

2009582e2

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. 334.30, F.S.; authorizing the department
29 to lease existing toll facilities through public-

2009582e2

30 private partnerships, subject to approval by the
31 Legislature; amending s. 339.2818, F.S.; relating to
32 the Small County Outreach Program; revising the
33 purpose of the program to include certain program
34 types; revising eligibility and prioritization
35 criteria; authorizing the Northwest Florida Regional
36 Transportation Planning Organization to conduct a
37 study on advancing funds for certain construction
38 projects; authorizing the Department of Transportation
39 to assist with the study; requiring results of the
40 study to be provided to the Governor, the Legislature,
41 and certain entities; providing principles for the
42 study; providing for content of the study; providing
43 for legislative authorization prior to implementation
44 of the study; amending s. 316.545, F.S.; providing for
45 a reduction in the gross weight of certain vehicles
46 equipped with idle-reduction technologies when
47 calculating a penalty for exceeding maximum weight
48 limits; requiring the operator to provide
49 certification of the weight of the idle-reduction
50 technology and to demonstrate or certify that the
51 idle-reduction technology is fully functional at all
52 times; amending s. 334.044, F.S.; revising the powers
53 and duties of the Department of Transportation;
54 amending s. 339.62, F.S.; providing that certain
55 intermodal logistics centers are components of the
56 Strategic Intermodal System; amending s. 339.63, F.S.;
57 providing that certain intermodal logistics centers
58 are included within the Strategic Intermodal System

2009582e2

59 and the Emerging Strategic Intermodal System;
60 directing the Secretary of Transportation to designate
61 certain intermodal logistics centers as part of the
62 Strategic Intermodal System; creating an exemption for
63 certain proposed affordable housing developments from
64 transportation concurrency requirements; amending s.
65 316.1895, F.S., authorizing alternative installation
66 of "Speeding Fines Doubled" signs in advance of school
67 zones; amending s. 338.01, F.S.; prohibiting new toll
68 facilities from eliminating non-tolled options for
69 travel in the same corridor; creating the Ronshay
70 Dugans Act; designating the first week in September as
71 "Drowsy Driving Prevention Week"; amending s. 337.401,
72 F.S.; providing for the placement of and access to
73 transmission lines that are adjacent to and within the
74 right-of-way of any public road controlled by the
75 Department of Transportation; amending s. 163.3180,
76 F.S.; providing a definition for "backlog"; amending
77 s. 348.0003, F.S.; providing that members of certain
78 authorities are subject to specified financial
79 disclosure requirements; amending s. 348.0004, F.S.;
80 authorizing any expressway authority, transportation
81 authority, bridge authority, or toll authority,
82 subject to the approval of the Legislature, for any
83 existing facility, to receive or solicit proposals and
84 enter into agreements with private entities, or
85 consortia thereof, for the building, operation,
86 ownership, or financing of authority transportation
87 facilities; providing an effective date.

2009582e2

88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116

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

Section 1. Florida Transportation Revenue Study Commission.—

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

(2) The Florida Transportation Revenue Study Commission is created for the purpose of studying state, regional, and local transportation needs and developing new and innovative funding options and recommendations that address this state's future transportation needs. The commission shall submit a written report to the Legislature containing its findings and recommendations by January 1, 2011. The report presented by the commission shall, at a minimum, include findings and recommendations regarding:

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

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

(c) New and innovative funding options that can be used by the state, metropolitan planning organizations, local

2009582e2

117 governments, and other major transportation providers to fund
118 transportation facilities and services.

119 (3) The commission shall consist of 13 members. Three
120 members shall be appointed by the Governor, three members shall
121 be appointed by the President of the Senate, and three members
122 shall be appointed by the Speaker of the House of
123 Representatives. One member shall be the Secretary of
124 Transportation, or the secretary's designee, one member shall be
125 appointed by the Metropolitan Planning Organization Advisory
126 Council, one member shall be appointed by the Florida
127 Association of Counties, Inc., from among its members, and one
128 member shall be appointed by the Florida League of Cities, Inc.,
129 from among its members. The membership of the commission must
130 represent transportation organizations, local governments,
131 developers and homebuilders, the business community, the
132 environmental community, transportation labor organizations, and
133 other appropriate stakeholders in the transportation system. One
134 member shall be designated by the Governor as chair of the
135 commission. Members shall be appointed to a term that ends upon
136 adjournment sine die of the 2011 regular legislative session.
137 Any vacancy that occurs on the commission shall be filled in the
138 same manner as the original appointment. Members of the
139 commission shall serve without compensation, but are entitled to
140 reimbursement for per diem and travel expenses in accordance
141 with s. 112.061, Florida Statutes, while in performance of their
142 duties.

143 (4) The first meeting of the commission shall be held by
144 October 1, 2009, and thereafter the commission shall meet at the
145 call of the chair but not less frequently than three times per

2009582e2

146 year. Each member of the commission is entitled to one vote, and
147 actions of the commission are not binding unless taken by a
148 majority vote of the members present. A majority of the
149 membership constitutes a quorum at any meeting of the
150 commission. The commission may adopt its own rules of procedure
151 and has such other powers as are necessary to complete its
152 responsibilities.

153 (5) The Center for Urban Transportation Research at the
154 University of South Florida shall provide staff and other
155 resources necessary to assist the commission in accomplishing
156 its goals. All agencies under the control of the Governor are
157 directed, and all other federal, state, and local agencies are
158 requested, to render assistance to, and cooperate with, the
159 commission.

160 Section 2. The Department of Transportation shall direct a
161 study to be conducted and funded by the authority created in
162 chapter 349, Florida Statutes, for the purpose of recommending
163 to the Legislature the framework for a regional transportation
164 authority for the northeast region of Florida, composed of the
165 following counties and each of the municipalities located
166 therein: Baker, Clay, Duval, Flagler, Nassau, Putnam, and St.
167 Johns. The study shall include, at a minimum, the existing
168 powers and duties of the authority, as well as the additional
169 powers and duties necessary for the agency to plan, design,
170 finance, construct, operate, and maintain transportation
171 facilities providing a safe, adequate, and efficient surface
172 transportation network for the region, consistent with the
173 statewide transportation network. In addition, the study shall
174 address agency revenue sources, governance, coordination of work

2009582e2

175 plans, and coordination with local comprehensive plans for all
176 transportation facilities of the agency. Recommendations shall
177 be delivered to the President of the Senate and Speaker of the
178 House of Representatives no later than February 1, 2010.

179 Section 3. Funding for the Florida Transportation Revenue
180 Study Commission.—The sum of \$225,000 in federal metropolitan
181 planning funds is appropriated from the State Transportation
182 Trust Fund to the Center for Urban Transportation Research at
183 the University of South Florida for each of the 2009-2010 and
184 2010-2011 fiscal years for the purpose of paying the expenses of
185 staff services and providing other related assistance to the
186 Florida Transportation Revenue Study Commission.

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

190 163.3180 Concurrency.—

191 (12) (a) A development of regional impact may satisfy the
192 transportation concurrency requirements of the local
193 comprehensive plan, the local government's concurrency
194 management system, and s. 380.06 by payment of a proportionate-
195 share contribution for local and regionally significant traffic
196 impacts, if:

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

200 2. (b) The proportionate-share contribution for local and
201 regionally significant traffic impacts is sufficient to pay for
202 one or more required mobility improvements that will benefit a
203 regionally significant transportation facility;

2009582e2

204 ~~3.(e)~~ The owner and developer of the development of
205 regional impact pays or assures payment of the proportionate-
206 share contribution; and

207 4.(d) If the regionally significant transportation facility
208 to be constructed or improved is under the maintenance authority
209 of a governmental entity, as defined by s. 334.03(12), other
210 than the local government with jurisdiction over the development
211 of regional impact, the developer is required to enter into a
212 binding and legally enforceable commitment to transfer funds to
213 the governmental entity having maintenance authority or to
214 otherwise assure construction or improvement of the facility.

215
216 The proportionate-share contribution may be applied to any
217 transportation facility to satisfy the provisions of this
218 subsection and the local comprehensive plan, but, for the
219 purposes of this subsection, the amount of the proportionate-
220 share contribution shall be calculated based upon the cumulative
221 number of trips from the proposed development expected to reach
222 roadways during the peak hour from the complete buildout of a
223 stage or phase being approved, divided by the change in the peak
224 hour maximum service volume of roadways resulting from
225 construction of an improvement necessary to maintain the adopted
226 level of service, multiplied by the construction cost, at the
227 time of developer payment, of the improvement necessary to
228 maintain the adopted level of service. For purposes of this
229 subsection, "construction cost" includes all associated costs of
230 the improvement. Proportionate-share mitigation shall be limited
231 to ensure that a development of regional impact meeting the
232 requirements of this subsection mitigates its impact on the

2009582e2

233 transportation system but is not responsible for the additional
234 cost of reducing or eliminating backlogs. This subsection also
235 applies to Florida Quality Developments pursuant to s. 380.061
236 and to detailed specific area plans implementing optional sector
237 plans pursuant to s. 163.3245.

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

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

254 (i) As used in this subsection, the term "backlog" means a
255 facility or facilities on which the adopted level-of-service
256 standard is exceeded by the existing trips, plus additional
257 projected background trips from any source other than the
258 development project under review that are forecast by
259 established traffic standards, including traffic modeling,
260 consistent with the University of Florida Bureau of Economic and
261 Business Research medium population projections. Additional

2009582e2

262 projected background trips are to be coincident with the
263 particular stage or phase of development under review.

264 Section 5. (1) The Northwest Florida Regional
265 Transportation Planning Organization, an interlocal agency under
266 part I of chapter 163, Florida Statutes, is authorized to study
267 the feasibility of advance-funding the costs of capacity
268 projects in its member counties and making recommendations to
269 the Legislature by February 1, 2010. The Department of
270 Transportation may assist the organization in conducting the
271 study.

272 (2) Results of any study authorized by this section shall
273 be provided to the Governor, the President of the Senate, the
274 Speaker of the House of Representatives, the department, any
275 metropolitan planning organization in any county served by the
276 organization, and the counties served by the organization and
277 shall discuss the financial feasibility of advance-funding the
278 costs of capacity projects in the Northwest Florida Regional
279 Transportation Planning Organization's member counties. The
280 study must be based on the following assumptions:

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

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

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

289 (d) Bond proceeds may only be used for the following
290 components of a construction project on a state road: planning,

2009582e2

291 engineering, design, right-of-way acquisition, and construction.

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

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

296 (3) The study shall contain:

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

300 (b) A long-range, cost-feasible finance plan that
301 identifies the project cost, revenues by source, financing,
302 major assumptions, and a total cash flow analysis beginning with
303 implementation of the project and extending through final
304 completion of the project.

305 (c) A tentative list of capacity projects and the priority
306 in which they would be advanced. These projects must be
307 consistent with the criteria in s. 339.135(2)(b), Florida
308 Statutes.

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

312 (e) A report of any statutory changes, including a draft
313 bill, needed to give the Northwest Florida Regional
314 Transportation Planning Organization the ability to advance
315 construction projects. The draft bill language shall address, at
316 a minimum:

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

319 2. Giving the department the authority to review projects

2009582e2

320 to determine consistency with its current work program.

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

323 4. Requiring proceeds of the bonds to be delivered to the
324 department to pay the cost of completing the projects.

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

327 6. Permitting any participating county to elect to
328 undertake responsibility for the payment of a portion of the
329 cost of any project in the county pursuant to an agreement with
330 the organization and the department.

331 7. Providing that, in each year that the bonds are
332 outstanding, no more than 25 percent of the state transportation
333 funds appropriated for capacity projects advanced pursuant to
334 the terms of this section and within the area of operation of
335 the organization shall be paid over to the organization for the
336 purpose of paying debt service on bonds the organization issued
337 for such capacity projects. Such payments shall be made in lieu
338 of programming any new projects in the work program.

339 8. In the event that the capacity funds allocated to the
340 member counties of the organization are less than the amount
341 needed to satisfy the payment requirements under the contract,
342 the department shall defer the funded capacity on any other
343 projects in the member counties of the organization to the
344 extent necessary to make up such deficiency, so as to enable the
345 organization to make the required debt service payments on the
346 bonds or to replenish the reserves established for the bonds
347 which may have been used to make up such deficiency. Under no
348 circumstances shall the department provide any funds for these

2009582e2

349 capacity projects in excess of the amount that would be
350 allocated to the member counties pursuant to statutory formula
351 and legislative appropriation.

352 9. Providing that the bonds shall state on their face that
353 they do not constitute a pledge of the full faith or taxing
354 power of the state, and no holder of any bond shall have the
355 right to compel payment of the bonds from any funds of the
356 state, other than amounts required to be paid to the
357 organization under the contract. The bonds shall be limited and
358 special obligations payable solely from the sources described
359 herein.

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

363 (4) The Legislature may authorize the implementation of the
364 Northwest Florida Regional Transportation Planning
365 Organization's study after a satisfactory showing that these
366 prerequisites have been met and that any source of funding for
367 any bonds to be issued has been approved by the Department of
368 Transportation.

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

371 316.535 Maximum weights.—

372 (5) With respect to those highways not in the Interstate
373 Highway System, in all cases in which it exceeds state law in
374 effect on January 4, 1975, the overall gross weight on the
375 vehicle or combination of vehicles, ~~including all enforcement~~
376 ~~tolerances,~~ shall be as determined by the following formula:
377

2009582e2

378 $W = 500((LN \div (N-1)) + 12N + 36)$

379

380 where W = overall gross weight of the vehicle to the nearest 500
381 pounds; L = distance in feet between the extreme of the external
382 axles; and N = number of axles on the vehicle. However, such
383 overall gross weight of any vehicle or combination of vehicles
384 may not exceed 80,000 pounds ~~including all enforcement~~
385 ~~tolerances.~~ The scale tolerance provided in s. 316.545(2) shall
386 be applicable to all weight limitations of this subsection,
387 except when a vehicle exceeds the posted weight limit on a road
388 or bridge. The scale tolerance provided in s. 316.545(2) shall
389 not apply to cranes. Fines for violations of the total gross
390 weight limitations provided for in this subsection shall be
391 based on the amount by which the actual weight of the vehicle
392 and load exceeds the allowable maximum weight determined under
393 this subsection plus the scale tolerance provided in s.
394 316.545(2).

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

397 339.2818 Small County Outreach Program.—

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

405 (4) (a) Small counties shall be eligible to compete for
406 funds that have been designated for the Small County Outreach

2009582e2

407 Program for projects on county roads. The department shall fund
408 75 percent of the cost of projects on county roads funded under
409 the program.

410 (b) In determining a county's eligibility for assistance
411 under this program, the department may consider whether the
412 county has attempted to keep county roads in satisfactory
413 condition which may be evidenced through an established pavement
414 management plan.

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

417 1. The primary criterion is the physical condition of the
418 road as measured by the department.

419 2. As secondary criteria the department may consider:

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

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

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

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

424 e. Information as evidenced to the department through an
425 established pavement management plan.

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

429 Section 8. Subsections (2) and (3) of section 316.545,
430 Florida Statutes, are amended to read:

431 316.545 Weight and load unlawful; special fuel and motor
432 fuel tax enforcement; inspection; penalty; review.—

433 (2) (a) Whenever an officer, upon weighing a vehicle or
434 combination of vehicles with load, determines that the axle
435 weight or gross weight is unlawful, the officer may require the

2009582e2

436 driver to stop the vehicle in a suitable place and remain
437 standing until a determination can be made as to the amount of
438 weight thereon and, if overloaded, the amount of penalty to be
439 assessed as provided herein. ~~However, any gross weight over and~~
440 ~~beyond 6,000 pounds beyond the maximum herein set shall be~~
441 ~~unloaded and all material so unloaded shall be cared for by the~~
442 ~~owner or operator of the vehicle at the risk of such owner or~~
443 ~~operator.~~ Except as otherwise provided in this chapter, to
444 facilitate compliance with and enforcement of the weight limits
445 established in s. 316.535, weight tables published pursuant to
446 s. 316.535(7) shall include a 10-percent scale tolerance and
447 shall thereby reflect the maximum scaled weights allowed any
448 vehicle or combination of vehicles. As used in this section,
449 scale tolerance means the allowable deviation from legal weights
450 established in s. 316.535. Notwithstanding any other provision
451 of the weight law, if a vehicle or combination of vehicles does
452 not exceed the gross, external bridge, or internal bridge weight
453 limits imposed in s. 316.535 and the driver of such vehicle or
454 combination of vehicles can comply with the requirements of this
455 chapter by shifting or equalizing the load on all wheels or
456 axles and does so when requested by the proper authority, the
457 driver shall not be held to be operating in violation of said
458 weight limits. Any vehicle or combination of vehicles which
459 exceed the gross, or external bridge weight limits imposed in
460 ss. 316.535(3), 316.535(4), or 316.535(6) over and beyond 6000
461 pounds shall be unloaded and all material so unloaded shall be
462 cared for by the owner or operator of the vehicle at the risk of
463 such owner or operator. Any vehicle or combination of vehicles
464 which exceed the gross, or external bridge weight limits imposed

2009582e2

465 in s. 316.535(5) shall be unloaded and all material so unloaded
466 shall be cared for by the owner or operator of the vehicle at
467 risk of such owner or operator.

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

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

474 (b) Five cents per pound for each pound of weight in excess
475 of the maximum herein provided when the excess weight exceeds
476 200 pounds. However, whenever the gross weight of the vehicle or
477 combination of vehicles does not exceed the maximum allowable
478 gross weight, the maximum fine for the first 600 pounds of
479 unlawful axle weight shall be \$10;

480 (c) For a vehicle equipped with fully functional idle-
481 reduction technology, any penalty shall be calculated by
482 reducing the actual gross vehicle weight or the internal bridge
483 weight by the certified weight of the idle-reduction technology
484 or by 400 pounds, whichever is less. The vehicle operator must
485 present written certification of the weight of the idle-
486 reduction technology and must demonstrate or certify that the
487 idle-reduction technology is fully functional at all times. This
488 calculation is not allowed for vehicles described in s.
489 316.535(6);

490 (d)~~(e)~~ An apportioned motor vehicle, as defined in s.
491 320.01, operating on the highways of this state without being
492 properly licensed and registered shall be subject to the
493 penalties as herein provided; and

2009582e2

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

498 Section 9. Paragraph (a) of subsection (2) of section
499 334.30, Florida Statutes, is amended to read:

500 334.30 Public-private transportation facilities.—The
501 Legislature finds and declares that there is a public need for
502 the rapid construction of safe and efficient transportation
503 facilities for the purpose of traveling within the state, and
504 that it is in the public's interest to provide for the
505 construction of additional safe, convenient, and economical
506 transportation facilities.

507 (2) Agreements entered into pursuant to this section may
508 authorize the private entity to impose tolls or fares for the
509 use of the facility. The following provisions shall apply to
510 such agreements:

511 (a) With the exception of the Florida Turnpike System, the
512 department may lease existing toll facilities through public-
513 private partnerships, subject to approval by the Legislature.
514 The public-private partnership agreement must ensure that the
515 transportation facility is properly operated, maintained, and
516 renewed in accordance with department standards.

517 Section 10. Subsection (26) of section 334.044, Florida
518 Statutes, is amended to read:

519 334.044 Department; powers and duties.—The department shall
520 have the following general powers and duties:

521 (26) To provide for the enhancement of environmental
522 benefits, including air and water quality, to prevent roadside

2009582e2

523 erosion, to conserve the ~~conservation of~~ natural roadside growth
524 and scenery and for the implementation and maintenance of
525 roadside conservation, enhancement, and stabilization
526 ~~beautification~~ programs, and no less than 1.5 percent of the
527 amount contracted for construction projects shall be allocated
528 by the department to ~~beautification programs. Except where~~
529 ~~prohibited by federal law or federal regulation and to the~~
530 greatest extent practical, a minimum of 50 percent of these
531 funds shall be used to purchase large plant materials with the
532 remaining funds for other plant materials. All such plant
533 materials shall be purchased from commercial nursery ~~Florida-~~
534 ~~based nurseryman~~ stock in this state on a uniform competitive
535 bid basis. The department will develop grades and standards for
536 landscaping materials purchased through this process. To
537 accomplish these activities, the department may contract with
538 nonprofit organizations having the primary purpose of developing
539 youth employment opportunities.

540 Section 11. Subsection (5) of section 339.62, Florida
541 Statutes, is amended to read:

542 339.62 System components.—The Strategic Intermodal System
543 shall consist of appropriate components of:

544 (5) Selected intermodal facilities; passenger and freight
545 terminals; intermodal logistics centers owned, leased, or
546 operated by seaports and appropriate components of the State
547 Highway System, county road system, city street system, inland
548 waterways, and local public transit systems that serve as
549 existing or planned connectors between the components listed in
550 subsections (1)-(4).

551 Section 12. Paragraph (a) of subsection (2) and subsection

2009582e2

552 (4) of section 339.63, Florida Statutes, is amended to read:

553 339.63 System facilities designated; additions and
554 deletions.—

555 (2) The Strategic Intermodal System and the Emerging
556 Strategic Intermodal System include three different types of
557 facilities that each form one component of an interconnected
558 transportation system which types include:

559 (a) Existing or planned hubs that are ports and terminals
560 including airports, seaports, spaceports, passenger terminals,
561 ~~and rail terminals,~~ and intermodal logistics centers owned,
562 leased, or operated by a seaport serving to move goods or people
563 between Florida regions or between Florida and other markets in
564 the United States and the rest of the world;

565 (4) After the initial designation of the Strategic
566 Intermodal System under subsection (1), the department shall, in
567 coordination with the metropolitan planning organizations, local
568 governments, regional planning councils, transportation
569 providers, and affected public agencies, add facilities to or
570 delete facilities from the Strategic Intermodal System described
571 in paragraph (2)(a) based upon criteria adopted by the
572 department. However, an airport that is designated as a reliever
573 airport to a Strategic Intermodal System airport which has at
574 least 75,000 itinerant operations per year, has a runway length
575 of at least 5,500 linear feet, is capable of handling aircraft
576 weighing at least 60,000 pounds with a dual wheel configuration
577 which is served by at least one precision instrument approach,
578 and serves a cluster of aviation-dependent industries, shall be
579 designated as part of the Strategic Intermodal System by the
580 Secretary of Transportation upon the request of a reliever

2009582e2

581 airport meeting this criteria. An intermodal logistics center
582 under s. 339.62(5) that is owned, leased, or operated by an
583 existing designated Strategic Intermodal System facility shall
584 be considered part of that facility and shall be designated as
585 part of the Strategic Intermodal System by the Secretary of
586 Transportation upon the request of the seaport.

587 Section 13. Affordable housing developments; exemption from
588 concurrency requirements.—Affordable housing developments that
589 are proposed to serve residents who have incomes at or below 60
590 percent of the median income of the area and that will be
591 located on arterial roadways served by public transit are exempt
592 from transportation concurrency requirements.

593 Section 14. Subsection (6) of section 316.1895, Florida
594 Statutes, is amended to read:

595 316.1895 Establishment of school speed zones, enforcement;
596 designation.—

597 (6) Permanent signs designating school zones and school
598 zone speed limits shall be uniform in size and color, and shall
599 have the times during which the restrictive speed limit is
600 enforced clearly designated thereon. Flashing beacons activated
601 by a time clock, or other automatic device, or manually
602 activated may be used as an alternative to posting the times
603 during which the restrictive school speed limit is enforced.
604 Beginning July 1, 2008, for any newly established school zone or
605 any school zone in which the signing has been replaced, a sign
606 stating "Speeding Fines Doubled" shall be installed within or in
607 advance of the school zone. The Department of Transportation
608 shall establish adequate standards for the signs and flashing
609 beacons.

2009582e2

610 Section 15. Subsection (1) of section 338.01, Florida
611 Statutes, is amended to read:

612 338.01 Authority to establish and regulate limited access
613 facilities.—

614 (1) The transportation and expressway authorities of the
615 state, counties, and municipalities, referred to in this chapter
616 as "authorities," acting alone or in cooperation with each other
617 or with any federal, state, or local governmental entity or
618 agency of any other state that is authorized to construct
619 highways, are authorized to provide limited access facilities
620 for public use. Any of the authorities may construct a limited
621 access highway as a new facility or may designate an existing
622 street or highway as included within a limited access facility.
623 However:7

624 (a) If the limited access facility is entirely located
625 within an incorporated municipality, such authority is subject
626 to municipal consent; except that such consent is not necessary
627 when such limited access facility is part of the interstate
628 system.

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

633 Section 16. Ronshay Dugans Act.—The first week of
634 September is designated as "Drowsy Driving Prevention Week" in
635 this state. During Drowsy Driving Prevention Week, the
636 Department of Highway Safety and Motor Vehicles and the
637 Department of Transportation are encouraged to educate the law
638 enforcement community and the public about the relationship

2009582e2

639 between fatigue and performance and the research showing fatigue
640 to be as much of an impairment as alcohol and as dangerous
641 behind the wheel. This section may be cited as the "Ronshay
642 Dugans Act."

643 Section 17. Subsection (1) of section 337.401, Florida
644 Statutes, is amended to read:

645 337.401 Use of right-of-way for utilities subject to
646 regulation; permit; fees.—

647 (1) (a) The department and local governmental entities,
648 referred to in ss. 337.401-337.404 as the "authority," that have
649 jurisdiction and control of public roads or publicly owned rail
650 corridors are authorized to prescribe and enforce reasonable
651 rules or regulations with reference to the placing and
652 maintaining along, across, or on any road or publicly owned rail
653 corridors under their respective jurisdictions any electric
654 transmission, telephone, telegraph, or other communications
655 services lines; pole lines; poles; railways; ditches; sewers;
656 water, heat, or gas mains; pipelines; fences; gasoline tanks and
657 pumps; or other structures referred to in this section as the
658 "utility." ~~For aerial and underground electric utility~~
659 ~~transmission lines designed to operate at 69 or more kilovolts~~
660 ~~that are needed to accommodate the additional electrical~~
661 ~~transfer capacity on the transmission grid resulting from new~~
662 ~~base load generating facilities, where there is no other~~
663 ~~practicable alternative available for placement of the electric~~
664 ~~utility transmission lines on the department's rights-of-way,~~
665 ~~the department's rules shall provide for placement of and access~~
666 ~~to such transmission lines adjacent to and within the right-of-~~
667 ~~way of any department-controlled public roads, including~~

2009582e2

668 ~~longitudinally within limited access facilities to the greatest~~
669 ~~extent allowed by federal law, if compliance with the standards~~
670 ~~established by such rules is achieved. Such rules may include,~~
671 ~~but need not be limited to, that the use of the right-of-way is~~
672 ~~reasonable based upon a consideration of economic and~~
673 ~~environmental factors, including, without limitation, other~~
674 ~~practicable alternative alignments, utility corridors and~~
675 ~~easements, impacts on adjacent property owners, and minimum~~
676 ~~clear zones and other safety standards, and further provide that~~
677 ~~placement of the electric utility transmission lines within the~~
678 ~~department's right-of-way does not interfere with operational~~
679 ~~requirements of the transportation facility or planned or~~
680 ~~potential future expansion of such transportation facility. If~~
681 ~~the department approves longitudinal placement of electric~~
682 ~~utility transmission lines in limited access facilities,~~
683 ~~compensation for the use of the right-of-way is required. Such~~
684 ~~consideration or compensation paid by the electric utility in~~
685 ~~connection with the department's issuance of a permit does not~~
686 ~~create any property right in the department's property~~
687 ~~regardless of the amount of consideration paid or the~~
688 ~~improvements constructed on the property by the utility. Upon~~
689 ~~notice by the department that the property is needed for~~
690 ~~expansion or improvement of the transportation facility, the~~
691 ~~electric utility transmission line will relocate from the~~
692 ~~facility at the electric utility's sole expense. The electric~~
693 ~~utility shall pay to the department reasonable damages resulting~~
694 ~~from the utility's failure or refusal to timely relocate its~~
695 ~~transmission lines. The rules to be adopted by the department~~
696 ~~may also address the compensation methodology and relocation. As~~

2009582e2

697 ~~used in this subsection, the term "base load generating~~
698 ~~facilities" means electric power plants that are certified under~~
699 ~~part II of chapter 403.~~ The department may enter into a permit-
700 delegation agreement with a governmental entity if issuance of a
701 permit is based on requirements that the department finds will
702 ensure the safety and integrity of facilities of the Department
703 of Transportation; however, the permit-delegation agreement does
704 not apply to facilities of electric utilities as defined in s.
705 366.02(2).

706 (b) For aerial and underground electric utility
707 transmission lines designed to operate at 69 or more kilovolts
708 that are needed to accommodate the additional electrical
709 transfer capacity on the transmission grid resulting from new
710 base-load generating facilities, the department's rules shall
711 provide for placement of and access to such transmission lines
712 adjacent to and within the right-of-way of any department-
713 controlled public roads, including longitudinally within limited
714 access facilities where there is no other practicable
715 alternative available, to the greatest extent allowed by federal
716 law, if compliance with the standards established by such rules
717 is achieved. Such rules may include, but need not be limited to,
718 that the use of the limited access right-of-way for longitudinal
719 placement of electric utility transmission lines is reasonable
720 based upon a consideration of economic and environmental
721 factors, including, without limitation, other practicable
722 alternative alignments, utility corridors and easements, impacts
723 on adjacent property owners, and minimum clear zones and other
724 safety standards, and further provide that placement of the
725 electric utility transmission lines within the department's

2009582e2

726 right-of-way does not interfere with operational requirements of
727 the transportation facility or planned or potential future
728 expansion of such transportation facility. If the department
729 approves longitudinal placement of electric utility transmission
730 lines in limited access facilities, compensation for the use of
731 the right-of-way is required. Such consideration or compensation
732 paid by the electric utility in connection with the department's
733 issuance of a permit does not create any property right in the
734 department's property regardless of the amount of consideration
735 paid or the improvements constructed on the property by the
736 utility. Upon notice by the department that the property is
737 needed for expansion or improvement of the transportation
738 facility, the electric utility transmission line will relocate
739 at the electric utility's sole expense. The electric utility
740 shall pay to the department reasonable damages resulting from
741 the utility's failure or refusal to timely relocate its
742 transmission lines. The rules to be adopted by the department
743 may also address the compensation methodology and relocation. As
744 used in this subsection, the term "base-load generating
745 facilities" means electric power plants that are certified under
746 part II of chapter 403.

747 Section 18. Paragraph (c) of subsection (4) of section
748 348.0003, Florida Statutes, is amended to read:

749 348.0003 Expressway authority; formation; membership.—

750 (4)

751 (c) Members of each expressway an authority, transportation
752 authority, bridge authority, or toll authority created pursuant
753 to this chapter, chapter 343, chapter 349, or any other law
754 shall ~~be required to~~ comply with the applicable financial

2009582e2

755 disclosure requirements of s. 8, Art. II of the State
756 Constitution. However, members of such authorities, other than
757 expressway authorities, are subject only to the requirements of
758 this paragraph and not to any other provision of this part.

759 Section 19. Paragraph (a) of subsection (9) of section
760 348.0004, Florida Statutes, is amended to read:

761 348.0004 Purposes and powers.—

762 (9) The Legislature declares that there is a public need
763 for the rapid construction of safe and efficient transportation
764 facilities for traveling within the state and that it is in the
765 public's interest to provide for public-private partnership
766 agreements to effectuate the construction of additional safe,
767 convenient, and economical transportation facilities.

768 (a) Notwithstanding any other provision of the Florida
769 Expressway Authority Act, any expressway authority,
770 transportation authority, bridge authority, or toll authority
771 may receive or solicit proposals and enter into agreements with
772 private entities, or consortia thereof, for the building,
773 operation, ownership, or financing of authority transportation
774 facilities, subject to the approval of the Legislature, for any
775 existing facility or new transportation facilities within the
776 jurisdiction of the authority which increase transportation
777 capacity. An authority may not sell or lease any transportation
778 facility owned by the authority, without providing the analysis
779 required in s. 334.30(6)(e)2. to the Legislative Budget
780 Commission created pursuant to s. 11.90 for review and approval
781 prior to awarding a contract on a lease of an existing toll
782 facility. An authority is authorized to adopt rules to implement
783 this subsection and shall, by rule, establish an application fee

2009582e2

784 for the submission of unsolicited proposals under this
785 subsection. The fee must be sufficient to pay the costs of
786 evaluating the proposals. An authority may engage private
787 consultants to assist in the evaluation. Before approval, an
788 authority must determine that a proposed project:

- 789 1. Is in the public's best interest.
- 790 2. Would not require state funds to be used unless the
791 project is on or provides increased mobility on the State
792 Highway System.
- 793 3. Would have adequate safeguards to ensure that no
794 additional costs or service disruptions would be realized by the
795 traveling public and residents of the state in the event of
796 default or the cancellation of the agreement by the authority.
- 797 4. Would have adequate safeguards in place to ensure that
798 the department, the authority, or the private entity has the
799 opportunity to add capacity to the proposed project and other
800 transportation facilities serving similar origins and
801 destinations.
- 802 5. Would be owned by the authority upon completion or
803 termination of the agreement.

804 Section 20. This act shall take effect upon becoming a law.