

CONFERENCE COMMITTEE AMENDMENT

Bill No. HB 5013

Amendment No.

CHAMBER ACTION

Senate

House

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1 The Conference Committee on HB 5013 offered the following:

2
3 **Conference Committee Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Subsection (26) of section 334.044, Florida
6 Statutes, is amended to read:

7 334.044 Department; powers and duties.--The department
8 shall have the following general powers and duties:

9 (26) To provide for the enhancement of environmental
10 benefits, including air and water quality; to prevent roadside
11 erosion; to conserve the ~~conservation~~ of natural roadside growth
12 and scenery; and to provide for the implementation and
13 maintenance of roadside conservation, enhancement,
14 stabilization, and beautification programs.~~7~~ and No less than
15 1.5 percent of the amount contracted for construction projects
16 shall be allocated by the department for the purchase of plant
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17 ~~materials, with, to beautification programs. Except where~~
18 ~~prohibited by federal law or federal regulation and to the~~
19 greatest extent practical, a minimum of 50 percent of these
20 funds for ~~shall be used to purchase~~ large plant materials and
21 ~~with~~ the remaining funds for other plant materials. All such
22 plant materials shall be purchased from Florida commercial
23 nursery ~~Florida-based nurseryman~~ stock in this state on a
24 uniform competitive bid basis. The department will develop
25 grades and standards for landscaping materials purchased through
26 this process. To accomplish these activities, the department may
27 contract with nonprofit organizations having the primary purpose
28 of developing youth employment opportunities.

29 Section 2. In order to implement Specific Appropriations
30 1986 through 2095 of the 2009-2010 General Appropriations Act,
31 section 337.025, Florida Statutes, is amended to read:

32 337.025 Innovative highway projects; department to
33 establish program.--

34 (1) The department is authorized to establish a program
35 for highway projects demonstrating innovative techniques of
36 highway construction, maintenance, and finance which have the
37 intended effect of controlling time and cost increases on
38 construction projects. Such techniques may include, but are not
39 limited to, state-of-the-art technology for pavement, safety,
40 and other aspects of highway construction and maintenance;
41 innovative bidding and financing techniques; accelerated
42 construction procedures; and those techniques that have the
43 potential to reduce project life cycle costs. To the maximum
44 extent practical, the department must use the existing process

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45 to award and administer construction and maintenance contracts.
46 When specific innovative techniques are to be used, the
47 department is not required to adhere to those provisions of law
48 that would prevent, preclude, or in any way prohibit the
49 department from using the innovative technique. However, prior
50 to using an innovative technique that is inconsistent with
51 another provision of law, the department must document in
52 writing the need for the exception and identify what benefits
53 the traveling public and the affected community are anticipated
54 to receive. The department may enter into no more than \$120
55 million in contracts annually for the purposes authorized by
56 this section.

57 (2) However, The annual cap on contracts provided in
58 subsection (1) this section shall not apply to:

59 (a) Turnpike enterprise projects, and ~~nor shall~~ turnpike
60 enterprise projects shall not be counted toward the department's
61 annual cap.

62 (b) Transportation projects funded by the American
63 Recovery and Reinvestment Act of 2009.

64 Section 3. Subsection (2) of section 337.0261, Florida
65 Statutes, is amended to read:

66 337.0261 Construction aggregate materials.--

67 (2) LEGISLATIVE INTENT.--The Legislature finds that there
68 is a strategic and critical need for an available supply of
69 construction aggregate materials within the state and that a
70 disruption of the supply would cause a significant detriment to
71 the state's construction industry, transportation system, and
72 overall health, safety, and welfare. In addition, the

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73 Legislature recognizes that construction aggregate materials
 74 mining is an industry of critical importance to the state and
 75 that the mining of construction aggregate materials is in the
 76 public interest.

77 Section 4. Subsections (1) and (4) of section 339.2818,
 78 Florida Statutes, are amended to read:

79 339.2818 Small County Outreach Program.--

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

87 (4) (a) Small counties shall be eligible to compete for
 88 funds that have been designated for the Small County Outreach
 89 Program for projects on county roads. The department shall fund
 90 75 percent of the cost of projects on county roads funded under
 91 the program.

92 (b) In determining a county's eligibility for assistance
 93 under this program, the department may consider whether the
 94 county has attempted to keep county roads in satisfactory
 95 condition, which may be evidenced through an established
 96 pavement management plan.

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

99 1. The primary criterion is the physical condition of the
 100 road as measured by the department.

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101 2. As secondary criteria the department may consider:

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

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

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

105 d. Whether a road is considered a feeder road.

106 e. Information as evidenced to the department through an
107 established pavement management plan.

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

111 Section 5. Subsections (1), (3), (4), and (5) of section
112 479.261, Florida Statutes, are amended to read:

113 479.261 Logo sign program.--

114 (1) The department shall establish a logo sign program for
115 the rights-of-way of the interstate highway system to provide
116 information to motorists about available gas, food, lodging, and
117 camping, attractions, and other services, as approved by the
118 Federal Highway Administration, at interchanges, through the use
119 of business logos, and may include additional interchanges under
120 the program. ~~A logo sign for nearby attractions may be added to~~
121 ~~this program if allowed by federal rules.~~

122 (a) As used in this chapter, the term An "attraction"
123 means as used in this chapter is defined as an establishment,
124 site, facility, or landmark that which is open a minimum of 5
125 days a week for 52 weeks a year; that which charges an admission
126 for entry; which has as its principal focus family-oriented
127 entertainment, cultural, educational, recreational, scientific,
128 or historical activities; and that which is publicly recognized

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129 as a bona fide tourist attraction. ~~However, the permits for~~
130 ~~businesses seeking to participate in the attractions logo sign~~
131 ~~program shall be awarded by the department annually to the~~
132 ~~highest bidders, notwithstanding the limitation on fees in~~
133 ~~subsection (5), which are qualified for available space at each~~
134 ~~qualified location, but the fees therefor may not be less than~~
135 ~~the fees established for logo participants in other logo~~
136 ~~categories.~~

137 (b) The department shall incorporate the use of RV-
138 friendly markers on specific information logo signs for
139 establishments that cater to the needs of persons driving
140 recreational vehicles. Establishments that qualify for
141 participation in the specific information logo program and that
142 also qualify as "RV-friendly" may request the RV-friendly marker
143 on their specific information logo sign. An RV-friendly marker
144 must consist of a design approved by the Federal Highway
145 Administration. The department shall adopt rules in accordance
146 with chapter 120 to administer this paragraph, including rules
147 setting forth the minimum requirements that establishments must
148 meet in order to qualify as RV-friendly. These requirements
149 shall include large parking spaces, entrances, and exits that
150 can easily accommodate recreational vehicles and facilities
151 having appropriate overhead clearances, if applicable.

152 (c) The department may implement a 3-year, rotation-based
153 logo program providing for the removal and addition of
154 participating businesses in the program.

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155 (3) Logo signs may be installed upon the issuance of an
156 annual permit by the department or its agent and payment of a ~~an~~
157 ~~application and~~ permit fee to the department or its agent.

158 (4) The department may contract pursuant to s. 287.057 for
159 the provision of services related to the logo sign program,
160 including recruitment and qualification of businesses, review of
161 applications, permit issuance, and fabrication, installation,
162 and maintenance of logo signs. The department may reject all
163 proposals and seek another request for proposals or otherwise
164 perform the work. ~~If the department contracts for the provision~~
165 ~~of services for the logo sign program, the contract must~~
166 ~~require, unless the business owner declines, that businesses~~
167 ~~that previously entered into agreements with the department to~~
168 ~~privately fund logo sign construction and installation be~~
169 ~~reimbursed by the contractor for the cost of the signs which has~~
170 ~~not been recovered through a previously agreed upon waiver of~~
171 ~~fees.~~ The contract also may allow the contractor to retain a
172 portion of the annual fees as compensation for its services.

173 (5) At a minimum, permit fees for businesses that
174 participate in the program must be established in an amount
175 sufficient to offset the total cost to the department for the
176 program, including contract costs. The department shall provide
177 the services in the most efficient and cost-effective manner
178 through department staff or by contracting for some or all of
179 the services. The department shall adopt rules that set
180 reasonable rates based upon factors such as population, traffic
181 volume, market demand, and costs for annual permit fees.
182 However, annual permit fees for sign locations inside an urban

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183 area, as defined in s. 334.03(32), may not exceed \$5,000 and
184 annual permit fees for sign locations outside an urban area, as
185 defined in s. 334.03(32), may not exceed \$2,500. After
186 recovering program costs, the proceeds from the annual permit
187 fees shall be deposited into the State Transportation Trust Fund
188 and used for transportation purposes. ~~Such annual permit fee~~
189 ~~shall not exceed \$1,250.~~

190 Section 6. Subsections (7) and (8) of section 348.54,
191 Florida Statutes, are amended to read:

192 348.54 Powers of the authority.--Except as otherwise
193 limited herein, the authority shall have the power:

194 (7) To borrow money and to make and issue negotiable
195 bonds, notes, refunding bonds, and other evidences of
196 indebtedness or obligations, either in temporary or definitive
197 form, hereinafter in this chapter referred to as "bonds of the
198 authority," for the purpose of financing all or part of the
199 improvement or extension of the expressway system and
200 appurtenant facilities, including all approaches, streets,
201 roads, bridges, and avenues of access for the expressway system,
202 and for any other purpose authorized by this part, and to
203 provide for the rights of the holders thereof.

204 (8) To secure the payment of bonds by a pledge of all or
205 any portion of the revenues or such other moneys legally
206 available therefor and of all or any portion of the Hillsborough
207 County gasoline tax funds in the manner provided by this part;
208 and in general to provide for the security of the bonds and the
209 rights and remedies of the holders thereof. Interest upon the
210 amount of gasoline tax funds to be repaid to the county pursuant
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211 to s. 348.60 shall be payable, at the highest rate applicable to
212 any outstanding bonds of the authority, out of revenues and
213 other available moneys not required to meet the authority's
214 obligations to its bondholders. The authority shall have no
215 power at any time or in any manner to pledge the credit or
216 taxing power of the state or any political subdivision or agency
217 thereof, including the city and the county, nor shall any of the
218 authority's obligations be deemed to be obligations of the state
219 or of any political subdivision or agency thereof, nor shall the
220 state or any political subdivision or agency thereof, except the
221 authority, be liable for the payment of the principal of or
222 interest on such obligations.

223 Section 7. (1) The Department of Community Affairs, in
224 consultation with the Department of Transportation, shall
225 implement an Energy Economic Zone Pilot Program for the purpose
226 of developing a model to help communities cultivate green
227 economic development, encourage renewable electric energy
228 generation, manufacture products that contribute to energy
229 conservation and green jobs, and further implement chapter 2008-
230 191, Laws of Florida, relative to discouraging sprawl and
231 developing energy-efficient land use patterns and greenhouse gas
232 reduction strategies. The Office of Tourism, Trade, and Economic
233 Development and the Florida Energy and Climate Commission shall
234 provide technical assistance to the departments in developing
235 and administering the program.

236 (2) (a) The application for a pilot project shall:

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237 1. Identify the proposed location of the energy economic
238 zone, which must be within an adopted urban service area and may
239 include a county landfill outside the urban service boundary;

240 2. Present a proposed strategic plan for development and
241 redevelopment in the energy economic zone;

242 3. Demonstrate consistency of the strategic plan with the
243 local comprehensive plan or include proposed plan amendments
244 necessary to achieve consistency; and

245 4. Identify comprehensive plan amendments that will be
246 proposed to implement chapter 2008-191, Laws of Florida.

247 (b) The strategic plan under subparagraph (a)1. must
248 include mixed-use and form-based standards that integrate
249 multimodal transportation facilities with land use and
250 development patterns to reduce reliance on automobiles,
251 encourage certified green building developments and renewable
252 energy systems, encourage creation of green jobs, and
253 demonstrate how local financial and regulatory incentives will
254 be used in the energy economic zone.

255 (c) The Department of Community Affairs shall grant at
256 least one application if the application meets the requirements
257 of this subsection and the community has demonstrated a prior
258 commitment to energy conservation, carbon reduction, green
259 building, and economic development. The Department of Community
260 Affairs and the Office of Tourism, Trade, and Economic
261 Development shall provide the pilot community, including
262 businesses within the energy economic zone, with technical
263 assistance in identifying and qualifying for eligible grants and
264 credits in job creation, energy, and other areas.

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265 (3) The Department of Community Affairs, with the
266 assistance of the Office of Tourism, Trade, and Economic
267 Development, shall submit an interim report by February 15,
268 2010, to the Governor, the President of the Senate, and the
269 Speaker of the House of Representatives regarding the status of
270 the pilot program. The report shall contain any recommendations
271 deemed appropriate by the department for statutory changes to
272 accomplish the goals of the pilot program community, including
273 whether it would be beneficial to provide financial incentives
274 similar to those offered to an enterprise zone.

275 (4) If the pilot project is ongoing, the Department of
276 Community Affairs, with the assistance of the Office of Tourism,
277 Trade, and Economic Development, shall submit a report to the
278 Governor, the President of the Senate, and the Speaker of the
279 House of Representatives by February 15, 2012, evaluating
280 whether the pilot program has demonstrated success. The report
281 shall contain recommendations with regard to whether the program
282 should be expanded for use by other local governments and
283 whether state policies should be revised to encourage the goals
284 of the program.

285 Section 8. (1) The Northwest Florida Regional
286 Transportation Planning Organization, an interlocal agency under
287 part I of chapter 163, Florida Statutes, is authorized to study
288 the feasibility of advance-funding the costs of capacity
289 projects in its member counties and making recommendations to
290 the Legislature by February 1, 2010. The Department of
291 Transportation may assist the organization in conducting the
292 study.

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293 (2) Results of any study authorized by this section shall
294 be provided to the Governor, the President of the Senate, the
295 Speaker of the House of Representatives, the department, any
296 metropolitan planning organization in any county served by the
297 organization, and the counties served by the organization and
298 shall discuss the financial feasibility of advance-funding the
299 costs of capacity projects in the Northwest Florida Regional
300 Transportation Planning Organization's member counties. The
301 study must be based on the following assumptions:

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

305 (b) Any bonds shall have a maturity not to exceed 30
306 years.

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

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

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

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

318 (3) The study shall contain:

319 (a) An analysis of the financial feasibility of advancing
320 capacity projects in the Northwest Florida Regional

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321 Transportation Planning Organization's member counties.

322 (b) A long-range, cost-feasible finance plan that
323 identifies the project cost, revenues by source, financing,
324 major assumptions, and a total cash flow analysis beginning with
325 implementation of the project and extending through final
326 completion of the project.

327 (c) A tentative list of capacity projects and the priority
328 in which they would be advanced. These projects must be
329 consistent with the criteria in s. 339.135(2) (b), Florida
330 Statutes.

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

334 (e) A report of any statutory changes, including a draft
335 bill, needed to give the Northwest Florida Regional
336 Transportation Planning Organization the ability to advance
337 construction projects. The draft bill language shall address, at
338 a minimum:

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

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

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

345 4. Requiring proceeds of the bonds to be delivered to the
346 department to pay the cost of completing the projects.

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

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349 6. Permitting any participating county to elect to
350 undertake responsibility for the payment of a portion of the
351 cost of any project in the county pursuant to an agreement with
352 the organization and the department.

353 7. Providing that, in each year that the bonds are
354 outstanding, no more than 25 percent of the state transportation
355 funds appropriated for capacity projects advanced pursuant to
356 the terms of this section and within the area of operation of
357 the organization shall be paid over to the organization for the
358 purpose of paying debt service on bonds the organization issued
359 for such capacity projects. Such payments shall be made in lieu
360 of programming any new projects in the work program.

361 8. Providing that, in the event that the capacity funds
362 allocated to the member counties of the organization are less
363 than the amount needed to satisfy the payment requirements under
364 the contract, the department shall defer the funded capacity on
365 any other projects in the member counties of the organization to
366 the extent necessary to make up such deficiency, so as to enable
367 the organization to make the required debt service payments on
368 the bonds or to replenish the reserves established for the bonds
369 which may have been used to make up such deficiency. Under no
370 circumstances shall the department provide any funds for these
371 capacity projects in excess of the amount that would be
372 allocated to the member counties pursuant to statutory formula
373 and legislative appropriation.

374 9. Providing that the bonds shall state on their face that
375 they do not constitute a pledge of the full faith or taxing
376 power of the state, and no holder of any bond shall have the

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377 right to compel payment of the bonds from any funds of the
378 state, other than amounts required to be paid to the
379 organization under the contract. The bonds shall be limited and
380 special obligations payable solely from the sources described
381 herein.

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

385 (4) The Legislature may authorize the implementation of
386 the Northwest Florida Regional Transportation Planning
387 Organization's study after a satisfactory showing that these
388 prerequisites have been met and that any source of funding for
389 any bonds to be issued has been approved by the Department of
390 Transportation.

391 Section 9. This act shall take effect upon becoming a law.
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394 -----

395 **T I T L E A M E N D M E N T**

396 Remove the entire title and insert:

397 A bill to be entitled

398 An act relating to transportation; amending s. 334.044,
399 F.S.; revising the powers and duties of the Department of
400 Transportation to provide for certain environmental
401 conditions; amending s. 337.025, F.S.; exempting
402 transportation projects funded by the American Recovery
403 and Reinvestment Act of 2009 from specified caps on annual
404 contract amounts; amending s. 337.0261, F.S.; recognizing

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405 that construction aggregate materials mining is an
406 industry of critical importance and that the mining of
407 construction aggregate materials is in the public
408 interest; amending s. 339.2818, F.S., relating to the
409 Small County Outreach Program; revising the purpose of the
410 program to include certain program purposes; revising
411 eligibility and prioritization criteria; amending s.
412 479.261, F.S.; revising requirements for the logo sign
413 program of the interstate highway system; revising the
414 definition of the term "attraction"; removing provisions
415 for permits to be awarded to the highest bidders;
416 authorizing the department to implement a rotation-based
417 logo program; revising contract provisions for related
418 services; requiring the department to adopt rules that set
419 reasonable rates based on certain factors for annual
420 permit fees; requiring that such fees not exceed a certain
421 amount for certain sign locations; providing for
422 distribution and use of proceeds from such fees; amending
423 s. 348.54, F.S.; authorizing the Tampa-Hillsborough County
424 Expressway Authority to make and issue certain bonds and
425 other evidences of indebtedness and obligations;
426 specifying liability for the payment of the principal of
427 or interest on such obligations; requiring the Department
428 of Community Affairs, in consultation with the Department
429 of Transportation, to implement the Energy Economic Zone
430 Pilot Program for specified purposes; requiring that the
431 Office of Tourism, Trade, and Economic Development and the
432 Florida Energy and Climate Commission provide technical

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433 assistance; specifying intended goals of the program;
434 providing an application process for a pilot project;
435 requiring that the Department of Community Affairs and the
436 Office of Tourism, Trade, and Economic Development provide
437 the pilot community with certain assistance; requiring the
438 Department of Community Affairs to submit reports to the
439 Governor and the Legislature; authorizing the Northwest
440 Florida Regional Transportation Planning Organization to
441 conduct a study on advancing funds for certain
442 construction projects; authorizing the Department of
443 Transportation to assist with the study; requiring results
444 of the study to be provided to the Governor, the
445 Legislature, and certain entities; providing principles
446 for the study; providing for content of the study;
447 providing for legislative authorization prior to
448 implementation of the study; providing an effective date.

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