and~~  
959 ~~environmental factors, including, without limitation, other~~  
960 ~~practicable alternative alignments, utility corridors and~~  
961 ~~easements, impacts on adjacent property owners, and minimum~~  
962 ~~clear zones and other safety standards, and further provide that~~  
963 ~~placement of the electric utility transmission lines within the~~  
964 ~~department's right-of-way does not interfere with operational~~  
965 ~~requirements of the transportation facility or planned or~~  
966 ~~potential future expansion of such transportation facility. If~~  
967 ~~the department approves longitudinal placement of electric~~  
968 ~~utility transmission lines in limited access facilities,~~  
969 ~~compensation for the use of the right-of-way is required. Such~~  
970 ~~consideration or compensation paid by the electric utility in~~  
971 ~~connection with the department's issuance of a permit does not~~  
972 ~~create any property right in the department's property~~  
973 ~~regardless of the amount of consideration paid or the~~  
974 ~~improvements constructed on the property by the utility. Upon~~  
975 ~~notice by the department that the property is needed for~~  
976 ~~expansion or improvement of the transportation facility, the~~  
977 ~~electric utility transmission line will relocate from the~~  
978 ~~facility at the electric utility's sole expense. The electric~~  
979 ~~utility shall pay to the department reasonable damages resulting~~  
980 ~~from the utility's failure or refusal to timely relocate its~~

981 ~~transmission lines. The rules to be adopted by the department~~  
982 ~~may also address the compensation methodology and relocation. As~~  
983 ~~used in this subsection, the term "base-load generating~~  
984 ~~facilities" means electric power plants that are certified under~~  
985 ~~part II of chapter 403. The department may enter into a permit-~~  
986 ~~delegation agreement with a governmental entity if issuance of a~~  
987 ~~permit is based on requirements that the department finds will~~  
988 ~~ensure the safety and integrity of facilities of the Department~~  
989 ~~of Transportation; however, the permit-delegation agreement does~~  
990 ~~not apply to facilities of electric utilities as defined in s.~~  
991 ~~366.02(2).~~

992 (b) For aerial and underground electric utility  
993 transmission lines designed to operate at 69 or more kilovolts  
994 that are needed to accommodate the additional electrical  
995 transfer capacity on the transmission grid resulting from new  
996 base-load generating facilities, the department's rules shall  
997 provide for placement of and access to such transmission lines  
998 adjacent to and within the right-of-way of any department-  
999 controlled public roads, including longitudinally within limited  
1000 access facilities where there is no other practicable  
1001 alternative available, to the greatest extent allowed by federal  
1002 law, if compliance with the standards established by such rules  
1003 is achieved. Such rules may include, but need not be limited to,  
1004 that the use of the limited access right-of-way for longitudinal  
1005 placement of electric utility transmission lines is reasonable  
1006 based upon a consideration of economic and environmental  
1007 factors, including, without limitation, other practicable  
1008 alternative alignments, utility corridors and easements, impacts

1009 on adjacent property owners, and minimum clear zones and other  
 1010 safety standards, and further provide that placement of the  
 1011 electric utility transmission lines within the department's  
 1012 right-of-way does not interfere with operational requirements of  
 1013 the transportation facility or planned or potential future  
 1014 expansion of such transportation facility. If the department  
 1015 approves longitudinal placement of electric utility transmission  
 1016 lines in limited access facilities, compensation for the use of  
 1017 the right-of-way is required. Such consideration or compensation  
 1018 paid by the electric utility in connection with the department's  
 1019 issuance of a permit does not create any property right in the  
 1020 department's property regardless of the amount of consideration  
 1021 paid or the improvements constructed on the property by the  
 1022 utility. Upon notice by the department that the property is  
 1023 needed for expansion or improvement of the transportation  
 1024 facility, the electric utility transmission line will relocate  
 1025 at the electric utility's sole expense. The electric utility  
 1026 shall pay to the department reasonable damages resulting from  
 1027 the utility's failure or refusal to timely relocate its  
 1028 transmission lines. The rules to be adopted by the department  
 1029 may also address the compensation methodology and relocation. As  
 1030 used in this subsection, the term "base-load generating  
 1031 facilities" means electric power plants that are certified under  
 1032 part II of chapter 403.

1033 Section 17. Subsection (3) and paragraphs (b) and (c) of  
 1034 subsection (4) of section 339.2816, Florida Statutes, are  
 1035 amended to read:

1036 339.2816 Small County Road Assistance Program.--

1037 (3) Beginning with fiscal year 1999-2000 until fiscal year  
 1038 2009-2010, and beginning again with fiscal year 2012-2013, up to  
 1039 \$25 million annually from the State Transportation Trust Fund  
 1040 may be used for the purposes of funding the Small County Road  
 1041 Assistance Program as described in this section.

1042 (4)

1043 (b) In determining a county's eligibility for assistance  
 1044 under this program, the department may consider whether the  
 1045 county has attempted to keep county roads in satisfactory  
 1046 condition, including the amount of local option fuel tax ~~and ad~~  
 1047 ~~valorem millage rate~~ imposed by the county. The department may  
 1048 also consider the extent to which the county has offered to  
 1049 provide a match of local funds with state funds provided under  
 1050 the program. At a minimum, small counties shall be eligible only  
 1051 if:

1052 ~~1. the county has enacted the maximum rate of the local~~  
 1053 ~~option fuel tax authorized by s. 336.025(1) (a) .7, and has imposed~~  
 1054 ~~an ad valorem millage rate of at least 8 mills; or~~

1055 ~~2. The county has imposed an ad valorem millage rate of 10~~  
 1056 ~~mills.~~

1057 (c) The following criteria shall be used to prioritize  
 1058 road projects for funding under the program:

1059 1. The primary criterion is the physical condition of the  
 1060 road as measured by the department.

1061 2. As secondary criteria the department may consider:

1062 a. Whether a road is used as an evacuation route.

1063 b. Whether a road has high levels of agricultural travel.

1064 c. Whether a road is considered a major arterial route.

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d. Whether a road is considered a feeder road.

e. Whether a road is located in a fiscally constrained county as defined in s. 218.67(1).

~~f.e.~~ Other criteria related to the impact of a project on the public road system or on the state or local economy as determined by the department.

Section 18. Subsection (1) of section 339.2818, Florida Statutes, is amended to read:

339.2818 Small County Outreach Program.--

(1) There is created within the Department of Transportation the Small County Outreach Program. The purpose of this program is to assist small county governments in repairing or rehabilitating county bridges, paving unpaved roads, addressing road-related drainage improvements, resurfacing or reconstructing county roads, or ~~in~~ constructing capacity or safety improvements to county roads.

Section 19. Subsections (1), (2), and (5) of section 339.64, Florida Statutes, are amended to read:

339.64 Strategic Intermodal System Plan.--

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

(2) In association with the continued development of the

1093 Strategic Intermodal System Plan, the Florida Transportation  
 1094 Commission, as part of its work program review process, shall  
 1095 conduct an annual assessment of the progress that the department  
 1096 and its transportation partners have made in realizing the goals  
 1097 of economic development, improved mobility, and increased  
 1098 intermodal connectivity of the Strategic Intermodal System. The  
 1099 Florida Transportation Commission shall coordinate with the  
 1100 department, ~~the Statewide Intermodal Transportation Advisory~~  
 1101 ~~Council,~~ and other appropriate entities when developing this  
 1102 assessment. The Florida Transportation Commission shall deliver  
 1103 a report to the Governor and Legislature no later than 14 days  
 1104 after the regular session begins, with recommendations as  
 1105 necessary to fully implement the Strategic Intermodal System.

1106 ~~(5) STATEWIDE INTERMODAL TRANSPORTATION ADVISORY~~  
 1107 ~~COUNCIL.~~

1108 ~~(a) The Statewide Intermodal Transportation Advisory~~  
 1109 ~~Council is created to advise and make recommendations to the~~  
 1110 ~~Legislature and the department on policies, planning, and~~  
 1111 ~~funding of intermodal transportation projects. The council's~~  
 1112 ~~responsibilities shall include:~~

1113 ~~1. Advising the department on the policies, planning, and~~  
 1114 ~~implementation of strategies related to intermodal~~  
 1115 ~~transportation.~~

1116 ~~2. Providing advice and recommendations to the Legislature~~  
 1117 ~~on funding for projects to move goods and people in the most~~  
 1118 ~~efficient and effective manner for the State of Florida.~~

1119 ~~(b) MEMBERSHIP. Members of the Statewide Intermodal~~  
 1120 ~~Transportation Advisory Council shall consist of the following:~~



1121 ~~1. Six intermodal industry representatives selected by the~~  
 1122 ~~Governor as follows:~~

1123 ~~a. One representative from an airport involved in the~~  
 1124 ~~movement of freight and people from their airport facility to~~  
 1125 ~~another transportation mode.~~

1126 ~~b. One individual representing a fixed route, local-~~  
 1127 ~~government transit system.~~

1128 ~~e. One representative from an intercity bus company~~  
 1129 ~~providing regularly scheduled bus travel as determined by~~  
 1130 ~~federal regulations.~~

1131 ~~d. One representative from a spaceport.~~

1132 ~~e. One representative from intermodal trucking companies.~~

1133 ~~f. One representative having command responsibilities of a~~  
 1134 ~~major military installation.~~

1135 ~~2. Three intermodal industry representatives selected by~~  
 1136 ~~the President of the Senate as follows:~~

1137 ~~a. One representative from major line railroads.~~

1138 ~~b. One representative from seaports listed in s. 311.09(1)~~  
 1139 ~~from the Atlantic Coast.~~

1140 ~~e. One representative from an airport involved in the~~  
 1141 ~~movement of freight and people from their airport facility to~~  
 1142 ~~another transportation mode.~~

1143 ~~3. Three intermodal industry representatives selected by~~  
 1144 ~~the Speaker of the House of Representatives as follows:~~

1145 ~~a. One representative from short line railroads.~~

1146 ~~b. One representative from seaports listed in s. 311.09(1)~~  
 1147 ~~from the Gulf Coast.~~

1148 ~~e. One representative from intermodal trucking companies.~~

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1149 ~~In no event may this representative be employed by the same~~  
1150 ~~company that employs the intermodal trucking company~~  
1151 ~~representative selected by the Governor.~~

1152 ~~(c) Initial appointments to the council must be made no~~  
1153 ~~later than 30 days after the effective date of this section.~~

1154 ~~1. The initial appointments made by the President of the~~  
1155 ~~Senate and the Speaker of the House of Representatives shall~~  
1156 ~~serve terms concurrent with those of the respective appointing~~  
1157 ~~officer. Beginning January 15, 2005, and for all subsequent~~  
1158 ~~appointments, council members appointed by the President of the~~  
1159 ~~Senate and the Speaker of the House of Representatives shall~~  
1160 ~~serve 2-year terms, concurrent with the term of the respective~~  
1161 ~~appointing officer.~~

1162 ~~2. The initial appointees, and all subsequent appointees,~~  
1163 ~~made by the Governor shall serve 2-year terms.~~

1164 ~~3. Vacancies on the council shall be filled in the same~~  
1165 ~~manner as the initial appointments.~~

1166 ~~(d) Each member of the council shall be allowed one vote.~~  
1167 ~~The council shall select a chair from among its membership.~~  
1168 ~~Meetings shall be held at the call of the chair, but not less~~  
1169 ~~frequently than quarterly. The members of the council shall be~~  
1170 ~~reimbursed for per diem and travel expenses as provided in s.~~  
1171 ~~112.061.~~

1172 ~~(e) The department shall provide administrative staff~~  
1173 ~~support and shall ensure that council meetings are~~  
1174 ~~electronically recorded. Such recordings and all documents~~  
1175 ~~received, prepared for, or used by the council in conducting its~~  
1176 ~~business shall be preserved pursuant to chapters 119 and 257.~~

1177 Section 20. Subsections (3) and (7) of section 348.51,  
 1178 Florida Statutes, are amended to read:

1179 348.51 Definitions.--The following terms whenever used or  
 1180 referred to in this part shall have the following meanings,  
 1181 except in those instances where the context clearly indicates  
 1182 otherwise:

1183 (3) "Bonds" means and includes the notes, bonds, refunding  
 1184 bonds, or other evidences of indebtedness or obligations, in  
 1185 either temporary or definitive form, which of the authority is  
 1186 authorized to issue ~~issued~~ pursuant to this part.

1187 (7) "Expressway system" or "system" means, generally, a  
 1188 modern highway system of roads, managed lanes, and other transit  
 1189 supporting facilities, bridges, causeways, and tunnels in the  
 1190 metropolitan area of the city, or within any area of the county,  
 1191 including the Tampa Bay Region as defined by those counties set  
 1192 forth in s. 343.91(1)(a), with access limited or unlimited as  
 1193 the authority may determine, and such buildings and structures  
 1194 and appurtenances and facilities related thereto, including all  
 1195 approaches, streets, roads, bridges, and avenues of access for  
 1196 such system.

1197 Section 21. Section 348.53, Florida Statutes, is amended  
 1198 to read:

1199 348.53 Purposes of the authority.--The authority is  
 1200 created for the purposes and shall have power to construct,  
 1201 reconstruct, improve, extend, repair, maintain and operate the  
 1202 expressway system. It is hereby found and declared that such  
 1203 purposes are in all respects for the benefit of the people of  
 1204 the State of Florida, City of Tampa, and ~~the~~ County of

1205 Hillsborough, and Tampa Bay Region, for the increase of their  
 1206 pleasure, convenience and welfare, for the improvement of their  
 1207 health, to facilitate transportation, including transit support  
 1208 facilities, for their recreation and commerce and for the common  
 1209 defense. The authority shall be performing a public purpose and  
 1210 a governmental function in carrying out its corporate purpose  
 1211 and in exercising the powers granted herein.

1212 Section 22. Subsections (7) and (8) of section 348.54,  
 1213 Florida Statutes, are amended to read:

1214 348.54 Powers of the authority.--Except as otherwise  
 1215 limited herein, the authority shall have the power:

1216 (7) To borrow money and to make and issue negotiable  
 1217 bonds, notes, refunding bonds, and other evidences of  
 1218 indebtedness or obligations, either in temporary or definitive  
 1219 form, hereinafter in this chapter referred to as "bonds of the  
 1220 authority," for the purpose of financing all or part of the  
 1221 improvement or extension of the expressway system, and  
 1222 appurtenant facilities, including all approaches, streets,  
 1223 roads, bridges, and avenues of access for the expressway system  
 1224 and for any other purpose authorized by this part and to provide  
 1225 for the rights of the holders thereof.

1226 (8) To secure the payment of bonds by a pledge of all or  
 1227 any portion of the revenues or such other moneys legally  
 1228 available therefor and of all or any portion of the Hillsborough  
 1229 County gasoline tax funds in the manner provided by this part;  
 1230 and in general to provide for the security of the bonds and the  
 1231 rights and remedies of the holders thereof. Interest upon the  
 1232 amount of gasoline tax funds to be repaid to the county pursuant

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1233 to s. 348.60 shall be payable, at the highest rate applicable to  
 1234 any outstanding bonds of the authority, out of revenues and  
 1235 other available moneys not required to meet the authority's  
 1236 obligations to its bondholders. The authority shall have no  
 1237 power at any time or in any manner to pledge the credit or  
 1238 taxing power of the state or any political subdivision or  
 1239 agency, including the city and the county, nor shall any of the  
 1240 authority's obligations be deemed to be obligations of the state  
 1241 or of any political subdivision or agency, nor shall the state  
 1242 or any political subdivision or agency, except the authority, be  
 1243 liable for the payment of the principal of or interest on such  
 1244 obligations.

1245 Section 23. Section 348.545, Florida Statutes, is amended  
 1246 to read:

1247 348.545 Facility improvement; bond financing  
 1248 authority.--Pursuant to s. 11(f), Art. VII of the State  
 1249 Constitution, the Legislature hereby approves for bond financing  
 1250 by the Tampa-Hillsborough County Expressway Authority  
 1251 improvements to toll collection facilities, interchanges to the  
 1252 legislatively approved expressway system, and any other facility  
 1253 appurtenant, necessary, or incidental to the approved system.  
 1254 Subject to terms and conditions of applicable revenue bond  
 1255 resolutions and covenants, such costs ~~financing~~ may be financed  
 1256 in whole or in part by revenue bonds issued pursuant to s.  
 1257 348.56(1)(a) or (b) whether currently issued or issued in the  
 1258 future, or by a combination of such bonds.

1259 Section 24. Subsections (1) and (2) of section 348.56,  
 1260 Florida Statutes, are amended to read:

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1261 348.56 Bonds of the authority.--

1262 (1) (a) Bonds may be issued on behalf of the authority  
 1263 pursuant to the State Bond Act.

1264 (b) Alternatively, the authority shall have the power and  
 1265 is hereby authorized from time to time to issue bonds in such  
 1266 principal amount as, in the opinion of the authority, shall be  
 1267 necessary to provide sufficient moneys for achieving its  
 1268 corporate purposes, including construction, reconstruction,  
 1269 improvement, extension, repair, maintenance and operation of the  
 1270 expressway system, the cost of acquisition of all real property,  
 1271 interest on bonds during construction and for a reasonable  
 1272 period thereafter, establishment of reserves to secure bonds,  
 1273 and all other expenditures of the authority incident to and  
 1274 necessary or convenient to carry out its corporate purposes and  
 1275 powers.

1276 (2) (a) Bonds issued by the authority pursuant to paragraph  
 1277 (1) (a) or paragraph (1) (b) shall be authorized by resolution of  
 1278 the members of the authority and shall bear such date or dates,  
 1279 mature at such time or times, not exceeding 40 years from their  
 1280 respective dates, bear interest at such rate or rates, not  
 1281 exceeding the maximum rate fixed by general law for authorities,  
 1282 be in such denominations, be in such form, either coupon or  
 1283 fully registered, carry such registration, exchangeability and  
 1284 interchangeability privileges, be payable in such medium of  
 1285 payment and at such place or places, be subject to such terms of  
 1286 redemption and be entitled to such priorities of lien on the  
 1287 revenues, other available moneys, and the Hillsborough County  
 1288 gasoline tax funds as such resolution or any resolution

1289 subsequent thereto may provide. The bonds shall be executed  
 1290 either by manual or facsimile signature by such officers as the  
 1291 authority shall determine, provided that such bonds shall bear  
 1292 at least one signature which is manually executed thereon. The  
 1293 coupons attached to such bonds shall bear the facsimile  
 1294 signature or signatures of such officer or officers as shall be  
 1295 designated by the authority. Such bonds shall have the seal of  
 1296 the authority affixed, imprinted, reproduced, or lithographed  
 1297 thereon.

1298 (b) The bonds issued pursuant to paragraph (1) (a) or  
 1299 paragraph (1) (b) shall be sold at public sale in the same manner  
 1300 provided in the State Bond Act, and the net interest cost to the  
 1301 authority on such bonds shall not exceed the maximum rate fixed  
 1302 by general law for authorities. If all bids received on the  
 1303 public sale are rejected, the authority may then proceed to  
 1304 negotiate for the sale of the bonds at a net interest cost which  
 1305 shall be less than the lowest net interest cost stated in the  
 1306 bids rejected at the public sale. However, if the authority  
 1307 determines, by official action at a public meeting, that a  
 1308 negotiated sale of such bonds is in the best interest of the  
 1309 authority, the authority may negotiate the sale of such bonds  
 1310 with the underwriter or underwriters designated by the authority  
 1311 and the Division of Bond Finance within the State Board of  
 1312 Administration with respect to bonds issued pursuant to  
 1313 paragraph (1) (a) or solely by the authority with respect to  
 1314 bonds issued pursuant to paragraph (1) (b). The authority's  
 1315 determination to negotiate the sale of such bonds may be based,  
 1316 in part, upon the written advice of the authority's financial

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1317 adviser. Pending the preparation of definitive bonds, temporary  
 1318 bonds or interim certificates may be issued to the purchaser or  
 1319 purchasers of such bonds and may contain such terms and  
 1320 conditions as the authority may determine.

1321 Section 25. Section 348.565, Florida Statutes, is amended  
 1322 to read:

1323 348.565 Revenue bonds for specified projects.--The  
 1324 existing facilities that constitute the Tampa-Hillsborough  
 1325 County Expressway System are hereby approved to be refinanced by  
 1326 ~~the issuance of~~ revenue bonds issued by the Division of Bond  
 1327 Finance of the State Board of Administration pursuant to s.  
 1328 11(f), Art. VII of the State Constitution and the State Bond  
 1329 Act, or by revenue bonds issued by the authority pursuant to s.  
 1330 348.56(1)(b). In addition, the following projects of the Tampa-  
 1331 Hillsborough County Expressway Authority are approved to be  
 1332 financed or refinanced by the issuance of revenue bonds in  
 1333 accordance with this part and ~~pursuant to~~ s. 11(f), Art. VII of  
 1334 the State Constitution:

- 1335 (1) Brandon area feeder roads.
- 1336 (2) Capital improvements to the expressway system,  
 1337 including safety and operational improvements and toll  
 1338 collection equipment.
- 1339 (3) Lee Roy Selmon Crosstown Expressway System widening.
- 1340 (4) The connector highway linking the Lee Roy Selmon  
 1341 Crosstown Expressway to Interstate 4.
- 1342 (5) Managed lanes and other transit support facilities.

1343 Section 26. Subsection (1) of section 348.57, Florida  
 1344 Statutes, is amended to read:



1345 348.57 Refunding bonds.--

1346 (1) Subject to public notice as provided in s. 348.54, the  
 1347 authority is authorized to provide by resolution for the  
 1348 issuance from time to time of bonds pursuant to s. 348.56(1)(b)  
 1349 for the purpose of refunding any bonds then outstanding  
 1350 regardless of whether the bonds being refunded were issued by  
 1351 the authority pursuant to this chapter or on behalf of the  
 1352 authority pursuant to the State Bond Act. The authority is  
 1353 further authorized to provide by resolution for the issuance of  
 1354 bonds for the combined purpose of:

1355 (a) Paying the cost of constructing, reconstructing,  
 1356 improving, extending, repairing, maintaining and operating the  
 1357 expressway system.

1358 (b) Refunding bonds then outstanding. The authorization,  
 1359 sale and issuance of such obligations, the maturities and other  
 1360 details thereof, the rights and remedies of the holders thereof,  
 1361 and the rights, powers, privileges, duties and obligations of  
 1362 the authority with respect to the same shall be governed by the  
 1363 foregoing provisions of this part insofar as the same may be  
 1364 applicable.

1365 Section 27. Section 348.70, Florida Statutes, is amended  
 1366 to read:

1367 348.70 This part complete and additional authority.--

1368 (1) The powers conferred by this part shall be in addition  
 1369 and supplemental to the existing respective powers of the  
 1370 authority, the department, the county, and the city, if any, and  
 1371 this part shall not be construed as repealing any of the  
 1372 provisions of any other law, general, special, or local, but

1373 shall be deemed to supersede such other law or laws in the  
 1374 exercise of the powers provided in this part insofar as such  
 1375 other law or laws are inconsistent with the provisions of this  
 1376 part and to provide a complete method for the exercise of the  
 1377 powers granted herein. The construction, reconstruction,  
 1378 improvement, extension, repair, maintenance, and operation of  
 1379 the expressway system, and the issuance of bonds hereunder to  
 1380 finance all or part of the cost thereof, may be accomplished  
 1381 upon compliance with the provisions of this part without regard  
 1382 to or necessity for compliance with the provisions, limitations,  
 1383 or restrictions contained in any other general, special, or  
 1384 local law, including, but not limited to, s. 215.821, and no  
 1385 approval of any bonds issued under this part by the qualified  
 1386 electors or qualified electors who are freeholders in the state  
 1387 or in the county or in the city or in any other political  
 1388 subdivision of the state shall be required for the issuance of  
 1389 such bonds.

1390 (2) This part does not repeal, rescind, or modify any  
 1391 other law or laws relating to the State Board of Administration,  
 1392 the Department of Transportation, or the Division of Bond  
 1393 Finance of the State Board of Administration, but shall  
 1394 supersede such other law or laws as are inconsistent with the  
 1395 provisions of this part, including, but not limited to, s.  
 1396 215.821.

1397 Section 28. Subsection (6) of section 369.317, Florida  
 1398 Statutes, is amended to read:

1399 369.317 Wekiva Parkway.--

1400 (6) The Orlando-Orange County Expressway Authority is

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1401 hereby granted the authority to act as a third-party acquisition  
1402 agent, pursuant to s. 259.041 on behalf of the Board of Trustees  
1403 or chapter 373 on behalf of the governing board of the St. Johns  
1404 River Water Management District, for the acquisition of all  
1405 necessary lands, property and all interests in property  
1406 identified herein, including fee simple or less-than-fee simple  
1407 interests. The lands subject to this authority are identified in  
1408 paragraph 10.a., State of Florida, Office of the Governor,  
1409 Executive Order 03-112 of July 1, 2003, and in Recommendation 16  
1410 of the Wekiva Basin Area Task Force created by Executive Order  
1411 2002-259, such lands otherwise known as Neighborhood Lakes, a  
1412 1,587+/- acre parcel located in Orange and Lake Counties within  
1413 Sections 27, 28, 33, and 34 of Township 19 South, Range 28 East,  
1414 and Sections 3, 4, 5, and 9 of Township 20 South, Range 28 East;  
1415 Seminole Woods/Swamp, a 5,353+/- acre parcel located in Lake  
1416 County within Section 37, Township 19 South, Range 28 East; New  
1417 Garden Coal; a 1,605+/- acre parcel in Lake County within  
1418 Sections 23, 25, 26, 35, and 36, Township 19 South, Range 28  
1419 East; Pine Plantation, a 617+/- acre tract consisting of eight  
1420 individual parcels within the Apopka City limits. The Department  
1421 of Transportation, the Department of Environmental Protection,  
1422 the St. Johns River Water Management District, and other land  
1423 acquisition entities shall participate and cooperate in  
1424 providing information and support to the third-party acquisition  
1425 agent. The land acquisition process authorized by this paragraph  
1426 shall begin no later than December 31, 2004. Acquisition of the  
1427 properties identified as Neighborhood Lakes, Pine Plantation,  
1428 and New Garden Coal, or approval as a mitigation bank shall be

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1429 concluded no later than December 31, 2010. Department of  
1430 Transportation and Orlando-Orange County Expressway Authority  
1431 funds expended to purchase an interest in those lands identified  
1432 in this subsection shall be eligible as environmental mitigation  
1433 for road construction related impacts in the Wekiva Study Area.  
1434 If any of the lands identified in this subsection are used as  
1435 environmental mitigation for road-construction-related impacts  
1436 incurred by the Department of Transportation or the Orlando-  
1437 Orange County Expressway Authority, or for other impacts  
1438 incurred by other entities, within the Wekiva Study Area or  
1439 within the Wekiva Parkway alignment corridor and, if the  
1440 mitigation offsets such impacts, the St. Johns River Water  
1441 Management District and the Department of Environmental  
1442 Protection shall consider the activity regulated under part IV  
1443 of chapter 373 to meet the cumulative impact requirements of s.  
1444 373.414 (8) (a) .

1445 (a) Acquisition of the land described in this section is  
1446 required to provide right of way for the Wekiva Parkway, a  
1447 limited access roadway linking State Road 429 to Interstate 4,  
1448 an essential component in meeting regional transportation needs  
1449 to provide regional connectivity, improve safety, accommodate  
1450 projected population and economic growth, and satisfy critical  
1451 transportation requirements caused by increased traffic volume  
1452 growth and travel demands.

1453 (b) Acquisition of the lands described in this section is  
1454 also required to protect the surface water and groundwater  
1455 resources of Lake, Orange, and Seminole counties, otherwise  
1456 known as the Wekiva Study Area, including recharge within the

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1457 | springshed that provides for the Wekiva River system. Protection  
 1458 | of this area is crucial to the long term viability of the Wekiva  
 1459 | River and springs and the central Florida region's water supply.  
 1460 | Acquisition of the lands described in this section is also  
 1461 | necessary to alleviate pressure from growth and development  
 1462 | affecting the surface and groundwater resources within the  
 1463 | recharge area.

1464 |       (c) Lands acquired pursuant to this section that are  
 1465 | needed for transportation facilities for the Wekiva Parkway  
 1466 | shall be determined not necessary for conservation purposes  
 1467 | pursuant to ss. 253.034(6) and 373.089(5) and shall be  
 1468 | transferred to or retained by the Orlando-Orange County  
 1469 | Expressway Authority or the Department of Transportation upon  
 1470 | reimbursement of the full purchase price and acquisition costs.

1471 |       Section 29. Section 705.18, Florida Statutes, is amended  
 1472 | to read:

1473 |       705.18 Disposal of personal property lost or abandoned on  
 1474 | university or community college campuses ~~or certain public-use~~  
 1475 | ~~airports~~; disposition of proceeds from sale thereof.--

1476 |       (1) Whenever any lost or abandoned personal property shall  
 1477 | be found on a campus of an institution in the State University  
 1478 | System or a campus of a state-supported community college, ~~or on~~  
 1479 | ~~premises owned or controlled by the operator of a public-use~~  
 1480 | ~~airport having regularly scheduled international passenger~~  
 1481 | ~~service~~, the president of the institution or the president's  
 1482 | designee ~~or the director of the airport or the director's~~  
 1483 | ~~designee~~ shall take charge thereof and make a record of the date  
 1484 | such property was found. If, within 30 days after such property

1485 is found, or a longer period of time as may be deemed  
 1486 appropriate by the president ~~or the director~~ under the  
 1487 circumstances, the property ~~it~~ is not claimed by the owner, the  
 1488 president ~~or director~~ shall order it sold at public outcry after  
 1489 giving notice of the time and place of sale in a publication of  
 1490 general circulation on the campus of such institution ~~or within~~  
 1491 ~~the county where the airport is located~~ and written notice to  
 1492 the owner if known. The rightful owner of such property may  
 1493 reclaim the same at any time prior to sale.

1494 (2) All moneys realized from such institution's sale shall  
 1495 be placed in an appropriate fund and used solely for student  
 1496 scholarship and loan purposes. ~~All moneys realized from such~~  
 1497 ~~sale by an airport, less its costs of storage, transportation,~~  
 1498 ~~and publication of notice, shall, unless another use is required~~  
 1499 ~~by federal law, be deposited into the state school fund.~~

1500 Section 30. Section 705.182, Florida Statutes, is created  
 1501 to read:

1502 705.182 Disposal of personal property found on the  
 1503 premises of public-use airports.--

1504 (1) Whenever any personal property, other than an aircraft  
 1505 or motor vehicle, is found on premises owned or controlled by  
 1506 the operator of a public-use airport, the director of the  
 1507 airport or the director's designee shall take charge thereof and  
 1508 make a record of the date such property was found.

1509 (2) If, within 30 calendar days after such property is  
 1510 found or for a longer period of time as may be deemed  
 1511 appropriate by the director or the director's designee under the  
 1512 circumstances, the property is not claimed by the owner, the

1513 director or the director's designee may:

1514 (a) Retain any or all of the property for use by the

1515 airport or for use by the state or the unit of local government

1516 owning or operating the airport;

1517 (b) Trade such property to another unit of local

1518 government or a state agency;

1519 (c) Donate the property to a charitable organization;

1520 (d) Sell the property; or

1521 (e) Dispose of the property through an appropriate refuse

1522 removal company or a company that provides salvage services for

1523 the type of personal property found or located on the airport

1524 premises.

1525 (3) The airport shall notify the owner, if known, of the

1526 property found on the airport premises and that the airport

1527 intends to dispose of the property as provided in subsection

1528 (2).

1529 (4) If the airport elects to sell the property under

1530 paragraph (2) (d), the property must be sold at a public auction

1531 either on the Internet or at a specified physical location after

1532 giving notice of the time and place of sale, at least 10

1533 calendar days prior to the date of sale, in a publication of

1534 general circulation within the county where the airport is

1535 located and after written notice, via certified mail, return

1536 receipt requested, is provided to the owner, if known. Any such

1537 notice shall be sufficient if the notice refers to the airport's

1538 intention to sell all then-accumulated found property, and there

1539 is no requirement that the notice identify each item to be sold.

1540 The rightful owner of such property may reclaim the property at

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1541 any time prior to sale by presenting acceptable evidence of  
1542 ownership to the airport director or the director's designee.  
1543 All proceeds from the sale of the property shall be retained by  
1544 the airport for use by the airport in any lawfully authorized  
1545 manner.

1546 (5) Nothing in this section shall preclude the airport  
1547 from allowing a domestic or international air carrier or other  
1548 tenant, on premises owned or controlled by the operator of a  
1549 public-use airport, to establish its own lost and found  
1550 procedures for personal property and to dispose of such personal  
1551 property.

1552 (6) A purchaser or recipient in good faith of personal  
1553 property sold or obtained under this section shall take the  
1554 property free of the rights of persons then holding any legal or  
1555 equitable interest thereto, whether or not recorded.

1556 Section 31. Section 705.183, Florida Statutes, is created  
1557 to read:

1558 705.183 Disposal of derelict or abandoned aircraft on the  
1559 premises of public-use airports.--

1560 (1) (a) Whenever any derelict or abandoned aircraft is  
1561 found or located on premises owned or controlled by the operator  
1562 of a public-use airport, whether or not such premises are under  
1563 a lease or license to a third party, the director of the airport  
1564 or the director's designee shall make a record of the date the  
1565 aircraft was found or determined to be present on the airport  
1566 premises.

1567 (b) For purposes of this section, the term:

1568 1. "Abandoned aircraft" means an aircraft that has been



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1569 disposed of on a public-use airport in a wrecked, inoperative,  
1570 or partially dismantled condition or an aircraft that has  
1571 remained in an idle state on premises owned or controlled by the  
1572 operator of a public-use airport for 45 consecutive calendar  
1573 days.

1574 2. "Derelict aircraft" means any aircraft that is not in a  
1575 flyable condition, does not have a current certificate of air  
1576 worthiness issued by the Federal Aviation Administration, and is  
1577 not in the process of actively being repaired.

1578 (2) The director or the director's designee shall contact  
1579 the Federal Aviation Administration, Aircraft Registration  
1580 Branch, to determine the name and address of the last registered  
1581 owner of the aircraft and shall make a diligent personal search  
1582 of the appropriate records, or contact an aircraft title search  
1583 company, to determine the name and address of any person having  
1584 an equitable or legal interest in the aircraft. Within 10  
1585 business days after receipt of the information, the director or  
1586 the director's designee shall notify the owner and all persons  
1587 having an equitable or legal interest in the aircraft by  
1588 certified mail, return receipt requested, of the location of the  
1589 derelict or abandoned aircraft on the airport premises, that  
1590 fees and charges for the use of the airport by the aircraft have  
1591 accrued and the amount thereof, that the aircraft is subject to  
1592 a lien under subsection (5) for the accrued fees and charges for  
1593 the use of the airport and for the transportation, storage, and  
1594 removal of the aircraft, that the lien is subject to enforcement  
1595 pursuant to law, and that the airport may cause the use, trade,  
1596 sale, or removal of the aircraft as described in s.

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1597 705.182(2)(a), (b), (d), or (e) if, within 30 calendar days  
 1598 after the date of receipt of such notice, the aircraft has not  
 1599 been removed from the airport upon payment in full of all  
 1600 accrued fees and charges for the use of the airport and for the  
 1601 transportation, storage, and removal of the aircraft. Such  
 1602 notice may require removal of the aircraft in less than 30  
 1603 calendar days if the aircraft poses a danger to the health or  
 1604 safety of users of the airport, as determined by the director or  
 1605 the director's designee.

1606 (3) If the owner of the aircraft is unknown or cannot be  
 1607 found, the director or the director's designee shall cause a  
 1608 laminated notice to be placed upon such aircraft in  
 1609 substantially the following form:

1611 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED  
 1612 PROPERTY. This property, to wit: (setting forth brief  
 1613 description) is unlawfully upon public property known as  
 1614 (setting forth brief description of location) and has accrued  
 1615 fees and charges for the use of the (same description of  
 1616 location as above) and for the transportation, storage, and  
 1617 removal of the property. These accrued fees and charges must be  
 1618 paid in full and the property must be removed within 30 calendar  
 1619 days after the date of this notice; otherwise, the property will  
 1620 be removed and disposed of pursuant to chapter 705, Florida  
 1621 Statutes. The property is subject to a lien for all accrued fees  
 1622 and charges for the use of the public property known as (same  
 1623 description of location as above) by such property and for all  
 1624 fees and charges incurred by the public property known as (same

1625 description of location as above) for the transportation,  
 1626 storage, and removal of the property. This lien is subject to  
 1627 enforcement pursuant to law. The owner will be liable for such  
 1628 fees and charges, as well as the cost for publication of this  
 1629 notice. Dated this: (setting forth the date of posting of  
 1630 notice), signed: (setting forth name, title, address, and  
 1631 telephone number of law enforcement officer).

1632  
 1633 Such notice shall be not less than 8 inches by 10 inches and  
 1634 shall be sufficiently weatherproof to withstand normal exposure  
 1635 to the weather. If, at the end of 30 calendar days after posting  
 1636 the notice, the owner or any person interested in the described  
 1637 derelict or abandoned aircraft has not removed the aircraft from  
 1638 the airport upon payment in full of all accrued fees and charges  
 1639 for the use of the airport and for the transportation, storage,  
 1640 and removal of the aircraft, or shown reasonable cause for  
 1641 failure to do so, the director or the director's designee may  
 1642 cause the use, trade, sale, or removal of the aircraft as  
 1643 described in s. 705.182(2)(a), (b), (d), or (e).

1644 (4) Such aircraft shall be removed within the time period  
 1645 specified in the notice provided under subsection (2) or  
 1646 subsection (3). If, at the end of such period of time, the owner  
 1647 or any person interested in the described derelict or abandoned  
 1648 aircraft has not removed the aircraft from the airport upon  
 1649 payment in full of all accrued fees and charges for the use of  
 1650 the airport and for the transportation, storage, and removal of  
 1651 the aircraft, or shown reasonable cause for the failure to do  
 1652 so, the director or the director's designee may cause the use,

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1653 trade, sale, or removal of the aircraft as described in s.  
1654 705.182(2)(a), (b), (d), or (e).

1655 (a) If the airport elects to sell the aircraft in  
1656 accordance with s. 705.182(2)(d), the aircraft must be sold at  
1657 public auction after giving notice of the time and place of  
1658 sale, at least 10 calendar days prior to the date of sale, in a  
1659 publication of general circulation within the county where the  
1660 airport is located and after providing written notice of the  
1661 intended sale to all parties known to have an interest in the  
1662 aircraft.

1663 (b) If the airport elects to dispose of the aircraft in  
1664 accordance with s. 705.182(2)(e), the airport shall be entitled  
1665 to negotiate with the company for a price to be received from  
1666 such company in payment for the aircraft, or, if circumstances  
1667 so warrant, a price to be paid to such company by the airport  
1668 for the costs of disposing of the aircraft. All information  
1669 pertaining to the establishment of such price and the  
1670 justification for the amount of such price shall be prepared and  
1671 maintained by the airport, and such negotiated price shall be  
1672 deemed to be a commercially reasonable price.

1673 (c) If the sale price or the negotiated price is less than  
1674 the airport's then current charges and costs against the  
1675 aircraft, or if the airport is required to pay the salvage  
1676 company for its services, the owner of the aircraft shall remain  
1677 liable to the airport for the airport's costs that are not  
1678 offset by the sale price or negotiated price, in addition to the  
1679 owner's liability for payment to the airport of the price the  
1680 airport was required to pay any salvage company. All costs

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1681 incurred by the airport in the removal, storage, and sale of any  
1682 aircraft shall be recoverable against the owner thereof.

1683 (5) The airport shall have a lien on a derelict or  
1684 abandoned aircraft for all fees and charges for the use of the  
1685 airport by such aircraft and for all fees and charges incurred  
1686 by the airport for the transportation, storage, and removal of  
1687 the aircraft. As a prerequisite to perfecting a lien under this  
1688 section, the airport director or the director's designee must  
1689 serve a notice in accordance with subsection (2) on the last  
1690 registered owner and all persons having an equitable or legal  
1691 interest in the aircraft. Serving the notice does not dispense  
1692 with recording the claim of lien.

1693 (6) (a) For the purpose of perfecting its lien under this  
1694 section, the airport shall record a claim of lien which shall  
1695 state:

- 1696 1. The name and address of the airport.
- 1697 2. The name of the last registered owner of the aircraft  
1698 and all persons having a legal or equitable interest in the  
1699 aircraft.
- 1700 3. The fees and charges incurred by the aircraft for the  
1701 use of the airport and the fees and charges for the  
1702 transportation, storage, and removal of the aircraft.
- 1703 4. A description of the aircraft sufficient for  
1704 identification.

1705 (b) The claim of lien shall be signed and sworn to or  
1706 affirmed by the airport director or the director's designee.

1707 (c) The claim of lien shall be sufficient if it is in  
1708 substantially the following form:

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CLAIM OF LIEN

State of \_\_\_\_\_

County of \_\_\_\_\_

Before me, the undersigned notary public, personally appeared

\_\_\_\_\_, who was duly sworn and says that he/she is the

\_\_\_\_\_ of \_\_\_\_\_, whose address is \_\_\_\_\_; and that the

following described aircraft:

(Description of aircraft)

owned by \_\_\_\_\_, whose address is \_\_\_\_\_, has accrued

\$ \_\_\_\_\_ in fees and charges for the use by the aircraft of

\_\_\_\_\_ and for the transportation, storage, and removal

of the aircraft from \_\_\_\_\_; that the lienor served its

notice to the last registered owner and all persons having a

legal or equitable interest in the aircraft on \_\_\_\_\_, (year),

by \_\_\_\_\_.

(Signature)

Sworn to (or affirmed) and subscribed before me this \_\_\_\_\_ day

of \_\_\_\_\_, (year), by (name of person making statement).

(Signature of Notary Public) (Print, Type, or Stamp Commissioned

name of Notary Public)

Personally Known OR Produced as identification.

However, the negligent inclusion or omission of any information

in this claim of lien which does not prejudice the last

registered owner does not constitute a default that operates to

defeat an otherwise valid lien.

(d) The claim of lien shall be served on the last

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1737 registered owner of the aircraft and all persons having an  
1738 equitable or legal interest in the aircraft. The claim of lien  
1739 shall be so served before recordation.

1740 (e) The claim of lien shall be recorded with the clerk of  
1741 court in the county where the airport is located. The recording  
1742 of the claim of lien shall be constructive notice to all persons  
1743 of the contents and effect of such claim. The lien shall attach  
1744 at the time of recordation and shall take priority as of that  
1745 time.

1746 (7) A purchaser or recipient in good faith of an aircraft  
1747 sold or obtained under this section takes the property free of  
1748 the rights of persons then holding any legal or equitable  
1749 interest thereto, whether or not recorded. The purchaser or  
1750 recipient is required to notify the appropriate Federal Aviation  
1751 Administration office of such change in the registered owner of  
1752 the aircraft.

1753 (8) If the aircraft is sold at public sale, the airport  
1754 shall deduct from the proceeds of sale the costs of  
1755 transportation, storage, publication of notice, and all other  
1756 costs reasonably incurred by the airport, and any balance of the  
1757 proceeds shall be deposited into an interest-bearing account not  
1758 later than 30 calendar days after the airport's receipt of the  
1759 proceeds and held there for 1 year. The rightful owner of the  
1760 aircraft may claim the balance of the proceeds within 1 year  
1761 after the date of the deposit by making application to the  
1762 airport and presenting acceptable written evidence of ownership  
1763 to the airport's director or the director's designee. If no  
1764 rightful owner claims the proceeds within the 1-year time

1765 period, the balance of the proceeds shall be retained by the  
 1766 airport to be used in any manner authorized by law.

1767 (9) Any person acquiring a legal interest in an aircraft  
 1768 that is sold by an airport under this section or s. 705.182  
 1769 shall be the lawful owner of such aircraft and all other legal  
 1770 or equitable interests in such aircraft shall be divested and of  
 1771 no further force and effect, provided that the holder of any  
 1772 such legal or equitable interests was notified of the intended  
 1773 disposal of the aircraft to the extent required in this section.  
 1774 The airport may issue documents of disposition to the purchaser  
 1775 or recipient of an aircraft disposed of under this section.

1776 Section 32. Section 705.184, Florida Statutes, is created  
 1777 to read:

1778 705.184 Derelict or abandoned motor vehicles on the  
 1779 premises of public-use airports.--

1780 (1) (a) Whenever any derelict or abandoned motor vehicle is  
 1781 found on premises owned or controlled by the operator of a  
 1782 public-use airport, including airport premises leased to a third  
 1783 party, the director of the airport or the director's designee  
 1784 may take charge thereof and make a record of the date such motor  
 1785 vehicle was found.

1786 (b) For purposes of this section, the term:

1787 1. "Abandoned motor vehicle" means a motor vehicle that  
 1788 has been disposed of on a public-use airport in a wrecked,  
 1789 inoperative, or partially dismantled condition or a motor  
 1790 vehicle that has remained in an idle state on the premises of a  
 1791 public-use airport for 45 consecutive calendar days.

1792 2. "Derelict motor vehicle" means any motor vehicle that



1793 is not in a drivable condition.

1794 (c) After the information relating to the abandoned or  
 1795 derelict motor vehicle is recorded in the airport's records, the  
 1796 director or the director's designee may cause the motor vehicle  
 1797 to be removed from airport premises by the airport's wrecker or  
 1798 by a licensed independent wrecker company to be stored at a  
 1799 suitable location on or off the airport premises. If the motor  
 1800 vehicle is to be removed from airport premises by the airport's  
 1801 wrecker, the airport must follow the procedures in subsections  
 1802 (2)-(8). The procedures in subsections (2)-(8) do not apply if  
 1803 the motor vehicle is removed from the airport premises by a  
 1804 licensed independent wrecker company.

1805 (2) The airport director or the director's designee shall  
 1806 contact the Department of Highway Safety and Motor Vehicles to  
 1807 notify that department that the airport has possession of the  
 1808 abandoned or derelict motor vehicle and to determine the name  
 1809 and address of the owner of the motor vehicle, the insurance  
 1810 company insuring the motor vehicle notwithstanding the  
 1811 provisions of s. 627.736, and any person who has filed a lien on  
 1812 the motor vehicle. Within 7 business days after receipt of the  
 1813 information, the director or the director's designee shall send  
 1814 notice by certified mail, return receipt requested, to the owner  
 1815 of the motor vehicle, the insurance company insuring the motor  
 1816 vehicle notwithstanding the provisions of s. 627.736, and all  
 1817 persons of record claiming a lien against the motor vehicle. The  
 1818 notice shall state the fact of possession of the motor vehicle,  
 1819 that charges for reasonable towing, storage, and parking fees,  
 1820 if any, have accrued and the amount thereof, that a lien as

1821 provided in subsection (6) will be claimed, that the lien is  
 1822 subject to enforcement pursuant to law, that the owner or  
 1823 lienholder, if any, has the right to a hearing as set forth in  
 1824 subsection (4), and that any motor vehicle which, at the end of  
 1825 30 calendar days after receipt of the notice, has not been  
 1826 removed from the airport upon payment in full of all accrued  
 1827 charges for reasonable towing, storage, and parking fees, if  
 1828 any, may be disposed of as provided in s. 705.182(2) (a), (b),  
 1829 (d), or (e), including, but not limited to, the motor vehicle  
 1830 being sold free of all prior liens after 35 calendar days after  
 1831 the time the motor vehicle is stored if any prior liens on the  
 1832 motor vehicle are more than 5 years of age or after 50 calendar  
 1833 days after the time the motor vehicle is stored if any prior  
 1834 liens on the motor vehicle are 5 years of age or less.

1835 (3) If attempts to notify the owner or lienholder pursuant  
 1836 to subsection (2) are not successful, the requirement of notice  
 1837 by mail shall be considered met and the director or the  
 1838 director's designee, in accordance with subsection (5), may  
 1839 cause the motor vehicle to be disposed of as provided in s.  
 1840 705.182(2) (a), (b), (d), or (e), including, but not limited to,  
 1841 the motor vehicle being sold free of all prior liens after 35  
 1842 calendar days after the time the motor vehicle is stored if any  
 1843 prior liens on the motor vehicle are more than 5 years of age or  
 1844 after 50 calendar days after the time the motor vehicle is  
 1845 stored if any prior liens on the motor vehicle are 5 years of  
 1846 age or less.

1847 (4) (a) The owner of, or any person with a lien on, a motor  
 1848 vehicle removed pursuant to subsection (1), may, within 10

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1849 calendar days after the time he or she has knowledge of the  
1850 location of the motor vehicle, file a complaint in the county  
1851 court of the county in which the motor vehicle is stored to  
1852 determine if his or her property was wrongfully taken or  
1853 withheld.

1854 (b) Upon filing a complaint, an owner or lienholder may  
1855 have his or her motor vehicle released upon posting with the  
1856 court a cash or surety bond or other adequate security equal to  
1857 the amount of the fees for towing, storage, and accrued parking,  
1858 if any, to ensure the payment of such fees in the event he or  
1859 she does not prevail. Upon the posting of the bond or other  
1860 adequate security and the payment of any applicable fee, the  
1861 clerk of the court shall issue a certificate notifying the  
1862 airport of the posting of the bond or other adequate security  
1863 and directing the airport to release the motor vehicle. At the  
1864 time of such release, after reasonable inspection, the owner or  
1865 lienholder shall give a receipt to the airport reciting any  
1866 claims he or she has for loss or damage to the motor vehicle or  
1867 the contents thereof.

1868 (5) If, after 30 calendar days after receipt of the  
1869 notice, the owner or any person claiming a lien has not removed  
1870 the motor vehicle from its storage location upon payment in full  
1871 of all accrued charges for reasonable towing, storage, and  
1872 parking fees, if any, or shown reasonable cause for the failure  
1873 to do so, the airport director or the director's designee may  
1874 dispose of the motor vehicle as provided in s. 705.182(2) (a),  
1875 (b), (d), or (e). If the airport elects to sell the motor  
1876 vehicle pursuant to s. 705.182(2) (d), the motor vehicle may be

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1877 sold free of all prior liens after 35 calendar days after the  
1878 time the motor vehicle is stored if any prior liens on the motor  
1879 vehicle are more than 5 years of age or after 50 calendar days  
1880 after the time the motor vehicle is stored if any prior liens on  
1881 the motor vehicle are 5 years of age or less. The sale shall be  
1882 a public auction either on the Internet or at a specified  
1883 physical location. If the date of the sale was not included in  
1884 the notice required in subsection (2), notice of the sale, sent  
1885 by certified mail, return receipt requested, shall be given to  
1886 the owner of the motor vehicle and to all persons claiming a  
1887 lien on the motor vehicle. Such notice shall be mailed not less  
1888 than 10 calendar days before the date of the sale. In addition  
1889 to the notice by mail, public notice of the time and place of  
1890 the sale at auction shall be made by publishing a notice thereof  
1891 one time, at least 10 calendar days prior to the date of sale,  
1892 in a newspaper of general circulation in the county in which the  
1893 sale is to be held. All costs incurred by the airport for the  
1894 towing, storage, and sale of the motor vehicle, as well as all  
1895 accrued parking fees, if any, shall be recovered by the airport  
1896 from the proceeds of the sale, and any proceeds of the sale in  
1897 excess of such costs shall be retained by the airport for use by  
1898 the airport in any manner authorized by law.

1899 (6) The airport pursuant to this section or, if used, a  
1900 licensed independent wrecker company pursuant to s. 713.78 shall  
1901 have a lien on an abandoned or derelict motor vehicle for all  
1902 reasonable towing, storage, and accrued parking fees, if any,  
1903 except that no storage fee shall be charged if the motor vehicle  
1904 is stored less than 6 hours. As a prerequisite to perfecting a

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1905 lien under this section, the airport director or the director's  
1906 designee must serve a notice in accordance with subsection (2)  
1907 on the owner of the motor vehicle, the insurance company  
1908 insuring the motor vehicle notwithstanding the provisions of s.  
1909 627.736, and all persons of record claiming a lien against the  
1910 motor vehicle. If attempts to notify the owner, the insurance  
1911 company insuring the motor vehicle notwithstanding the  
1912 provisions of s. 627.736, or lienholders are not successful, the  
1913 requirement of notice by mail shall be considered met. Serving  
1914 of the notice does not dispense with recording the claim of  
1915 lien.

1916 (7) (a) For the purpose of perfecting its lien under this  
1917 section, the airport shall record a claim of lien which shall  
1918 state:

1919 1. The name and address of the airport.

1920 2. The name of the owner of the motor vehicle, the  
1921 insurance company insuring the motor vehicle notwithstanding the  
1922 provisions of s. 627.736, and all persons of record claiming a  
1923 lien against the motor vehicle.

1924 3. The costs incurred from reasonable towing, storage, and  
1925 parking fees, if any.

1926 4. A description of the motor vehicle sufficient for  
1927 identification.

1928 (b) The claim of lien shall be signed and sworn to or  
1929 affirmed by the airport director or the director's designee.

1930 (c) The claim of lien shall be sufficient if it is in  
1931 substantially the following form:

1932

1933 CLAIM OF LIEN

1934 State of

1935 County of

1936 Before me, the undersigned notary public, personally appeared

1937 , who was duly sworn and says that he/she is the

1938 of , whose address is ; and that the

1939 following described motor vehicle:

1940 (Description of motor vehicle)

1941 owned by , whose address is , has accrued

1942 \$ in fees for a reasonable tow, for storage, and for

1943 parking, if applicable; that the lienor served its notice to the

1944 owner, the insurance company insuring the motor vehicle

1945 notwithstanding the provisions of s. 627.736, Florida Statutes,

1946 and all persons of record claiming a lien against the motor

1947 vehicle on , (year), by .

1948 (Signature)

1949 Sworn to (or affirmed) and subscribed before me this day

1950 of , (year), by (name of person making statement).

1951 (Signature of Notary Public) (Print, Type, or Stamp Commissioned

1952 name of Notary Public)

1953 Personally Known OR Produced as identification.

1954

1955 However, the negligent inclusion or omission of any information

1956 in this claim of lien which does not prejudice the owner does

1957 not constitute a default that operates to defeat an otherwise

1958 valid lien.

1959 (d) The claim of lien shall be served on the owner of the

1960 motor vehicle, the insurance company insuring the motor vehicle

1961 notwithstanding the provisions of s. 627.736, and all persons of  
 1962 record claiming a lien against the motor vehicle. If attempts to  
 1963 notify the owner, the insurance company insuring the motor  
 1964 vehicle notwithstanding the provisions of s. 627.736, or  
 1965 lienholders are not successful, the requirement of notice by  
 1966 mail shall be considered met. The claim of lien shall be so  
 1967 served before recordation.

1968 (e) The claim of lien shall be recorded with the clerk of  
 1969 court in the county where the airport is located. The recording  
 1970 of the claim of lien shall be constructive notice to all persons  
 1971 of the contents and effect of such claim. The lien shall attach  
 1972 at the time of recordation and shall take priority as of that  
 1973 time.

1974 (8) A purchaser or recipient in good faith of a motor  
 1975 vehicle sold or obtained under this section takes the property  
 1976 free of the rights of persons then holding any legal or  
 1977 equitable interest thereto, whether or not recorded.

1978 Section 33. Subsection (3) of section 288.063, Florida  
 1979 Statutes, is amended to read:

1980 288.063 Contracts for transportation projects.--

1981 (3) With respect to any contract executed pursuant to this  
 1982 section, the term "transportation project" means a  
 1983 transportation facility as defined in s. 334.03(28)~~(31)~~ which is  
 1984 necessary in the judgment of the Office of Tourism, Trade, and  
 1985 Economic Development to facilitate the economic development and  
 1986 growth of the state. Except for applications received prior to  
 1987 July 1, 1996, such transportation projects shall be approved  
 1988 only as a consideration to attract new employment opportunities

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1989 | to the state or expand or retain employment in existing  
1990 | companies operating within the state, or to allow for the  
1991 | construction or expansion of a state or federal correctional  
1992 | facility in a county with a population of 75,000 or less that  
1993 | creates new employment opportunities or expands or retains  
1994 | employment in the county. The Office of Tourism, Trade, and  
1995 | Economic Development shall institute procedures to ensure that  
1996 | small and minority businesses have equal access to funding  
1997 | provided under this section. Funding for approved transportation  
1998 | projects may include any expenses, other than administrative  
1999 | costs and equipment purchases specified in the contract,  
2000 | necessary for new, or improvement to existing, transportation  
2001 | facilities. Funds made available pursuant to this section may  
2002 | not be expended in connection with the relocation of a business  
2003 | from one community to another community in this state unless the  
2004 | Office of Tourism, Trade, and Economic Development determines  
2005 | that without such relocation the business will move outside this  
2006 | state or determines that the business has a compelling economic  
2007 | rationale for the relocation which creates additional jobs.  
2008 | Subject to appropriation for projects under this section, any  
2009 | appropriation greater than \$10 million shall be allocated to  
2010 | each of the districts of the Department of Transportation to  
2011 | ensure equitable geographical distribution. Such allocated funds  
2012 | that remain uncommitted by the third quarter of the fiscal year  
2013 | shall be reallocated among the districts based on pending  
2014 | project requests.

2015 |       Section 34. Paragraph (b) of subsection (3) of section  
2016 | 311.07, Florida Statutes, is amended to read:



2017 311.07 Florida seaport transportation and economic  
 2018 development funding.--  
 2019 (3)  
 2020 (b) Projects eligible for funding by grants under the  
 2021 program are limited to the following port facilities or port  
 2022 transportation projects:  
 2023 1. Transportation facilities within the jurisdiction of  
 2024 the port.  
 2025 2. The dredging or deepening of channels, turning basins,  
 2026 or harbors.  
 2027 3. The construction or rehabilitation of wharves, docks,  
 2028 structures, jetties, piers, storage facilities, cruise  
 2029 terminals, automated people mover systems, or any facilities  
 2030 necessary or useful in connection with any of the foregoing.  
 2031 4. The acquisition of vessel tracking systems, container  
 2032 cranes, or other mechanized equipment used in the movement of  
 2033 cargo or passengers in international commerce.  
 2034 5. The acquisition of land to be used for port purposes.  
 2035 6. The acquisition, improvement, enlargement, or extension  
 2036 of existing port facilities.  
 2037 7. Environmental protection projects which are necessary  
 2038 because of requirements imposed by a state agency as a condition  
 2039 of a permit or other form of state approval; which are necessary  
 2040 for environmental mitigation required as a condition of a state,  
 2041 federal, or local environmental permit; which are necessary for  
 2042 the acquisition of spoil disposal sites and improvements to  
 2043 existing and future spoil sites; or which result from the  
 2044 funding of eligible projects listed in this paragraph.

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2045 8. Transportation facilities as defined in s.  
 2046 334.03 (28) ~~(31)~~ which are not otherwise part of the Department of  
 2047 Transportation's adopted work program.

2048 9. Seaport intermodal access projects identified in the 5-  
 2049 year Florida Seaport Mission Plan as provided in s. 311.09(3).

2050 10. Construction or rehabilitation of port facilities as  
 2051 defined in s. 315.02, excluding any park or recreational  
 2052 facilities, in ports listed in s. 311.09(1) with operating  
 2053 revenues of \$5 million or less, provided that such projects  
 2054 create economic development opportunities, capital improvements,  
 2055 and positive financial returns to such ports.

2056 Section 35. Subsection (7) of section 311.09, Florida  
 2057 Statutes, is amended to read:

2058 311.09 Florida Seaport Transportation and Economic  
 2059 Development Council.--

2060 (7) The Department of Transportation shall review the list  
 2061 of projects approved by the council for consistency with the  
 2062 Florida Transportation Plan and the department's adopted work  
 2063 program. In evaluating the consistency of a project, the  
 2064 department shall determine whether the transportation impact of  
 2065 the proposed project is adequately handled by existing state-  
 2066 owned transportation facilities or by the construction of  
 2067 additional state-owned transportation facilities as identified  
 2068 in the Florida Transportation Plan and the department's adopted  
 2069 work program. In reviewing for consistency a transportation  
 2070 facility project as defined in s. 334.03 (28) ~~(31)~~ which is not  
 2071 otherwise part of the department's work program, the department  
 2072 shall evaluate whether the project is needed to provide for

2073 | projected movement of cargo or passengers from the port to a  
 2074 | state transportation facility or local road. If the project is  
 2075 | needed to provide for projected movement of cargo or passengers,  
 2076 | the project shall be approved for consistency as a consideration  
 2077 | to facilitate the economic development and growth of the state  
 2078 | in a timely manner. The Department of Transportation shall  
 2079 | identify those projects which are inconsistent with the Florida  
 2080 | Transportation Plan and the adopted work program and shall  
 2081 | notify the council of projects found to be inconsistent.

2082 |         Section 36. Section 316.2122, Florida Statutes, is amended  
 2083 | to read:

2084 |             316.2122 Operation of a low-speed vehicle on certain  
 2085 | roadways.--The operation of a low-speed vehicle, as defined in  
 2086 | s. 320.01(42), on any road under the jurisdiction of a county or  
 2087 | municipality or on an urban minor arterial road under the  
 2088 | jurisdiction of the Department of Transportation ~~as defined in~~  
 2089 | ~~s. 334.03(15) or (33)~~, is authorized with the following  
 2090 | restrictions:

2091 |             (1) A low-speed vehicle may be operated only on streets  
 2092 | where the posted speed limit is 35 miles per hour or less. This  
 2093 | does not prohibit a low-speed vehicle from crossing a road or  
 2094 | street at an intersection where the road or street has a posted  
 2095 | speed limit of more than 35 miles per hour.

2096 |             (2) A low-speed vehicle must be equipped with headlamps,  
 2097 | stop lamps, turn signal lamps, taillamps, reflex reflectors,  
 2098 | parking brakes, rearview mirrors, windshields, seat belts, and  
 2099 | vehicle identification numbers.

2100 |             (3) A low-speed vehicle must be registered and insured in

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2101 accordance with s. 320.02.

2102 (4) Any person operating a low-speed vehicle must have in  
2103 his or her possession a valid driver's license.

2104 (5) A county or municipality may prohibit the operation of  
2105 low-speed vehicles on any road under its jurisdiction if the  
2106 governing body of the county or municipality determines that  
2107 such prohibition is necessary in the interest of safety.

2108 (6) The Department of Transportation may prohibit the  
2109 operation of low-speed vehicles on any road under its  
2110 jurisdiction if it determines that such prohibition is necessary  
2111 in the interest of safety.

2112 Section 37. Paragraph (c) of subsection (5) of section  
2113 316.515, Florida Statutes, is amended to read:

2114 316.515 Maximum width, height, length.--

2115 (5) IMPLEMENTS OF HUSBANDRY AND FARM EQUIPMENT;  
2116 AGRICULTURAL TRAILERS; FORESTRY EQUIPMENT; SAFETY  
2117 REQUIREMENTS.--

2118 (c) The width and height limitations of this section do  
2119 not apply to farming or agricultural equipment, whether self-  
2120 propelled, pulled, or hauled, when temporarily operated during  
2121 daylight hours upon a public road that is not a limited access  
2122 facility as defined in s. 334.03 (11) ~~(13)~~, and the width and  
2123 height limitations may be exceeded by such equipment without a  
2124 permit. To be eligible for this exemption, the equipment shall  
2125 be operated within a radius of 50 miles of the real property  
2126 owned, rented, or leased by the equipment owner. However,  
2127 equipment being delivered by a dealer to a purchaser is not  
2128 subject to the 50-mile limitation. Farming or agricultural

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2129 equipment greater than 174 inches in width must have one warning  
 2130 lamp mounted on each side of the equipment to denote the width  
 2131 and must have a slow-moving vehicle sign. Warning lamps required  
 2132 by this paragraph must be visible from the front and rear of the  
 2133 vehicle and must be visible from a distance of at least 1,000  
 2134 feet.

2135 Section 38. Paragraph (b) of subsection (7) of section  
 2136 332.14, Florida Statutes, is amended to read:

2137 332.14 Secure Airports for Florida's Economy Council.--

2138 (7) The SAFE council may utilize, as appropriate and with  
 2139 legislative spending authorization, any federal, state, and  
 2140 local government contributions as well as private donations to  
 2141 fund SAFE Master Plan projects.

2142 (b) The council shall review and approve or disapprove  
 2143 each project eligible to be funded pursuant to this act. The  
 2144 council shall annually submit a list of projects which have been  
 2145 approved by the council to the Secretary of Transportation, the  
 2146 Secretary of Community Affairs, the executive director of the  
 2147 Department of Law Enforcement, and the director of the Office of  
 2148 Tourism, Trade, and Economic Development. The list shall specify  
 2149 the recommended funding level for each project, and, if staged  
 2150 implementation of the project is appropriate, the funding  
 2151 requirements for each stage shall be specified.

2152 1. The Department of Community Affairs shall review the  
 2153 list of projects approved by the council to determine  
 2154 consistency with approved local government comprehensive plans  
 2155 of the units of local government in which the airport is located  
 2156 and consistency with the airport master plan. The Department of

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2157 Community Affairs shall identify and notify the council of those  
2158 projects which are not consistent, to the maximum extent  
2159 feasible, with such comprehensive plans and airport master  
2160 plans.

2161 2. The Department of Transportation shall review the list  
2162 of projects approved by the council for consistency with the  
2163 Florida Transportation Plan and the department's adopted work  
2164 program. In evaluating the consistency of a project, the  
2165 department shall determine whether the transportation impact of  
2166 the proposed project is adequately handled by existing state-  
2167 owned transportation facilities or by the construction of  
2168 additional state-owned transportation facilities as identified  
2169 in the Florida Transportation Plan and the department's adopted  
2170 work program. In reviewing for consistency a transportation  
2171 facility project as defined in s. 334.03 (28) ~~(31)~~ which is not  
2172 otherwise part of the department's work program, the department  
2173 shall evaluate whether the project is needed to provide for  
2174 projected movement of cargo or passengers from the airport to a  
2175 state transportation facility or local road. If the project is  
2176 needed to provide for projected movement of cargo or passengers,  
2177 the project shall be approved for consistency as a consideration  
2178 to facilitate the economic development and growth of the state  
2179 in a timely manner. The department shall identify those projects  
2180 which are inconsistent with the Florida Transportation Plan and  
2181 the adopted work program and shall notify the council of  
2182 projects found to be inconsistent.

2183 3. The Office of Tourism, Trade, and Economic Development,  
2184 in consultation with Enterprise Florida, Inc., shall review the

2185 list of projects approved by the council to evaluate the  
 2186 economic benefit of the project and to determine whether the  
 2187 project is consistent with the SAFE Master Plan. The Office of  
 2188 Tourism, Trade, and Economic Development shall review the  
 2189 economic benefits of each project based upon the rules adopted  
 2190 pursuant to paragraph (a). The Office of Tourism, Trade, and  
 2191 Economic Development shall identify those projects which it has  
 2192 determined do not offer an economic benefit to the state or are  
 2193 not consistent with the SAFE Master Plan and shall notify the  
 2194 council of its findings.

2195 4. The Department of Law Enforcement shall review the list  
 2196 of projects approved by the council for consistency with  
 2197 domestic security provisions of ss. 943.03101, 943.0311, and  
 2198 943.0312. The Department of Law Enforcement shall identify those  
 2199 projects that it has determined are inconsistent with the  
 2200 state's strategic plan for domestic security and shall notify  
 2201 the council of its findings.

2202 Section 39. Section 336.01, Florida Statutes, is amended  
 2203 to read:

2204 336.01 Designation of county road system.--The county road  
 2205 system shall be as defined in s. 334.03(6)~~(8)~~.

2206 Section 40. Subsection (2) of section 338.222, Florida  
 2207 Statutes, is amended to read:

2208 338.222 Department of Transportation sole governmental  
 2209 entity to acquire, construct, or operate turnpike projects;  
 2210 exception.--

2211 (2) The department may contract with any local  
 2212 governmental entity as defined in s. 334.03(12)~~(14)~~ for the

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2213 design, right-of-way acquisition, or construction of any  
 2214 turnpike project which the Legislature has approved. Local  
 2215 governmental entities may negotiate with the department for the  
 2216 design, right-of-way acquisition, and construction of any  
 2217 section of the turnpike project within areas of their respective  
 2218 jurisdictions or within counties with which they have interlocal  
 2219 agreements.

2220 Section 41. Paragraph (a) of subsection (2) of section  
 2221 403.7211, Florida Statutes, is amended to read:

2222 403.7211 Hazardous waste facilities managing hazardous  
 2223 wastes generated offsite; federal facilities managing hazardous  
 2224 waste.--

2225 (2) The department shall not issue any permit under s.  
 2226 403.722 for the construction, initial operation, or substantial  
 2227 modification of a facility for the disposal, storage, or  
 2228 treatment of hazardous waste generated offsite which is proposed  
 2229 to be located in any of the following locations:

2230 (a) Any area where life-threatening concentrations of  
 2231 hazardous substances could accumulate at any residence or  
 2232 residential subdivision as the result of a catastrophic event at  
 2233 the proposed facility, unless each such residence or residential  
 2234 subdivision is served by at least one arterial road or urban  
 2235 minor arterial road that, ~~as defined in s. 334.03, which~~  
 2236 provides safe and direct egress by land to an area where such  
 2237 life-threatening concentrations of hazardous substances could  
 2238 not accumulate in a catastrophic event. Egress by any road  
 2239 leading from any residence or residential subdivision to any  
 2240 point located within 1,000 yards of the proposed facility is



2241 unsafe for the purposes of this paragraph. In determining  
 2242 whether egress proposed by the applicant is safe and direct, the  
 2243 department shall also consider, at a minimum, the following  
 2244 factors:

2245 1. Natural barriers such as water bodies, and whether any  
 2246 road in the proposed evacuation route is impaired by a natural  
 2247 barrier such as a water body;

2248 2. Potential exposure during egress and potential  
 2249 increases in the duration of exposure;

2250 3. Whether any road in a proposed evacuation route passes  
 2251 in close proximity to the facility; and

2252 4. Whether any portion of the evacuation route is  
 2253 inherently directed toward the facility.

2254  
 2255 For the purposes of this subsection, all distances shall be  
 2256 measured from the outer limit of the active hazardous waste  
 2257 management area. "Substantial modification" includes: any  
 2258 physical change in, change in the operations of, or addition to  
 2259 a facility which could increase the potential offsite impact, or  
 2260 risk of impact, from a release at that facility; and any change  
 2261 in permit conditions which is reasonably expected to lead to  
 2262 greater potential impacts or risks of impacts, from a release at  
 2263 that facility. "Substantial modification" does not include a  
 2264 change in operations, structures, or permit conditions which  
 2265 does not substantially increase either the potential impact  
 2266 from, or the risk of, a release. Physical or operational changes  
 2267 to a facility related solely to the management of nonhazardous  
 2268 waste at the facility shall not be considered a substantial

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2269 modification. The department shall, by rule, adopt criteria to  
 2270 determine whether a facility has been substantially modified.  
 2271 "Initial operation" means the initial commencement of operations  
 2272 at the facility.

2273 Section 42. Subsection (24) of section 479.01, Florida  
 2274 Statutes, is amended to read:

2275 479.01 Definitions.--As used in this chapter, the term:

2276 (24) "Urban area" has the same meaning as defined in s.  
 2277 334.03 (29) ~~(32)~~.

2278 Section 43. (1) The first week of September is designated  
 2279 as "Drowsy Driving Prevention Week" in this state.

2280 (2) During Drowsy Driving Prevention Week, the Department  
 2281 of Highway Safety and Motor Vehicles and the Department of  
 2282 Transportation are encouraged to educate the law enforcement  
 2283 community and the public about the relationship between fatigue  
 2284 and performance and the research showing fatigue to be as much  
 2285 of an impairment as alcohol and as dangerous behind the wheel.

2286 Section 44. (1) The Northwest Florida Regional  
 2287 Transportation Planning Organization, an interlocal agency under  
 2288 part I of chapter 163, Florida Statutes, is authorized to study  
 2289 the feasibility of advance-funding the costs of capacity  
 2290 projects in its member counties and making recommendations to  
 2291 the Legislature by February 1, 2010. The Department of  
 2292 Transportation may assist the organization in conducting the  
 2293 study.

2294 (2) Results of any study authorized by this section shall  
 2295 be provided to the Governor, the President of the Senate, the  
 2296 Speaker of the House of Representatives, the department, any

2297 metropolitan planning organization in any county served by the  
 2298 organization, and the counties served by the organization and  
 2299 shall discuss the financial feasibility of advance-funding the  
 2300 costs of capacity projects in the Northwest Florida Regional  
 2301 Transportation Planning Organization's member counties. The  
 2302 study must be based on the following assumptions:

2303 (a) Any advanced projects must be consistent with the  
 2304 Northwest Florida Regional Transportation Planning  
 2305 Organization's 5-year plan and the department's work program.

2306 (b) Any bonds shall have a maturity not to exceed 30  
 2307 years.

2308 (c) A maximum of 25 percent of the department's capacity  
 2309 funds allocated annually to the counties served by the Northwest  
 2310 Florida Regional Transportation Planning Organization may be  
 2311 used to pay debt service on the bonds.

2312 (d) Bond proceeds may only be used for the following  
 2313 components of a construction project on a state road: planning,  
 2314 engineering, design, right-of-way acquisition, and construction.

2315 (e) The cost of the projects must be balanced with the  
 2316 proceeds available from the bonds.

2317 (f) The department shall have final approval of the  
 2318 projects financed through the sale of bonds.

2319 (3) The study shall contain:

2320 (a) An analysis of the financial feasibility of advancing  
 2321 capacity projects in the Northwest Florida Regional  
 2322 Transportation Planning Organization's member counties.

2323 (b) A long-range, cost-feasible finance plan that  
 2324 identifies the project cost, revenues by source, financing,

2325 major assumptions, and a total cash flow analysis beginning with  
 2326 implementation of the project and extending through final  
 2327 completion of the project.

2328 (c) A tentative list of capacity projects and the priority  
 2329 in which they would be advanced. These projects must be  
 2330 consistent with the criteria in s. 339.135(2)(b), Florida  
 2331 Statutes.

2332 (d) A 5-year work program of the projects to be advanced.  
 2333 This program must be consistent with chapter 339, Florida  
 2334 Statutes.

2335 (e) A report of any statutory changes, including a draft  
 2336 bill, needed to give the Northwest Florida Regional  
 2337 Transportation Planning Organization the ability to advance  
 2338 construction projects. The draft bill language shall address, at  
 2339 a minimum:

2340 1. Developing a list of road projects to be advanced,  
 2341 consistent with the organization's 5-year plan.

2342 2. Giving the department the authority to review projects  
 2343 to determine consistency with its current work program.

2344 3. Giving the organization the authority to issue bonds  
 2345 with a maturity of not greater than 30 years.

2346 4. Requiring proceeds of the bonds to be delivered to the  
 2347 department to pay the cost of completing the projects.

2348 5. Requiring the road projects to be consistent with the  
 2349 organization's 5-year plan.

2350 6. Permitting any participating county to elect to  
 2351 undertake responsibility for the payment of a portion of the  
 2352 cost of any project in the county pursuant to an agreement with

2353 the organization and the department.

2354 7. Providing that, in each year that the bonds are  
2355 outstanding, no more than 25 percent of the state transportation  
2356 funds appropriated for capacity projects advanced pursuant to  
2357 the terms of this section and within the area of operation of  
2358 the organization shall be paid over to the organization for the  
2359 purpose of paying debt service on bonds the organization issued  
2360 for such capacity projects. Such payments shall be made in lieu  
2361 of programming any new projects in the work program.

2362 8. In the event that the capacity funds allocated to the  
2363 member counties of the organization are less than the amount  
2364 needed to satisfy the payment requirements under the contract,  
2365 the department shall defer the funded capacity on any other  
2366 projects in the member counties of the organization to the  
2367 extent necessary to make up such deficiency, so as to enable the  
2368 organization to make the required debt service payments on the  
2369 bonds or to replenish the reserves established for the bonds  
2370 which may have been used to make up such deficiency. Under no  
2371 circumstances shall the department provide any funds for these  
2372 capacity projects in excess of the amount that would be  
2373 allocated to the member counties pursuant to statutory formula  
2374 and legislative appropriation.

2375 9. Providing that the bonds shall state on their face that  
2376 they do not constitute a pledge of the full faith or taxing  
2377 power of the state, and no holder of any bond shall have the  
2378 right to compel payment of the bonds from any funds of the  
2379 state, other than amounts required to be paid to the  
2380 organization under the contract. The bonds shall be limited and

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2381 special obligations payable solely from the sources described  
2382 herein.

2383 10. Establishing such other terms and provisions as may be  
2384 deemed reasonable and necessary to enable the organization to  
2385 market the bonds at the most advantageous rates possible.

2386 (4) The Legislature may authorize the implementation of  
2387 the Northwest Florida Regional Transportation Planning  
2388 Organization's study after a satisfactory showing that these  
2389 prerequisites have been met and that any source of funding for  
2390 any bonds to be issued has been approved by the Department of  
2391 Transportation.

2392 Section 45. This act shall take effect July 1, 2009.