

2009582e1

1 A bill to be entitled
2 An act relating to transportation; providing
3 legislative findings with respect to the need to
4 preserve investments in transportation infrastructure
5 and reduce congestion; creating the Florida
6 Transportation Revenue Study Commission for the
7 purpose of studying the state's transportation needs
8 and developing recommendations; requiring that the
9 commission submit a report to the Legislature by a
10 specified date; establishing powers and duties of the
11 commission; providing for membership and authorizing
12 the reimbursement of members for per diem and travel
13 expenses; providing requirements for meetings of the
14 commission; requiring the Center for Urban
15 Transportation Research at the University of South
16 Florida to provide staff support to the commission;
17 requiring that the Department of Transportation direct
18 a study for certain purposes; requiring that such
19 study include and address certain elements; requiring
20 that recommendations be delivered to the President of
21 the Senate and the Speaker of the House of
22 Representatives by a specified date; providing funding
23 for the commission through federal funds for
24 metropolitan transportation planning; amending s.
25 316.535, F.S.; requiring specified scale tolerances to
26 be applied to weight limits for vehicles on highways
27 that are not in the Interstate Highway System;
28 amending s. 339.2818, F.S.; relating to the Small
29 County Outreach Program; revising the purpose of the

2009582e1

30 program to include certain program types; revising
31 eligibility and prioritization criteria; authorizing
32 the Northwest Florida Regional Transportation Planning
33 Organization to conduct a study on advancing funds for
34 certain construction projects; authorizing the
35 Department of Transportation to assist with the study;
36 requiring results of the study to be provided to the
37 Governor, the Legislature, and certain entities;
38 providing principles for the study; providing for
39 content of the study; providing for legislative
40 authorization prior to implementation of the study;
41 amending s. 316.545, F.S.; providing for a reduction
42 in the gross weight of certain vehicles equipped with
43 idle-reduction technologies when calculating a penalty
44 for exceeding maximum weight limits; requiring the
45 operator to provide certification of the weight of the
46 idle-reduction technology and to demonstrate or
47 certify that the idle-reduction technology is fully
48 functional at all times; amending s. 339.62, F.S.;
49 providing that certain intermodal logistics centers
50 are components of the Strategic Intermodal System;
51 amending s. 339.63, F.S.; providing that certain
52 intermodal logistics centers are included within the
53 Strategic Intermodal System and the Emerging Strategic
54 Intermodal System; directing the Secretary of
55 Transportation to designate certain intermodal
56 logistics centers as part of the Strategic Intermodal
57 System; creating an exemption for certain proposed
58 affordable housing developments from transportation

2009582e1

59 concurrency requirements; amending s. 316.1895, F.S.,
60 authorizing alternative installation of "Speeding
61 Fines Doubled" signs in advance of school zones;
62 amending s. 338.01, F.S.; prohibiting new toll
63 facilities from eliminating non-tolled options for
64 travel in the same corridor; creating the Ronshay
65 Dugans Act; designating the first week in September as
66 "Drowsy Driving Prevention Week"; amending s. 337.401,
67 F.S.; providing for the placement of and access to
68 transmission lines that are adjacent to and within the
69 right-of-way of any public road controlled by the
70 Department of Transportation; amending s. 163.3180,
71 F.S.; providing a definition for "backlog"; providing
72 an effective date.

73
74 Be It Enacted by the Legislature of the State of Florida:

75
76 Section 1. Florida Transportation Revenue Study
77 Commission.—

78 (1) The Legislature finds and declares that the costs of
79 preserving investments in transportation infrastructure and
80 eliminating or reducing congestion in the movement of people and
81 goods is expected to substantially increase, and those costs
82 will have a commensurate effect on the state's economy,
83 environment, and quality of life.

84 (2) The Florida Transportation Revenue Study Commission is
85 created for the purpose of studying state, regional, and local
86 transportation needs and developing new and innovative funding
87 options and recommendations that address this state's future

2009582e1

88 transportation needs. The commission shall submit a written
89 report to the Legislature containing its findings and
90 recommendations by January 1, 2011. The report presented by the
91 commission shall, at a minimum, include findings and
92 recommendations regarding:

93 (a) The stability of existing transportation revenue
94 sources, taking into account energy-efficient vehicles, emerging
95 technologies, alternative fuels, and other state and federal
96 initiatives.

97 (b) The funding needs of state, regional, and local
98 transportation facilities and services and the ability to
99 address those needs.

100 (c) New and innovative funding options that can be used by
101 the state, metropolitan planning organizations, local
102 governments, and other major transportation providers to fund
103 transportation facilities and services.

104 (3) The commission shall consist of 13 members. Three
105 members shall be appointed by the Governor, three members shall
106 be appointed by the President of the Senate, and three members
107 shall be appointed by the Speaker of the House of
108 Representatives. One member shall be the Secretary of
109 Transportation, or the secretary's designee, one member shall be
110 appointed by the Metropolitan Planning Organization Advisory
111 Council, one member shall be appointed by the Florida
112 Association of Counties, Inc., from among its members, and one
113 member shall be appointed by the Florida League of Cities, Inc.,
114 from among its members. The membership of the commission must
115 represent transportation organizations, local governments,
116 developers and homebuilders, the business community, the

2009582e1

117 environmental community, transportation labor organizations, and
118 other appropriate stakeholders in the transportation system. One
119 member shall be designated by the Governor as chair of the
120 commission. Members shall be appointed to a term that ends upon
121 adjournment sine die of the 2011 regular legislative session.
122 Any vacancy that occurs on the commission shall be filled in the
123 same manner as the original appointment. Members of the
124 commission shall serve without compensation, but are entitled to
125 reimbursement for per diem and travel expenses in accordance
126 with s. 112.061, Florida Statutes, while in performance of their
127 duties.

128 (4) The first meeting of the commission shall be held by
129 October 1, 2009, and thereafter the commission shall meet at the
130 call of the chair but not less frequently than three times per
131 year. Each member of the commission is entitled to one vote, and
132 actions of the commission are not binding unless taken by a
133 majority vote of the members present. A majority of the
134 membership constitutes a quorum at any meeting of the
135 commission. The commission may adopt its own rules of procedure
136 and has such other powers as are necessary to complete its
137 responsibilities.

138 (5) The Center for Urban Transportation Research at the
139 University of South Florida shall provide staff and other
140 resources necessary to assist the commission in accomplishing
141 its goals. All agencies under the control of the Governor are
142 directed, and all other federal, state, and local agencies are
143 requested, to render assistance to, and cooperate with, the
144 commission.

145 Section 2. The Department of Transportation shall direct a

2009582e1

146 study to be conducted and funded by the authority created in
147 chapter 349, Florida Statutes, for the purpose of recommending
148 to the Legislature the framework for a regional transportation
149 authority for the northeast region of Florida, composed of the
150 following counties and each of the municipalities located
151 therein: Baker, Clay, Duval, Flagler, Nassau, Putnam, and St.
152 Johns. The study shall include, at a minimum, the existing
153 powers and duties of the authority, as well as the additional
154 powers and duties necessary for the agency to plan, design,
155 finance, construct, operate, and maintain transportation
156 facilities providing a safe, adequate, and efficient surface
157 transportation network for the region, consistent with the
158 statewide transportation network. In addition, the study shall
159 address agency revenue sources, governance, coordination of work
160 plans, and coordination with local comprehensive plans for all
161 transportation facilities of the agency. Recommendations shall
162 be delivered to the President of the Senate and Speaker of the
163 House of Representatives no later than February 1, 2010.

164 Section 3. Funding for the Florida Transportation Revenue
165 Study Commission.—The sum of \$225,000 in federal metropolitan
166 planning funds is appropriated from the State Transportation
167 Trust Fund to the Center for Urban Transportation Research at
168 the University of South Florida for each of the 2009-2010 and
169 2010-2011 fiscal years for the purpose of paying the expenses of
170 staff services and providing other related assistance to the
171 Florida Transportation Revenue Study Commission.

172 Section 4. Paragraphs (a) and (b) of subsection (12) and
173 paragraph (i) of subsection (16) of section 163.3180, Florida
174 Statutes, are created to read:

2009582e1

175 163.3180 Concurrency.—

176 (12) (a) A development of regional impact may satisfy the
177 transportation concurrency requirements of the local
178 comprehensive plan, the local government's concurrency
179 management system, and s. 380.06 by payment of a proportionate-
180 share contribution for local and regionally significant traffic
181 impacts, if:

182 1. ~~(a)~~ The development of regional impact which, based on
183 its location or mix of land uses, is designed to encourage
184 pedestrian or other nonautomotive modes of transportation;

185 2. ~~(b)~~ The proportionate-share contribution for local and
186 regionally significant traffic impacts is sufficient to pay for
187 one or more required mobility improvements that will benefit a
188 regionally significant transportation facility;

189 3. ~~(c)~~ The owner and developer of the development of
190 regional impact pays or assures payment of the proportionate-
191 share contribution; and

192 4. ~~(d)~~ If the regionally significant transportation facility
193 to be constructed or improved is under the maintenance authority
194 of a governmental entity, as defined by s. 334.03(12), other
195 than the local government with jurisdiction over the development
196 of regional impact, the developer is required to enter into a
197 binding and legally enforceable commitment to transfer funds to
198 the governmental entity having maintenance authority or to
199 otherwise assure construction or improvement of the facility.

200

201 The proportionate-share contribution may be applied to any
202 transportation facility to satisfy the provisions of this
203 subsection and the local comprehensive plan, but, for the

2009582e1

204 purposes of this subsection, the amount of the proportionate-
205 share contribution shall be calculated based upon the cumulative
206 number of trips from the proposed development expected to reach
207 roadways during the peak hour from the complete buildout of a
208 stage or phase being approved, divided by the change in the peak
209 hour maximum service volume of roadways resulting from
210 construction of an improvement necessary to maintain the adopted
211 level of service, multiplied by the construction cost, at the
212 time of developer payment, of the improvement necessary to
213 maintain the adopted level of service. For purposes of this
214 subsection, "construction cost" includes all associated costs of
215 the improvement. Proportionate-share mitigation shall be limited
216 to ensure that a development of regional impact meeting the
217 requirements of this subsection mitigates its impact on the
218 transportation system but is not responsible for the additional
219 cost of reducing or eliminating backlogs. This subsection also
220 applies to Florida Quality Developments pursuant to s. 380.061
221 and to detailed specific area plans implementing optional sector
222 plans pursuant to s. 163.3245.

223 (b) As used in this subsection, the term "backlog" means a
224 facility or facilities on which the adopted level-of-service
225 standard is exceeded by the existing trips, plus additional
226 projected background trips from any source other than the
227 development project under review that are forecast by
228 established traffic standards, including traffic modeling,
229 consistent with the University of Florida Bureau of Economic and
230 Business Research medium population projections. Additional
231 projected background trips are to be coincident with the
232 particular stage or phase of development under review.

2009582e1

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

239 (i) As used in this subsection, the term "backlog" means a
240 facility or facilities on which the adopted level-of-service
241 standard is exceeded by the existing trips, plus additional
242 projected background trips from any source other than the
243 development project under review that are forecast by
244 established traffic standards, including traffic modeling,
245 consistent with the University of Florida Bureau of Economic and
246 Business Research medium population projections. Additional
247 projected background trips are to be coincident with the
248 particular stage or phase of development under review.

249 Section 5. (1) The Northwest Florida Regional
250 Transportation Planning Organization, an interlocal agency under
251 part I of chapter 163, Florida Statutes, is authorized to study
252 the feasibility of advance-funding the costs of capacity
253 projects in its member counties and making recommendations to
254 the Legislature by February 1, 2010. The Department of
255 Transportation may assist the organization in conducting the
256 study.

257 (2) Results of any study authorized by this section shall
258 be provided to the Governor, the President of the Senate, the
259 Speaker of the House of Representatives, the department, any
260 metropolitan planning organization in any county served by the
261 organization, and the counties served by the organization and

2009582e1

262 shall discuss the financial feasibility of advance-funding the
263 costs of capacity projects in the Northwest Florida Regional
264 Transportation Planning Organization's member counties. The
265 study must be based on the following assumptions:

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

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

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

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

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

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

281 (3) The study shall contain:

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

285 (b) A long-range, cost-feasible finance plan that
286 identifies the project cost, revenues by source, financing,
287 major assumptions, and a total cash flow analysis beginning with
288 implementation of the project and extending through final
289 completion of the project.

290 (c) A tentative list of capacity projects and the priority

2009582e1

291 in which they would be advanced. These projects must be
292 consistent with the criteria in s. 339.135(2) (b), Florida
293 Statutes.

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

297 (e) A report of any statutory changes, including a draft
298 bill, needed to give the Northwest Florida Regional
299 Transportation Planning Organization the ability to advance
300 construction projects. The draft bill language shall address, at
301 a minimum:

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

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

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

308 4. Requiring proceeds of the bonds to be delivered to the
309 department to pay the cost of completing the projects.

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

312 6. Permitting any participating county to elect to
313 undertake responsibility for the payment of a portion of the
314 cost of any project in the county pursuant to an agreement with
315 the organization and the department.

316 7. Providing that, in each year that the bonds are
317 outstanding, no more than 25 percent of the state transportation
318 funds appropriated for capacity projects advanced pursuant to
319 the terms of this section and within the area of operation of

2009582e1

320 the organization shall be paid over to the organization for the
321 purpose of paying debt service on bonds the organization issued
322 for such capacity projects. Such payments shall be made in lieu
323 of programming any new projects in the work program.

324 8. In the event that the capacity funds allocated to the
325 member counties of the organization are less than the amount
326 needed to satisfy the payment requirements under the contract,
327 the department shall defer the funded capacity on any other
328 projects in the member counties of the organization to the
329 extent necessary to make up such deficiency, so as to enable the
330 organization to make the required debt service payments on the
331 bonds or to replenish the reserves established for the bonds
332 which may have been used to make up such deficiency. Under no
333 circumstances shall the department provide any funds for these
334 capacity projects in excess of the amount that would be
335 allocated to the member counties pursuant to statutory formula
336 and legislative appropriation.

337 9. Providing that the bonds shall state on their face that
338 they do not constitute a pledge of the full faith or taxing
339 power of the state, and no holder of any bond shall have the
340 right to compel payment of the bonds from any funds of the
341 state, other than amounts required to be paid to the
342 organization under the contract. The bonds shall be limited and
343 special obligations payable solely from the sources described
344 herein.

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

348 (4) The Legislature may authorize the implementation of the

2009582e1

349 Northwest Florida Regional Transportation Planning
350 Organization's study after a satisfactory showing that these
351 prerequisites have been met and that any source of funding for
352 any bonds to be issued has been approved by the Department of
353 Transportation.

354 Section 6. Subsection (5) of section 316.535, Florida
355 Statutes, is amended to read:

356 316.535 Maximum weights.—

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

362
363
$$W = 500((LN \div (N-1)) + 12N + 36)$$

364
365 where W = overall gross weight of the vehicle to the
366 nearest 500 pounds; L = distance in feet between the extreme of
367 the external axles; and N = number of axles on the vehicle.
368 However, such overall gross weight of any vehicle or combination
369 of vehicles may not exceed 80,000 pounds ~~including all~~
370 ~~enforcement tolerances.~~ The scale tolerance provided in s.
371 316.545(2) shall be applicable to all weight limitations of this
372 subsection. Except when a vehicle exceeds the posted weight
373 limit on a bridge, fines for violations of the total gross
374 weight limitations provided for in this subsection shall be
375 based on the amount by which the actual weight of the vehicle
376 and load exceeds the allowable maximum weight determined under
377 this subsection plus the scale tolerance provided in s.

2009582e1

378 316.545(2).

379 Section 7. Subsections (1) and (4) of section 339.2818,
380 Florida Statutes, are amended to read:

381 339.2818 Small County Outreach Program.—

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

389 (4) (a) Small counties shall be eligible to compete for
390 funds that have been designated for the Small County Outreach
391 Program for projects on county roads. The department shall fund
392 75 percent of the cost of projects on county roads funded under
393 the program.

394 (b) In determining a county's eligibility for assistance
395 under this program, the department may consider whether the
396 county has attempted to keep county roads in satisfactory
397 condition which may be evidenced through an established pavement
398 management plan.

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

- 401 1. The primary criterion is the physical condition of the
402 road as measured by the department.
- 403 2. As secondary criteria the department may consider:
 - 404 a. Whether a road is used as an evacuation route.
 - 405 b. Whether a road has high levels of agricultural travel.
 - 406 c. Whether a road is considered a major arterial route.

2009582e1

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

408 e. Information as evidenced to the department through an
409 established pavement management plan.

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

413 Section 8. Subsection (3) of section 316.545, Florida
414 Statutes, is amended to read:

415 316.545 Weight and load unlawful; special fuel and motor
416 fuel tax enforcement; inspection; penalty; review.—

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

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

423 (b) Five cents per pound for each pound of weight in excess
424 of the maximum herein provided when the excess weight exceeds
425 200 pounds. However, whenever the gross weight of the vehicle or
426 combination of vehicles does not exceed the maximum allowable
427 gross weight, the maximum fine for the first 600 pounds of
428 unlawful axle weight shall be \$10;

429 (c) For a vehicle equipped with fully functional idle-
430 reduction technology, any penalty shall be calculated by
431 reducing the actual gross vehicle weight or the internal bridge
432 weight by the certified weight of the idle-reduction technology
433 or by 400 pounds, whichever is less. The vehicle operator must
434 present written certification of the weight of the idle-
435 reduction technology and must demonstrate or certify that the

2009582e1

436 idle-reduction technology is fully functional at all times. This
437 calculation is not allowed for vehicles described in s.
438 316.535(6);

439 (d)~~(e)~~ An apportioned motor vehicle, as defined in s.
440 320.01, operating on the highways of this state without being
441 properly licensed and registered shall be subject to the
442 penalties as herein provided; and

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

447 Section 9. Subsection (5) of section 339.62, Florida
448 Statutes, is amended to read:

449 339.62 System components.—The Strategic Intermodal System
450 shall consist of appropriate components of:

451 (5) Selected intermodal facilities; passenger and freight
452 terminals; intermodal logistics centers owned, leased, or
453 operated by seaports and appropriate components of the State
454 Highway System, county road system, city street system, inland
455 waterways, and local public transit systems that serve as
456 existing or planned connectors between the components listed in
457 subsections (1)-(4).

458 Section 10. Paragraph (a) of subsection (2) and subsection
459 (4) of section 339.63, Florida Statutes, is amended to read:

460 339.63 System facilities designated; additions and
461 deletions.—

462 (2) The Strategic Intermodal System and the Emerging
463 Strategic Intermodal System include three different types of
464 facilities that each form one component of an interconnected

2009582e1

465 transportation system which types include:

466 (a) Existing or planned hubs that are ports and terminals
467 including airports, seaports, spaceports, passenger terminals,
468 ~~and rail terminals,~~ and intermodal logistics centers owned,
469 leased, or operated by a seaport serving to move goods or people
470 between Florida regions or between Florida and other markets in
471 the United States and the rest of the world;

472 (4) After the initial designation of the Strategic
473 Intermodal System under subsection (1), the department shall, in
474 coordination with the metropolitan planning organizations, local
475 governments, regional planning councils, transportation
476 providers, and affected public agencies, add facilities to or
477 delete facilities from the Strategic Intermodal System described
478 in paragraph (2)(a) based upon criteria adopted by the
479 department. However, an airport that is designated as a reliever
480 airport to a Strategic Intermodal System airport which has at
481 least 75,000 itinerant operations per year, has a runway length
482 of at least 5,500 linear feet, is capable of handling aircraft
483 weighing at least 60,000 pounds with a dual wheel configuration
484 which is served by at least one precision instrument approach,
485 and serves a cluster of aviation-dependent industries, shall be
486 designated as part of the Strategic Intermodal System by the
487 Secretary of Transportation upon the request of a reliever
488 airport meeting this criteria. An intermodal logistics center
489 under s. 339.62(5) that is owned, leased, or operated by an
490 existing designated Strategic Intermodal System facility shall
491 be considered part of that facility and shall be designated as
492 part of the Strategic Intermodal System by the Secretary of
493 Transportation upon the request of the seaport.

2009582e1

494 Section 11. Affordable housing developments; exemption from
495 concurrency requirements.—Affordable housing developments that
496 are proposed to serve residents who have incomes at or below 60
497 percent of the median income of the area and that will be
498 located on arterial roadways served by public transit are exempt
499 from transportation concurrency requirements.

500 Section 12. Subsection (6) of section 316.1895, Florida
501 Statutes, is amended to read:

502 316.1895 Establishment of school speed zones, enforcement;
503 designation.—

504 (6) Permanent signs designating school zones and school
505 zone speed limits shall be uniform in size and color, and shall
506 have the times during which the restrictive speed limit is
507 enforced clearly designated thereon. Flashing beacons activated
508 by a time clock, or other automatic device, or manually
509 activated may be used as an alternative to posting the times
510 during which the restrictive school speed limit is enforced.
511 Beginning July 1, 2008, for any newly established school zone or
512 any school zone in which the signing has been replaced, a sign
513 stating "Speeding Fines Doubled" shall be installed within or in
514 advance of the school zone. The Department of Transportation
515 shall establish adequate standards for the signs and flashing
516 beacons.

517 Section 13. Subsection (1) of section 338.01, Florida
518 Statutes, is amended to read:

519 338.01 Authority to establish and regulate limited access
520 facilities.—

521 (1) The transportation and expressway authorities of the
522 state, counties, and municipalities, referred to in this chapter

2009582e1

523 as "authorities," acting alone or in cooperation with each other
524 or with any federal, state, or local governmental entity or
525 agency of any other state that is authorized to construct
526 highways, are authorized to provide limited access facilities
527 for public use. Any of the authorities may construct a limited
528 access highway as a new facility or may designate an existing
529 street or highway as included within a limited access facility.

530 However:

531 (a) If the limited access facility is entirely located
532 within an incorporated municipality, such authority is subject
533 to municipal consent; except that such consent is not necessary
534 when such limited access facility is part of the interstate
535 system.

536 (b) Neither the construction of a new toll facility nor the
537 imposition of a toll on an existing state highway system
538 facility may eliminate a non-tolled alternative within the
539 corridor serving similar origins and destinations.

540 Section 14. Ronshay Dugans Act.—The first week of
541 September is designated as "Drowsy Driving Prevention Week" in
542 this state. During Drowsy Driving Prevention Week, the
543 Department of Highway Safety and Motor Vehicles and the
544 Department of Transportation are encouraged to educate the law
545 enforcement community and the public about the relationship
546 between fatigue and performance and the research showing fatigue
547 to be as much of an impairment as alcohol and as dangerous
548 behind the wheel. This section may be cited as the "Ronshay
549 Dugans Act."

550 Section 15. Subsection (1) of section 337.401, Florida
551 Statutes, is amended to read:

2009582e1

552 337.401 Use of right-of-way for utilities subject to
553 regulation; permit; fees.—

554 (1) (a) The department and local governmental entities,
555 referred to in ss. 337.401-337.404 as the "authority," that have
556 jurisdiction and control of public roads or publicly owned rail
557 corridors are authorized to prescribe and enforce reasonable
558 rules or regulations with reference to the placing and
559 maintaining along, across, or on any road or publicly owned rail
560 corridors under their respective jurisdictions any electric
561 transmission, telephone, telegraph, or other communications
562 services lines; pole lines; poles; railways; ditches; sewers;
563 water, heat, or gas mains; pipelines; fences; gasoline tanks and
564 pumps; or other structures referred to in this section as the
565 "utility." For aerial and underground electric utility
566 transmission lines designed to operate at 69 or more kilovolts
567 that are needed to accommodate the additional electrical
568 transfer capacity on the transmission grid resulting from new
569 base-load generating facilities, where there is no other
570 practicable alternative available for placement of the electric
571 utility transmission lines on the department's rights-of-way,
572 the department's rules shall provide for placement of and access
573 to such transmission lines adjacent to and within the right-of-
574 way of any department-controlled public roads, including
575 longitudinally within limited access facilities to the greatest
576 extent allowed by federal law, if compliance with the standards
577 established by such rules is achieved. Such rules may include,
578 but need not be limited to, that ~~the use of the right-of-way is~~
579 ~~reasonable based upon a consideration of economic and~~
580 ~~environmental factors, including, without limitation, other~~

2009582e1

581 ~~practicable alternative alignments, utility corridors and~~
582 ~~easements, impacts on adjacent property owners, and minimum~~
583 ~~clear zones and other safety standards, and further provide that~~
584 ~~placement of the electric utility transmission lines within the~~
585 ~~department's right-of-way does not interfere with operational~~
586 ~~requirements of the transportation facility or planned or~~
587 ~~potential future expansion of such transportation facility. If~~
588 ~~the department approves longitudinal placement of electric~~
589 ~~utility transmission lines in limited access facilities,~~
590 ~~compensation for the use of the right-of-way is required. Such~~
591 ~~consideration or compensation paid by the electric utility in~~
592 ~~connection with the department's issuance of a permit does not~~
593 ~~create any property right in the department's property~~
594 ~~regardless of the amount of consideration paid or the~~
595 ~~improvements constructed on the property by the utility. Upon~~
596 ~~notice by the department that the property is needed for~~
597 ~~expansion or improvement of the transportation facility, the~~
598 ~~electric utility transmission line will relocate from the~~
599 ~~facility at the electric utility's sole expense. The electric~~
600 ~~utility shall pay to the department reasonable damages resulting~~
601 ~~from the utility's failure or refusal to timely relocate its~~
602 ~~transmission lines. The rules to be adopted by the department~~
603 ~~may also address the compensation methodology and relocation. As~~
604 ~~used in this subsection, the term "base load generating~~
605 ~~facilities" means electric power plants that are certified under~~
606 ~~part II of chapter 403. The department may enter into a permit-~~
607 ~~delegation agreement with a governmental entity if issuance of a~~
608 ~~permit is based on requirements that the department finds will~~
609 ~~ensure the safety and integrity of facilities of the Department~~

2009582e1

610 of Transportation; however, the permit-delegation agreement does
611 not apply to facilities of electric utilities as defined in s.
612 366.02(2).

613 (b) For aerial and underground electric utility
614 transmission lines designed to operate at 69 or more kilovolts
615 that are needed to accommodate the additional electrical
616 transfer capacity on the transmission grid resulting from new
617 base-load generating facilities, the department's rules shall
618 provide for placement of and access to such transmission lines
619 adjacent to and within the right-of-way of any department-
620 controlled public roads, including longitudinally within limited
621 access facilities where there is no other practicable
622 alternative available, to the greatest extent allowed by federal
623 law, if compliance with the standards established by such rules
624 is achieved. Such rules may include, but need not be limited to,
625 that the use of the limited access right-of-way for longitudinal
626 placement of electric utility transmission lines is reasonable
627 based upon a consideration of economic and environmental
628 factors, including, without limitation, other practicable
629 alternative alignments, utility corridors and easements, impacts
630 on adjacent property owners, and minimum clear zones and other
631 safety standards, and further provide that placement of the
632 electric utility transmission lines within the department's
633 right-of-way does not interfere with operational requirements of
634 the transportation facility or planned or potential future
635 expansion of such transportation facility. If the department
636 approves longitudinal placement of electric utility transmission
637 lines in limited access facilities, compensation for the use of
638 the right-of-way is required. Such consideration or compensation

2009582e1

639 paid by the electric utility in connection with the department's
640 issuance of a permit does not create any property right in the
641 department's property regardless of the amount of consideration
642 paid or the improvements constructed on the property by the
643 utility. Upon notice by the department that the property is
644 needed for expansion or improvement of the transportation
645 facility, the electric utility transmission line will relocate
646 at the electric utility's sole expense. The electric utility
647 shall pay to the department reasonable damages resulting from
648 the utility's failure or refusal to timely relocate its
649 transmission lines. The rules to be adopted by the department
650 may also address the compensation methodology and relocation. As
651 used in this subsection, the term "base-load generating
652 facilities" means electric power plants that are certified under
653 part II of chapter 403.

654 Section 16. This act shall take effect upon becoming a law.