

By the Committees on Budget; and Transportation; and Senator
Latvala

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1 A bill to be entitled
2 An act relating to transportation; amending s. 20.23,
3 F.S.; providing that the Florida Statewide Passenger
4 Rail Commission has the primary and exclusive
5 authority to monitor certain designated functions
6 related to passenger rail systems; removing from the
7 Florida Transportation Commission the responsibility
8 and duty to monitor the efficiency, productivity, and
9 management of all publicly funded passenger rail
10 systems in the state; amending s. 212.055, F.S.;
11 requiring counties to revise, as necessary, any
12 interlocal agreements entered into with municipalities
13 for the distribution of proceeds of the discretionary
14 sales surcharge in order that newly participating
15 municipalities may receive a share of the
16 distribution; specifying conditions by which a
17 municipality may receive a distribution of the sales
18 surcharge; amending s. 286.011, F.S.; providing for
19 the conduct of transportation agency public meetings
20 through the use of communications media technology;
21 amending s. 316.091, F.S.; requiring the Department of
22 Transportation to establish a pilot program to open
23 certain limited access highways and bridges to
24 bicycles and other human-powered vehicles; providing
25 requirements for the pilot program; amending s.
26 334.03, F.S.; revising and repealing obsolete
27 definitions in the Florida Transportation Code;
28 defining the term "launch support facilities";
29 amending s. 334.044, F.S.; revising the duties and

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30 powers of the Department of Transportation; amending
31 s. 334.047, F.S.; repealing an obsolete provision
32 prohibiting the department from establishing a maximum
33 number of miles of urban principal arterial roads
34 within a district or county; amending s. 336.021,
35 F.S.; revising the date when imposition of the ninth-
36 cent fuel tax will be levied; amending s. 336.025,
37 F.S.; revising the date when imposition or rate
38 charges of the local option fuel tax shall be levied;
39 revising the definition of the term "transportation
40 expenditures" for purposes of specified provisions
41 that restrict the use of local option fuel tax funds
42 by counties and municipalities; amending s. 337.111,
43 F.S.; providing additional forms of security for the
44 cost of removal of monuments or memorials or
45 modifications to an installation site at highway rest
46 areas; amending s. 337.403, F.S.; specifying a utility
47 owner must initiate work necessary to alleviate
48 unreasonable interference under certain circumstances;
49 amending s. 337.404, F.S.; revising notice and order
50 requirements relating to utility work; repealing s.
51 338.001, F.S., relating to the Florida Interstate
52 Highway System Plan; amending s. 338.01, F.S.;
53 clarifying provisions governing the designation and
54 function of limited access facilities; amending s.
55 338.227, F.S.; replacing a reference to the Florida
56 Intrastate Highway System Plan with a reference to the
57 Strategic Intermodal System Plan to provide for the
58 participation of minority businesses in certain

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59 contracts related to the plan; amending ss. 338.2275
60 and 338.228, F.S., relating to turnpike projects;
61 revising cross-references; amending s. 338.234, F.S.;
62 replacing a reference to the Florida Intrastate
63 Highway System with a reference to the Strategic
64 Intermodal System to exempt certain lessees from
65 payment of commercial rental tax; amending s. 339.175,
66 F.S.; providing that representatives of the Department
67 of Transportation shall serve as nonvoting advisers to
68 a metropolitan planning organization; authorizing the
69 appointment of additional nonvoting advisers; amending
70 s. 339.62, F.S.; replacing a reference to the Florida
71 Intrastate Highway System with a reference to highway
72 corridors to clarify the components of the Strategic
73 Intermodal System; amending s. 339.63, F.S.; adding
74 military access facilities to the types of facilities
75 included in the Strategic Intermodal System and the
76 Emerging Strategic Intermodal System; amending s.
77 339.64, F.S.; deleting provisions creating the
78 Statewide Intermodal Transportation Advisory Council;
79 creating s. 339.65, F.S.; requiring the department to
80 plan and develop for Strategic Intermodal System
81 highway corridors to aid traffic movement around the
82 state; requiring the department to follow specified
83 policy guidelines when developing the corridors;
84 directing the department to establish standards and
85 criteria for functional designs of the highway system;
86 providing for an appropriation for developing the
87 corridor; requiring strategic highway projects to be a

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88 part of the department's adopted work program;
89 amending s. 339.155, F.S.; providing a reference to
90 federally required transportation planning factors;
91 clarifying provisions relating to the Florida
92 Transportation Plan; deleting certain duplicative
93 performance reporting requirements; amending s.
94 341.840, F.S.; replacing references to the "Florida
95 High Speed Rail Authority" with references to the
96 "Florida Rail Enterprise" for purposes of a tax
97 exemption; amending ss. 163.3180, 288.063, 311.07,
98 311.09, 316.2122, 316.515, 336.01, 338.222, 341.8225,
99 479.07, and 479.261, F.S.; conforming cross-references
100 to changes made by the act; amending s. 479.01, F.S.;
101 redefining the terms "commercial or industrial zone"
102 and "unzoned commercial or industrial area";
103 correcting a cross-reference; amending s. 479.02,
104 F.S.; deleting obsolete provisions; amending s.
105 310.002, F.S.; redefining the term "port" to include
106 Port Citrus; amending s. 311.09, F.S.; including a
107 representative of Port Citrus as a member of the
108 Florida Seaport Transportation and Economic
109 Development Council; amending s. 316.075, F.S.;
110 providing for minimum yellow light change interval
111 times for traffic control devices; amending s.
112 316.0083, F.S.; requiring an affirmation of compliance
113 to accompany a traffic citation which meets specified
114 requirements; repealing s. 316.2045, F.S., relating to
115 obstruction of public streets, highways, and roads;
116 creating s. 316.2046, F.S., relating to obstruction of

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117 public streets, highways, and roads; providing
118 legislative findings; defining the term "solicit";
119 requiring a permit in order to obstruct the use of any
120 public street, highway, or road when that obstruction
121 may endanger the safe movement of vehicles or
122 pedestrians; requiring each county or municipality to
123 adopt a permitting process that protects public safety
124 but does not impair the rights of free speech;
125 providing criteria for the permitting process;
126 limiting the cost of the permit to the amount required
127 to administer the permitting process; prohibiting the
128 denial of a permit due to lack of funds, as attested
129 to by a signed affidavit; providing for jurisdiction
130 over non-limited access state roads, and local roads,
131 streets, and highways for counties and municipalities;
132 providing exceptions; providing that a violation of
133 the act is a pedestrian violation, punishable under
134 ch. 318, F.S.; providing for an additional fine;
135 providing for the disposition of moneys collected;
136 providing for enforcement by the Department of Highway
137 Safety and Motor Vehicles and other law enforcement
138 agencies; creating s. 316.2047, F.S., relating to
139 panhandling; providing legislative findings; defining
140 terms; prohibiting aggressive panhandling, panhandling
141 under certain circumstances, and fraudulent
142 panhandling; authorizing counties and municipalities
143 to increase the restrictions on panhandling under
144 certain conditions; providing that a violation of the
145 act is a pedestrian violation, punishable under ch.

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146 318, F.S.; providing for an additional fine; providing
147 for the disposition of moneys collected; providing for
148 enforcement by the Department of Highway Safety and
149 Motor Vehicles and other law enforcement agencies;
150 amending s. 316.2068, F.S.; authorizing local
151 governments to prohibit the operation of electric
152 personal assistive mobility devices on sidewalks;
153 amending s. 316.302, F.S.; providing that certain
154 restrictions on the number of consecutive hours that a
155 commercial motor vehicle may operate do not apply to a
156 farm labor vehicle operated during a state of
157 emergency or during an emergency pertaining to
158 agriculture; amending s. 334.044, F.S.; revising the
159 types of transportation projects for which landscaping
160 materials must be purchased; amending s. 337.406,
161 F.S.; removing the Department of Transportation's
162 authority to provide exceptions to the unlawful use of
163 the right-of-way of any state transportation facility;
164 broadening provisions to prohibit the unlawful use of
165 any limited access highway; removing an exception to
166 prohibited uses provided for art festivals, parades,
167 fairs, or other special events; removing a local
168 government's authority to issue certain permits;
169 authorizing counties and municipalities to regulate
170 the use of transportation facilities within their
171 respective jurisdictions, with the exception of
172 limited access highways; authorizing the Department of
173 Transportation to regulate the use of welcome centers
174 and rest stops; removing provisions authorizing valid

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175 peddler licensees to make sales from vehicles standing
176 on the rights-of-way of welcome centers and rest
177 stops; amending s. 337.408, F.S.; revising
178 requirements for the installation of bus stop benches,
179 transit shelters, street light poles, waste disposal
180 receptacles, and modular news racks within the public
181 rights-of-way; requiring compliance with the Americans
182 With Disabilities Act; providing responsibilities for
183 removal of noncompliant installations; amending s.
184 373.413, F.S.; providing legislative intent regarding
185 flexibility in the permitting of stormwater management
186 systems; requiring the cost of stormwater treatment
187 for a transportation project to be balanced with
188 benefits to the public; absolving the Department of
189 Transportation of responsibility for the abatement of
190 pollutants entering its stormwater facilities from
191 offsite sources and from updating permits for adjacent
192 lands impacted by right-of-way acquisition;
193 authorizing the water management districts and the
194 department to adopt rules; amending s. 373.4137, F.S.;
195 revising mitigation requirements for transportation
196 projects to include other nonspecified mitigation
197 options; providing for the release of escrowed
198 mitigation funds under certain circumstances;
199 providing for the exclusion of projects from a
200 mitigation plan upon the election of one or more
201 agencies rather than the agreement of all parties;
202 amending s. 374.976, F.S.; conforming provisions to
203 include Port Citrus in provisions relating to the

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204 authority of inland navigation districts; amending s.
205 403.021, F.S.; conforming provisions to include Port
206 Citrus in legislative declarations relating to
207 environmental control; amending s. 403.061, F.S.;
208 conforming provisions to include Port Citrus in
209 provisions relating to powers of the Department of
210 Environmental Protection; amending s. 403.813, F.S.;
211 conforming provisions to include Port Citrus in
212 provisions relating to permits issued at Department of
213 Environmental Protection district centers; amending s.
214 403.816, F.S.; conforming provisions to include Port
215 Citrus in provisions relating to certain maintenance
216 projects at deepwater ports and beach restoration
217 projects; amending s. 479.106, F.S.; revising
218 requirements for an application for a permit to
219 remove, cut, or trim trees or vegetation around a
220 sign; requiring that the application include a
221 vegetation management plan, a mitigation contribution
222 to a trust fund, or a combination of both; providing
223 certain evaluation criteria; providing criteria for
224 the use of herbicides; providing a time limit within
225 which the Department of Transportation must act;
226 providing that the permit is valid for 5 years;
227 providing for an extension of the permit; reducing the
228 number of nonconforming signs that must be removed
229 before a permit may be issued for certain signs;
230 providing criteria for view zones; requiring the
231 department to provide notice to the sign owner of
232 beautification projects or vegetation planting;

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233 amending s. 479.16, F.S.; exempting signs erected
234 under the local tourist-oriented commerce signs pilot
235 program from certain permit requirements; exempting
236 certain temporary signs for farm operations from
237 permit requirements; exempting certain signs promoting
238 sponsors of events at certain professional sport and
239 entertainment venues from permit requirements;
240 creating s. 479.263, F.S.; creating the tourist-
241 oriented commerce signs pilot program; exempting
242 commercial signs that meet certain criteria from
243 permit requirements; providing for future expiration
244 of the pilot program; providing definitions;
245 authorizing governmental units that regulate the
246 operation of vehicles for public hire to create a
247 private property right in the license to operate a
248 vehicle for public hire; providing for the transfer of
249 such property right; authorizing governmental units
250 that regulate the operation of vehicles for public
251 hire to request and receive criminal history record
252 information for the purpose of screening applicants;
253 providing applicability; providing legislative
254 findings and intent relating to high-speed rail;
255 requiring each entity intending to bid or submit a
256 proposal to contract with the Florida Rail Enterprise
257 or a fixed-guideway transportation system for goods or
258 services related to high-speed or other rail systems
259 to certify whether the entity had any direct
260 involvement in the deportation of any individual to an
261 extermination camp, work camp, concentration camp,

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262 prisoner-of-war camp, or any similar camp by whatever
263 name located in Europe during the period from January
264 1, 1942, through December 31, 1944, and if so, whether
265 the entity has physical possession of records related
266 to the deportations and has provided restitution to
267 identifiable victims; authorizing the entity to offer
268 proof of mitigating circumstances related to acts
269 committed during the wartime period; requiring that
270 the Florida Rail Enterprise and other fixed-guideway
271 transportation system acknowledge receipt of the
272 information when awarding contracts; providing
273 definitions; providing an effective date.

274

275 WHEREAS, the state has a significant and substantial
276 interest in vehicular and pedestrian safety and the free flow of
277 traffic, and

278 WHEREAS, studies have shown that Florida is one of the most
279 dangerous states in the country for pedestrians, and

280 WHEREAS, while the streets may have been the natural and
281 proper places for the public dissemination of information prior
282 to the advent of the automobile, the streets, highways, and
283 roads of this state are now used primarily for transportation,
284 and

285 WHEREAS, obstructing the flow of pedestrian traffic on a
286 sidewalk can cause pedestrians to enter into the roadway and is
287 a serious threat to public safety, and

288 WHEREAS, the current permitting provisions curtail behavior
289 only on sidewalks and streets, which is a danger to public
290 safety, and

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291 WHEREAS, the provisions of this act directed toward
292 ordinary panhandling are designed to promote public safety,
293 including minimizing panhandling in transit systems or in areas
294 where panhandling is likely to intimidate persons who are
295 solicited, and

296 WHEREAS, aggressive panhandling may obstruct the free flow
297 of traffic when carried out in or adjacent to a roadway, may
298 intimidate citizens who may choose to avoid certain public areas
299 or give money to panhandlers in order to avoid an escalation of
300 aggressive behavior, and generally threatens public safety and
301 diminishes the quality of life for residents and tourists alike,
302 and

303 WHEREAS, an important public purpose is served when the
304 public safety is protected in keeping with rights granted by the
305 First Amendment to the United States Constitution, NOW,
306 THEREFORE,

307

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

309

310 Section 1. Paragraph (b) of subsection (3) of section
311 20.23, Florida Statutes, is amended to read:

312 20.23 Department of Transportation.—There is created a
313 Department of Transportation which shall be a decentralized
314 agency.

315 (3) There is created the Florida Statewide Passenger Rail
316 Commission.

317 (b) The commission shall have the primary and exclusive
318 functions of:

319 1. Monitoring the efficiency, productivity, and management

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320 of all publicly funded passenger rail systems in the state,
321 including, but not limited to, any authority created under
322 chapter 343, chapter 349, or chapter 163 if the authority
323 receives public funds for providing ~~the provision of~~ passenger
324 rail service. The commission shall advise each monitored
325 authority of its findings and recommendations. The commission
326 shall also conduct periodic reviews of each monitored
327 authority's passenger rail and associated transit operations and
328 budget, acquisition of property, management of revenue and bond
329 proceeds, and compliance with applicable laws and generally
330 accepted accounting principles. The commission may seek the
331 assistance of the Auditor General in conducting such reviews and
332 shall report the findings of such reviews to the Legislature.
333 ~~This paragraph does not preclude the Florida Transportation~~
334 ~~Commission from conducting its performance and work program~~
335 ~~monitoring responsibilities.~~

336 2. Advising the department on policies and strategies used
337 in planning, designing, building, operating, financing, and
338 maintaining a coordinated statewide system of passenger rail
339 services.

340 3. Evaluating passenger rail policies and providing advice
341 and recommendations to the Legislature on passenger rail
342 operations in the state.

343 Section 2. Paragraph (d) of subsection (1) of section
344 212.055, Florida Statutes, is amended to read:

345 212.055 Discretionary sales surtaxes; legislative intent;
346 authorization and use of proceeds.—It is the legislative intent
347 that any authorization for imposition of a discretionary sales
348 surtax shall be published in the Florida Statutes as a

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349 subsection of this section, irrespective of the duration of the
350 levy. Each enactment shall specify the types of counties
351 authorized to levy; the rate or rates which may be imposed; the
352 maximum length of time the surtax may be imposed, if any; the
353 procedure which must be followed to secure voter approval, if
354 required; the purpose for which the proceeds may be expended;
355 and such other requirements as the Legislature may provide.
356 Taxable transactions and administrative procedures shall be as
357 provided in s. 212.054.

358 (1) CHARTER COUNTY AND REGIONAL TRANSPORTATION SYSTEM
359 SURTAX.—

360 (d) Proceeds from the surtax shall be applied to as many or
361 as few of the uses enumerated below in whatever combination the
362 county commission deems appropriate:

363 1. Deposited by the county in the trust fund and shall be
364 used for the purposes of development, construction, equipment,
365 maintenance, operation, supportive services, including a
366 countywide bus system, on-demand transportation services, and
367 related costs of a fixed guideway rapid transit system;

368 2. Remitted by the governing body of the county to an
369 expressway, transit, or transportation authority created by law
370 to be used, at the discretion of such authority, for the
371 development, construction, operation, or maintenance of roads or
372 bridges in the county, for the operation and maintenance of a
373 bus system, for the operation and maintenance of on-demand
374 transportation services, for the payment of principal and
375 interest on existing bonds issued for the construction of such
376 roads or bridges, and, upon approval by the county commission,
377 such proceeds may be pledged for bonds issued to refinance

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378 existing bonds or new bonds issued for the construction of such
379 roads or bridges;

380 3. Used by the county for the development, construction,
381 operation, and maintenance of roads and bridges in the county;
382 for the expansion, operation, and maintenance of bus and fixed
383 guideway systems; for the expansion, operation, and maintenance
384 of on-demand transportation services; and for the payment of
385 principal and interest on bonds issued for the construction of
386 fixed guideway rapid transit systems, bus systems, roads, or
387 bridges; and such proceeds may be pledged by the governing body
388 of the county for bonds issued to refinance existing bonds or
389 new bonds issued for the construction of such fixed guideway
390 rapid transit systems, bus systems, roads, or bridges and no
391 more than 25 percent used for nontransit uses; and

392 4. Used by the county for the planning, development,
393 construction, operation, and maintenance of roads and bridges in
394 the county; for the planning, development, expansion, operation,
395 and maintenance of bus and fixed guideway systems; for the
396 planning, development, construction, operation, and maintenance
397 of on-demand transportation services; and for the payment of
398 principal and interest on bonds issued for the construction of
399 fixed guideway rapid transit systems, bus systems, roads, or
400 bridges; and such proceeds may be pledged by the governing body
401 of the county for bonds issued to refinance existing bonds or
402 new bonds issued for the construction of such fixed guideway
403 rapid transit systems, bus systems, roads, or bridges. Pursuant
404 to an interlocal agreement entered into pursuant to chapter 163,
405 the governing body of the county may distribute proceeds from
406 the tax to a municipality, or an expressway or transportation

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407 authority created by law to be expended for the purpose
408 authorized by this paragraph. Any county that has entered into
409 interlocal agreements for distribution of proceeds to one or
410 more municipalities in the county shall revise such interlocal
411 agreements as necessary for the sole purpose of including ~~no~~
412 ~~less than every 5 years in order to include~~ any municipalities
413 that have been created during the immediately preceding year,
414 provided that any funds distributed to a new municipality must
415 come from funds otherwise retained and used by the charter
416 county, must be on a pro rata basis with the allocation of funds
417 to the previously existing municipalities, and must not reduce
418 the percentage allocation to the previously existing
419 municipalities ~~since the prior interlocal agreements were~~
420 executed. Notwithstanding the foregoing, the first revision of
421 interlocal agreements pursuant to this subparagraph shall
422 include any municipality that has been created since the surtax
423 was adopted by the charter county. Any charter county that seeks
424 to terminate or substantially modify the distribution of funds
425 to municipalities may do so only pursuant to approval by a
426 majority vote of the electorate of the county.

427 Section 3. Subsection (9) is added to section 286.011,
428 Florida Statutes, to read:

429 286.011 Public meetings and records; public inspection;
430 criminal and civil penalties.—

431 (9) Transportation and expressway authorities created under
432 chapter 343, chapter 348, or chapter 349 which are subject to
433 this section may conduct public meetings and workshops by means
434 of communications media technology, as provided in s. 120.54(5).

435 Section 4. Subsection (4) of section 316.091, Florida

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436 Statutes, is amended, present subsection (5) of that section is
437 renumbered as subsection (6), and a new subsection (5) is added
438 to that section, to read:

439 316.091 Limited access facilities; interstate highways; use
440 restricted.-

441 (4) No person shall operate a bicycle or other human-
442 powered vehicle on the roadway or along the shoulder of a
443 limited access highway, including bridges, unless official signs
444 and a designated marked bicycle lane are present at the entrance
445 of the section of highway indicating that such use is permitted
446 pursuant to a pilot program of the Department of Transportation
447 an interstate highway.

448 (5) The Department of Transportation shall establish a 2-
449 year pilot program, in three separate urban areas, in which it
450 shall erect signs and designated marked bicycle lanes indicating
451 highway approaches and bridge segments of limited access
452 highways as open to use by operators of bicycles and other
453 human-powered vehicles, under the following conditions:

454 (a) The limited access highway approaches and bridge
455 segments chosen must cross a river, lake, bay, inlet, or surface
456 water where no street or highway crossing the water body is
457 available for use within 2 miles of entrance to the limited
458 access facility, as measured along the shortest public right-of-
459 way.

460 (b) The Department of Transportation, with the concurrence
461 of the Federal Highway Administration on interstate facilities,
462 shall establish the three highway approaches and bridge segments
463 for the pilot project by October 1, 2011. In selecting the
464 highway approaches and bridge segments, the Department of

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465 Transportation shall consider, without limitation, a minimum
466 size of population in the urban area within 5 miles of the
467 highway approach and bridge segment, the lack of bicycle access
468 by other means, cost, safety, and operational impacts.

469 (c) The Department of Transportation shall begin the pilot
470 program by erecting signs and designating marked bicycle lanes
471 indicating highway approaches and bridge segments of limited
472 access highway, as qualified by the conditions described in this
473 subsection, as open to use by operators of bicycles and other
474 human-powered vehicles no later than January 1, 2012.

475 (d) The Department of Transportation shall conduct the
476 pilot program for a minimum of 2 years following the
477 implementation date. The department may continue to provide
478 bicycle access on the highway approaches and bridge segments
479 chosen for the pilot program or initiate bicycle access on other
480 limited access facilities after the end of the program.

481 (e) The Department of Transportation shall submit a report
482 of its findings and recommendations from the pilot program to
483 the Governor, the President of the Senate, and the Speaker of
484 the House of Representatives by September 1, 2014. The report
485 shall include, at a minimum, data of bicycle crashes occurring
486 in designated segments of the pilot program, usage by operators
487 of bicycles and other human-powered vehicles, enforcement
488 issues, operational impacts, and the cost of the pilot program.

489 Section 5. Section 334.03, Florida Statutes, is amended to
490 read:

491 334.03 Definitions.—When used in the Florida Transportation
492 Code, the term:

493 ~~(1) "Arterial road" means a route providing service which~~

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494 ~~is relatively continuous and of relatively high traffic volume,~~
495 ~~long average trip length, high operating speed, and high~~
496 ~~mobility importance. In addition, every United States numbered~~
497 ~~highway is an arterial road.~~

498 (1)~~(2)~~ "Bridge" means a structure, including supports,
499 erected over a depression or an obstruction, such as water or a
500 highway or railway, and having a track or passageway for
501 carrying traffic as defined in chapter 316 or other moving
502 loads.

503 (2)~~(3)~~ "City street system" means all ~~local~~ roads within a
504 municipality which were under the jurisdiction of the
505 municipality on June 10, 1995; roads constructed by a
506 municipality for the municipality's street system; roads
507 completely within an area annexed by a municipality, unless
508 otherwise provided by mutual consent; and roads transferred to
509 the municipality's jurisdiction after June 10, 1995, by mutual
510 consent with another governmental entity, but not including
511 roads transferred from the municipality's jurisdiction,~~and all~~
512 ~~collector roads inside that municipality, which are not in the~~
513 ~~county road system.~~

514 ~~(4) "Collector road" means a route providing service which~~
515 ~~is of relatively moderate average traffic volume, moderately~~
516 ~~average trip length, and moderately average operating speed.~~
517 ~~Such a route also collects and distributes traffic between local~~
518 ~~roads or arterial roads and serves as a linkage between land~~
519 ~~access and mobility needs.~~

520 (3)~~(5)~~ "Commissioners" means the governing body of a
521 county.

522 (4)~~(6)~~ "Consolidated metropolitan statistical area" means

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523 two or more metropolitan statistical areas that are socially and
524 economically interrelated as defined by the United States Bureau
525 of the Census.

526 (5)~~(7)~~ "Controlled access facility" means a street or
527 highway to which the right of access is highly regulated by the
528 governmental entity having jurisdiction over the facility in
529 order to maximize the operational efficiency and safety of the
530 high-volume through traffic utilizing the facility. Owners or
531 occupants of abutting lands and other persons have a right of
532 access to or from such facility at such points only and in such
533 manner as may be determined by the governmental entity.

534 (6)~~(8)~~ "County road system" means all roads within a county
535 which were under the jurisdiction of that county on June 10,
536 1995; roads constructed by a county for the county's road
537 system; and roads transferred to the county's jurisdiction after
538 June 10, 1995, by mutual consent with another governmental
539 entity. The term does not include roads transferred from the
540 county's jurisdiction by mutual consent or roads that are
541 completely within an area annexed by a municipality, except as
542 otherwise provided by mutual consent ~~collector roads in the~~
543 ~~unincorporated areas of a county and all extensions of such~~
544 ~~collector roads into and through any incorporated areas, all~~
545 ~~local roads in the unincorporated areas, and all urban minor~~
546 ~~arterial roads not in the State Highway System.~~

547 (7)~~(9)~~ "Department" means the Department of Transportation.

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

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552 (8)~~(11)~~ "Functional classification" means the assignment of
553 roads into systems according to the character of service they
554 provide in relation to the total road network, using procedures
555 developed by the Federal Highway Administration. ~~Basic~~
556 ~~functional categories include arterial roads, collector roads,~~
557 ~~and local roads which may be subdivided into principal, major,~~
558 ~~or minor levels. Those levels may be additionally divided into~~
559 ~~rural and urban categories.~~

560 (9)~~(12)~~ "Governmental entity" means a unit of government,
561 or any officially designated public agency or authority of a
562 unit of government, that has the responsibility for planning,
563 construction, operation, or maintenance or jurisdiction over
564 transportation facilities; the term includes the Federal
565 Government, the state government, a county, an incorporated
566 municipality, a metropolitan planning organization, an
567 expressway or transportation authority, a road and bridge
568 district, a special road and bridge district, and a regional
569 governmental unit.

570 (10)~~(13)~~ "Limited access facility" means a street or
571 highway especially designed for through traffic, and over, from,
572 or to which owners or occupants of abutting land or other
573 persons have no right or easement of access, light, air, or view
574 by reason of the fact that their property abuts upon such
575 limited access facility or for any other reason. Such highways
576 or streets may be facilities from which trucks, buses, and other
577 commercial vehicles are excluded; or they may be facilities open
578 to use by all customary forms of street and highway traffic.

579 (11)~~(14)~~ "Local governmental entity" means a unit of
580 government with less than statewide jurisdiction, or any

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581 officially designated public agency or authority of such a unit
582 of government, that has the responsibility for planning,
583 construction, operation, or maintenance of, or jurisdiction
584 over, a transportation facility; the term includes, but is not
585 limited to, a county, an incorporated municipality, a
586 metropolitan planning organization, an expressway or
587 transportation authority, a road and bridge district, a special
588 road and bridge district, and a regional governmental unit.

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

593 (12)~~(16)~~ "Metropolitan area" means a geographic region
594 comprising as a minimum the existing urbanized area and the
595 contiguous area projected to become urbanized within a 20-year
596 forecast period. The boundaries of a metropolitan area may be
597 designated so as to encompass a metropolitan statistical area or
598 a consolidated metropolitan statistical area. If a metropolitan
599 area, or any part thereof, is located within a nonattainment
600 area, the boundaries of the metropolitan area must be designated
601 so as to include the boundaries of the entire nonattainment
602 area, unless otherwise provided by agreement between the
603 applicable metropolitan planning organization and the Governor.

604 (13)~~(17)~~ "Metropolitan statistical area" means an area that
605 includes a municipality of 50,000 persons or more, or an
606 urbanized area of at least 50,000 persons as defined by the
607 United States Bureau of the Census, provided that the component
608 county or counties have a total population of at least 100,000.

609 (14)~~(18)~~ "Nonattainment area" means an area designated by

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610 the United States Environmental Protection Agency, pursuant to
611 federal law, as exceeding national primary or secondary ambient
612 air quality standards for the pollutants carbon monoxide or
613 ozone.

614 (15)~~(19)~~ "Periodic maintenance" means activities that are
615 large in scope and require a major work effort to restore
616 deteriorated components of the transportation system to a safe
617 and serviceable condition, including, but not limited to, the
618 repair of large bridge structures, major repairs to bridges and
619 bridge systems, and the mineral sealing of lengthy sections of
620 roadway.

621 (16)~~(20)~~ "Person" means any person described in s. 1.01 or
622 any unit of government in or outside the state.

623 (17)~~(21)~~ "Right of access" means the right of ingress to a
624 highway from abutting land and egress from a highway to abutting
625 land.

626 (18)~~(22)~~ "Right-of-way" means land in which the state, the
627 department, a county, or a municipality owns the fee or has an
628 easement devoted to or required for use as a transportation
629 facility.

630 (19)~~(23)~~ "Road" means a way open to travel by the public,
631 including, but not limited to, a street, highway, or alley. The
632 term includes associated sidewalks, the roadbed, the right-of-
633 way, and all culverts, drains, sluices, ditches, water storage
634 areas, waterways, embankments, slopes, retaining walls, bridges,
635 tunnels, and viaducts necessary for the maintenance of travel
636 and all ferries used in connection therewith.

637 (20)~~(24)~~ "Routine maintenance" means minor repairs and
638 associated tasks necessary to maintain a safe and efficient

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639 transportation system. The term includes: pavement patching;
640 shoulder repair; cleaning and repair of drainage ditches,
641 traffic signs, and structures; mowing; bridge inspection and
642 maintenance; pavement striping; litter cleanup; and other
643 similar activities.

644 ~~(21)(25) "State Highway System" means the following, which~~
645 ~~shall be facilities to which access is regulated:~~

646 ~~(a) the interstate system and all other roads within the~~
647 ~~state which were under the jurisdiction of the state on June 10,~~
648 ~~1995, and roads constructed by an agency of the state for the~~
649 ~~State Highway System, plus roads transferred to the state's~~
650 ~~jurisdiction after that date by mutual consent with another~~
651 ~~governmental entity, but not including roads so transferred from~~
652 ~~the state's jurisdiction. These facilities shall be facilities~~
653 ~~to which access is regulated.†~~

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

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

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

660
661 ~~However, not less than 2 percent of the public road mileage of~~
662 ~~each urbanized area on record as of June 30, 1986, shall be~~
663 ~~included as minor arterials in the State Highway System.~~
664 ~~Urbanized areas not meeting the foregoing minimum requirement~~
665 ~~shall have transferred to the State Highway System additional~~
666 ~~minor arterials of the highest significance in which case the~~
667 ~~total minor arterials in the State Highway System from any~~

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668 ~~urbanized area shall not exceed 2.5 percent of that area's total~~
669 ~~public urban road mileage.~~

670 (22)~~(26)~~ "State Park Road System" means roads embraced
671 within the boundaries of state parks and state roads leading to
672 state parks, other than roads of the State Highway System, the
673 county road systems, or the city street systems.

674 (23)~~(27)~~ "State road" means a street, road, highway, or
675 other way open to travel by the public generally and dedicated
676 to the public use according to law or by prescription and
677 designated by the department, as provided by law, as part of the
678 State Highway System.

679 (24)~~(28)~~ "Structure" means a bridge, viaduct, tunnel,
680 causeway, approach, ferry slip, culvert, toll plaza, gate, or
681 other similar facility used in connection with a transportation
682 facility.

683 (25)~~(29)~~ "Sufficiency rating" means the objective rating of
684 a road or section of a road for the purpose of determining its
685 capability to serve properly the actual or anticipated volume of
686 traffic using the road.

687 (26)~~(30)~~ "Transportation corridor" means any land area
688 designated by the state, a county, or a municipality which is
689 between two geographic points and which area is used or suitable
690 for the movement of people and goods by one or more modes of
691 transportation, including areas necessary for management of
692 access and securing applicable approvals and permits.

693 Transportation corridors shall contain, but are not limited to,
694 the following:

- 695 (a) Existing publicly owned rights-of-way;
696 (b) All property or property interests necessary for future

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697 transportation facilities, including rights of access, air,
698 view, and light, whether public or private, for the purpose of
699 securing and utilizing future transportation rights-of-way,
700 including, but not limited to, any lands reasonably necessary
701 now or in the future for securing applicable approvals and
702 permits, borrow pits, drainage ditches, water retention areas,
703 rest areas, replacement access for landowners whose access could
704 be impaired due to the construction of a future facility, and
705 replacement rights-of-way for relocation of rail and utility
706 facilities.

707 (27)~~(31)~~ "Transportation facility" means any means for the
708 transportation of people or property from place to place which
709 is constructed, operated, or maintained in whole or in part from
710 public funds. The term includes the property or property rights,
711 both real and personal, which have been or may be established by
712 public bodies for the transportation of people or property from
713 place to place.

714 (28)~~(32)~~ "Urban area" means a geographic region comprising
715 as a minimum the area inside the United States Bureau of the
716 Census boundary of an urban place with a population of 5,000 or
717 more persons, expanded to include adjacent developed areas as
718 provided for by Federal Highway Administration regulations.

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

725 (29)~~(34)~~ "Urban place" means a geographic region composed

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726 of one or more contiguous census tracts that have been found by
727 the United States Bureau of the Census to contain a population
728 density of at least 1,000 persons per square mile.

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

735 (30)~~(36)~~ "Urbanized area" means a geographic region
736 comprising as a minimum the area inside an urban place of 50,000
737 or more persons, as designated by the United States Bureau of
738 the Census, expanded to include adjacent developed areas as
739 provided for by Federal Highway Administration regulations.
740 Urban areas with a population of fewer than 50,000 persons which
741 are located within the expanded boundary of an urbanized area
742 are not separately recognized.

743 (31)~~(37)~~ "511" or "511 services" means three-digit
744 telecommunications dialing to access interactive voice response
745 telephone traveler information services provided in the state as
746 defined by the Federal Communications Commission in FCC Order
747 No. 00-256, July 31, 2000.

748 (32)~~(38)~~ "Interactive voice response" means a software
749 application that accepts a combination of voice telephone input
750 and touch-tone keypad selection and provides appropriate
751 responses in the form of voice, fax, callback, e-mail, and other
752 media.

753 (33) "Launch support facilities" mean facilities that are
754 located at launch sites or launch ranges that are required to

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755 support launch activities, including launch vehicle assembly,
756 launch vehicle operations and control, communications, flight
757 safety functions, and payload operations, control, and
758 processing, as defined in 15 U.S.C. chapter 84, s. 5802, the
759 Commercial Space Competitiveness Act.

760 Section 6. Subsections (11) and (13) of section 334.044,
761 Florida Statutes, are amended to read:

762 334.044 Department; powers and duties.—The department shall
763 have the following general powers and duties:

764 (11) To establish a numbering system for public roads and
765 to functionally classify such roads, ~~and to assign~~
766 ~~jurisdictional responsibility.~~

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

770 Section 7. Section 334.047, Florida Statutes, is amended to
771 read:

772 334.047 Prohibition.—Notwithstanding any other provision of
773 law to the contrary, the Department of Transportation may not
774 establish a cap on the number of miles in the State Highway
775 System ~~or a maximum number of miles of urban principal arterial~~
776 ~~roads, as defined in s. 334.03, within a district or county.~~

777 Section 8. Subsection (5) of section 336.021, Florida
778 Statutes, is amended to read:

779 336.021 County transportation system; levy of ninth-cent
780 fuel tax on motor fuel and diesel fuel.—

781 (5) All impositions of the tax shall be levied before
782 October ~~July~~ 1 of each year to be effective January 1 of the
783 following year. However, levies of the tax which were in effect

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784 on July 1, 2002, and which expire on August 31 of any year may
785 be reimposed at the current authorized rate to be effective
786 September 1 of the year of expiration. All impositions shall be
787 required to end on December 31 of a year. A decision to rescind
788 the tax shall not take effect on any date other than December 31
789 and shall require a minimum of 60 days' notice to the department
790 of such decision.

791 Section 9. Paragraphs (a) and (b) of subsection (1) and
792 subsection (7) of section 336.025, Florida Statutes, are amended
793 to read:

794 336.025 County transportation system; levy of local option
795 fuel tax on motor fuel and diesel fuel.—

796 (1) (a) In addition to other taxes allowed by law, there may
797 be levied as provided in ss. 206.41(1) (e) and 206.87(1) (c) a 1-
798 cent, 2-cent, 3-cent, 4-cent, 5-cent, or 6-cent local option
799 fuel tax upon every gallon of motor fuel and diesel fuel sold in
800 a county and taxed under the provisions of part I or part II of
801 chapter 206.

802 1. All impositions and rate changes of the tax shall be
803 levied before October ~~July~~ 1 to be effective January 1 of the
804 following year for a period not to exceed 30 years, and the
805 applicable method of distribution shall be established pursuant
806 to subsection (3) or subsection (4). However, levies of the tax
807 which were in effect on July 1, 2002, and which expire on August
808 31 of any year may be reimposed at the current authorized rate
809 effective September 1 of the year of expiration. Upon
810 expiration, the tax may be releived provided that a
811 redetermination of the method of distribution is made as
812 provided in this section.

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813 2. County and municipal governments shall utilize moneys
814 received pursuant to this paragraph only for transportation
815 expenditures.

816 3. Any tax levied pursuant to this paragraph may be
817 extended on a majority vote of the governing body of the county.
818 A redetermination of the method of distribution shall be
819 established pursuant to subsection (3) or subsection (4), if,
820 after July 1, 1986, the tax is extended or the tax rate changed,
821 for the period of extension or for the additional tax.

822 (b) In addition to other taxes allowed by law, there may be
823 levied as provided in s. 206.41(1)(e) a 1-cent, 2-cent, 3-cent,
824 4-cent, or 5-cent local option fuel tax upon every gallon of
825 motor fuel sold in a county and taxed under the provisions of
826 part I of chapter 206. The tax shall be levied by an ordinance
827 adopted by a majority plus one vote of the membership of the
828 governing body of the county or by referendum.

829 1. All impositions and rate changes of the tax shall be
830 levied before October ~~July~~ 1, to be effective January 1 of the
831 following year. However, levies of the tax which were in effect
832 on July 1, 2002, and which expire on August 31 of any year may
833 be reimposed at the current authorized rate effective September
834 1 of the year of expiration.

835 2. The county may, prior to levy of the tax, establish by
836 interlocal agreement with one or more municipalities located
837 therein, representing a majority of the population of the
838 incorporated area within the county, a distribution formula for
839 dividing the entire proceeds of the tax among county government
840 and all eligible municipalities within the county. If no
841 interlocal agreement is adopted before the effective date of the

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842 tax, tax revenues shall be distributed pursuant to the
843 provisions of subsection (4). If no interlocal agreement exists,
844 a new interlocal agreement may be established prior to June 1 of
845 any year pursuant to this subparagraph. However, any interlocal
846 agreement agreed to under this subparagraph after the initial
847 levy of the tax or change in the tax rate authorized in this
848 section shall under no circumstances materially or adversely
849 affect the rights of holders of outstanding bonds which are
850 backed by taxes authorized by this paragraph, and the amounts
851 distributed to the county government and each municipality shall
852 not be reduced below the amount necessary for the payment of
853 principal and interest and reserves for principal and interest
854 as required under the covenants of any bond resolution
855 outstanding on the date of establishment of the new interlocal
856 agreement.

857 3. County and municipal governments shall use moneys
858 received pursuant to this paragraph for transportation
859 expenditures needed to meet the requirements of the capital
860 improvements element of an adopted comprehensive plan or for
861 expenditures needed to meet immediate local transportation
862 problems and for other transportation-related expenditures that
863 are critical for building comprehensive roadway networks by
864 local governments. For purposes of this paragraph, expenditures
865 for the construction of new roads, the reconstruction or
866 resurfacing of existing paved roads, or the paving of existing
867 graded roads shall be deemed to increase capacity and such
868 projects shall be included in the capital improvements element
869 of an adopted comprehensive plan. Expenditures for purposes of
870 this paragraph shall not include routine maintenance of roads.

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871 (7) For the purposes of this section, "transportation
872 expenditures" means expenditures by the local government from
873 local or state shared revenue sources, excluding expenditures of
874 bond proceeds, for the following programs:

875 (a) Public transportation operations and maintenance.

876 (b) Roadway and right-of-way maintenance and equipment and
877 structures used primarily for the storage and maintenance of
878 such equipment.

879 (c) Roadway and right-of-way drainage.

880 (d) Street lighting installation, operation, maintenance,
881 and repair.

882 (e) Traffic signs, traffic engineering, signalization, and
883 pavement markings, installation, operation, maintenance, and
884 repair.

885 (f) Bridge maintenance and operation.

886 (g) Debt service and current expenditures for
887 transportation capital projects in the foregoing program areas,
888 including construction or reconstruction of roads and sidewalks.

889 Section 10. Subsection (4) of section 337.111, Florida
890 Statutes, is amended to read:

891 337.111 Contracting for monuments and memorials to military
892 veterans at rest areas.—The Department of Transportation is
893 authorized to enter into contract with any not-for-profit group
894 or organization that has been operating for not less than 2
895 years for the installation of monuments and memorials honoring
896 Florida's military veterans at highway rest areas around the
897 state pursuant to the provisions of this section.

898 (4) The group or organization making the proposal shall
899 provide a 10-year bond, an annual renewable bond, an irrevocable

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900 letter of credit, or other form of security as approved by the
901 department's comptroller, for the purpose of securing the cost
902 of removal of the monument and any modifications made to the
903 site as part of the placement of the monument should the
904 Department of Transportation determine it necessary to remove or
905 relocate the monument. Such removal or relocation shall be
906 approved by the committee described in subsection (1). ~~Prior to~~
907 ~~expiration, the bond shall be renewed for another 10-year period~~
908 ~~if the memorial is to remain in place.~~

909 Section 11. Section 337.403, Florida Statutes, is amended
910 to read:

911 337.403 Relocation of utility; expenses.—

912 (1) When a Any utility heretofore or hereafter placed upon,
913 under, over, or along any public road or publicly owned rail
914 corridor ~~that~~ is found by the authority to be unreasonably
915 interfering in any way with the convenient, safe, or continuous
916 use, or the maintenance, improvement, extension, or expansion,
917 of such public road or publicly owned rail corridor, the utility
918 owner shall, upon 30 days' written notice to the utility or its
919 agent by the authority, initiate the work necessary to alleviate
920 the interference be removed or relocated by such utility at its
921 own expense except as provided in paragraphs (a)-(f). The work
922 shall be completed within such time as stated in the notice or
923 such time as is agreed to by the authority and the utility
924 owner.

925 (a) If the relocation of utility facilities, as referred to
926 in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.
927 627 of the 84th Congress, is necessitated by the construction of
928 a project on the federal-aid interstate system, including

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929 extensions thereof within urban areas, and the cost of the
930 project is eligible and approved for reimbursement by the
931 Federal Government to the extent of 90 percent or more under the
932 Federal Aid Highway Act, or any amendment thereof, then in that
933 event the utility owning or operating such facilities shall
934 perform any necessary work ~~relocate the facilities~~ upon notice
935 from ~~order of~~ the department, and the state shall pay the entire
936 expense properly attributable to such work ~~relocation~~ after
937 deducting therefrom any increase in the value of any ~~the~~ new
938 facility and any salvage value derived from any ~~the~~ old
939 facility.

940 (b) When a joint agreement between the department and the
941 utility is executed for utility ~~improvement, relocation, or~~
942 ~~removal~~ work to be accomplished as part of a contract for
943 construction of a transportation facility, the department may
944 participate in those utility work ~~improvement, relocation, or~~
945 ~~removal~~ costs that exceed the department's official estimate of
946 the cost of the work by more than 10 percent. The amount of such
947 participation shall be limited to the difference between the
948 official estimate of all the work in the joint agreement plus 10
949 percent and the amount awarded for this work in the construction
950 contract for such work. The department may not participate in
951 any utility work ~~improvement, relocation, or removal~~ costs that
952 occur as a result of changes or additions during the course of
953 the contract.

954 (c) When an agreement between the department and utility is
955 executed for utility ~~improvement, relocation, or removal~~ work to
956 be accomplished in advance of a contract for construction of a
957 transportation facility, the department may participate in the

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958 cost of clearing and grubbing necessary to perform such work.

959 (d) If the utility facility involved ~~being removed or~~
960 ~~relocated~~ was initially installed to exclusively serve the
961 department, its tenants, or both, the department shall bear the
962 costs of the utility work ~~removing or relocating that utility~~
963 ~~facility~~. However, the department is not responsible for bearing
964 the cost of utility work related to ~~removing or relocating~~ any
965 subsequent additions to that facility for the purpose of serving
966 others.

967 (e) If, under an agreement between a utility and the
968 authority entered into after July 1, 2009, the utility conveys,
969 subordinates, or relinquishes a compensable property right to
970 the authority for the purpose of accommodating the acquisition
971 or use of the right-of-way by the authority, without the
972 agreement expressly addressing future responsibility for the
973 cost of necessary utility work ~~removing or relocating the~~
974 ~~utility~~, the authority shall bear the cost of removal or
975 relocation. This paragraph does not impair or restrict, and may
976 not be used to interpret, the terms of any such agreement
977 entered into before July 1, 2009.

978 (f) If the utility is an electric facility being relocated
979 underground in order to enhance vehicular, bicycle, and
980 pedestrian safety and in which ownership of the electric
981 facility to be placed underground has been transferred from a
982 private to a public utility within the past 5 years, the
983 department shall incur all costs of the necessary utility work
984 ~~relocation~~.

985 (2) If such utility work ~~removal or relocation~~ is
986 incidental to work to be done on such road or publicly owned

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987 rail corridor, the notice shall be given at the same time the
988 contract for the work is advertised for bids, or no less than 30
989 days prior to the commencement of such work by the authority
990 whichever is greater.

991 (3) Whenever the notice from an order of the authority
992 requires such utility work removal or change in the location of
993 any utility from the right-of-way of a public road or publicly
994 owned rail corridor, and the owner thereof fails to perform the
995 work remove or change the same at his or her own expense to
996 conform to the order within the time stated in the notice or
997 such other time as agreed to by the authority and the utility
998 owner, the authority shall proceed to cause the utility work to
999 be performed to be removed. The expense thereby incurred shall
1000 be paid out of any money available therefor, and such expense
1001 shall, except as provided in subsection (1), be charged against
1002 the owner and levied and collected and paid into the fund from
1003 which the expense of such relocation was paid.

1004 Section 12. Subsection (1) of section 337.404, Florida
1005 Statutes, is amended to read:

1006 337.404 Removal or relocation of utility facilities; notice
1007 and order; court review.-

1008 (1) Whenever it shall become necessary for the authority to
1009 perform utility work remove or relocate any utility as provided
1010 in the preceding section, the owner of the utility, or the
1011 owner's chief agent, shall be given notice that the authority
1012 will perform of such work removal or relocation and, after the
1013 work is complete, shall be given an order requiring the payment
1014 of the cost thereof, and a shall be given reasonable time, which
1015 shall not be less than 20 nor more than 30 days, in which to

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1016 appear before the authority to contest the reasonableness of the
1017 order. Should the owner or the owner's representative not
1018 appear, the determination of the cost to the owner shall be
1019 final. Authorities considered agencies for the purposes of
1020 chapter 120 shall adjudicate removal or relocation of utilities
1021 pursuant to chapter 120.

1022 Section 13. Section 338.001, Florida Statutes, is repealed.

1023 Section 14. Present subsections (1) through (6) of section
1024 338.01, Florida Statutes, are renumbered as subsections (2)
1025 through (7), respectively, and a new subsection (1) is added to
1026 that section, to read:

1027 338.01 Authority to establish and regulate limited access
1028 facilities.—

1029 (1) The department is authorized to establish limited
1030 access facilities as provided in s. 335.02. The primary function
1031 of these limited access facilities is to allow high-speed and
1032 high-volume traffic movements within the state. Access to
1033 abutting land is subordinate to this function, and such access
1034 must be prohibited or highly regulated.

1035 Section 15. Subsection (4) of section 338.227, Florida
1036 Statutes, is amended to read:

1037 338.227 Turnpike revenue bonds.—

1038 (4) The Department of Transportation and the Department of
1039 Management Services shall create and implement an outreach
1040 program designed to enhance the participation of minority
1041 persons and minority business enterprises in all contracts
1042 entered into by their respective departments for services
1043 related to the financing of department projects for the
1044 Strategic Intermodal System Plan developed pursuant to s. 339.64

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1045 ~~Florida Intrastate Highway System Plan.~~ These services shall
1046 include, but not be limited to, bond counsel and bond
1047 underwriters.

1048 Section 16. Subsection (2) of section 338.2275, Florida
1049 Statutes, is amended to read:

1050 338.2275 Approved turnpike projects.—

1051 (2) The department is authorized to use turnpike revenues,
1052 the State Transportation Trust Fund moneys allocated for
1053 turnpike projects pursuant to s. 339.65 ~~s. 338.001~~, federal
1054 funds, and bond proceeds, and shall use the most cost-efficient
1055 combination of such funds, in developing a financial plan for
1056 funding turnpike projects. The department must submit a report
1057 of the estimated cost for each ongoing turnpike project and for
1058 each planned project to the Legislature 14 days before the
1059 convening of the regular legislative session. Verification of
1060 economic feasibility and statements of environmental feasibility
1061 for individual turnpike projects must be based on the entire
1062 project as approved. Statements of environmental feasibility are
1063 not required for those projects listed in s. 12, chapter 90-136,
1064 Laws of Florida, for which the Project Development and
1065 Environmental Reports were completed by July 1, 1990. All
1066 required environmental permits must be obtained before the
1067 department may advertise for bids for contracts for the
1068 construction of any turnpike project.

1069 Section 17. Section 338.228, Florida Statutes, is amended
1070 to read:

1071 338.228 Bonds not debts or pledges of credit of state.—
1072 Turnpike revenue bonds issued under the provisions of ss.
1073 338.22-338.241 are not debts of the state or pledges of the

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1074 faith and credit of the state. Such bonds are payable
1075 exclusively from revenues pledged for their payment. All such
1076 bonds shall contain a statement on their face that the state is
1077 not obligated to pay the same or the interest thereon, except
1078 from the revenues pledged for their payment, and that the faith
1079 and credit of the state is not pledged to the payment of the
1080 principal or interest of such bonds. The issuance of turnpike
1081 revenue bonds under the provisions of ss. 338.22-338.241 does
1082 not directly, indirectly, or contingently obligate the state to
1083 levy or to pledge any form of taxation whatsoever, or to make
1084 any appropriation for their payment. Except as provided in ss.
1085 ~~338.001~~, 338.223, ~~and~~ 338.2275, and 339.65, ~~no~~ state funds may
1086 not shall be used on any turnpike project or to pay the
1087 principal or interest of any bonds issued to finance or
1088 refinance any portion of the turnpike system, and all such bonds
1089 shall contain a statement on their face to this effect.

1090 Section 18. Subsection (2) of section 338.234, Florida
1091 Statutes, is amended to read:

1092 338.234 Granting concessions or selling along the turnpike
1093 system; immunity from taxation.-

1094 (2) The effectuation of the authorized purposes of the
1095 Strategic Intermodal System, created under ss. 339.61-339.65,
1096 ~~Florida Intrastate Highway System~~ and Florida Turnpike
1097 Enterprise, created under this chapter, is for the benefit of
1098 the people of the state, for the increase of their commerce and
1099 prosperity, and for the improvement of their health and living
1100 conditions; and, because the system and enterprise perform
1101 essential government functions in effectuating such purposes,
1102 neither the turnpike enterprise nor any nongovernment lessee or

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1103 licensee renting, leasing, or licensing real property from the
1104 turnpike enterprise, pursuant to an agreement authorized by this
1105 section, are required to pay any commercial rental tax imposed
1106 under s. 212.031 on any capital improvements constructed,
1107 improved, acquired, installed, or used for such purposes.

1108 Section 19. Paragraph (a) of subsection (4) of section
1109 339.175, Florida Statutes, is amended to read:

1110 339.175 Metropolitan planning organization.—

1111 (4) APPORTIONMENT.—

1112 (a) The Governor shall, with the agreement of the affected
1113 units of general-purpose local government as required by federal
1114 rules and regulations, apportion the membership on the
1115 applicable M.P.O. among the various governmental entities within
1116 the area. At the request of a majority of the affected units of
1117 general-purpose local government comprising an M.P.O., the
1118 Governor and a majority of units of general-purpose local
1119 government serving on an M.P.O. shall cooperatively agree upon
1120 and prescribe who may serve as an alternate member and a method
1121 for appointing alternate members who may vote at any M.P.O.
1122 meeting that an alternate member attends in place of a regular
1123 member. The method shall be set forth as a part of the
1124 interlocal agreement describing the M.P.O.'s membership or in
1125 the M.P.O.'s operating procedures and bylaws. The governmental
1126 entity so designated shall appoint the appropriate number of
1127 members to the M.P.O. from eligible officials. Representatives
1128 of the department shall serve as nonvoting advisers to ~~members~~
1129 ~~of~~ the M.P.O. governing board. Additional nonvoting advisers may
1130 be appointed by the M.P.O. as deemed necessary; however, to the
1131 maximum extent feasible, each M.P.O. shall seek to appoint

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1132 nonvoting representatives of various multimodal forms of
1133 transportation not otherwise represented by voting members of
1134 the M.P.O. An M.P.O. shall appoint nonvoting advisers
1135 representing major military installations located within the
1136 jurisdictional boundaries of the M.P.O. upon the request of the
1137 aforesaid major military installations and subject to the
1138 agreement of the M.P.O. All nonvoting advisers may attend and
1139 participate fully in governing board meetings but shall not have
1140 a vote and shall not be members of the governing board. The
1141 Governor shall review the composition of the M.P.O. membership
1142 in conjunction with the decennial census as prepared by the
1143 United States Department of Commerce, Bureau of the Census, and
1144 reapportion it as necessary to comply with subsection (3).

1145 Section 20. Section 339.62, Florida Statutes, is amended to
1146 read:

1147 339.62 System components.—The Strategic Intermodal System
1148 shall consist of appropriate components of:

1149 (1) Highway corridors ~~The Florida Intrastate Highway System~~
1150 established under s. 339.65 ~~s. 338.001~~.

1151 (2) The National Highway System.

1152 (3) Airport, seaport, and spaceport facilities.

1153 (4) Rail lines and rail facilities.

1154 (5) Selected intermodal facilities; passenger and freight
1155 terminals; and appropriate components of the State Highway
1156 System, county road system, city street system, inland
1157 waterways, and local public transit systems that serve as
1158 existing or planned connectors between the components listed in
1159 subsections (1)-(4).

1160 (6) Other existing or planned corridors that serve a

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1161 statewide or interregional purpose.

1162 Section 21. Subsection (2) of section 339.63, Florida
1163 Statutes, is amended to read:

1164 339.63 System facilities designated; additions and
1165 deletions.—

1166 (2) The Strategic Intermodal System and the Emerging
1167 Strategic Intermodal System include four ~~three~~ different types
1168 of facilities that each form one component of an interconnected
1169 transportation system which types include:

1170 (a) Existing or planned hubs that are ports and terminals
1171 including airports, seaports, spaceports, passenger terminals,
1172 and rail terminals serving to move goods or people between
1173 Florida regions or between Florida and other markets in the
1174 United States and the rest of the world;

1175 (b) Existing or planned corridors that are highways, rail
1176 lines, waterways, and other exclusive-use facilities connecting
1177 major markets within Florida or between Florida and other states
1178 or nations; ~~and~~

1179 (c) Existing or planned intermodal connectors that are
1180 highways, rail lines, waterways or local public transit systems
1181 serving as connectors between the components listed in
1182 paragraphs (a) and (b); and

1183 (d) Existing or planned military access facilities that are
1184 highways or rail lines linking Strategic Intermodal System
1185 corridors to the state's strategic military installations.

1186 Section 22. Section 339.64, Florida Statutes, is amended to
1187 read:

1188 339.64 Strategic Intermodal System Plan.—

1189 (1) The department shall develop, in cooperation with

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1190 metropolitan planning organizations, regional planning councils,
1191 local governments, ~~the Statewide Intermodal Transportation~~
1192 ~~Advisory Council~~ and other transportation providers, a Strategic
1193 Intermodal System Plan. The plan shall be consistent with the
1194 Florida Transportation Plan developed pursuant to s. 339.155 and
1195 shall be updated at least once every 5 years, subsequent to
1196 updates of the Florida Transportation Plan.

1197 (2) In association with the continued development of the
1198 Strategic Intermodal System Plan, the Florida Transportation
1199 Commission, as part of its work program review process, shall
1200 conduct an annual assessment of the progress that the department
1201 and its transportation partners have made in realizing the goals
1202 of economic development, improved mobility, and increased
1203 intermodal connectivity of the Strategic Intermodal System. The
1204 Florida Transportation Commission shall coordinate with the
1205 department, ~~the Statewide Intermodal Transportation Advisory~~
1206 ~~Council~~, and other appropriate entities when developing this
1207 assessment. The Florida Transportation Commission shall deliver
1208 a report to the Governor and Legislature no later than 14 days
1209 after the regular session begins, with recommendations as
1210 necessary to fully implement the Strategic Intermodal System.

1211 (3) (a) During the development of updates to the Strategic
1212 Intermodal System Plan, the department shall provide
1213 metropolitan planning organizations, regional planning councils,
1214 local governments, transportation providers, affected public
1215 agencies, and citizens with an opportunity to participate in and
1216 comment on the development of the update.

1217 (b) The department also shall coordinate with federal,
1218 regional, and local partners the planning for the Strategic

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1219 Highway Network and the Strategic Rail Corridor Network
1220 transportation facilities that either are included in the
1221 Strategic Intermodal System or that provide a direct connection
1222 between military installations and the Strategic Intermodal
1223 System. In addition, the department shall coordinate with
1224 regional and local partners to determine whether the road and
1225 other transportation infrastructure that connect military
1226 installations to the Strategic Intermodal System, the Strategic
1227 Highway Network, or the Strategic Rail Corridor is regionally
1228 significant and should be included in the Strategic Intermodal
1229 System Plan.

1230 (4) The Strategic Intermodal System Plan shall include the
1231 following:

1232 (a) A needs assessment.

1233 (b) A project prioritization process.

1234 (c) A map of facilities designated as Strategic Intermodal
1235 System facilities; facilities that are emerging in importance
1236 and that are likely to become part of the system in the future;
1237 and planned facilities that will meet the established criteria.

1238 (d) A finance plan based on reasonable projections of
1239 anticipated revenues, including both 10-year and at least 20-
1240 year cost-feasible components.

1241 (e) An assessment of the impacts of proposed improvements
1242 to Strategic Intermodal System corridors on military
1243 installations that are either located directly on the Strategic
1244 Intermodal System or located on the Strategic Highway Network or
1245 Strategic Rail Corridor Network.

1246 ~~(5) STATEWIDE INTERMODAL TRANSPORTATION ADVISORY COUNCIL.~~

1247 ~~(a) The Statewide Intermodal Transportation Advisory~~

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1248 ~~Council is created to advise and make recommendations to the~~
1249 ~~Legislature and the department on policies, planning, and~~
1250 ~~funding of intermodal transportation projects. The council's~~
1251 ~~responsibilities shall include:~~

1252 ~~1. Advising the department on the policies, planning, and~~
1253 ~~implementation of strategies related to intermodal~~
1254 ~~transportation.~~

1255 ~~2. Providing advice and recommendations to the Legislature~~
1256 ~~on funding for projects to move goods and people in the most~~
1257 ~~efficient and effective manner for the State of Florida.~~

1258 ~~(b) MEMBERSHIP. Members of the Statewide Intermodal~~
1259 ~~Transportation Advisory Council shall consist of the following:~~

1260 ~~1. Six intermodal industry representatives selected by the~~
1261 ~~Governor as follows:~~

1262 ~~a. One representative from an airport involved in the~~
1263 ~~movement of freight and people from their airport facility to~~
1264 ~~another transportation mode.~~

1265 ~~b. One individual representing a fixed-route, local-~~
1266 ~~government transit system.~~

1267 ~~c. One representative from an intercity bus company~~
1268 ~~providing regularly scheduled bus travel as determined by~~
1269 ~~federal regulations.~~

1270 ~~d. One representative from a spaceport.~~

1271 ~~e. One representative from intermodal trucking companies.~~

1272 ~~f. One representative having command responsibilities of a~~
1273 ~~major military installation.~~

1274 ~~2. Three intermodal industry representatives selected by~~
1275 ~~the President of the Senate as follows:~~

1276 ~~a. One representative from major-line railroads.~~

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1277 ~~b. One representative from seaports listed in s. 311.09(1)~~
1278 ~~from the Atlantic Coast.~~

1279 ~~e. One representative from an airport involved in the~~
1280 ~~movement of freight and people from their airport facility to~~
1281 ~~another transportation mode.~~

1282 ~~3. Three intermodal industry representatives selected by~~
1283 ~~the Speaker of the House of Representatives as follows:~~

1284 ~~a. One representative from short-line railroads.~~

1285 ~~b. One representative from seaports listed in s. 311.09(1)~~
1286 ~~from the Gulf Coast.~~

1287 ~~e. One representative from intermodal trucking companies.~~
1288 ~~In no event may this representative be employed by the same~~
1289 ~~company that employs the intermodal trucking company~~
1290 ~~representative selected by the Governor.~~

1291 ~~(c) Initial appointments to the council must be made no~~
1292 ~~later than 30 days after the effective date of this section.~~

1293 ~~1. The initial appointments made by the President of the~~
1294 ~~Senate and the Speaker of the House of Representatives shall~~
1295 ~~serve terms concurrent with those of the respective appointing~~
1296 ~~officer. Beginning January 15, 2005, and for all subsequent~~
1297 ~~appointments, council members appointed by the President of the~~
1298 ~~Senate and the Speaker of the House of Representatives shall~~
1299 ~~serve 2-year terms, concurrent with the term of the respective~~
1300 ~~appointing officer.~~

1301 ~~2. The initial appointees, and all subsequent appointees,~~
1302 ~~made by the Governor shall serve 2-year terms.~~

1303 ~~3. Vacancies on the council shall be filled in the same~~
1304 ~~manner as the initial appointments.~~

1305 ~~(d) Each member of the council shall be allowed one vote.~~

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1306 ~~The council shall select a chair from among its membership.~~
1307 ~~Meetings shall be held at the call of the chair, but not less~~
1308 ~~frequently than quarterly. The members of the council shall be~~
1309 ~~reimbursed for per diem and travel expenses as provided in s.~~
1310 ~~112.061.~~

1311 ~~(c) The department shall provide administrative staff~~
1312 ~~support and shall ensure that council meetings are~~
1313 ~~electronically recorded. Such recordings and all documents~~
1314 ~~received, prepared for, or used by the council in conducting its~~
1315 ~~business shall be preserved pursuant to chapters 119 and 257.~~

1316 Section 23. Section 339.65, Florida Statutes, is created to
1317 read:

1318 339.65 Strategic Intermodal System highway corridors.-

1319 (1) The department shall plan and develop Strategic
1320 Intermodal System highway corridors, including limited and
1321 controlled access facilities, allowing for high-speed and high-
1322 volume traffic movements within the state. The primary function
1323 of these corridors is to provide for such traffic movements.
1324 Access to abutting land is subordinate to this function, and
1325 such access must be prohibited or highly regulated.

1326 (2) Strategic Intermodal System highway corridors shall
1327 include facilities from the following components of the State
1328 Highway System which meet the criteria adopted by the department
1329 pursuant to s. 339.63:

1330 (a) Interstate highways.

1331 (b) The Florida Turnpike System.

1332 (c) Interregional and intercity limited access facilities.

1333 (d) Existing interregional and intercity arterial highways
1334 previously upgraded or upgraded in the future to limited access

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1335 or controlled access facility standards.

1336 (e) New limited access facilities necessary to complete a
1337 balanced statewide system.

1338 (3) The department shall adhere to the following policy
1339 guidelines in the development of Strategic Intermodal System
1340 highway corridors:

1341 (a) Make capacity improvements to existing facilities where
1342 feasible to minimize costs and environmental impacts.

1343 (b) Identify appropriate arterial highways in major
1344 transportation corridors for inclusion in a program to bring
1345 these facilities up to limited access or controlled access
1346 facility standards.

1347 (c) Coordinate proposed projects with appropriate limited
1348 access projects undertaken by expressway authorities and local
1349 governmental entities.

1350 (d) Maximize the use of limited access facility standards
1351 when constructing new arterial highways.

1352 (e) Identify appropriate new limited access highways for
1353 inclusion as a part of the Florida Turnpike System.

1354 (f) To the maximum extent feasible, ensure that proposed
1355 projects are consistent with approved local government
1356 comprehensive plans of the local jurisdictions in which such
1357 facilities are to be located and with the transportation
1358 improvement program of any metropolitan planning organization in
1359 which such facilities are to be located.

1360 (4) The department shall develop and maintain a plan of
1361 Strategic Intermodal System highway corridor projects that are
1362 anticipated to be let to contract for construction within a time
1363 period of at least 20 years. The plan shall also identify when

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1364 segments of the corridor will meet the standards and criteria
1365 developed pursuant to subsection (5).

1366 (5) The department shall establish the standards and
1367 criteria for the functional characteristics and design of
1368 facilities proposed as part of Strategic Intermodal System
1369 highway corridors.

1370 (6) For the purposes of developing the proposed Strategic
1371 Intermodal System highway corridors, the minimum amount
1372 allocated each fiscal year shall be based on the 2003-2004
1373 fiscal year allocation of \$450 million, adjusted annually by the
1374 change in the Consumer Price Index for the prior fiscal year
1375 compared to the Consumer Price Index for the 2003-2004 fiscal
1376 year.

1377 (7) Any project to be constructed as part of a Strategic
1378 Intermodal System highway corridor shall be included in the
1379 department's adopted work program. Any Strategic Intermodal
1380 System highway corridor projects that are added to or deleted
1381 from the previous adopted work program, or any modification to
1382 Strategic Intermodal System highway corridor projects contained
1383 in the previous adopted work program, shall be specifically
1384 identified and submitted as a separate part of the tentative
1385 work program.

1386 Section 24. Section 339.155, Florida Statutes, is amended
1387 to read:

1388 339.155 Transportation planning.-

1389 (1) THE FLORIDA TRANSPORTATION PLAN.-The department shall
1390 develop ~~and annually update~~ a statewide transportation plan, to
1391 be known as the Florida Transportation Plan. The plan shall be
1392 designed so as to be easily read and understood by the general

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1393 public. The purpose of the Florida Transportation Plan is to
1394 establish and define the state's long-range transportation goals
1395 and objectives to be accomplished over a period of at least 20
1396 years within the context of the State Comprehensive Plan, and
1397 any other statutory mandates and authorizations and based upon
1398 the prevailing principles of: preserving the existing
1399 transportation infrastructure; enhancing Florida's economic
1400 competitiveness; and improving travel choices to ensure
1401 mobility. The Florida Transportation Plan shall consider the
1402 needs of the entire state transportation system and examine the
1403 use of all modes of transportation to effectively and
1404 efficiently meet such needs.

1405 (2) SCOPE OF PLANNING PROCESS.—The department shall carry
1406 out a transportation planning process in conformance with s.
1407 334.046(1) and 23 U.S.C. s. 135 ~~which provides for consideration~~
1408 ~~of projects and strategies that will:~~

1409 ~~(a) Support the economic vitality of the United States,~~
1410 ~~Florida, and the metropolitan areas, especially by enabling~~
1411 ~~global competitiveness, productivity, and efficiency;~~

1412 ~~(b) Increase the safety and security of the transportation~~
1413 ~~system for motorized and nonmotorized users;~~

1414 ~~(c) Increase the accessibility and mobility options~~
1415 ~~available to people and for freight;~~

1416 ~~(d) Protect and enhance the environment, promote energy~~
1417 ~~conservation, and improve quality of life;~~

1418 ~~(e) Enhance the integration and connectivity of the~~
1419 ~~transportation system, across and between modes throughout~~
1420 ~~Florida, for people and freight;~~

1421 ~~(f) Promote efficient system management and operation; and~~

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1422 ~~(g) Emphasize the preservation of the existing~~
1423 ~~transportation system.~~

1424 (3) FORMAT, SCHEDULE, AND REVIEW.—The Florida
1425 Transportation Plan shall be a unified, concise planning
1426 document that clearly defines the state's long-range
1427 transportation goals and objectives ~~and documents the~~
1428 ~~department's short-range objectives developed to further such~~
1429 ~~goals and objectives.~~ The plan shall:

1430 (a) Include a glossary that clearly and succinctly defines
1431 any and all phrases, words, or terms of art included in the
1432 plan, with which the general public may be unfamiliar, ~~and shall~~
1433 ~~consist of, at a minimum, the following components:~~

1434 ~~(b)(a) Document A long-range component documenting the~~
1435 ~~goals and long-term objectives necessary to implement the~~
1436 ~~results of the department consistent with department's findings~~
1437 ~~from its examination of the criteria listed in subsection (2)~~
1438 ~~and s. 334.046(1) and s. 23 U.S.C. s. 135. The long-range~~
1439 ~~component must~~

1440 (c) Be developed in cooperation with the metropolitan
1441 planning organizations and reconciled, to the maximum extent
1442 feasible, with the long-range plans developed by metropolitan
1443 planning organizations pursuant to s. 339.175. ~~The plan must~~
1444 ~~also~~

1445 (d) Be developed in consultation with affected local
1446 officials in nonmetropolitan areas and with any affected Indian
1447 tribal governments. ~~The plan must provide~~

1448 (e) Provide an examination of transportation issues likely
1449 to arise during at least a 20-year period. ~~The long-range~~
1450 ~~component shall~~

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1451 (f) Be updated at least once every 5 years, or more often
1452 as necessary, to reflect substantive changes to federal or state
1453 law.

1454 ~~(b) A short-range component documenting the short-term~~
1455 ~~objectives and strategies necessary to implement the goals and~~
1456 ~~long-term objectives contained in the long-range component. The~~
1457 ~~short-range component must define the relationship between the~~
1458 ~~long-range goals and the short-range objectives, specify those~~
1459 ~~objectives against which the department's achievement of such~~
1460 ~~goals will be measured, and identify transportation strategies~~
1461 ~~necessary to efficiently achieve the goals and objectives in the~~
1462 ~~plan. It must provide a policy framework within which the~~
1463 ~~department's legislative budget request, the strategic~~
1464 ~~information resource management plan, and the work program are~~
1465 ~~developed. The short-range component shall serve as the~~
1466 ~~department's annual agency strategic plan pursuant to s.~~
1467 ~~186.021. The short-range component shall be developed consistent~~
1468 ~~with available and forecasted state and federal funds. The~~
1469 ~~short-range component shall also be submitted to the Florida~~
1470 ~~Transportation Commission.~~

1471 ~~(4) ANNUAL PERFORMANCE REPORT. The department shall develop~~
1472 ~~an annual performance report evaluating the operation of the~~
1473 ~~department for the preceding fiscal year. The report shall also~~
1474 ~~include a summary of the financial operations of the department~~
1475 ~~and shall annually evaluate how well the adopted work program~~
1476 ~~meets the short-term objectives contained in the short-range~~
1477 ~~component of the Florida Transportation Plan. This performance~~
1478 ~~report shall be submitted to the Florida Transportation~~
1479 ~~Commission and the legislative appropriations and transportation~~

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1480 ~~committees.~~

1481 (4)~~(5)~~ ADDITIONAL TRANSPORTATION PLANS.—

1482 (a) Upon request by local governmental entities, the
1483 department may in its discretion develop and design
1484 transportation corridors, arterial and collector streets,
1485 vehicular parking areas, and other support facilities which are
1486 consistent with the plans of the department for major
1487 transportation facilities. The department may render to local
1488 governmental entities or their planning agencies such technical
1489 assistance and services as are necessary so that local plans and
1490 facilities are coordinated with the plans and facilities of the
1491 department.

1492 (b) Each regional planning council, as provided for in s.
1493 186.504, or any successor agency thereto, shall develop, as an
1494 element of its strategic regional policy plan, transportation
1495 goals and policies. The transportation goals and policies must
1496 be prioritized to comply with the prevailing principles provided
1497 in subsection (2) and s. 334.046(1). The transportation goals
1498 and policies shall be consistent, to the maximum extent
1499 feasible, with the goals and policies of the metropolitan
1500 planning organization and the Florida Transportation Plan. The
1501 transportation goals and policies of the regional planning
1502 council will be advisory only and shall be submitted to the
1503 department and any affected metropolitan planning organization
1504 for their consideration and comments. Metropolitan planning
1505 organization plans and other local transportation plans shall be
1506 developed consistent, to the maximum extent feasible, with the
1507 regional transportation goals and policies. The regional
1508 planning council shall review urbanized area transportation

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1509 plans and any other planning products stipulated in s. 339.175
1510 and provide the department and respective metropolitan planning
1511 organizations with written recommendations which the department
1512 and the metropolitan planning organizations shall take under
1513 advisement. Further, the regional planning councils shall
1514 directly assist local governments which are not part of a
1515 metropolitan area transportation planning process in the
1516 development of the transportation element of their comprehensive
1517 plans as required by s. 163.3177.

1518 (c) Regional transportation plans may be developed in
1519 regional transportation areas in accordance with an interlocal
1520 agreement entered into pursuant to s. 163.01 by two or more
1521 contiguous metropolitan planning organizations; one or more
1522 metropolitan planning organizations and one or more contiguous
1523 counties, none of which is a member of a metropolitan planning
1524 organization; a multicounty regional transportation authority
1525 created by or pursuant to law; two or more contiguous counties
1526 that are not members of a metropolitan planning organization; or
1527 metropolitan planning organizations comprised of three or more
1528 counties.

1529 (d) The interlocal agreement must, at a minimum, identify
1530 the entity that will coordinate the development of the regional
1531 transportation plan; delineate the boundaries of the regional
1532 transportation area; provide the duration of the agreement and
1533 specify how the agreement may be terminated, modified, or
1534 rescinded; describe the process by which the regional
1535 transportation plan will be developed; and provide how members
1536 of the entity will resolve disagreements regarding
1537 interpretation of the interlocal agreement or disputes relating

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1538 to the development or content of the regional transportation
1539 plan. Such interlocal agreement shall become effective upon its
1540 recordation in the official public records of each county in the
1541 regional transportation area.

1542 (e) The regional transportation plan developed pursuant to
1543 this section must, at a minimum, identify regionally significant
1544 transportation facilities located within a regional
1545 transportation area and contain a prioritized list of regionally
1546 significant projects. The level-of-service standards for
1547 facilities to be funded under this subsection shall be adopted
1548 by the appropriate local government in accordance with s.
1549 163.3180(10). The projects shall be adopted into the capital
1550 improvements schedule of the local government comprehensive plan
1551 pursuant to s. 163.3177(3).

1552 (5) ~~(6)~~ PROCEDURES FOR PUBLIC PARTICIPATION IN
1553 TRANSPORTATION PLANNING.—

1554 (a) During the development of the ~~long-range component of~~
1555 ~~the~~ Florida Transportation Plan and prior to substantive
1556 revisions, the department shall provide citizens, affected
1557 public agencies, representatives of transportation agency
1558 employees, other affected employee representatives, private
1559 providers of transportation, and other known interested parties
1560 with an opportunity to comment on the proposed plan or
1561 revisions. These opportunities shall include, at a minimum,
1562 publishing a notice in the Florida Administrative Weekly and
1563 within a newspaper of general circulation within the area of
1564 each department district office.

1565 (b) During development of major transportation
1566 improvements, such as those increasing the capacity of a

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1567 facility through the addition of new lanes or providing new
1568 access to a limited or controlled access facility or
1569 construction of a facility in a new location, the department
1570 shall hold one or more hearings prior to the selection of the
1571 facility to be provided; prior to the selection of the site or
1572 corridor of the proposed facility; and prior to the selection of
1573 and commitment to a specific design proposal for the proposed
1574 facility. Such public hearings shall be conducted so as to
1575 provide an opportunity for effective participation by interested
1576 persons in the process of transportation planning and site and
1577 route selection and in the specific location and design of
1578 transportation facilities. The various factors involved in the
1579 decision or decisions and any alternative proposals shall be
1580 clearly presented so that the persons attending the hearing may
1581 present their views relating to the decision or decisions which
1582 will be made.

1583 (c) Opportunity for design hearings:

1584 1. The department, prior to holding a design hearing, shall
1585 duly notify all affected property owners of record, as recorded
1586 in the property appraiser's office, by mail at least 20 days
1587 prior to the date set for the hearing. The affected property
1588 owners shall be:

1589 a. Those whose property lies in whole or in part within 300
1590 feet on either side of the centerline of the proposed facility.

1591 b. Those whom the department determines will be
1592 substantially affected environmentally, economically, socially,
1593 or safetywise.

1594 2. For each subsequent hearing, the department shall
1595 publish notice prior to the hearing date in a newspaper of

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1596 general circulation for the area affected. These notices must be
1597 published twice, with the first notice appearing at least 15
1598 days, but no later than 30 days, before the hearing.

1599 3. A copy of the notice of opportunity for the hearing must
1600 be furnished to the United States Department of Transportation
1601 and to the appropriate departments of the state government at
1602 the time of publication.

1603 4. The opportunity for another hearing shall be afforded in
1604 any case when proposed locations or designs are so changed from
1605 those presented in the notices specified above or at a hearing
1606 as to have a substantially different social, economic, or
1607 environmental effect.

1608 5. The opportunity for a hearing shall be afforded in each
1609 case in which the department is in doubt as to whether a hearing
1610 is required.

1611 Section 25. Section 341.840, Florida Statutes, is amended
1612 to read:

1613 341.840 Tax exemption.—

1614 (1) The exercise of the powers granted by this act will be
1615 in all respects for the benefit of the people of this state, for
1616 the increase of their commerce, welfare, and prosperity, and for
1617 the improvement of their health and living conditions. The
1618 design, construction, operation, maintenance, and financing of a
1619 high-speed rail system by the enterprise authority, its agent,
1620 or the owner or lessee thereof, as herein authorized,
1621 constitutes the performance of an essential public function.

1622 (2) (a) For the purposes of this section, the term
1623 "enterprise" "~~authority~~" does not include agents of the
1624 enterprise authority other than contractors who qualify as such

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1625 pursuant to subsection (7).

1626 (b) For the purposes of this section, any item or property
1627 that is within the definition of "associated development" in s.
1628 341.8203(1) is ~~shall~~ not ~~be~~ considered to be part of the high-
1629 speed rail system as defined in s. 341.8203(6).

1630 (3) (a) Purchases or leases of tangible personal property or
1631 real property by the enterprise authority, excluding agents of
1632 the enterprise authority, are exempt from taxes imposed by
1633 chapter 212 as provided in s. 212.08(6). Purchases or leases of
1634 tangible personal property that is incorporated into the high-
1635 speed rail system as a component part thereof, as determined by
1636 the enterprise authority, by agents of the enterprise authority
1637 or the owner of the high-speed rail system are exempt from sales
1638 or use taxes imposed by chapter 212. Leases, rentals, or
1639 licenses to use real property granted to agents of the
1640 enterprise authority or the owner of the high-speed rail system
1641 are exempt from taxes imposed by s. 212.031 if the real property
1642 becomes part of such system. The exemptions granted in this
1643 subsection do not apply to sales, leases, or licenses by the
1644 enterprise authority, agents of the enterprise authority, or the
1645 owner of the high-speed rail system.

1646 (b) The exemption granted in paragraph (a) to purchases or
1647 leases of tangible personal property by agents of the enterprise
1648 authority or by the owner of the high-speed rail system applies
1649 only to property that becomes a component part of such system.
1650 It does not apply to items, including, but not limited to,
1651 cranes, bulldozers, forklifts, other machinery and equipment,
1652 tools and supplies, or other items of tangible personal property
1653 used in the construction, operation, or maintenance of the high-

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1654 speed rail system when such items are not incorporated into the
1655 high-speed rail system as a component part thereof.

1656 (4) Any bonds or other security, and all notes, mortgages,
1657 security agreements, letters of credit, or other instruments
1658 that arise out of or are given to secure the repayment of bonds
1659 or other security, issued by the enterprise authority, or on
1660 behalf of the enterprise authority, their transfer, and the
1661 income therefrom, including any profit made on the sale thereof,
1662 shall at all times be free from taxation of every kind by the
1663 state, the counties, and the municipalities and other political
1664 subdivisions in the state. This subsection, however, does not
1665 exempt from taxation or assessment the leasehold interest of a
1666 lessee in any project or any other property or interest owned by
1667 the lessee. The exemption granted by this subsection is not
1668 applicable to any tax imposed by chapter 220 on interest income
1669 or profits on the sale of debt obligations owned by
1670 corporations.

1671 (5) When property of the enterprise authority is leased to
1672 another person or entity, the property shall be exempt from ad
1673 valorem taxation only if the use by the lessee qualifies the
1674 property for exemption under s. 196.199.

1675 (6) A leasehold interest held by the enterprise authority
1676 is not subject to intangible tax. However, if a leasehold
1677 interest held by the enterprise authority is subleased to a
1678 nongovernmental lessee, such subleasehold interest shall be
1679 deemed to be an interest described in s. 199.023(1)(d), Florida
1680 Statutes 2005, and is subject to the intangible tax.

1681 (7) (a) In order to be considered an agent of the enterprise
1682 authority for purposes of the exemption from sales and use tax

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1683 granted by subsection (3) for tangible personal property
1684 incorporated into the high-speed rail system, a contractor of
1685 the enterprise authority that purchases or fabricates such
1686 tangible personal property must be certified by the authority as
1687 provided in this subsection.

1688 (b)1. A contractor must apply for a renewal of the
1689 exemption not later than December 1 of each calendar year.

1690 2. A contractor must apply to the enterprise authority on
1691 the application form adopted by the enterprise authority, which
1692 shall develop the form in consultation with the Department of
1693 Revenue.

1694 3. The enterprise authority shall review each submitted
1695 application and determine whether it is complete. The enterprise
1696 authority shall notify the applicant of any deficiencies in the
1697 application within 30 days. Upon receipt of a completed
1698 application, the enterprise authority shall evaluate the
1699 application for exemption under this subsection and issue a
1700 certification that the contractor is qualified to act as an
1701 agent of the enterprise authority for purposes of this section
1702 or a denial of such certification within 30 days. The enterprise
1703 authority shall provide the Department of Revenue with a copy of
1704 each certification issued upon approval of an application. Upon
1705 receipt of a certification from the authority, the Department of
1706 Revenue shall issue an exemption permit to the contractor.

1707 (c)1. The contractor may extend a copy of its exemption
1708 permit to its vendors in lieu of paying sales tax on purchases
1709 of tangible personal property qualifying for exemption under
1710 this section. Possession of a copy of the exemption permit
1711 relieves the seller of the responsibility of collecting tax on

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1712 the sale, and the Department of Revenue shall look solely to the
1713 contractor for recovery of tax upon a determination that the
1714 contractor was not entitled to the exemption.

1715 2. The contractor may extend a copy of its exemption permit
1716 to real property subcontractors supplying and installing
1717 tangible personal property that is exempt under subsection (3).
1718 Any such subcontractor is authorized to extend a copy of the
1719 permit to the subcontractor's vendors in order to purchase
1720 qualifying tangible personal property tax-exempt. If the
1721 subcontractor uses the exemption permit to purchase tangible
1722 personal property that is determined not to qualify for
1723 exemption under subsection (3), the Department of Revenue may
1724 assess and collect any tax, penalties, and interest that are due
1725 from either the contractor holding the exemption permit or the
1726 subcontractor that extended the exemption permit to the seller.

1727 (d) Any contractor authorized to act as an agent of the
1728 enterprise authority under this section shall maintain the
1729 necessary books and records to document the exempt status of
1730 purchases and fabrication costs made or incurred under the
1731 permit. In addition, an authorized contractor extending its
1732 exemption permit to its subcontractors shall maintain a copy of
1733 the subcontractor's books, records, and invoices indicating all
1734 purchases made by the subcontractor under the authorized
1735 contractor's permit. If, in an audit conducted by the Department
1736 of Revenue, it is determined that tangible personal property
1737 purchased or fabricated claiming exemption under this section
1738 does not meet the criteria for exemption, the amount of taxes
1739 not paid at the time of purchase or fabrication shall be
1740 immediately due and payable to the Department of Revenue,

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1741 together with the appropriate interest and penalty, computed
1742 from the date of purchase, in the manner prescribed by chapter
1743 212.

1744 (e) If a contractor fails to apply for a high-speed rail
1745 system exemption permit, or if a contractor initially determined
1746 by the enterprise authority to not qualify for exemption is
1747 subsequently determined to be eligible, the contractor shall
1748 receive the benefit of the exemption in this subsection through
1749 a refund of previously paid taxes for transactions that
1750 otherwise would have been exempt. A refund may not be made for
1751 such taxes without the issuance of a certification by the
1752 enterprise authority that the contractor was authorized to make
1753 purchases tax-exempt and a determination by the Department of
1754 Revenue that the purchases qualified for the exemption.

1755 (f) The enterprise authority may adopt rules governing the
1756 application process for exemption of a contractor as an
1757 authorized agent of the enterprise authority.

1758 (g) The Department of Revenue may adopt rules governing the
1759 issuance and form of high-speed rail system exemption permits,
1760 the audit of contractors and subcontractors using such permits,
1761 the recapture of taxes on nonqualified purchases, and the manner
1762 and form of refund applications.

1763 Section 26. Paragraph (a) of subsection (12) of section
1764 163.3180, Florida Statutes, is amended to read:

1765 163.3180 Concurrency.—

1766 (12) (a) A development of regional impact may satisfy the
1767 transportation concurrency requirements of the local
1768 comprehensive plan, the local government's concurrency
1769 management system, and s. 380.06 by payment of a proportionate-

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1770 share contribution for local and regionally significant traffic
1771 impacts, if:

1772 1. The development of regional impact which, based on its
1773 location or mix of land uses, is designed to encourage
1774 pedestrian or other nonautomotive modes of transportation;

1775 2. The proportionate-share contribution for local and
1776 regionally significant traffic impacts is sufficient to pay for
1777 one or more required mobility improvements that will benefit a
1778 regionally significant transportation facility;

1779 3. The owner and developer of the development of regional
1780 impact pays or assures payment of the proportionate-share
1781 contribution; and

1782 4. If the regionally significant transportation facility to
1783 be constructed or improved is under the maintenance authority of
1784 a governmental entity, as defined by s. 334.03(9) ~~s. 334.03(12)~~,
1785 other than the local government with jurisdiction over the
1786 development of regional impact, the developer is required to
1787 enter into a binding and legally enforceable commitment to
1788 transfer funds to the governmental entity having maintenance
1789 authority or to otherwise assure construction or improvement of
1790 the facility.

1791
1792 The proportionate-share contribution may be applied to any
1793 transportation facility to satisfy the provisions of this
1794 subsection and the local comprehensive plan, but, for the
1795 purposes of this subsection, the amount of the proportionate-
1796 share contribution shall be calculated based upon the cumulative
1797 number of trips from the proposed development expected to reach
1798 roadways during the peak hour from the complete buildout of a

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1799 stage or phase being approved, divided by the change in the peak
 1800 hour maximum service volume of roadways resulting from
 1801 construction of an improvement necessary to maintain the adopted
 1802 level of service, multiplied by the construction cost, at the
 1803 time of developer payment, of the improvement necessary to
 1804 maintain the adopted level of service. For purposes of this
 1805 subsection, "construction cost" includes all associated costs of
 1806 the improvement. Proportionate-share mitigation shall be limited
 1807 to ensure that a development of regional impact meeting the
 1808 requirements of this subsection mitigates its impact on the
 1809 transportation system but is not responsible for the additional
 1810 cost of reducing or eliminating backlogs. This subsection also
 1811 applies to Florida Quality Developments pursuant to s. 380.061
 1812 and to detailed specific area plans implementing optional sector
 1813 plans pursuant to s. 163.3245.

1814 Section 27. Subsection (3) of section 288.063, Florida
 1815 Statutes, is amended to read:

1816 288.063 Contracts for transportation projects.—

1817 (3) With respect to any contract executed pursuant to this
 1818 section, the term "transportation project" means a
 1819 transportation facility as defined in s. 334.03(27) ~~s.~~
 1820 ~~334.03(31)~~ which is necessary in the judgment of the Office of
 1821 Tourism, Trade, and Economic Development to facilitate the
 1822 economic development and growth of the state. Except for
 1823 applications received prior to July 1, 1996, such transportation
 1824 projects shall be approved only as a consideration to attract
 1825 new employment opportunities to the state or expand or retain
 1826 employment in existing companies operating within the state, or
 1827 to allow for the construction or expansion of a state or federal

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1828 correctional facility in a county with a population of 75,000 or
1829 less that creates new employment opportunities or expands or
1830 retains employment in the county. The Office of Tourism, Trade,
1831 and Economic Development shall institute procedures to ensure
1832 that small and minority businesses have equal access to funding
1833 provided under this section. Funding for approved transportation
1834 projects may include any expenses, other than administrative
1835 costs and equipment purchases specified in the contract,
1836 necessary for new, or improvement to existing, transportation
1837 facilities. Funds made available pursuant to this section may
1838 not be expended in connection with the relocation of a business
1839 from one community to another community in this state unless the
1840 Office of Tourism, Trade, and Economic Development determines
1841 that without such relocation the business will move outside this
1842 state or determines that the business has a compelling economic
1843 rationale for the relocation which creates additional jobs.
1844 Subject to appropriation for projects under this section, any
1845 appropriation greater than \$10 million shall be allocated to
1846 each of the districts of the Department of Transportation to
1847 ensure equitable geographical distribution. Such allocated funds
1848 that remain uncommitted by the third quarter of the fiscal year
1849 shall be reallocated among the districts based on pending
1850 project requests.

1851 Section 28. Paragraph (b) of subsection (3) of section
1852 311.07, Florida Statutes, is amended to read:

1853 311.07 Florida seaport transportation and economic
1854 development funding.—

1855 (3)

1856 (b) Projects eligible for funding by grants under the

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1857 program are limited to the following port facilities or port
1858 transportation projects:

1859 1. Transportation facilities within the jurisdiction of the
1860 port.

1861 2. The dredging or deepening of channels, turning basins,
1862 or harbors.

1863 3. The construction or rehabilitation of wharves, docks,
1864 structures, jetties, piers, storage facilities, cruise
1865 terminals, automated people mover systems, or any facilities
1866 necessary or useful in connection with any of the foregoing.

1867 4. The acquisition of vessel tracking systems, container
1868 cranes, or other mechanized equipment used in the movement of
1869 cargo or passengers in international commerce.

1870 5. The acquisition of land to be used for port purposes.

1871 6. The acquisition, improvement, enlargement, or extension
1872 of existing port facilities.

1873 7. Environmental protection projects which are necessary
1874 because of requirements imposed by a state agency as a condition
1875 of a permit or other form of state approval; which are necessary
1876 for environmental mitigation required as a condition of a state,
1877 federal, or local environmental permit; which are necessary for
1878 the acquisition of spoil disposal sites and improvements to
1879 existing and future spoil sites; or which result from the
1880 funding of eligible projects listed in this paragraph.

1881 8. Transportation facilities as defined in s. 334.03(27) ~~s.~~
1882 ~~334.03(31)~~ which are not otherwise part of the Department of
1883 Transportation's adopted work program.

1884 9. Seaport intermodal access projects identified in the 5-
1885 year Florida Seaport Mission Plan as provided in s. 311.09(3).

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1886 10. Construction or rehabilitation of port facilities as
1887 defined in s. 315.02, excluding any park or recreational
1888 facilities, in ports listed in s. 311.09(1) with operating
1889 revenues of \$5 million or less, provided that such projects
1890 create economic development opportunities, capital improvements,
1891 and positive financial returns to such ports.

1892 Section 29. Subsection (7) of section 311.09, Florida
1893 Statutes, is amended to read:

1894 311.09 Florida Seaport Transportation and Economic
1895 Development Council.—

1896 (7) The Department of Transportation shall review the list
1897 of projects approved by the council for consistency with the
1898 Florida Transportation Plan and the department's adopted work
1899 program. In evaluating the consistency of a project, the
1900 department shall determine whether the transportation impact of
1901 the proposed project is adequately handled by existing state-
1902 owned transportation facilities or by the construction of
1903 additional state-owned transportation facilities as identified
1904 in the Florida Transportation Plan and the department's adopted
1905 work program. In reviewing for consistency a transportation
1906 facility project as defined in s. 334.03(27) ~~s. 334.03(31)~~ which
1907 is not otherwise part of the department's work program, the
1908 department shall evaluate whether the project is needed to
1909 provide for projected movement of cargo or passengers from the
1910 port to a state transportation facility or local road. If the
1911 project is needed to provide for projected movement of cargo or
1912 passengers, the project shall be approved for consistency as a
1913 consideration to facilitate the economic development and growth
1914 of the state in a timely manner. The Department of

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1915 Transportation shall identify those projects which are
1916 inconsistent with the Florida Transportation Plan and the
1917 adopted work program and shall notify the council of projects
1918 found to be inconsistent.

1919 Section 30. Section 316.2122, Florida Statutes, is amended
1920 to read:

1921 316.2122 Operation of a low-speed vehicle or mini truck on
1922 certain roadways.—The operation of a low-speed vehicle as
1923 defined in s. 320.01(42) or a mini truck as defined in s.
1924 320.01(45) on any road ~~as defined in s. 334.03(15) or (33)~~ is
1925 authorized with the following restrictions:

1926 (1) A low-speed vehicle or mini truck may be operated only
1927 on streets where the posted speed limit is 35 miles per hour or
1928 less. This does not prohibit a low-speed vehicle or mini truck
1929 from crossing a road or street at an intersection where the road
1930 or street has a posted speed limit of more than 35 miles per
1931 hour.

1932 (2) A low-speed vehicle must be equipped with headlamps,
1933 stop lamps, turn signal lamps, taillamps, reflex reflectors,
1934 parking brakes, rearview mirrors, windshields, seat belts, and
1935 vehicle identification numbers.

1936 (3) A low-speed vehicle or mini truck must be registered
1937 and insured in accordance with s. 320.02 and titled pursuant to
1938 chapter 319.

1939 (4) Any person operating a low-speed vehicle or mini truck
1940 must have in his or her possession a valid driver's license.

1941 (5) A county or municipality may prohibit the operation of
1942 low-speed vehicles or mini trucks on any road under its
1943 jurisdiction if the governing body of the county or municipality

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1944 determines that such prohibition is necessary in the interest of
1945 safety.

1946 (6) The Department of Transportation may prohibit the
1947 operation of low-speed vehicles or mini trucks on any road under
1948 its jurisdiction if it determines that such prohibition is
1949 necessary in the interest of safety.

1950 Section 31. Paragraph (c) of subsection (5) of section
1951 316.515, Florida Statutes, is amended to read:

1952 316.515 Maximum width, height, length.—

1953 (5) IMPLEMENTS OF HUSBANDRY AND FARM EQUIPMENT;
1954 AGRICULTURAL TRAILERS; FORESTRY EQUIPMENT; SAFETY REQUIREMENTS.—

1955 (c) The width and height limitations of this section do not
1956 apply to farming or agricultural equipment, whether self-
1957 propelled, pulled, or hauled, when temporarily operated during
1958 daylight hours upon a public road that is not a limited access
1959 facility as defined in s. 334.03(10) ~~s. 334.03(13)~~, and the
1960 width and height limitations may be exceeded by such equipment
1961 without a permit. To be eligible for this exemption, the
1962 equipment shall be operated within a radius of 50 miles of the
1963 real property owned, rented, or leased by the equipment owner.
1964 However, equipment being delivered by a dealer to a purchaser is
1965 not subject to the 50-mile limitation. Farming or agricultural
1966 equipment greater than 174 inches in width must have one warning
1967 lamp mounted on each side of the equipment to denote the width
1968 and must have a slow-moving vehicle sign. Warning lamps required
1969 by this paragraph must be visible from the front and rear of the
1970 vehicle and must be visible from a distance of at least 1,000
1971 feet.

1972 Section 32. Section 336.01, Florida Statutes, is amended to

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1973 read:

1974 336.01 Designation of county road system.—The county road
1975 system shall be as defined in s. 334.03(6) ~~s. 334.03(8)~~.

1976 Section 33. Section 338.222, Florida Statutes, is amended
1977 to read:

1978 338.222 Department of Transportation sole governmental
1979 entity to acquire, construct, or operate turnpike projects;
1980 exception.—

1981 (1) No governmental entity other than the department may
1982 acquire, construct, maintain, or operate the turnpike system
1983 subsequent to the enactment of this law, except upon specific
1984 authorization of the Legislature.

1985 (2) The department may contract with any local governmental
1986 entity as defined in s. 334.03(11) ~~s. 334.03(14)~~ for the design,
1987 right-of-way acquisition, or construction of any turnpike
1988 project which the Legislature has approved. Local governmental
1989 entities may negotiate with the department for the design,
1990 right-of-way acquisition, and construction of any section of the
1991 turnpike project within areas of their respective jurisdictions
1992 or within counties with which they have interlocal agreements.

1993 Section 34. Section 341.8225, Florida Statutes, is amended
1994 to read:

1995 341.8225 Department of Transportation sole governmental
1996 entity to acquire, construct, or operate high-speed rail
1997 projects; exception.—

1998 (1) No governmental entity other than the department may
1999 acquire, construct, maintain, or operate the high-speed rail
2000 system except upon specific authorization of the Legislature.

2001 (2) Local governmental entities, as defined in s.

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2002 334.03(11) ~~s. 334.03(14)~~, may negotiate with the department for
2003 the design, right-of-way acquisition, and construction of any
2004 component of the high-speed rail system within areas of their
2005 respective jurisdictions or within counties with which they have
2006 interlocal agreements.

2007 Section 35. Subsections (4), (26), and (27) of section
2008 479.01, Florida Statutes, are amended to read:

2009 479.01 Definitions.—As used in this chapter, the term:

2010 (4) "Commercial or industrial zone" means a parcel of land
2011 designated predominately for commercial or industrial uses under
2012 both the future land use map of the comprehensive plan and the
2013 land use development regulations adopted pursuant to chapter
2014 163. If a parcel is located in an area designated for multiple
2015 uses on the future land use map of a comprehensive plan and the
2016 zoning category of the land development regulations does not
2017 clearly designate that parcel for a specific use, the area will
2018 be considered an unzoned commercial or industrial area if it
2019 meets the criteria of subsection (26).

2020 (26) "Unzoned commercial or industrial area" means an area
2021 ~~a parcel~~ of land designated by the future land use map of the
2022 comprehensive plan for multiple uses that include commercial or
2023 industrial uses but are not specifically designated for
2024 commercial or industrial uses under the land development
2025 regulations, in which three or more separate and distinct
2026 conforming industrial or commercial activities are located.

2027 (a) These activities must satisfy the following criteria:

2028 1. At least one of the commercial or industrial activities
2029 must be located on the same side of the highway and within 800
2030 feet of the sign location;

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2031 2. The commercial or industrial activities must be within
2032 660 feet from the nearest edge of the right-of-way; and

2033 3. The commercial industrial activities must be within
2034 1,600 feet of each other.

2035

2036 Distances specified in this paragraph must be measured from the
2037 nearest outer edge of the primary building or primary building
2038 complex when the individual units of the complex are connected
2039 by covered walkways.

2040 (b) ~~Certain activities, including, but not limited to,~~ The
2041 following ~~are, may not be so recognized as~~ commercial or
2042 industrial activities:

2043 1. Signs.

2044 2. Agricultural, forestry, ranching, grazing, farming, and
2045 related activities, including, but not limited to, wayside fresh
2046 produce stands.

2047 3. Transient or temporary activities.

2048 4. Activities not visible from the main-traveled way.

2049 5. Activities conducted more than 660 feet from the nearest
2050 edge of the right-of-way.

2051 6. Activities conducted in a building principally used as a
2052 residence.

2053 7. Railroad tracks and minor sidings.

2054 8. Communication towers.

2055 (27) "Urban area" has the same meaning as defined in s.
2056 334.03(28) ~~s. 334.03(29)~~.

2057 Section 36. Subsection (7) of section 479.02, Florida
2058 Statutes, is amended to read:

2059 479.02 Duties of the department.—It shall be the duty of

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2060 the department to:

2061 (7) Adopt such rules as ~~it deems~~ necessary to administer or
2062 ~~proper for the administration of this chapter, including rules~~
2063 ~~which identify activities that may not be recognized as~~
2064 ~~industrial or commercial activities for purposes of~~
2065 ~~determination of an area as an unzoned commercial or industrial~~
2066 ~~area.~~

2067 Section 37. Subsection (1) of section 479.07, Florida
2068 Statutes, is amended to read:

2069 479.07 Sign permits.—

2070 (1) Except as provided in ss. 479.105(1)(e) and 479.16, a
2071 person may not erect, operate, use, or maintain, or cause to be
2072 erected, operated, used, or maintained, any sign on the State
2073 Highway System outside an urban area, as defined in s.
2074 334.03(28) ~~s. 334.03(32)~~, or on any portion of the interstate or
2075 federal-aid primary highway system without first obtaining a
2076 permit for the sign from the department and paying the annual
2077 fee as provided in this section. As used in this section, the
2078 term "on any portion of the State Highway System, interstate, or
2079 federal-aid primary system" means a sign located within the
2080 controlled area which is visible from any portion of the main-
2081 traveled way of such system.

2082 Section 38. Subsection (5) of section 479.261, Florida
2083 Statutes, is amended to read:

2084 479.261 Logo sign program.—

2085 (5) At a minimum, permit fees for businesses that
2086 participate in the program must be established in an amount
2087 sufficient to offset the total cost to the department for the
2088 program, including contract costs. The department shall provide

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2089 the services in the most efficient and cost-effective manner
2090 through department staff or by contracting for some or all of
2091 the services. The department shall adopt rules that set
2092 reasonable rates based upon factors such as population, traffic
2093 volume, market demand, and costs for annual permit fees.
2094 However, annual permit fees for sign locations inside an urban
2095 area, as defined in s. 334.03(28) ~~s. 334.03(32)~~, may not exceed
2096 \$3,500, and annual permit fees for sign locations outside an
2097 urban area, as defined in s. 334.03(28) ~~s. 334.03(32)~~, may not
2098 exceed \$2,000. After recovering program costs, the proceeds from
2099 the annual permit fees shall be deposited into the State
2100 Transportation Trust Fund and used for transportation purposes.

2101 Section 39. Subsection (4) of section 310.002, Florida
2102 Statutes, is amended to read:

2103 310.002 Definitions.—As used in this chapter, except where
2104 the context clearly indicates otherwise:

2105 (4) "Port" means any place in the state into which vessels
2106 enter or depart and includes, without limitation, Fernandina,
2107 Nassau Inlet, Jacksonville, St. Augustine, Canaveral, Port
2108 Citrus, Ft. Pierce, Palm Beach, Port Everglades, Miami, Key
2109 West, Boca Grande, Charlotte Harbor, Punta Gorda, Tampa, Port
2110 Tampa, Port Manatee, St. Petersburg, Clearwater, Apalachicola,
2111 Carrabelle, Panama City, Port St. Joe, and Pensacola.

2112 Section 40. Subsection (1) of section 311.09, Florida
2113 Statutes, is amended to read:

2114 311.09 Florida Seaport Transportation and Economic
2115 Development Council.—

2116 (1) The Florida Seaport Transportation and Economic
2117 Development Council is created within the Department of

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2118 Transportation. The council consists of the following 18 ~~17~~
2119 members: the port director, or the port director's designee, of
2120 each of the ports of Jacksonville, Port Canaveral, Port Citrus,
2121 Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee,
2122 St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key
2123 West, and Fernandina; the secretary of the Department of
2124 Transportation or his or her designee; the director of the
2125 Office of Tourism, Trade, and Economic Development or his or her
2126 designee; and the secretary of the Department of Community
2127 Affairs or his or her designee.

2128 Section 41. Subsection (3) of section 316.075, Florida
2129 Statutes, is amended to read:

2130 316.075 Traffic control signal devices.—

2131 (3) (a) No traffic control signal device shall be used which
2132 does not exhibit a yellow or "caution" light between the green
2133 or "go" signal and the red or "stop" signal.

2134 (b) No traffic control signal device shall display other
2135 than the color red at the top of the vertical signal, nor shall
2136 it display other than the color red at the extreme left of the
2137 horizontal signal.

2138 (c) The Department of Transportation shall establish
2139 minimum yellow light change interval times for traffic control
2140 devices. The minimum yellow light change interval time shall be
2141 established in accordance with nationally recognized engineering
2142 standards set forth in the Institute of Transportation Engineers
2143 Traffic Engineering Handbook, and any such established time may
2144 not be less than the recognized national standard.

2145 Section 42. Present subsections (3) and (4) of section
2146 316.0083, Florida Statutes, are renumbered as subsections (4)

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2147 and (5), respectively, and a new subsection (3) is added to that
2148 section, to read:

2149 316.0083 Mark Wandall Traffic Safety Program;
2150 administration; report.-

2151 (3) An affirmation indicating compliance with s. 316.075(3)
2152 must accompany the notice of violation and a traffic citation.
2153 Such affirmation is admissible in any proceeding to enforce this
2154 section and raises a rebuttable presumption that the traffic
2155 control signal device meets the requirements of s. 316.075(3).

2156 Section 43. Section 316.2045, Florida Statutes, is
2157 repealed.

2158 Section 44. Section 316.2046, Florida Statutes, is created
2159 to read:

2160 316.2046 Obstruction of public streets, highways, and
2161 roads.-

2162 (1) LEGISLATIVE FINDINGS.-The Legislature finds that:

2163 (a) Ensuring public safety on public streets, highways, and
2164 roads is an important and substantial state interest.

2165 (b) Obstruction of the free flow of traffic on public
2166 streets, highways, and roads endangers the public safety.

2167 (c) Obtrusive and distracting activities that impede
2168 pedestrian traffic adjacent to streets, highways, and roads can
2169 also disrupt the free flow of traffic and endanger public
2170 safety.

2171 (d) Soliciting funds or engaging in a commercial exchange
2172 with a person who is in a vehicle that is not stopped in a
2173 driveway or designated parking area has the potential to
2174 endanger the safe movement of vehicles.

2175 (2) DEFINITIONS.-As used in this section, the term

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2176 "solicit" means to request employment, business, contributions,
2177 donations, sales, or exchanges of any kind.

2178 (3) PERMIT REQUIRED.—Where a permit is required by a
2179 municipality or county, it is unlawful for any person, willfully
2180 and without a permit, to solicit or obstruct the free,
2181 convenient, and normal use of any public street, highway, or
2182 road by standing or approaching motor vehicles while on or
2183 immediately adjacent to the street, highway, or road in a manner
2184 that could endanger the safe movement of vehicles or pedestrians
2185 traveling thereon.

2186 (a) Each county and municipality shall adopt a permitting
2187 process that protects public safety but does not impair the
2188 rights of free speech, except to the extent necessary to protect
2189 public safety. The permitting process must authorize or deny a
2190 permit within 2 business days. A permit application denial by a
2191 county or municipality shall be in writing and be based on a
2192 finding that the proposed activity:

2193 1. Increases the likelihood of traffic accidents;
2194 2. Violates traffic laws, rules, or ordinances;
2195 3. Makes the sidewalk impassable for pedestrians; or
2196 4. Significantly increases the likelihood of harm to
2197 motorists and passersby.

2198 (b) If the county or municipality approves the permit, it
2199 must issue to the applicant a document specifying:

2200 1. The name and address of the person or entity to whom the
2201 permit is granted;
2202 2. The name of the company the person represents, if any;
2203 and
2204 3. The expiration date of the permit.

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2205 (c) The permitholder must keep the permit on his or her
2206 person at all times when engaging in activity authorized by the
2207 permit.

2208 (d) The cost of the permit may not exceed an amount that is
2209 reasonably necessary to administer the permitting process.
2210 However, a permit may not be denied to any applicant for lack of
2211 financial means, as attested to by a signed affidavit.

2212 (4) LOCAL GOVERNMENT JURISDICTION.—For purposes of this
2213 section, counties and municipalities have original jurisdiction
2214 over non-limited access state roads, and local roads, streets,
2215 and highways within their physical jurisdiction. Counties and
2216 municipalities may increase the restrictions of the permit
2217 program if those restrictions are narrowly tailored to serve an
2218 important public purpose. A county or municipality may opt out
2219 of the permit program by a majority vote of the members of the
2220 county or municipal governing body. This section does not
2221 preempt any existing ordinances, such as any ordinance requiring
2222 a peddler's license or similar type of authorization.

2223 (5) EXCEPTIONS.—This section does not:

2224 (a) Restrict a person from passively standing or sitting on
2225 a public sidewalk and holding a sign if that person does not
2226 obstruct the flow of vehicle or pedestrian traffic.

2227 (b) Apply to any art festival, parade, fair, or other
2228 special event permitted by the appropriate county or
2229 municipality where the streets are blocked off from the normal
2230 flow of traffic.

2231 (c) Apply to:

- 2232 1. Law enforcement officers carrying out their duties;
2233 2. Emergency vehicles responding to an emergency or

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2234 possible emergency;

2235 3. Mail-delivery vehicles;

2236 4. Service vehicles performing work adjacent to the
2237 roadway; and

2238 5. Any commercial vehicle that is used solely for the
2239 purpose of collecting solid waste or recyclable or recovered
2240 materials and that is stopped for the sole purpose of collecting
2241 solid waste or recyclable or recovered materials.

2242 (6) VIOLATIONS.—Any person who violates the provisions of
2243 this section, upon conviction, shall be cited for a pedestrian
2244 violation, punishable as provided in chapter 318. An additional
2245 \$10 shall be added to the fine levied under chapter 318. Moneys
2246 collected from this additional \$10 fine shall be deposited into
2247 the Grants and Donations Trust Fund of the Department of
2248 Children and Family Services and used by the State Office on
2249 Homelessness to supplement grants made under s. 420.622(4) and
2250 (5).

2251 (7) ENFORCEMENT.—The Department of Highway Safety and Motor
2252 Vehicles and other law enforcement agencies are authorized and
2253 directed to enforce this section.

2254 Section 45. Section 316.2047, Florida Statutes, is created
2255 to read:

2256 316.2047 Panhandling.—

2257 (1) LEGISLATIVE FINDINGS.—The Legislature finds that
2258 panhandling, soliciting, or demanding money, gifts, or donations
2259 may interfere with the safe ingress and egress of human and
2260 vehicular traffic into public buildings, public areas, and
2261 public transportation areas, thereby constituting a threat to
2262 the public health, welfare, and safety of the citizenry. The

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2263 Legislature also finds that aggressive and fraudulent
2264 panhandling are threats to public safety and personal security.

2265 (2) DEFINITIONS.—As used in this section, the term:

2266 (a) "Aggressive panhandling" means to knowingly request
2267 money, gifts, or donations:

2268 1. By unwanted touching, detaining, impeding, or
2269 intimidation;

2270 2. Under circumstances that warrant justifiable and
2271 reasonable alarm or immediate concern for the safety of persons
2272 or property in the vicinity;

2273 3. By following the solicited person after that person has
2274 made a negative response; or

2275 4. By using obscene or abusive language or gestures that
2276 are reasonably likely to intimidate or cause fear of bodily
2277 harm.

2278 (b) "False or misleading representation" means, without
2279 limitation:

2280 1. Stating that the donation is needed to meet a specific
2281 need, when the solicitor already has sufficient funds to meet
2282 that need and does not disclose that fact;

2283 2. Stating that the solicitor is from out of town and
2284 stranded, when such is not true;

2285 3. Wearing a military uniform or other indication of
2286 military service when the solicitor is not a present or former
2287 member of the service indicated;

2288 4. Wearing or displaying an indication of physical
2289 disability, when the solicitor does not suffer the disability
2290 indicated;

2291 5. Using any makeup or device to simulate any deformity; or

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2292 6. Stating that the solicitor is homeless, when he or she
2293 is not.

2294 (c) "Fraudulent panhandling" means to knowingly make any
2295 false or misleading representation in the course of soliciting a
2296 donation.

2297 (d) "Panhandling" means to:

2298 1. Solicit, request, or beg for an immediate donation of
2299 money or something else of value; or

2300 2. Offer an individual an item of little or no monetary
2301 value in exchange for money or another gratuity under
2302 circumstances that would cause a reasonable individual to
2303 understand that the transaction is only a donation.

2304 (3) PROHIBITED ACTIVITY.—It is unlawful to:

2305 (a) Engage in aggressive panhandling.

2306 (b) Engage in panhandling:

2307 1. Within 20 feet of a bus stop;

2308 2. Within 20 feet of an automated teller machine or the
2309 entrance to a bank;

2310 3. While blocking the entrance to a building or motor
2311 vehicle; or

2312 4. In a parking garage owned or operated by a county, a
2313 municipality, or an agency of the state or the Federal
2314 Government.

2315 (c) Engage in fraudulent panhandling.

2316 (4) LOCAL GOVERNMENT JURISDICTION.—Counties and
2317 municipalities may increase the restrictions on panhandling if
2318 those restrictions are nondiscriminatory and narrowly tailored
2319 to serve an important public purpose. A county or municipality
2320 may opt out of the provisions of this section by a majority vote

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2321 of the members of the county or municipal governing body. This
2322 section does not preempt any existing ordinances that are
2323 consistent with this section.

2324 (5) VIOLATIONS; PENALTIES.—Any person who violates the
2325 provisions of this section, upon conviction, shall be cited for
2326 a pedestrian violation, punishable as provided in chapter 318.
2327 An additional \$10 shall be added to the fine levied under
2328 chapter 318. Moneys collected from this additional \$10 fine
2329 shall be deposited into the Grants and Donations Trust Fund of
2330 the Department of Children and Family Services and used by the
2331 State Office on Homelessness to supplement grants made under s.
2332 420.622(4) and (5).

2333 (6) ENFORCEMENT.—The Department of Highway Safety and Motor
2334 Vehicles and other law enforcement agencies are authorized and
2335 directed to enforce this section.

2336 Section 46. Subsection (5) of section 316.2068, Florida
2337 Statutes, is amended to read:

2338 316.2068 Electric personal assistive mobility devices;
2339 regulations.—

2340 (5) A county or municipality may prohibit the operation of
2341 electric personal assistive mobility devices on any road,
2342 street, sidewalk, or bicycle path under its jurisdiction if the
2343 governing body of the county or municipality determines that
2344 such a prohibition is necessary in the interest of safety.

2345 Section 47. Paragraph (c) of subsection (2) of section
2346 316.302, Florida Statutes, is amended to read:

2347 316.302 Commercial motor vehicles; safety regulations;
2348 transporters and shippers of hazardous materials; enforcement.—

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2350 (c) Except as provided in 49 C.F.R. s. 395.1, a person who
2351 operates a commercial motor vehicle solely in intrastate
2352 commerce not transporting any hazardous material in amounts that
2353 require placarding pursuant to 49 C.F.R. part 172 may not drive
2354 after having been on duty more than 70 hours in any period of 7
2355 consecutive days or more than 80 hours in any period of 8
2356 consecutive days if the motor carrier operates every day of the
2357 week. Thirty-four consecutive hours off duty shall constitute
2358 the end of any such period of 7 or 8 consecutive days. This
2359 weekly limit does not apply to a person who operates a
2360 commercial motor vehicle solely within this state while
2361 transporting, during harvest periods, any unprocessed
2362 agricultural products or unprocessed food or fiber that is
2363 subject to seasonal harvesting from place of harvest to the
2364 first place of processing or storage or from place of harvest
2365 directly to market or while transporting livestock, livestock
2366 feed, or farm supplies directly related to growing or harvesting
2367 agricultural products. Upon request of the Department of
2368 Transportation, motor carriers shall furnish time records or
2369 other written verification to that department so that the
2370 Department of Transportation can determine compliance with this
2371 subsection. These time records must be furnished to the
2372 Department of Transportation within 2 days after receipt of that
2373 department's request. Falsification of such information is
2374 subject to a civil penalty not to exceed \$100. The provisions of
2375 this paragraph do not apply to operators of farm labor vehicles
2376 operated during a state of emergency declared by the Governor or
2377 operated pursuant to s. 570.07(21), and do not apply to drivers
2378 of utility service vehicles as defined in 49 C.F.R. s. 395.2.

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2379 Section 48. Subsection (26) of section 334.044, Florida
2380 Statutes, is amended to read:

2381 334.044 Department; powers and duties.—The department shall
2382 have the following general powers and duties:

2383 (26) To provide for the enhancement of environmental
2384 benefits, including air and water quality; to prevent roadside
2385 erosion; to conserve the natural roadside growth and scenery;
2386 and to provide for the implementation and maintenance of
2387 roadside conservation, enhancement, and stabilization programs.
2388 No more ~~less~~ than 1.5 percent of the amount contracted for
2389 construction projects that add capacity to the existing system
2390 shall be allocated by the department for the purchase of plant
2391 materials. ~~, with,~~ To the greatest extent practical, a minimum of
2392 50 percent of these funds shall be allocated for large plant
2393 materials and the remaining funds for other plant materials. All
2394 such plant materials shall be purchased from Florida commercial
2395 nursery stock in this state on a uniform competitive bid basis.
2396 The department will develop grades and standards for landscaping
2397 materials purchased through this process. To accomplish these
2398 activities, the department may contract with nonprofit
2399 organizations having the primary purpose of developing youth
2400 employment opportunities.

2401 Section 49. Section 337.406, Florida Statutes, is amended
2402 to read:

2403 337.406 Unlawful use of state transportation facility
2404 right-of-way; penalties.—

2405 (1) Except when leased as provided in s. 337.25(5) ~~or~~
2406 ~~otherwise authorized by the rules of the department,~~ it is
2407 unlawful to make any use of any limited access highway ~~the~~

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2408 ~~right-of-way of any state transportation facility,~~ including
2409 appendages thereto, ~~outside of an incorporated municipality~~ in
2410 any manner that interferes with the safe and efficient movement
2411 of people and property from place to place on the transportation
2412 facility. Failure to prohibit the use of right-of-way in this
2413 manner will endanger the health, safety, and general welfare of
2414 the public by causing distractions to motorists, unsafe
2415 pedestrian movement within travel lanes, sudden stoppage or
2416 slowdown of traffic, rapid lane changing and other dangerous
2417 traffic movement, increased vehicular accidents, and motorist
2418 injuries and fatalities. Such prohibited uses include, but are
2419 not limited to, the free distribution or sale, or display or
2420 solicitation for free distribution or sale, of any merchandise,
2421 goods, property or services; the solicitation for charitable
2422 purposes; the servicing or repairing of any vehicle, except the
2423 rendering of emergency service; the storage of vehicles being
2424 serviced or repaired on abutting property or elsewhere; and the
2425 display of advertising of any sort, ~~except that any portion of a~~
2426 ~~state transportation facility may be used for an art festival,~~
2427 ~~parade, fair, or other special event if permitted by the~~
2428 ~~appropriate local governmental entity.~~ Counties and
2429 municipalities shall regulate the use of transportation
2430 facilities within their jurisdiction, except limited access
2431 highways, pursuant to s. 316.2046. The Department of
2432 Transportation shall regulate the use of rest areas and welcome
2433 centers as limited public forums that are provided to the public
2434 for safety rest stops. Accordingly, the uses within these rest
2435 areas and welcome centers may be limited. ~~Local government~~
2436 ~~entities may issue permits of limited duration for the temporary~~

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2437 ~~use of the right of way of a state transportation facility for~~
2438 ~~any of these prohibited uses if it is determined that the use~~
2439 ~~will not interfere with the safe and efficient movement of~~
2440 ~~traffic and the use will cause no danger to the public. The~~
2441 ~~permitting authority granted in this subsection shall be~~
2442 ~~exercised by the municipality within incorporated municipalities~~
2443 ~~and by the county outside an incorporated municipality. Before a~~
2444 ~~road on the State Highway System may be temporarily closed for a~~
2445 ~~special event, the local governmental entity which permits the~~
2446 ~~special event to take place must determine that the temporary~~
2447 ~~closure of the road is necessary and must obtain the prior~~
2448 ~~written approval for the temporary road closure from the~~
2449 ~~department. Nothing in this subsection shall be construed to~~
2450 ~~authorize such activities on any limited access highway. Local~~
2451 ~~governmental entities may, within their respective~~
2452 ~~jurisdictions, initiate enforcement action by the appropriate~~
2453 ~~code enforcement authority or law enforcement authority for a~~
2454 ~~violation of this section.~~

2455 ~~(2) Persons holding valid peddlers' licenses issued by~~
2456 ~~appropriate governmental entities may make sales from vehicles~~
2457 ~~standing on the right of way to occupants of abutting property~~
2458 ~~only.~~

2459 ~~(2)~~ (3) The Department of Highway Safety and Motor Vehicles
2460 and other law enforcement agencies are authorized and directed
2461 to enforce this statute.

2462 ~~(3)~~ (4) Camping is prohibited on any portion of the right-
2463 of-way of the State Highway System that is within 100 feet of a
2464 bridge, causeway, overpass, or ramp.

2465 ~~(4)~~ (5) The violation of any provision of this section or

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2466 any rule promulgated by the department pursuant to this section
2467 constitutes a misdemeanor of the second degree, punishable as
2468 provided in s. 775.082 or s. 775.083, and each day a violation
2469 continues to exist constitutes a separate offense.

2470 Section 50. Subsections (1) and (4) of section 337.408,
2471 Florida Statutes, are amended to read:

2472 337.408 Regulation of bus stop benches, transit shelters,
2473 street light poles, waste disposal receptacles, and modular news
2474 racks within rights-of-way.-

2475 (1) Benches or transit shelters, including advertising
2476 displayed on benches or transit shelters, may be installed
2477 within the right-of-way limits of any municipal, county, or
2478 state road, except a limited access highway, provided that such
2479 benches or transit shelters are for the comfort or convenience
2480 of the general public or are at designated stops on official bus
2481 routes and provided that written authorization has been given to
2482 a qualified private supplier of such service by the municipal
2483 government within whose incorporated limits such benches or
2484 transit shelters are installed or by the county government
2485 within whose unincorporated limits such benches or transit
2486 shelters are installed. A municipality or county may authorize
2487 the installation, without public bid, of benches and transit
2488 shelters together with advertising displayed thereon within the
2489 right-of-way limits of such roads. All installations shall be in
2490 compliance with all applicable laws and rules including, without
2491 limitation, the Americans with Disabilities Act. Municipalities
2492 and counties shall indemnify, defend, and hold harmless the
2493 department from any suits, actions, proceedings, claims, losses,
2494 costs, charges, expenses, damages, liabilities, attorney's fees,

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2495 and court costs relating to the installation, removal, or
2496 relocation of such installations. Any contract for the
2497 installation of benches or transit shelters or advertising on
2498 benches or transit shelters which was entered into before April
2499 8, 1992, without public bidding is ratified and affirmed. Such
2500 benches or transit shelters may not interfere with right-of-way
2501 preservation and maintenance. Any bench or transit shelter
2502 located on a sidewalk within the right-of-way limits of any road
2503 on the State Highway System or the county road system shall be
2504 located so as to leave at least 36 inches of clearance for
2505 pedestrians and persons in wheelchairs. Such clearance shall be
2506 measured in a direction perpendicular to the centerline of the
2507 road.

2508 (4) The department has the authority to direct the
2509 immediate relocation or removal of any bus stop bench, transit
2510 shelter, waste disposal receptacle, public pay telephone, or
2511 modular news rack that endangers life or property, or that is
2512 otherwise not in compliance with applicable laws and rules,
2513 except that transit bus benches that were placed in service
2514 before April 1, 1992, are not required to comply with bench size
2515 and advertising display size requirements established by the
2516 department before March 1, 1992. If a municipality or county
2517 fails to comply with the department's direction, the department
2518 shall remove the noncompliant installation, charge the cost of
2519 the removal to the municipality or county, and may deduct or
2520 offset such cost from any other funding available to the
2521 municipality or county from the department. ~~Any transit bus~~
2522 ~~bench that was in service before April 1, 1992, may be replaced~~
2523 ~~with a bus bench of the same size or smaller, if the bench is~~

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2524 ~~damaged or destroyed or otherwise becomes unusable.~~ The
2525 department may adopt rules relating to the regulation of bench
2526 size and advertising display size requirements. If a
2527 municipality or county within which a bench is to be located has
2528 adopted an ordinance or other applicable regulation that
2529 establishes bench size or advertising display sign requirements
2530 different from requirements specified in department rule, the
2531 local government requirement applies within the respective
2532 municipality or county. Placement of any bench or advertising
2533 display on the National Highway System under a local ordinance
2534 or regulation adopted under this subsection is subject to
2535 approval of the Federal Highway Administration.

2536 Section 51. Section 373.413, Florida Statutes, is amended
2537 to read:

2538 373.413 Permits for construction or alteration.—

2539 (1) Except for the exemptions set forth herein, the
2540 governing board or the department may require such permits and
2541 impose such reasonable conditions as are necessary to assure
2542 that the construction or alteration of any stormwater management
2543 system, dam, impoundment, reservoir, appurtenant work, or works
2544 will comply with the provisions of this part and applicable
2545 rules promulgated thereto and will not be harmful to the water
2546 resources of the district. The department or the governing board
2547 may delineate areas within the district wherein permits may be
2548 required.

2549 (2) A person proposing to construct or alter a stormwater
2550 management system, dam, impoundment, reservoir, appurtenant
2551 work, or works subject to such permit shall apply to the
2552 governing board or department for a permit authorizing such

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2553 construction or alteration. The application shall contain the
2554 following:

2555 (a) Name and address of the applicant.

2556 (b) Name and address of the owner or owners of the land
2557 upon which the works are to be constructed and a legal
2558 description of such land.

2559 (c) Location of the work.

2560 (d) Sketches of construction pending tentative approval.

2561 (e) Name and address of the person who prepared the plans
2562 and specifications of construction.

2563 (f) Name and address of the person who will construct the
2564 proposed work.

2565 (g) General purpose of the proposed work.

2566 (h) Such other information as the governing board or
2567 department may require.

2568 (3) After receipt of an application for a permit, the
2569 governing board or department shall publish notice of the
2570 application by sending a notice to any persons who have filed a
2571 written request for notification of any pending applications
2572 affecting the particular designated area. Such notice may be
2573 sent by regular mail. The notice shall contain the name and
2574 address of the applicant; a brief description of the proposed
2575 activity, including any mitigation; the location of the proposed
2576 activity, including whether it is located within an Outstanding
2577 Florida Water or aquatic preserve; a map identifying the
2578 location of the proposed activity subject to the application; a
2579 depiction of the proposed activity subject to the application; a
2580 name or number identifying the application and the office where
2581 the application can be inspected; and any other information

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2582 required by rule.

2583 (4) In addition to the notice required by subsection (3),
2584 the governing board or department may publish, or require an
2585 applicant to publish at the applicant's expense, in a newspaper
2586 of general circulation within the affected area, a notice of
2587 receipt of the application and a notice of intended agency
2588 action. This subsection does not limit the discretionary
2589 authority of the department or the governing board of a water
2590 management district to publish, or to require an applicant to
2591 publish at the applicant's expense, any notice under this
2592 chapter. The governing board or department shall also provide
2593 notice of this intended agency action to the applicant and to
2594 persons who have requested a copy of the intended agency action
2595 for that specific application.

2596 (5) The governing board or department may charge a
2597 subscription fee to any person who has filed a written request
2598 for notification of any pending applications to cover the cost
2599 of duplication and mailing charges.

2600 (6) It is the intent of the Legislature that the governing
2601 board or department exercise flexibility in the permitting of
2602 stormwater management systems associated with the construction
2603 or alteration of systems serving state transportation projects
2604 and facilities. Because of the unique limitations of linear
2605 facilities, the governing board or department shall balance the
2606 expenditure of public funds for stormwater treatment for state
2607 transportation projects and facilities and the treatment
2608 objectives to be achieved. In consideration thereof, the
2609 governing board or department shall allow alternatives to onsite
2610 treatment, including, but not limited to, regional stormwater

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2611 treatment systems. The Department of Transportation is not
2612 responsible for the abatement of pollutants and flows entering
2613 its stormwater management systems from offsite; however, this
2614 subsection does not prohibit the Department of Transportation
2615 from receiving and managing such pollutants and flows when it is
2616 found to be cost-effective and prudent. Further, in association
2617 with right-of-way acquisition for state transportation projects,
2618 the Department of Transportation is responsible for providing
2619 stormwater treatment and attenuation for additional right-of-
2620 way, but is not responsible for modifying permits of adjacent
2621 lands when it is not the permittee. To accomplish this, the
2622 governing board or department shall adopt rules for these
2623 activities.

2624 Section 52. Subsections (1), (2), (3), (4), and (5) of
2625 section 373.4137, Florida Statutes, are amended to read:

2626 373.4137 Mitigation requirements for specified
2627 transportation projects.—

2628 (1) The Legislature finds that environmental mitigation for
2629 the impact of transportation projects proposed by the Department
2630 of Transportation or a transportation authority established
2631 pursuant to chapter 348 or chapter 349 can be more effectively
2632 achieved by regional, long-range mitigation planning rather than
2633 on a project-by-project basis. It is the intent of the
2634 Legislature that mitigation to offset the adverse effects of
2635 these transportation projects be funded by the Department of
2636 Transportation and be carried out by the water management
2637 districts, including the use of mitigation banks and any other
2638 mitigation options that satisfy state and federal requirements
2639 established pursuant to this part.

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2640 (2) Environmental impact inventories for transportation
2641 projects proposed by the Department of Transportation or a
2642 transportation authority established pursuant to chapter 348 or
2643 chapter 349 shall be developed as follows:

2644 (a) By July 1 of each year, the Department of
2645 Transportation or a transportation authority established
2646 pursuant to chapter 348 or chapter 349 which chooses to
2647 participate in this program shall submit to the water management
2648 districts a list ~~copy~~ of its projects in the adopted work
2649 program and an environmental impact inventory of habitats
2650 addressed in the rules adopted pursuant to this part and s. 404
2651 of the Clean Water Act, 33 U.S.C. s. 1344, which may be impacted
2652 by its plan of construction for transportation projects in the
2653 next 3 years of the tentative work program. The Department of
2654 Transportation or a transportation authority established
2655 pursuant to chapter 348 or chapter 349 may also include in its
2656 environmental impact inventory the habitat impacts of any future
2657 transportation project. The Department of Transportation and
2658 each transportation authority established pursuant to chapter
2659 348 or chapter 349 may fund any mitigation activities for future
2660 projects using current year funds.

2661 (b) The environmental impact inventory shall include a
2662 description of these habitat impacts, including their location,
2663 acreage, and type; state water quality classification of
2664 impacted wetlands and other surface waters; any other state or
2665 regional designations for these habitats; and a list ~~survey~~ of
2666 threatened species, endangered species, and species of special
2667 concern affected by the proposed project.

2668 (3) (a) To fund development and implementation of the

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2669 mitigation plan for the projected impacts identified in the
2670 environmental impact inventory described in subsection (2), the
2671 Department of Transportation shall identify funds quarterly in
2672 an escrow account within the State Transportation Trust Fund for
2673 the environmental mitigation phase of projects budgeted by the
2674 Department of Transportation for the current fiscal year. The
2675 escrow account shall be maintained by the Department of
2676 Transportation for the benefit of the water management
2677 districts. Any interest earnings from the escrow account shall
2678 remain with the Department of Transportation.

2679 (b) Each transportation authority established pursuant to
2680 chapter 348 or chapter 349 that chooses to participate in this
2681 program shall create an escrow account within its financial
2682 structure and deposit funds in the account to pay for the
2683 environmental mitigation phase of projects budgeted for the
2684 current fiscal year. The escrow account shall be maintained by
2685 the authority for the benefit of the water management districts.
2686 Any interest earnings from the escrow account shall remain with
2687 the authority.

2688 (c) Except for current mitigation projects in the
2689 monitoring and maintenance phase and except as allowed by
2690 paragraph (d), the water management districts may request a
2691 transfer of funds from an escrow account no sooner than 30 days
2692 prior to the date the funds are needed to pay for activities
2693 associated with development or implementation of the approved
2694 mitigation plan described in subsection (4) for the current
2695 fiscal year, including, but not limited to, design, engineering,
2696 production, and staff support. Actual conceptual plan
2697 preparation costs incurred before plan approval may be submitted

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2698 to the Department of Transportation or the appropriate
2699 transportation authority each year with the plan. The conceptual
2700 plan preparation costs of each water management district will be
2701 paid from mitigation funds associated with the environmental
2702 impact inventory for the current year. The amount transferred to
2703 the escrow accounts each year by the Department of
2704 Transportation and participating transportation authorities
2705 established pursuant to chapter 348 or chapter 349 shall
2706 correspond to a cost per acre of \$75,000 multiplied by the
2707 projected acres of impact identified in the environmental impact
2708 inventory described in subsection (2). However, the \$75,000 cost
2709 per acre does not constitute an admission against interest by
2710 the state or its subdivisions nor is the cost admissible as
2711 evidence of full compensation for any property acquired by
2712 eminent domain or through inverse condemnation. Each July 1, the
2713 cost per acre shall be adjusted by the percentage change in the
2714 average of the Consumer Price Index issued by the United States
2715 Department of Labor for the most recent 12-month period ending
2716 September 30, compared to the base year average, which is the
2717 average for the 12-month period ending September 30, 1996. Each
2718 quarter, the projected acreage of impact shall be reconciled
2719 with the acreage of impact of projects as permitted, including
2720 permit modifications, pursuant to this part and s. 404 of the
2721 Clean Water Act, 33 U.S.C. s. 1344. The subject year's transfer
2722 of funds shall be adjusted accordingly to reflect the acreage of
2723 impacts as permitted. The Department of Transportation and
2724 participating transportation authorities established pursuant to
2725 chapter 348 or chapter 349 are authorized to transfer such funds
2726 from the escrow accounts to the water management districts to

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2727 carry out the mitigation programs. Environmental mitigation
2728 funds that are identified or maintained in an escrow account for
2729 the benefit of a water management district may be released if
2730 the associated transportation project is excluded in whole or
2731 part from the mitigation plan. For a mitigation project that is
2732 in the maintenance and monitoring phase, the water management
2733 district may request and receive a one-time payment based on the
2734 project's expected future maintenance and monitoring costs. Upon
2735 disbursement of the final maintenance and monitoring payment,
2736 the obligation of the department or the participating
2737 transportation authority is satisfied, the water management
2738 district has the continuing responsibility for the mitigation
2739 project, and the escrow account for the project established by
2740 the Department of Transportation or the participating
2741 transportation authority may be closed. Any interest earned on
2742 these disbursed funds shall remain with the water management
2743 district and must be used as authorized under this section.

2744 (d) Beginning in the 2005-2006 fiscal year, each water
2745 management district shall be paid a lump-sum amount of \$75,000
2746 per acre, adjusted as provided under paragraph (c), for
2747 federally funded transportation projects that are included on
2748 the environmental impact inventory and that have an approved
2749 mitigation plan. Beginning in the 2009-2010 fiscal year, each
2750 water management district shall be paid a lump-sum amount of
2751 \$75,000 per acre, adjusted as provided under paragraph (c), for
2752 federally funded and nonfederally funded transportation projects
2753 that have an approved mitigation plan. All mitigation costs,
2754 including, but not limited to, the costs of preparing conceptual
2755 plans and the costs of design, construction, staff support,

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2756 future maintenance, and monitoring the mitigated acres shall be
2757 funded through these lump-sum amounts.

2758 (4) Prior to March 1 of each year, each water management
2759 district, in consultation with the Department of Environmental
2760 Protection, the United States Army Corps of Engineers, the
2761 Department of Transportation, participating transportation
2762 authorities established pursuant to chapter 348 or chapter 349,
2763 and other appropriate federal, state, and local governments, and
2764 other interested parties, including entities operating
2765 mitigation banks, shall develop a plan for the primary purpose
2766 of complying with the mitigation requirements adopted pursuant
2767 to this part and 33 U.S.C. s. 1344. In developing such plans,
2768 the districts shall utilize sound ecosystem management practices
2769 to address significant water resource needs and shall focus on
2770 activities of the Department of Environmental Protection and the
2771 water management districts, such as surface water improvement
2772 and management (SWIM) projects and lands identified for
2773 potential acquisition for preservation, restoration or
2774 enhancement, and the control of invasive and exotic plants in
2775 wetlands and other surface waters, to the extent that such
2776 activities comply with the mitigation requirements adopted under
2777 this part and 33 U.S.C. s. 1344. In determining the activities
2778 to be included in such plans, the districts shall also consider
2779 the purchase of credits from public or private mitigation banks
2780 permitted under s. 373.4136 and associated federal authorization
2781 and shall include such purchase as a part of the mitigation plan
2782 when such purchase would offset the impact of the transportation
2783 project, provide equal benefits to the water resources than
2784 other mitigation options being considered, and provide the most

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2785 cost-effective mitigation option. The mitigation plan shall be
2786 submitted to the water management district governing board, or
2787 its designee, for review and approval. At least 14 days prior to
2788 approval, the water management district shall provide a copy of
2789 the draft mitigation plan to any person who has requested a
2790 copy.

2791 (a) For each transportation project with a funding request
2792 for the next fiscal year, the mitigation plan must include a
2793 brief explanation of why a mitigation bank was or was not chosen
2794 as a mitigation option, including an estimation of identifiable
2795 costs of the mitigation bank and nonbank options to the extent
2796 practicable.

2797 (b) Specific projects may be excluded from the mitigation
2798 plan, in whole or in part, and are ~~shall not be~~ subject to this
2799 section upon the election agreement of the Department of
2800 Transportation, ~~or~~ a transportation authority, if applicable, or
2801 ~~and~~ the appropriate water management district ~~that the inclusion~~
2802 ~~of such projects would hamper the efficiency or timeliness of~~
2803 ~~the mitigation planning and permitting process. The water~~
2804 ~~management district may choose to exclude a project in whole or~~
2805 ~~in part if the district is unable to identify mitigation that~~
2806 ~~would offset impacts of the project.~~

2807 (5) The water management district shall ensure ~~be~~
2808 ~~responsible for ensuring~~ that mitigation requirements pursuant
2809 to 33 U.S.C. s. 1344 are met for the impacts identified in the
2810 environmental impact inventory described in subsection (2), by
2811 implementation of the approved plan described in subsection (4)
2812 to the extent funding is provided by the Department of
2813 Transportation, or a transportation authority established

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2814 pursuant to chapter 348 or chapter 349, if applicable. During
2815 the federal permitting process, the water management district
2816 may deviate from the approved mitigation plan in order to comply
2817 with federal permitting requirements.

2818 Section 53. Paragraph (c) of subsection (1) of section
2819 374.976, Florida Statutes, is amended to read:

2820 374.976 Authority to address impacts of waterway
2821 development projects.-

2822 (1) Each inland navigation district is empowered and
2823 authorized to undertake programs intended to alleviate the
2824 problems associated with its waterway or waterways, including,
2825 but not limited to, the following:

2826 (c) The district is authorized to aid and cooperate with
2827 the Federal Government; state; member counties; nonmember
2828 counties that contain any part of the intracoastal waterway
2829 within their boundaries; navigation districts; the seaports of
2830 Jacksonville, Port Canaveral, Port Citrus, Fort Pierce, Palm
2831 Beach, Port Everglades, Miami, Port Manatee, St. Petersburg,
2832 Tampa, Port St. Joe, Panama City, Pensacola, Key West, and
2833 Fernandina; and local governments within the district in
2834 planning and carrying out public navigation, local and regional
2835 anchorage management, beach renourishment, public recreation,
2836 inlet management, environmental education, and boating safety
2837 projects, directly related to the waterways. The district is
2838 also authorized to enter into cooperative agreements with the
2839 United States Army Corps of Engineers, state, and member
2840 counties, and to covenant in any such cooperative agreement to
2841 pay part of the costs of acquisition, planning, development,
2842 construction, reconstruction, extension, improvement, operation,

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2843 and maintenance of such projects.

2844 Section 54. Subsection (9) of section 403.021, Florida
2845 Statutes, is amended to read:

2846 403.021 Legislative declaration; public policy.-

2847 (9) (a) The Legislature finds and declares that it is
2848 essential to preserve and maintain authorized water depth in the
2849 existing navigation channels, port harbors, turning basins, and
2850 harbor berths of this state in order to provide for the
2851 continued safe navigation of deepwater shipping commerce. The
2852 department shall recognize that maintenance of authorized water
2853 depths consistent with port master plans developed pursuant to
2854 s. 163.3178(2)(k) is an ongoing, continuous, beneficial, and
2855 necessary activity that is in the public interest; and it shall
2856 develop a regulatory process that shall enable the ports of this
2857 state to conduct such activities in an environmentally sound,
2858 safe, expeditious, and cost-efficient manner. It is the further
2859 intent of the Legislature that the permitting and enforcement of
2860 dredging, dredged-material management, and other related
2861 activities for Florida's deepwater ports pursuant to this
2862 chapter and chapters 161, 253, and 373 shall be consolidated
2863 within the department's Division of Water Resource Management
2864 and, with the concurrence of the affected deepwater port or
2865 ports, may be administered by a district office of the
2866 department or delegated to an approved local environmental
2867 program.

2868 (b) The provisions of paragraph (a) apply only to the port
2869 waters, dredged-material management sites, port harbors,
2870 navigation channels, turning basins, and harbor berths used for
2871 deepwater commercial navigation in the ports of Jacksonville,

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2872 Tampa, Port Everglades, Miami, Port Canaveral, Port Citrus, Ft.
2873 Pierce, Palm Beach, Port Manatee, Port St. Joe, Panama City, St.
2874 Petersburg, Pensacola, Fernandina, and Key West.

2875 Section 55. Subsection (26) of section 403.061, Florida
2876 Statutes, is amended to read:

2877 403.061 Department; powers and duties.—The department shall
2878 have the power and the duty to control and prohibit pollution of
2879 air and water in accordance with the law and rules adopted and
2880 promulgated by it and, for this purpose, to:

2881 (26) (a) Develop standards and criteria for waters used for
2882 deepwater shipping which standards and criteria consider
2883 existing water quality; appropriate mixing zones and other
2884 requirements for maintenance dredging in previously constructed
2885 deepwater navigation channels, port harbors, turning basins, or
2886 harbor berths; and appropriate mixing zones for disposal of
2887 spoil material from dredging and, where necessary, develop a
2888 separate classification for such waters. Such classification,
2889 standards, and criteria shall recognize that the present
2890 dedicated use of these waters is for deepwater commercial
2891 navigation.

2892 (b) The provisions of paragraph (a) apply only to the port
2893 waters, spoil disposal sites, port harbors, navigation channels,
2894 turning basins, and harbor berths used for deepwater commercial
2895 navigation in the ports of Jacksonville, Tampa, Port Everglades,
2896 Miami, Port Canaveral, Port Citrus, Ft. Pierce, Palm Beach, Port
2897 Manatee, Port St. Joe, Panama City, St. Petersburg, Port Bartow,
2898 Florida Power Corporation's Crystal River Canal, Boca Grande,
2899 Green Cove Springs, and Pensacola.

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2901 The department shall implement such programs in conjunction with
2902 its other powers and duties and shall place special emphasis on
2903 reducing and eliminating contamination that presents a threat to
2904 humans, animals or plants, or to the environment.

2905 Section 56. Subsection (3) of section 403.813, Florida
2906 Statutes, is amended to read:

2907 403.813 Permits issued at district centers; exceptions.—

2908 (3) For maintenance dredging conducted under this section
2909 by the seaports of Jacksonville, Port Canaveral, Port Citrus,
2910 Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee,
2911 St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key
2912 West, and Fernandina or by inland navigation districts:

2913 (a) A mixing zone for turbidity is granted within a 150-
2914 meter radius from the point of dredging while dredging is
2915 ongoing, except that the mixing zone may not extend into areas
2916 supporting wetland communities, submerged aquatic vegetation, or
2917 hardbottom communities.

2918 (b) The discharge of the return water from the site used
2919 for the disposal of dredged material shall be allowed only if
2920 such discharge does not result in a violation of water quality
2921 standards in the receiving waters. The return-water discharge
2922 into receiving waters shall be granted a mixing zone for
2923 turbidity within a 150-meter radius from the point of discharge
2924 during and immediately after the dredging, except that the
2925 mixing zone may not extend into areas supporting wetland
2926 communities, submerged aquatic vegetation, or hardbottom
2927 communities.

2928 (c) The state may not exact a charge for material that this
2929 subsection allows a public port or an inland navigation district

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2930 to remove.

2931 (d) The use of flocculants at the site used for disposal of
2932 the dredged material is allowed if the use, including supporting
2933 documentation, is coordinated in advance with the department and
2934 the department has determined that the use is not harmful to
2935 water resources.

2936 (e) This subsection does not prohibit maintenance dredging
2937 of areas where the loss of original design function and
2938 constructed configuration has been caused by a storm event,
2939 provided that the dredging is performed as soon as practical
2940 after the storm event. Maintenance dredging that commences
2941 within 3 years after the storm event shall be presumed to
2942 satisfy this provision. If more than 3 years are needed to
2943 commence the maintenance dredging after the storm event, a
2944 request for a specific time extension to perform the maintenance
2945 dredging shall be submitted to the department, prior to the end
2946 of the 3-year period, accompanied by a statement, including
2947 supporting documentation, demonstrating that contractors are not
2948 available or that additional time is needed to obtain
2949 authorization for the maintenance dredging from the United
2950 States Army Corps of Engineers.

2951 Section 57. Section 403.816, Florida Statutes, is amended
2952 to read:

2953 403.816 Permits for maintenance dredging of deepwater ports
2954 and beach restoration projects.—

2955 (1) The department shall establish a permit system under
2956 this chapter and chapter 253 which provides for the performance,
2957 for up to 25 years from the issuance of the original permit, of
2958 maintenance dredging of permitted navigation channels, port

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2959 harbors, turning basins, harbor berths, and beach restoration
2960 projects approved pursuant to chapter 161. However, permits
2961 issued for dredging river channels which are not a part of a
2962 deepwater port shall be valid for no more than five years. No
2963 charge shall be exacted by the state for material removed during
2964 such maintenance dredging by a public port authority.

2965 (2) The provisions of s. 253.77 do not apply to a permit
2966 for maintenance dredging and spoil site approval when there is
2967 no change in the size or location of the spoil disposal site and
2968 when the applicant provides documentation to the department that
2969 the appropriate lease, easement, or consent of use for the
2970 project site issued pursuant to chapter 253 is recorded in the
2971 county where the project is located.

2972 (3) The provisions of this section relating to ports apply
2973 only to the port waters, spoil disposal sites, port harbors,
2974 navigation channels, turning basins, and harbor berths used for
2975 deepwater commercial navigation in the ports of Jacksonville,
2976 Tampa, Port Everglades, Miami, Port Canaveral, Port Citrus, Ft.
2977 Pierce, Palm Beach, Port Manatee, Port St. Joe, Panama City, St.
2978 Petersburg, Port Bartow, Florida Power Corporation's Crystal
2979 River Canal, Boca Grande, Green Cove Springs, and Pensacola.

2980 Section 58. Section 479.106, Florida Statutes, is amended
2981 to read:

2982 479.106 Vegetation management.—

2983 (1) The removal, cutting, or trimming of trees or
2984 vegetation on public right-of-way to make visible or to ensure
2985 future visibility of the facing of a proposed sign or previously
2986 permitted sign shall be performed only with the written
2987 permission of the department in accordance with the provisions

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2988 of this section.

2989 (2) Any person desiring to engage in the removal, cutting,
2990 or trimming of trees or vegetation for the purposes herein
2991 described shall apply for an appropriate permit by ~~make~~ written
2992 application to the department. The application for a permit
2993 shall include at the election of the applicant, one of the
2994 following:

2995 (a) A vegetation management plan consisting of a property
2996 sketch indicating the onsite location of the vegetation or
2997 individual trees to be removed, cut, or trimmed and describing
2998 the existing conditions and proposed work to be accomplished.

2999 (b) Mitigation contribution to the Federal Grants Trust
3000 Fund pursuant to s. 589.277(2) using values of a wholesale plant
3001 nursery registered with the Division of Plant Industry of the
3002 Department of Agriculture and Consumer Services.

3003 (c) A combination of both a vegetation management plan and
3004 mitigation contribution ~~the applicant's plan for the removal,~~
3005 ~~cutting, or trimming and for the management of any vegetation~~
3006 ~~planted as part of a mitigation plan.~~

3007 (3) In evaluating a vegetation management plan or
3008 mitigation contribution, the department ~~As a condition of any~~
3009 ~~removal of trees or vegetation, and where the department deems~~
3010 ~~appropriate as a condition of any cutting or trimming, the~~
3011 ~~department may require a vegetation management plan, approved by~~
3012 ~~the department, which considers conservation and mitigation, or~~
3013 ~~contribution to a plan of mitigation, for the replacement of~~
3014 ~~such vegetation. Each plan or contribution shall reasonably~~
3015 evaluate the application as it relates ~~relate~~ to the vegetation
3016 being affected by the application, taking into consideration the

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3017 condition of such vegetation, and, where appropriate, may
3018 require a vegetation management plan to consider conservation
3019 and mitigation, or contribution to a plan of mitigation, for the
3020 cutting or removal of such vegetation. The department may
3021 approve ~~shall include~~ plantings that ~~which~~ will allow reasonable
3022 visibility of sign facings while screening sign structural
3023 supports. Only herbicides approved by the Department of
3024 Agriculture and Consumer Services may be used in the removal of
3025 vegetation. The department shall act on the application for
3026 approval of vegetation management plans, or approval of
3027 mitigation contribution, within 30 days after receipt of such
3028 application. A permit issued in response to such application is
3029 valid for 5 years, may be renewed for an additional 5 years by
3030 payment of the applicable application fee, and is binding upon
3031 the department. The department may establish special mitigation
3032 programs for the beautification and aesthetic improvement of
3033 designated areas and permit individual applicants to contribute
3034 to such programs as a part or in lieu of other mitigation
3035 requirements.

3036 (4) The department may establish an application fee not to
3037 exceed \$25 for each individual application to defer the costs of
3038 processing such application and a fee not to exceed \$200 to
3039 defer the costs of processing an application for multiple sites.

3040 (5) The department may only grant a permit pursuant to s.
3041 479.07 for a new sign which requires the removal, cutting, or
3042 trimming of existing trees or vegetation on public right-of-way
3043 for the sign face to be visible from the highway when the sign
3044 owner has removed one ~~at least two~~ nonconforming sign ~~signs~~ of
3045 approximate comparable size and surrendered the permits for the

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3046 nonconforming signs to the department for cancellation. For
3047 signs originally permitted after July 1, 1996, no permit for the
3048 removal, cutting, or trimming of trees or vegetation shall be
3049 granted where such trees or vegetation are part of a
3050 beautification project implemented prior to the date of the
3051 original sign permit application, when the beautification
3052 project is specifically identified in the department's
3053 construction plans, permitted landscape projects, or agreements.

3054 (6) As a minimum, view zones shall be established along the
3055 public rights-of-way of interstate highways, expressways,
3056 federal-aid primary highways, and the State Highway System in
3057 the state, excluding privately or other publicly owned property,
3058 as follows:

3059 (a) A view zone of 350 feet for posted speed limits of 35
3060 miles per hour or less.

3061 (b) A view zone of 500 feet for posted speed limits of more
3062 than 35 miles per hour.

3063
3064 The established view zone shall be within the first 1,000 feet
3065 measured along the edge of the pavement in the direction of
3066 approaching traffic from a point on the edge of the pavement
3067 perpendicular to the edge of the sign facing nearest the highway
3068 and shall be continuous unless interrupted by vegetation that
3069 has established historical significance, is protected by state
3070 law, or has a circumference, measured at 4 and 1/2 feet above
3071 grade, is equal to or greater than 70 percent of the
3072 circumference of the Florida Champion of the same species as
3073 listed in the Florida Register of Big Trees of the Florida
3074 Native Plant Society. The sign owner may designate the specific

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3075 location of the view zone for each sign facing. In the absence
3076 of such designation, the established view zone shall be measured
3077 from the sign along the edge of the pavement in the direction of
3078 approaching traffic as provided in this subsection.

3079 (7) ~~(6)~~ Beautification projects, trees, or other vegetation
3080 shall not be planted or located in the view zone of legally
3081 erected and permitted outdoor advertising signs which have been
3082 permitted prior to the date of the beautification project or
3083 other planting, where such planting will, at the time of
3084 planting or after future growth, screen such sign from view. The
3085 department shall provide written notice to the owner not less
3086 than 90 days before commencing a beautification project or other
3087 vegetation planting that may affect a sign, allowing such owner
3088 not less than 60 days to designate the specific location of the
3089 view zone of such affected sign. A sign owner is not required to
3090 prepare a vegetation management plan or secure a vegetation
3091 management permit for the implementation of beautification
3092 projects.

3093 ~~(a) View zones are established along the public rights-of-~~
3094 ~~way of interstate highways, expressways, federal-aid primary~~
3095 ~~highways, and the State Highway System in the state, excluding~~
3096 ~~privately or other publicly owned property, as follows:~~

3097 ~~1. A view zone of 350 feet for posted speed limits of 35~~
3098 ~~miles per hour or less.~~

3099 ~~2. A view zone of 500 feet for posted speed limits of over~~
3100 ~~35 miles per hour.~~

3101 ~~(b) The established view zone shall be within the first~~
3102 ~~1,000 feet measured along the edge of the pavement in the~~
3103 ~~direction of approaching traffic from a point on the edge of the~~

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3104 ~~pavement perpendicular to the edge of the sign facing nearest~~
3105 ~~the highway and shall be continuous unless interrupted by~~
3106 ~~existing, naturally occurring vegetation. The department and the~~
3107 ~~sign owner may enter into an agreement identifying the specific~~
3108 ~~location of the view zone for each sign facing. In the absence~~
3109 ~~of such agreement, the established view zone shall be measured~~
3110 ~~from the sign along the edge of the pavement in the direction of~~
3111 ~~approaching traffic as provided in this subsection.~~

3112 (a) ~~(e)~~ If a sign owner alleges any governmental entity or
3113 other party has violated this subsection, the sign owner must
3114 provide 90 days' written notice to the governmental entity or
3115 other party allegedly violating this subsection. If the alleged
3116 violation is not cured by the governmental entity or other party
3117 within the 90-day period, the sign owner may file a claim in the
3118 circuit court where the sign is located. A copy of such
3119 complaint shall be served contemporaneously upon the
3120 governmental entity or other party. If the circuit court
3121 determines a violation of this subsection has occurred, the
3122 court shall award a claim for compensation equal to the lesser
3123 of the revenue from the sign lost during the time of screening
3124 or the fair market value of the sign, and the governmental
3125 entity or other party shall pay the award of compensation
3126 subject to available appeal. Any modification or removal of
3127 material within a beautification project or other planting by
3128 the governmental entity or other party to cure an alleged
3129 violation shall not require the issuance of a permit from the
3130 Department of Transportation provided not less than 48 hours'
3131 notice is provided to the department of the modification or
3132 removal of the material. A natural person, private corporation,

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3133 or private partnership licensed under part II of chapter 481
3134 providing design services for beautification or other projects
3135 shall not be subject to a claim of compensation under this
3136 section when the initial project design meets the requirements
3137 of this section.

3138 (b) ~~(d)~~ This subsection shall not apply to the provisions of
3139 any existing written agreement executed before July 1, 2006,
3140 between any local government and the owner of an outdoor
3141 advertising sign.

3142 (8) ~~(7)~~ Any person engaging in removal, cutting, or trimming
3143 of trees or vegetation in violation of this section or
3144 benefiting from such actions shall be subject to an
3145 administrative penalty of up to \$1,000 and required to mitigate
3146 for the unauthorized removal, cutting, or trimming in such
3147 manner and in such amount as may be required under the rules of
3148 the department.

3149 (9) ~~(8)~~ The intent of this section is to create partnering
3150 relationships which will have the effect of improving the
3151 appearance of Florida's highways and creating a net increase in
3152 the vegetative habitat along the roads. Department rules shall
3153 encourage the use of plants which are low maintenance and native
3154 to the general region in which they are planted.

3155 Section 59. Subsections (16), (17), and (18) are added to
3156 section 479.16, Florida Statutes, to read:

3157 479.16 Signs for which permits are not required.—The
3158 following signs are exempt from the requirement that a permit
3159 for a sign be obtained under the provisions of this chapter but
3160 are required to comply with the provisions of s. 479.11(4)-(8):

3161 (16) Signs erected under the local tourist-oriented

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3162 commerce program signs pilot program under s. 479.263.

3163 (17) Signs not in excess of 32 square feet placed
3164 temporarily during harvest season of a farm operation for a
3165 period of no more than 4 months at a road junction with the
3166 State Highway System denoting only the distance or direction of
3167 the farm operation. The temporary farm operation harvest sign
3168 provision under this subsection may not be implemented if the
3169 Federal Government notifies the department that implementation
3170 will adversely affect the allocation of federal funds to the
3171 department.

3172 (18) Signs that promote the official sponsor of an event,
3173 sports team, exhibition, or facility in connection with the
3174 operation of a publicly owned and privately operated
3175 professional sport and entertainment venue fronting on a federal
3176 aid primary highway. This subsection is null and void if the
3177 Federal Government notifies the department in writing that such
3178 application will adversely affect the allocation of federal
3179 funds to the department.

3180 Section 60. Section 479.263, Florida Statutes, is created
3181 to read:

3182 479.263 Tourist-oriented commerce signs pilot program.—The
3183 local tourist-oriented commerce signs pilot program is created
3184 in rural areas of critical economic concern as defined by s.
3185 288.0656(2)(d) and (e). Signs erected under this program do not
3186 require a permit under this chapter.

3187 (1) A local tourist-oriented business that is a small
3188 business as defined in s. 288.703 may erect a sign that meets
3189 the following criteria:

3190 (a) The signs are not more than 8 square feet in size or

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3191 more than 4 feet in height.

3192 (b) The signs are located only in rural areas along
3193 highways that are not limited access highways.

3194 (c) The signs are located within 2 miles of the business
3195 location and not less than 500 feet apart.

3196 (d) The advertising copy on the signs consists only of the
3197 name of the business or the principal or accessory merchandise
3198 or services sold or furnished on the premises of the business.

3199 (2) A business placing such signs under this section:

3200 (a) Must be a minimum of 4 miles from any other business
3201 placing signs under this program.

3202 (b) May not participate in the logo sign program authorized
3203 under s. 479.261 or the tourist-oriented directional sign
3204 program authorized under s. 479.262.

3205 (3) Businesses that are conducted in a building principally
3206 used as a residence are not eligible to participate.

3207 (4) Each business utilizing this program shall notify the
3208 department in writing of its intent to do so prior to placing
3209 signs. The department shall maintain statistics of the
3210 businesses participating in the program. This program shall not
3211 take effect if the Federal Highway Administration advises the
3212 department in writing that implementation constitutes a loss of
3213 effective control of outdoor advertising.

3214 (5) This section expires June 30, 2016.

3215 Section 61. (1) As used in this section, the term:

3216 (a) "License" includes any certificate, permit, medallion,
3217 or other evidence that authorizes a person to operate a public
3218 vehicle for hire within the geographic boundaries of a
3219 governmental unit.

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3220 (b) "Governmental unit" includes a county, municipality,
3221 special district, commission, or other unit of state or local
3222 government.

3223 (2) Any governmental unit that is authorized to regulate
3224 the operation of public vehicles for hire within its geographic
3225 boundaries may adopt ordinances, rules, regulations, orders, or
3226 other acts that create a private property right or interest in a
3227 license to operate a public vehicle for hire within the
3228 geographic boundaries of the governmental unit.

3229 (3) Upon creation of a private property right or interest
3230 in a license to operate, a public vehicle for hire licenseholder
3231 shall have the right to pledge, assign, sublease, sell, or
3232 otherwise transfer the license, except as provided otherwise by
3233 ordinances, rules, regulations, orders, or other acts of the
3234 local governmental unit. A private property right or interest in
3235 a license to operate a public vehicle for hire may be
3236 transferred by operation of intestate succession or devise,
3237 except as provided otherwise by ordinances, rules, regulations,
3238 orders, or other acts of the local governmental unit. The
3239 ownership, transfer and operation of a public vehicle for hire
3240 license shall be in compliance with the governmental unit's
3241 local ordinances, rules, regulations, and orders regarding
3242 ownership, transfer, and operation of public vehicle for hires.

3243 (4) Any governmental unit that is authorized to regulate
3244 the operation of public vehicles for hire and other for-hire
3245 transportation within its geographic boundaries may request and
3246 receive criminal history record information for the purpose of
3247 screening applicants for licenses and for-hire vehicle driver's
3248 licenses and pay a fee for any such record. Such record

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3249 information may include a national criminal history records
3250 check with the Federal Bureau of Investigation. The fingerprints
3251 may be submitted by the governmental unit to the Department of
3252 Law Enforcement for state processing, and the department shall
3253 forward them to the Federal Bureau of Investigation for a
3254 national criminal history records check. All costs associated
3255 with transmittal and processing shall be borne by the
3256 governmental unit, the employer, or the person subject to the
3257 background check. The department shall submit an invoice to the
3258 governmental unit for the fingerprints submitted each month. The
3259 governmental unit shall screen background results to determine
3260 if an applicant meets its licensure requirements.

3261 (5) This section does not preempt or modify any ordinance
3262 creating a property right or interest in a vehicle for public
3263 hire license created by a governmental unit before July 1, 2011,
3264 or any amendment to an ordinance creating a property right or
3265 interest on or after July 1, 2011.

3266 Section 62. High-speed rail and fixed-guideway
3267 transportation systems; contracting procedures; public
3268 disclosure.-

3269 (1) LEGISLATIVE FINDINGS AND INTENT.-

3270 (a) The Legislature finds that the design, engineering,
3271 operation, and maintenance of Florida's proposed high-speed rail
3272 system and other fixed-guideway transportation systems will be
3273 funded with public moneys provided by federal and state
3274 taxpayers, bond sales, and public-private partnerships following
3275 competitive bidding processes.

3276 (b) The Florida Rail Enterprise and residents of this state
3277 should have the benefit of appropriate and complete disclosure

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3278 by all entities competing to build and operate the high-speed
3279 rail system and other fixed-guideway transportation systems.
3280 Such disclosure and related due diligence is essential to this
3281 state's regulation and oversight of the contracting process and
3282 expenditure of state funds.

3283 (c) It has come to the Legislature's attention that certain
3284 potential entities that have expressed interest in competing for
3285 publicly funded rail system contracts have engaged in conduct
3286 that the Legislature believes requires public disclosures. For
3287 instance, between 1942 and 1944, many thousands of persons,
3288 including current residents of this state, were deported to
3289 extermination camps, work camps, concentration camps, prisoner-
3290 of-war camps, or any similar camps by whatever name in Europe on
3291 trains.

3292 (d) It is the intent of the Legislature that, in the spirit
3293 of complete transparency, the bidding and contract entities
3294 competing for contracts reveal what, if any, relationship the
3295 entity had with those entities that served the interests of
3296 those responsible for the mass deportations in wartime.

3297 (2) CONTRACTING PROCEDURES; FULL DISCLOSURE.—This
3298 subsection establishes the proper procedures for entities that
3299 intend to bid or submit a proposal to contract with the Florida
3300 Rail Enterprise or a fixed-guideway transportation system for
3301 goods or services related to the high-speed and other rail
3302 systems, as contemplated by the Florida Rail Enterprise Act.

3303 (a) Notwithstanding any other law, each entity applying for
3304 a publicly funded contract with the Florida Rail Enterprise or a
3305 fixed-guideway transportation system, including, but not limited
3306 to, the engineering, construction, manufacture, or operation of

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3307 a high-speed rail system or other fixed-guideway transportation
3308 system, shall affirmatively certify the following in advance of
3309 submitting a formal bid:

3310 1. Whether the entity had any direct involvement in the
3311 deportation of any individual to an extermination camp, work
3312 camp, concentration camp, prisoner-of-war camp, or any similar
3313 camp in Europe during the period from January 1, 1942, through
3314 December 31, 1944.

3315 2. If an entity responds that it had a direct involvement
3316 in the deportation of any individual, as described in
3317 subparagraph 1., the entity shall certify all of the following:

3318 a. Whether the entity has any records, whenever created, in
3319 its possession, custody, or control related to those
3320 deportations.

3321 b. Whether the entity has taken any remedial action
3322 concerning those deportations, and whether the entity has
3323 provided restitution to all identifiable victims of those
3324 deportations.

3325 (b) An entity that certifies its direct involvement under
3326 this subsection may provide any mitigating circumstances in
3327 narrative or documentary form.

3328 (c) The Florida Rail Enterprise or other fixed-guideway
3329 transportation system shall acknowledge receipt of the
3330 information as required by this subsection when awarding
3331 contracts.

3332 (3) DEFINITIONS.—As used in this section, the term:

3333 (a) "Direct involvement" means ownership or operation of
3334 the trains on which a person was deported to an extermination
3335 camp, work camp, concentration camp, prisoner-of-war camp, or

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3336 any similar camp by whatever name in Europe during the period
3337 from January 1, 1942, through December 31, 1944.

3338 (b) "Entity" includes any corporation, affiliate, or other
3339 entity that controls, is controlled by, or is under common
3340 control with, or that is a member of a partnership or a
3341 consortium with, an entity that is subject to this section. An
3342 entity is presumed to be in control of another corporation or
3343 entity if it owns or directly or indirectly controls more than
3344 50 percent of the voting securities or more than 50 percent of
3345 any other ownership interest of the other corporation or entity.
3346 This definition applies irrespective of whether or not the
3347 equity interest in the entity is owned by a foreign state.

3348 (c) "Fixed-guideway transportation system" means a public
3349 transit system for the transporting of people by a conveyance,
3350 or a series of interconnected conveyances, which is specifically
3351 designed for travel on a stationary rail or other guideway,
3352 whether located on, above, or under the ground.

3353 Section 63. This act shall take effect July 1, 2011.