

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>      </u>	(Y/N)
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER	<u>      </u>	

1 Committee/Subcommittee hearing bill: Transportation & Highway  
 2 Safety Subcommittee  
 3 Representative Brandes offered the following:

**Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraphs (a) and (b) of subsection (5) of  
 8 section 20.23, Florida Statutes, is amended, subsections (6) and  
 9 (7) are renumbered as subsections (8) and (9), respectively, and  
 10 a new subsection (6) is added to that section, to read:

11 20.23 Department of Transportation.—There is created a  
 12 Department of Transportation which shall be a decentralized  
 13 agency.

14 (5) (a) The operations of the department shall be organized  
 15 into seven districts, each headed by a district secretary, and a  
 16 turnpike enterprise and a rail enterprise, each enterprise  
 17 headed by an executive director. The district secretaries and  
 18 the executive directors shall be registered professional  
 19 engineers in accordance with the provisions of chapter 471 or

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20 the laws of another state, or, in lieu of professional engineer  
21 registration, a district secretary or executive director may  
22 hold an advanced degree in an appropriate related discipline,  
23 such as a Master of Business Administration. The headquarters of  
24 the districts shall be located in Polk, Columbia, Washington,  
25 Broward, Volusia, Miami-Dade, and Hillsborough Counties. The  
26 headquarters of the turnpike enterprise shall be located in  
27 Orange County. The headquarters of the rail enterprise shall be  
28 located in Leon County. In order to provide for efficient  
29 operations and to expedite the decisionmaking process, the  
30 department shall provide for maximum decentralization to the  
31 districts.

32 (b) Each district secretary may appoint up to three  
33 district directors ~~or, until July 1, 2005, each district~~  
34 ~~secretary may appoint up to four district directors.~~ These  
35 positions are exempt from part II of chapter 110.

36 (6) The department may maintain training programs for  
37 department employees and prospective employees to:

38 (a) Provide broad practical expertise in the field of  
39 transportation engineering, leading to licensure as a  
40 professional engineer, for those who are graduates from an  
41 approved engineering curriculum of 4 years or more in a school,  
42 college, or university approved by the Florida Board of  
43 Professional Engineers.

44 (b) Provide broad practical experience and enhanced  
45 knowledge in the areas of right-of-way acquisition, right-of-way  
46 property management, real estate appraisal, and business  
47 valuation.

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48  
49 These training programs may provide for incremental increases to  
50 base salary for all employees enrolled in the programs upon  
51 successful completion of training phases.

52 Section 2. Paragraph (c) of subsection (4) of section  
53 206.41, Florida Statutes, is amended to read:

54 206.41 State taxes imposed on motor fuel.-

55 (4)

56 (c)1. Any person who uses any motor fuel for agricultural,  
57 aquacultural, commercial fishing, or commercial aviation  
58 purposes on which fuel the tax imposed by paragraph (1) (e),  
59 paragraph (1) (f), or paragraph (1) (g) has been paid is entitled  
60 to a refund of such tax.

61 2. For the purposes of this paragraph, "agricultural and  
62 aquacultural purposes" means motor fuel used in any tractor,  
63 vehicle, or other farm equipment which is used exclusively on a  
64 farm or for processing farm products on the farm, and no part of  
65 which fuel is used in any vehicle or equipment driven or  
66 operated upon the public highways of this state. This  
67 restriction does not apply to the movement of a farm vehicle, ~~or~~  
68 farm equipment, citrus harvesting equipment, or citrus fruit  
69 loaders between farms. The transporting of bees by water and the  
70 operating of equipment used in the apiary of a beekeeper shall  
71 be also deemed an agricultural purpose.

72 3. For the purposes of this paragraph, "commercial fishing  
73 and aquacultural purposes" means motor fuel used in the  
74 operation of boats, vessels, or equipment used exclusively for  
75 the taking of fish, crayfish, oysters, shrimp, or sponges from

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76 salt or fresh waters under the jurisdiction of the state for  
77 resale to the public, and no part of which fuel is used in any  
78 vehicle or equipment driven or operated upon the highways of  
79 this state; however, the term may in no way be construed to  
80 include fuel used for sport or pleasure fishing.

81 4. For the purposes of this paragraph, "commercial  
82 aviation purposes" means motor fuel used in the operation of  
83 aviation ground support vehicles or equipment, no part of which  
84 fuel is used in any vehicle or equipment driven or operated upon  
85 the public highways of this state.

86 Section 3. Subsection (1) of section 282.0041, Florida  
87 Statutes, is amended to read:

88 282.0041 Definitions.—As used in this chapter, the term:

89 (1) "Agency" has the same meaning as in s. 216.011(1)(qq),  
90 except that for purposes of this chapter, "agency" does not  
91 include university boards of trustees or state universities or  
92 the Office of Toll Operations of the turnpike enterprise.

93 Section 4. Section 282.0055, Florida Statutes, is amended  
94 to read:

95 282.0055 Assignment of information technology.—In order to  
96 ensure the most effective and efficient use of the state's  
97 information technology and information technology resources and  
98 notwithstanding other provisions of law to the contrary,  
99 policies for the design, planning, project management, and  
100 implementation of enterprise information technology services  
101 shall be the responsibility of the Agency for Enterprise  
102 Information Technology for executive branch agencies created or  
103 authorized in statute to perform legislatively delegated

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104 functions. The supervision, design, delivery, and management of  
105 agency information technology shall remain within the  
106 responsibility and control of the individual state agency.  
107 Notwithstanding any provision of law to the contrary,  
108 information technology used in the Office of Toll Operations of  
109 the turnpike enterprise is exempt from this part.

110 Section 5. Paragraph (h) of subsection (4) of section  
111 282.201, Florida Statutes, is amended to read:

112 282.201 State data center system; agency duties and  
113 limitations.—A state data center system that includes all  
114 primary data centers, other nonprimary data centers, and  
115 computing facilities, and that provides an enterprise  
116 information technology service as defined in s. 282.0041, is  
117 established.

118 (4) SCHEDULE FOR CONSOLIDATIONS OF AGENCY DATA CENTERS.—

119 (h) During the 2014-2015 fiscal year, the following  
120 agencies shall work with the Agency for Enterprise Information  
121 Technology to begin preliminary planning for consolidation into  
122 a primary data center:

123 1. The Department of Health's Jacksonville Lab Data  
124 Center.

125 2. The Department of Transportation's district offices,  
126 ~~toll offices,~~ and the District Materials Office.

127 3. The Department of Military Affairs' Camp Blanding Joint  
128 Training Center in Starke.

129 4. The Department of Community Affairs' Camp Blanding  
130 Emergency Operations Center in Starke.

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131 5. The Department of Education's Division of Blind  
132 Services disaster recovery site in Daytona Beach.

133 6. The Department of Education's disaster recovery site at  
134 Santa Fe College.

135 7. The Department of the Lottery's Disaster Recovery  
136 Backup Data Center in Orlando.

137 8. The Fish and Wildlife Conservation Commission's Fish  
138 and Wildlife Research Institute in St. Petersburg.

139 9. The Department of Children and Family Services'  
140 Suncoast Data Center in Tampa.

141 10. The Department of Children and Family Services'  
142 Florida State Hospital in Chattahoochee.

143 Section 6. Chapter 311, Florida Statutes, is retitled  
144 "SEAPORT PROGRAMS AND FACILITIES."

145 Section 7. Section 311.07, Florida Statutes, is amended to  
146 read:

147 311.07 Florida seaport transportation and economic  
148 development funding.—

149 (1) There is created the Florida Seaport Transportation  
150 and Economic Development Program within the Department of  
151 Transportation to finance port transportation or port facilities  
152 projects that will improve the movement and intermodal  
153 transportation of cargo or passengers in commerce and trade and  
154 ~~that will~~ support the interests, purposes, and requirements of  
155 all ports listed in s. 311.09 located in this state.

156 (2) A minimum of \$15 ~~\$8~~ million per year shall be made  
157 available from the State Transportation Trust Fund to fund the  
158 Florida Seaport Transportation and Economic Development Program.

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159 The Florida Seaport Transportation and Economic Development  
160 Council created in s. 311.09 shall develop guidelines for  
161 project funding. Council staff, the Department of  
162 Transportation, and the Department of Economic Opportunity shall  
163 work in cooperation to review projects and allocate funds in  
164 accordance with the schedule required for the Department of  
165 Transportation to include these projects in the tentative work  
166 program developed pursuant to s. 339.135(4).

167 (3) (a) Florida Seaport Transportation and Economic  
168 Development Program funds shall be used to fund approved  
169 projects on a 50-50 matching basis with any of the deepwater  
170 ports, as listed in s. 311.09 ~~s. 403.021(9)(b)~~, which is  
171 governed by a public body or any other deepwater port which is  
172 governed by a public body and which complies with the water  
173 quality provisions of s. 403.061, the comprehensive master plan  
174 requirements of s. 163.3178(2)(k), and the local financial  
175 management and reporting provisions of part III of chapter 218.  
176 However, program funds used to fund projects that involve the  
177 rehabilitation of wharves, docks, berths, bulkheads, or similar  
178 structures shall require a 25-percent match of funds. Program  
179 funds also may be used by the Seaport Transportation and  
180 Economic Development Council for data and analysis that ~~to~~  
181 ~~develop trade data information products which~~ will assist  
182 Florida's seaports and international trade.

183 (b) Projects eligible for funding by grants under the  
184 program are limited to the following port facilities or port  
185 transportation projects:

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- 186           1. Transportation facilities within the jurisdiction of  
187 the port.
- 188           2. The dredging or deepening of channels, turning basins,  
189 or harbors.
- 190           3. The construction or rehabilitation of wharves, docks,  
191 structures, jetties, piers, storage facilities, cruise  
192 terminals, automated people mover systems, or any facilities  
193 necessary or useful in connection with any of the foregoing.
- 194           4. The acquisition of vessel tracking systems, container  
195 cranes, or other mechanized equipment used in the movement of  
196 cargo or passengers in international commerce.
- 197           5. The acquisition of land to be used for port purposes.
- 198           6. The acquisition, improvement, enlargement, or extension  
199 of existing port facilities.
- 200           7. Environmental protection projects which are necessary  
201 because of requirements imposed by a state agency as a condition  
202 of a permit or other form of state approval; which are necessary  
203 for environmental mitigation required as a condition of a state,  
204 federal, or local environmental permit; which are necessary for  
205 the acquisition of spoil disposal sites and improvements to  
206 existing and future spoil sites; or which result from the  
207 funding of eligible projects listed in this paragraph.
- 208           8. Transportation facilities as defined in s. 334.03(30)  
209 ~~s. 334.03(31)~~ which are not otherwise part of the Department of  
210 Transportation's adopted work program.
- 211           9. ~~Seaport~~ Intermodal access projects ~~identified in the 5-~~  
212 ~~year Florida Seaport Mission Plan as provided in s. 311.09(3).~~



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213 10. Construction or rehabilitation of port facilities as  
214 defined in s. 315.02, excluding any park or recreational  
215 facilities, in ports listed in s. 311.09(1) with operating  
216 revenues of \$5 million or less, provided that such projects  
217 create economic development opportunities, capital improvements,  
218 and positive financial returns to such ports.

219 11. Seaport master plan or strategic plan development or  
220 updates, including the purchase of data to support such plans.

221 (c) To be eligible for consideration by the council  
222 pursuant to this section, a project must be consistent with the  
223 port comprehensive master plan which is incorporated as part of  
224 the approved local government comprehensive plan as required by  
225 s. 163.3178(2)(k) or other provisions of the Community Planning  
226 Act, part II of chapter 163.

227 ~~(4) A port eligible for matching funds under the program~~  
228 ~~may receive a distribution of not more than \$7 million during~~  
229 ~~any 1 calendar year and a distribution of not more than \$30~~  
230 ~~million during any 5 calendar year period.~~

231 (4)(5) Any port which receives funding under the program  
232 shall institute procedures to ensure that jobs created as a  
233 result of the state funding shall be subject to equal  
234 opportunity hiring practices in the manner provided in s.  
235 110.112.

236 (5)(6) The Department of Transportation may ~~shall~~ subject  
237 any project that receives funds pursuant to this section and s.  
238 320.20 to a final audit. The department may adopt rules and  
239 perform such other acts as are necessary or convenient to ensure

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240 that the final audits are conducted and that any deficiency or  
241 questioned costs noted by the audit are resolved.

242 Section 8. Subsections (4) through (13) of section 311.09,  
243 Florida Statutes, are amended to read:

244 311.09 Florida Seaport Transportation and Economic  
245 Development Council.—

246 (4) The council shall adopt rules for evaluating projects  
247 which may be funded under ss. 311.07 and 320.20. The rules shall  
248 provide criteria for evaluating the potential project,  
249 including, but not limited to, such factors as consistency with  
250 appropriate plans, economic benefit, readiness for construction,  
251 noncompetition with other Florida ports, and capacity within the  
252 seaport system economic benefit of the project, measured by the  
253 potential for the proposed project to maintain or increase cargo  
254 flow, cruise passenger movement, international commerce, port  
255 revenues, and the number of jobs for the port's local community.

256 (5) The council shall review and approve or disapprove  
257 each project eligible to be funded pursuant to the Florida  
258 Seaport Transportation and Economic Development Program. The  
259 council shall annually submit to the Secretary of Transportation  
260 and the executive director of the Department of Economic  
261 Opportunity, or his or her designee, a list of projects which  
262 have been approved by the council. The list shall specify the  
263 recommended funding level for each project; and, if staged  
264 implementation of the project is appropriate, the funding  
265 requirements for each stage shall be specified.

266 ~~(6) The Department of Community Affairs shall review the~~  
267 ~~list of projects approved by the council to determine~~

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268 ~~consistency with approved local government comprehensive plans~~  
269 ~~of the units of local government in which the port is located~~  
270 ~~and consistency with the port master plan. The Department of~~  
271 ~~Community Affairs shall identify and notify the council of those~~  
272 ~~projects which are not consistent, to the maximum extent~~  
273 ~~feasible, with such comprehensive plans and port master plans.~~

274 (6)~~(7)~~ The Department of Transportation shall review the  
275 list of project applications ~~projects~~ approved by the council  
276 for consistency with the Florida Transportation Plan, the  
277 Statewide Seaport and Waterways System Plan, and the  
278 department's adopted work program. In evaluating the consistency  
279 of a project, the department shall assess the transportation  
280 impacts and economic benefits for each project ~~determine whether~~  
281 ~~the transportation impact of the proposed project is adequately~~  
282 ~~handled by existing state-owned transportation facilities or by~~  
283 ~~the construction of additional state-owned transportation~~  
284 ~~facilities as identified in the Florida Transportation Plan and~~  
285 ~~the department's adopted work program. In reviewing for~~  
286 ~~consistency a transportation facility project as defined in s.~~  
287 ~~334.03(31) which is not otherwise part of the department's work~~  
288 ~~program, the department shall evaluate whether the project is~~  
289 ~~needed to provide for projected movement of cargo or passengers~~  
290 ~~from the port to a state transportation facility or local road.~~  
291 ~~If the project is needed to provide for projected movement of~~  
292 ~~cargo or passengers, the project shall be approved for~~  
293 ~~consistency as a consideration to facilitate the economic~~  
294 ~~development and growth of the state in a timely manner. The~~  
295 Department of Transportation shall identify those projects which

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296 are inconsistent with the Florida Transportation Plan, the  
297 Statewide Seaport and Waterways System Plan, or ~~and~~ the adopted  
298 work program and shall notify the council of projects found to  
299 be inconsistent.

300 ~~(7)-(8)~~ The Department of Economic Opportunity shall review  
301 the list of project applications ~~projects~~ approved by the  
302 council to evaluate the economic benefit of the project and to  
303 determine whether the project is consistent with the Florida  
304 Seaport Mission Plan and with state economic development goals  
305 and policies. The Department of Economic Opportunity shall  
306 review the proposed project's consistency with state, regional,  
307 and local plans, as appropriate, and the economic benefits of  
308 each project based upon the rules adopted pursuant to subsection  
309 (4). The Department of Economic Opportunity shall identify those  
310 projects which it has determined do not offer an economic  
311 benefit to the state, are not consistent with an appropriate  
312 plan, or are not consistent with the Florida Seaport Mission  
313 Plan or state economic development goals and policies and shall  
314 notify the council of its findings.

315 ~~(8)-(9)~~ The council shall review the findings of the  
316 Department of Economic Opportunity and the Department of  
317 Transportation. Projects found to be inconsistent pursuant to  
318 subsections (6) ~~r~~ or (7) ~~r~~ and ~~(8)~~ or ~~and~~ projects which have been  
319 determined not to offer an economic benefit to the state  
320 pursuant to subsection (7) ~~(8)~~ may ~~shall~~ not be included in the  
321 list of projects to be funded.

322 ~~(9)-(10)~~ The Department of Transportation shall include no  
323 less than \$15 million per year in its annual legislative budget

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324 request for the a Florida Seaport Transportation and Economic  
325 Development ~~grant~~ Program funded under s. 311.07 ~~for expenditure~~  
326 ~~of funds of not less than \$8 million per year~~. Such budget shall  
327 include funding for projects approved by the council which have  
328 been determined by each agency to be consistent ~~and which have~~  
329 ~~been determined by the Department of Economic Opportunity to be~~  
330 ~~economically beneficial~~. The department shall include the  
331 specific approved Florida Seaport Transportation and Economic  
332 Development Program ~~seaport~~ projects to be funded under s.  
333 311.07 ~~this section~~ during the ensuing fiscal year in the  
334 tentative work program developed pursuant to s. 339.135(4). The  
335 total amount of funding to be allocated to Florida Seaport  
336 Transportation and Economic Development Program ~~seaport~~ projects  
337 under s. 311.07 during the successive 4 fiscal years shall also  
338 be included in the tentative work program developed pursuant to  
339 s. 339.135(4). The council may submit to the department a list  
340 of approved projects that could be made production-ready within  
341 the next 2 years. The list shall be submitted by the department  
342 as part of the needs and project list prepared pursuant to s.  
343 339.135(2)(b). However, the department shall, upon written  
344 request of the Florida Seaport Transportation and Economic  
345 Development Council, submit work program amendments pursuant to  
346 s. 339.135(7) to the Governor within 10 days after the later of  
347 the date the request is received by the department or the  
348 effective date of the amendment, termination, or closure of the  
349 applicable funding agreement between the department and the  
350 affected seaport, as required to release the funds from the  
351 existing commitment. Notwithstanding s. 339.135(7)(c), any work

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352 program amendment to transfer prior year funds from one approved  
353 seaport project to another seaport project is subject to the  
354 procedures in s. 339.135(7) (d). Notwithstanding any provision of  
355 law to the contrary, the department may transfer unexpended  
356 budget between the seaport projects as identified in the  
357 approved work program amendments.

358 ~~(10)-(11)~~ The council shall meet at the call of its  
359 chairperson, at the request of a majority of its membership, or  
360 at such times as may be prescribed in its bylaws. However, the  
361 council must meet at least semiannually. A majority of voting  
362 members of the council constitutes a quorum for the purpose of  
363 transacting the business of the council. All members of the  
364 council are voting members. A vote of the majority of the voting  
365 members present is sufficient for any action of the council,  
366 except that a member representing the Department of  
367 Transportation or the Department of Economic Opportunity may  
368 vote to overrule any action of the council approving a project  
369 pursuant to subsection (5). The bylaws of the council may  
370 require a greater vote for a particular action.

371 ~~(11)-(12)~~ Members of the council shall serve without  
372 compensation but are entitled to receive reimbursement for per  
373 diem and travel expenses as provided in s. 112.061. The council  
374 may elect to provide an administrative staff to provide services  
375 to the council on matters relating to the Florida Seaport  
376 Transportation and Economic Development Program and the council.  
377 The cost for such administrative services shall be paid by all  
378 ports that receive funding from the Florida Seaport  
379 Transportation and Economic Development Program, based upon a

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380 pro rata formula measured by each recipient's share of the funds  
381 as compared to the total funds disbursed to all recipients  
382 during the year. The share of costs for administrative services  
383 shall be paid in its total amount by the recipient port upon  
384 execution by the port and the Department of Transportation of a  
385 joint participation agreement for each council-approved project,  
386 and such payment is in addition to the matching funds required  
387 to be paid by the recipient port. Except as otherwise exempted  
388 by law, all moneys derived from the Florida Seaport  
389 Transportation and Economic Development Program shall be  
390 expended in accordance with the provisions of s. 287.057.  
391 Seaports subject to competitive negotiation requirements of a  
392 local governing body shall abide by the provisions of s.  
393 287.055.

394 (12)~~(13)~~ Until July 1, 2014, Citrus County may apply for a  
395 grant through the Florida Seaport Transportation and Economic  
396 Development Council to perform a feasibility study regarding the  
397 establishment of a port in Citrus County. The council shall  
398 evaluate such application pursuant to subsections (5)-(8) ~~(5)-~~  
399 ~~(9)~~ and, if approved, the Department of Transportation shall  
400 include the feasibility study in its budget request pursuant to  
401 subsection (9) ~~(10)~~. If the study determines that a port in  
402 Citrus County is not feasible, the membership of Port Citrus on  
403 the council shall terminate.

404 Section 9. Section 311.10, Florida Statutes, is created to  
405 read:

406 311.10 Strategic Port Investment Initiative.-

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407 (1) There is created the Strategic Port Investment  
408 Initiative within the Department of Transportation. Beginning in  
409 fiscal year 2012-2013, a minimum of \$35 million annually shall  
410 be made available from the State Transportation Trust Fund to  
411 fund the Strategic Port Investment Initiative. The Department of  
412 Transportation shall work with the deepwater ports listed in s.  
413 311.09 to develop and maintain a priority list of strategic  
414 investment projects. Project selection shall be based on  
415 projects that meet the state's economic development goal of  
416 becoming a hub for trade, logistics, and export-oriented  
417 activities by:

418 (a) Providing important access and major on-port capacity  
419 improvements;

420 (b) Providing capital improvements to strategically  
421 position the state to maximize opportunities in international  
422 trade, logistics, or the cruise industry;

423 (c) Achieving state goals of an integrated intermodal  
424 transportation system; and

425 (d) Demonstrating the feasibility and availability of  
426 matching funds through local or private partners.

427 (2) Prior to making final project allocations, the  
428 Department of Transportation shall schedule a publicly noticed  
429 workshop with the Department of Economic Opportunity and the  
430 deepwater ports listed in s. 311.09 to review the proposed  
431 projects. After considering the comments received, the  
432 Department of Transportation shall finalize a prioritized list  
433 of potential projects.



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434 (3) The Department of Transportation shall, to the maximum  
435 extent feasible, include the seaport projects proposed to be  
436 funded under this section in the tentative work program  
437 developed under s. 339.135(4).

438 Section 10. Section 311.101, Florida Statutes, is created  
439 to read:

440 311.101 Intermodal Logistics Center Infrastructure Support  
441 Program.—

442 (1) There is created within the Department of  
443 Transportation the Intermodal Logistics Center Infrastructure  
444 Support Program. The purpose of the program is to provide funds  
445 for roads, rail facilities, or other means for the conveyance or  
446 shipment of goods through a seaport, thereby enabling the state  
447 to respond to private sector market demands and meet the state's  
448 economic development goal of becoming a hub for trade,  
449 logistics, and export-oriented activities. The department may  
450 provide funds to assist with local government projects or  
451 projects performed by private entities that meet the public  
452 purpose of enhancing transportation facilities for the  
453 conveyance or shipment of goods through a seaport.

454 (2) For the purposes of this section, "intermodal  
455 logistics center," including but not limited to, an "inland  
456 port," means a facility or group of facilities serving as a  
457 point of intermodal transfer of freight in a specific area  
458 physically separated from a seaport where activities relating to  
459 transport, logistics, goods distribution, consolidation, or  
460 value-added activities are carried out and whose activities and

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461 services are designed to support or be supported by one or more  
462 seaports, as provided in s. 311.09.

463 (3) The department must consider, but is not limited to,  
464 the following criteria when evaluating projects for Intermodal  
465 Logistics Center Infrastructure Support Program assistance:

466 (a) The ability of the project to serve a strategic state  
467 interest.

468 (b) The ability of the project to facilitate the cost-  
469 effective and efficient movement of goods.

470 (c) The extent to which the project contributes to  
471 economic activity, including job creation, increased wages, and  
472 revenues.

473 (d) The extent to which the project efficiently interacts  
474 with and supports the transportation network.

475 (e) A commitment of a funding match.

476 (f) The amount of capital investment made by the owner of  
477 the existing or proposed facility.

478 (g) The extent to which the owner has commitments,  
479 including memorandums of understanding or memorandums of  
480 agreements, with private sector businesses planning to locate  
481 operations at the intermodal logistics center.

482 (h) Demonstrated local financial support and commitment to  
483 the project.

484 (4) The department shall coordinate and consult with the  
485 Department of Economic Opportunity in the selection of projects  
486 to be funded by this program.

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487 (5) The department is authorized to administer contracts  
488 on behalf of the entity selected to receive funding for a  
489 project under this section.

490 (6) The department shall provide up to 50 percent of  
491 project costs for eligible projects.

492 (7) Beginning in fiscal year 2012-2013, up to \$5 million  
493 per year shall be made available from the State Transportation  
494 Trust Fund for the program. The Department of Transportation  
495 shall include projects proposed to be funded under this section  
496 in the tentative work program developed pursuant so s.  
497 339.135(4).

498 (8) The Department of Transportation is authorized to  
499 adopt rules to implement this section.

500 Section 11. Section 311.106, Florida Statutes, is created  
501 to read:

502 311.106 Seaport Stormwater Permitting and Mitigation.—A  
503 seaport listed in s. 403.021 (9) (b) is authorized to provide for  
504 off-site mitigation for port activities causing or contributing  
505 to pollution from storm water runoff. An offsite mitigation  
506 project may occur outside of the established boundaries of the  
507 port, but shall be within the same drainage basin in which the  
508 port activity causing the need for mitigation is located. The  
509 offsite mitigation project must be designed to meet or exceed  
510 the mitigation requirements of a permit. A port offsite  
511 stormwater mitigation project must be constructed and maintained  
512 by the seaport or by the seaport in conjunction with an adjacent  
513 local government. The offsite mitigation project shall be  
514 included as part of the port master plan.

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515 Section 12. Section 311.14, Florida Statutes, is amended  
516 to read:

517 311.14 Seaport planning.—

518 (1) The Department of Transportation shall develop, in  
519 coordination with the ports listed in s. 311.09(1) and other  
520 partners, a Statewide Seaport and Waterways System Plan. This  
521 plan shall be consistent with the goals of the Florida  
522 Transportation Plan developed pursuant to s. 339.155 and shall  
523 consider needs identified in individual port master plans and  
524 those from the seaport strategic plans required under this  
525 section. The plan will identify 5-year, 10-year, and 20-year  
526 needs for the seaport system and will include seaport, waterway,  
527 road, and rail projects that are needed to ensure the success of  
528 the transportation system as a whole in supporting state  
529 economic development goals ~~The Florida Seaport Transportation~~  
530 ~~and Economic Development Council, in cooperation with the Office~~  
531 ~~of the State Public Transportation Administrator within the~~  
532 ~~Department of Transportation, shall develop freight mobility and~~  
533 ~~trade-corridor plans to assist in making freight mobility~~  
534 ~~investments that contribute to the economic growth of the state.~~  
535 ~~Such plans should enhance the integration and connectivity of~~  
536 ~~the transportation system across and between transportation~~  
537 ~~modes throughout Florida for people and freight.~~

538 ~~(2) The Office of the State Public Transportation~~  
539 ~~Administrator shall act to integrate freight mobility and trade-~~  
540 ~~corridor plans into the Florida Transportation Plan developed~~  
541 ~~pursuant to s. 339.155 and into the plans and programs of~~  
542 ~~metropolitan planning organizations as provided in s. 339.175.~~

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543 ~~The office may also provide assistance in expediting the~~  
544 ~~transportation permitting process relating to the construction~~  
545 ~~of seaport freight-mobility projects located outside the~~  
546 ~~physical borders of seaports. The Department of Transportation~~  
547 ~~may contract, as provided in s. 334.044, with any port listed in~~  
548 ~~s. 311.09(1) or any such other statutorily authorized seaport~~  
549 ~~entity to act as an agent in the construction of seaport~~  
550 ~~freight-mobility projects.~~

551 (2)~~(3)~~ Each port shall develop a strategic plan with a 10-  
552 year horizon. Each plan must include the following:

553 (a) An economic development component that identifies  
554 targeted business opportunities for increasing business and  
555 attracting new business for which a particular facility has a  
556 strategic advantage over its competitors, identifies financial  
557 resources and other inducements to encourage growth of existing  
558 business and acquisition of new business, and provides a  
559 projected schedule for attainment of the plan's goals.

560 (b) An infrastructure development and improvement  
561 component that identifies all projected infrastructure  
562 improvements within the plan area which require improvement,  
563 expansion, or development in order for a port to attain a  
564 strategic advantage for competition with national and  
565 international competitors.

566 (c) A component that identifies all intermodal  
567 transportation facilities, including sea, air, rail, or road  
568 facilities, which are available or have potential, with  
569 improvements, to be available for necessary national and  
570 international commercial linkages and provides a plan for the

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571 integration of port, airport, and railroad activities with  
572 existing and planned transportation infrastructure.

573 (d) A component that identifies physical, environmental,  
574 and regulatory barriers to achievement of the plan's goals and  
575 provides recommendations for overcoming those barriers.

576 (e) An intergovernmental coordination component that  
577 specifies modes and methods to coordinate plan goals and  
578 missions with the missions of the Department of Transportation,  
579 other state agencies, and affected local, general-purpose  
580 governments.

581

582 To the extent feasible, the port strategic plan must be  
583 consistent with the local government comprehensive plans of the  
584 units of local government in which the port is located. Upon  
585 approval of a plan by the port's board, the plan shall be  
586 submitted to the Florida Seaport Transportation and Economic  
587 Development Council.

588 (3)~~(4)~~ The Florida Seaport Transportation and Economic  
589 Development Council shall review the strategic plans submitted  
590 by each port and prioritize strategic needs for inclusion in the  
591 Florida Seaport Mission Plan prepared pursuant to s. 311.09(3).

592 Section 13. Subsection (21) of section 316.003, Florida  
593 Statutes, is amended to read:

594 316.003 Definitions.—The following words and phrases, when  
595 used in this chapter, shall have the meanings respectively  
596 ascribed to them in this section, except where the context  
597 otherwise requires:

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598 (21) MOTOR VEHICLE.—Except when used in s. 316.1001, any  
599 self-propelled vehicle not operated upon rails or guideway, but  
600 not including any bicycle, motorized scooter, electric personal  
601 assistive mobility device, or moped. For purposes of s.  
602 316.1001, "motor vehicle" has the same meaning as in s.  
603 320.01(1)(a).

604 Section 14. Subsection (4) of section 316.091, Florida  
605 Statutes, is amended, subsection (5) is renumbered as subsection  
606 (6), and a new subsections (5) and (6) are added to that  
607 section, to read:

608 316.091 Limited access facilities; interstate highways;  
609 use restricted.—

610 (4) No person shall operate a bicycle or other human-  
611 powered vehicle on the roadway or along the shoulder of a  
612 limited access highway, including bridges, unless official signs  
613 and a designated, marked bicycle lane are present at the  
614 entrance of the section of highway indicating that such use is  
615 permitted pursuant to a pilot program of the Department of  
616 Transportation an interstate highway.

617 (5) The Department of Transportation and expressway  
618 authorities are authorized to designate use of shoulders of  
619 limited access facilities and interstate highways under their  
620 jurisdiction for such vehicular traffic determined to improve  
621 safety, reliability, and transportation system efficiency.  
622 Appropriate traffic signs or dynamic lane control signals shall  
623 be erected along those portions of the facility affected to give  
624 notice to the public of the action to be taken, clearly  
625 indicating when the shoulder is open to designated vehicular

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626 traffic. The provisions of this section shall not be deemed to  
627 authorize such designation in violation of any federal law or  
628 any covenant established in a resolution or trust indenture  
629 relating to the issuance of turnpike bonds, expressway authority  
630 bonds, or other bonds.

631 (6) The Department of Transportation shall establish a 2-  
632 year pilot program, in three separate urban areas, in which it  
633 shall erect signs and designate marked bicycle lanes indicating  
634 highway approaches and bridge segments of limited access  
635 highways as open to use by operators of bicycles and other  
636 human-powered vehicles, under the following conditions:

637 (a) The limited access highway approaches and bridge  
638 segments chosen must cross a river, lake, bay, inlet, or surface  
639 water where no street or highway crossing the water body is  
640 available for use within 2 miles of the entrance to the limited  
641 access facility measured along the shortest public right-of-way.

642 (b) The Department of Transportation, with the concurrence  
643 of the Federal Highway Administration on the interstate  
644 facilities, shall establish the three highway approaches and  
645 bridge segments for the pilot project by October 1, 2012. In  
646 selecting the highway approaches and bridge segments, the  
647 Department of Transportation shall consider, without limitation,  
648 a minimum size of population in the urban area within 5 miles of  
649 the highway approach and bridge segment, the lack of bicycle  
650 access by other means, cost, safety, and operational impacts.

651 (c) The Department of Transportation shall begin the pilot  
652 program by erecting signs and designating marked bicycle lanes  
653 indicating highway approaches and bridge segments of limited



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654 access highways, as qualified by the conditions described in  
655 this subsection, as open to use by operators of bicycles and  
656 other human-powered vehicles no later than March 1, 2013.

657 (d) The Department of Transportation shall conduct the  
658 pilot program for a minimum of 2 years following the  
659 implementation date.

660 (e) The Department of Transportation shall submit a report  
661 of its findings and recommendations from the pilot program to  
662 the Governor, the President of the Senate, and the Speaker of  
663 the House of Representatives by September 1, 2015. The report  
664 shall include, at a minimum, bicycle crash data occurring in the  
665 designated segments of the pilot program, usage by operators of  
666 bicycles and other human-powered vehicles, enforcement issues,  
667 operational impacts, and the cost of the pilot program.

668 Section 15. Paragraph (b) of subsection (2) of section  
669 316.1001, Florida Statutes, is amended to read:

670 316.1001 Payment of toll on toll facilities required;  
671 penalties.—

672 (2)

673 (b) A citation issued under this subsection may be issued  
674 by mailing the citation by first-class mail or by certified  
675 mail, return receipt requested, to the address of the registered  
676 owner of the motor vehicle involved in the violation. Mailing  
677 Receipt of the citation to such address constitutes  
678 notification. In the case of joint ownership of a motor vehicle,  
679 the traffic citation must be mailed to the first name appearing  
680 on the registration, unless the first name appearing on the  
681 registration is a business organization, in which case the

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682 second name appearing on the registration may be used. A  
683 citation issued under this paragraph must be mailed to the  
684 registered owner of the motor vehicle involved in the violation  
685 within 14 days after the date of issuance of the citation. In  
686 addition to the citation, notification must be sent to the  
687 registered owner of the motor vehicle involved in the violation  
688 specifying remedies available under ss. 318.14(12) and  
689 318.18(7).

690 Section 16. Paragraph (a) of subsection (3) and paragraphs  
691 (a) and (c) of subsection (5) of section 316.515, Florida  
692 Statutes, are amended to read:

693 316.515 Maximum width, height, length.—

694 (3) LENGTH LIMITATION.—Except as otherwise provided in  
695 this section, length limitations apply solely to a semitrailer  
696 or trailer, and not to a truck tractor or to the overall length  
697 of a combination of vehicles. No combination of commercial motor  
698 vehicles coupled together and operating on the public roads may  
699 consist of more than one truck tractor and two trailing units.  
700 Unless otherwise specifically provided for in this section, a  
701 combination of vehicles not qualifying as commercial motor  
702 vehicles may consist of no more than two units coupled together;  
703 such nonqualifying combination of vehicles may not exceed a  
704 total length of 65 feet, inclusive of the load carried thereon,  
705 but exclusive of safety and energy conservation devices approved  
706 by the department for use on vehicles using public roads.  
707 Notwithstanding any other provision of this section, a truck  
708 tractor-semitrailer combination engaged in the transportation of  
709 automobiles or boats may transport motor vehicles or boats on

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710 part of the power unit; and, except as may otherwise be mandated  
711 under federal law, an automobile or boat transporter semitrailer  
712 may not exceed 50 feet in length, exclusive of the load;  
713 however, the load may extend up to an additional 6 feet beyond  
714 the rear of the trailer. The 50-foot length limitation does not  
715 apply to non-stinger-steered automobile or boat transporters  
716 that are 65 feet or less in overall length, exclusive of the  
717 load carried thereon, or to stinger-steered automobile or boat  
718 transporters that are 75 feet or less in overall length,  
719 exclusive of the load carried thereon. For purposes of this  
720 subsection, a "stinger-steered automobile or boat transporter"  
721 is an automobile or boat transporter configured as a semitrailer  
722 combination wherein the fifth wheel is located on a drop frame  
723 located behind and below the rearmost axle of the power unit.  
724 Notwithstanding paragraphs (a) and (b), any straight truck or  
725 truck tractor-semitrailer combination engaged in the  
726 transportation of horticultural trees may allow the load to  
727 extend up to an additional 10 feet beyond the rear of the  
728 vehicle, provided said trees are resting against a retaining bar  
729 mounted above the truck bed so that the root balls of the trees  
730 rest on the floor and to the front of the truck bed and the tops  
731 of the trees extend up over and to the rear of the truck bed,  
732 and provided the overhanging portion of the load is covered with  
733 protective fabric.

734 (a) Straight trucks.—~~A~~ ~~no~~ straight truck may not exceed a  
735 length of 40 feet in extreme overall dimension, exclusive of  
736 safety and energy conservation devices approved by the  
737 department for use on vehicles using public roads. A straight

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738 truck may tow no more than one trailer, and the overall length  
739 of the truck-trailer combination may not exceed 68 feet ~~such~~  
740 ~~trailer may not exceed a length of 28 feet. However, such~~  
741 ~~trailer limitation does not apply if the overall length of the~~  
742 ~~truck-trailer combination is 65 feet or less, including the load~~  
743 thereon. Notwithstanding any other provisions of this section, a  
744 truck-trailer combination engaged in the transportation of  
745 boats, or boat trailers whose design dictates a front-to-rear  
746 stacking method may ~~shall~~ not exceed the length limitations of  
747 this paragraph exclusive of the load; however, the load may  
748 extend up to an additional 6 feet beyond the rear of the  
749 trailer.

750 (5) IMPLEMENTS OF HUSBANDRY AND FARM EQUIPMENT;

751 AGRICULTURAL TRAILERS; FORESTRY EQUIPMENT; SAFETY REQUIREMENTS.-

752 (a) Notwithstanding any other provisions of law, straight  
753 trucks, agricultural tractors, citrus harvesting equipment,  
754 citrus fruit loaders, and cotton module movers, not exceeding 50  
755 feet in length, or any combination of up to and including three  
756 implements of husbandry, including the towing power unit, and  
757 any single agricultural trailer with a load thereon or any  
758 agricultural implements attached to a towing power unit, or a  
759 self-propelled agricultural implement or an agricultural  
760 tractor, is authorized for the purpose of transporting peanuts,  
761 grains, soybeans, citrus, cotton, hay, straw, or other  
762 perishable farm products from their point of production to the  
763 first point of change of custody or of long-term storage, and  
764 for the purpose of returning to such point of production, or for  
765 the purpose of moving such tractors, movers, and implements from

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766 one point of agricultural production to another, by a person  
767 engaged in the production of any such product or custom hauler,  
768 if such vehicle or combination of vehicles otherwise complies  
769 with this section. The Department of Transportation may issue  
770 overlength permits for cotton module movers greater than 50 feet  
771 but not more than 55 feet in overall length. Such vehicles shall  
772 be operated in accordance with all safety requirements  
773 prescribed by law and rules of the Department of Transportation.

774 (c) The width and height limitations of this section do  
775 not apply to farming or agricultural equipment, whether self-  
776 propelled, pulled, or hauled, when temporarily operated during  
777 daylight hours upon a public road that is not a limited access  
778 facility as defined in s. 334.03(12) ~~s. 334.03(13)~~, and the  
779 width and height limitations may be exceeded by such equipment  
780 without a permit. To be eligible for this exemption, the  
781 equipment shall be operated within a radius of 50 miles of the  
782 real property owned, rented, or leased by the equipment owner.  
783 However, equipment being delivered by a dealer to a purchaser is  
784 not subject to the 50-mile limitation. Farming or agricultural  
785 equipment greater than 174 inches in width must have one warning  
786 lamp mounted on each side of the equipment to denote the width  
787 and must have a slow-moving vehicle sign. Warning lamps required  
788 by this paragraph must be visible from the front and rear of the  
789 vehicle and must be visible from a distance of at least 1,000  
790 feet.

791 Section 17. Subsection (42) of section 320.01, Florida  
792 Statutes, is amended to read:

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793 320.01 Definitions, general.—As used in the Florida  
794 Statutes, except as otherwise provided, the term:

795 (42) "Low-speed vehicle" means any four-wheeled ~~electric~~  
796 vehicle whose top speed is greater than 20 miles per hour but  
797 not greater than 25 miles per hour, including without limitation  
798 neighborhood electric vehicles. Low-speed vehicles must comply  
799 with the safety standards in 49 C.F.R. s. 571.500 and s.  
800 316.2122.

801 Section 18. Subsection (6) is added to section 332.08,  
802 Florida Statutes, to read:

803 332.08 Additional powers.—In addition to the general  
804 powers in ss. 332.01-332.12 conferred and without limitation  
805 thereof, a municipality which has established or may hereafter  
806 establish airports, restricted landing areas, or other air  
807 navigation facilities, or which has acquired or set apart or may  
808 hereafter acquire or set apart real property for such purposes,  
809 is hereby authorized:

810 (6) Notwithstanding any other provision of this section, a  
811 municipality participating in the Federal Aviation  
812 Administration's Airport Privatization Pilot Program pursuant to  
813 49 U.S.C. s. 47134 may lease or sell an airport or other air  
814 navigation facility or real property, together with improvements  
815 and equipment, acquired or set apart for airport purposes to a  
816 private party under such terms and conditions as negotiated by  
817 the municipality. If state funds were provided to the  
818 municipality pursuant to s. 332.007, the municipality must  
819 obtain Department of Transportation approval of the agreement.  
820 The Department is authorized to approve the agreement if it

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821 determines the state's investment has been adequately considered  
822 and protected consistent with the applicable conditions  
823 specified in 49. U.S.C. s. 47134.

824 Section 19. Subsections (11) through (37) of section  
825 334.03, Florida Statutes, are renumbered as subsections (10)  
826 through (36), respectively, and present subsections (10), (11),  
827 and (25) of that section are amended to read:

828 334.03 Definitions.—When used in the Florida  
829 Transportation Code, the term:

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

834 (10)~~(11)~~ "Functional classification" means the assignment  
835 of roads into systems according to the character of service they  
836 provide in relation to the total road network using procedures  
837 developed by the Federal Highway Administration. Basic  
838 ~~functional categories include arterial roads, collector roads,~~  
839 ~~and local roads which may be subdivided into principal, major,~~  
840 ~~or minor levels. Those levels may be additionally divided into~~  
841 ~~rural and urban categories.~~

842 (24)~~(25)~~ "State Highway System" means ~~the following, which~~  
843 ~~shall be facilities to which access is regulated:~~

844 ~~(a)~~ the interstate system and all other roads within the  
845 state which were under the jurisdiction of the state on June 10,  
846 1995, and roads constructed by an agency of the state for the  
847 State Highway System, plus roads transferred to the state's  
848 jurisdiction after that date by mutual consent with another

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849 governmental entity, but not including roads so transferred from  
850 the state's jurisdiction. These facilities shall be facilities  
851 to which access is regulated.;

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

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

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

858

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

862 ~~Urbanized areas not meeting the foregoing minimum requirement~~  
863 ~~shall have transferred to the State Highway System additional~~  
864 ~~minor arterials of the highest significance in which case the~~  
865 ~~total minor arterials in the State Highway System from any~~  
866 ~~urbanized area shall not exceed 2.5 percent of that area's total~~  
867 ~~public urban road mileage.~~

868 Section 20. Subsections (11), (13), and (26) of section  
869 334.044, Florida Statutes, are amended, and subsection (33) is  
870 added to that section, to read:

871 334.044 Department; powers and duties.—The department  
872 shall have the following general powers and duties:

873 (11) To establish a numbering system for public roads, and  
874 ~~to functionally classify such roads, and to assign~~  
875 ~~jurisdictional responsibility.~~



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

879 (26) To provide for the enhancement of environmental  
880 benefits, including air and water quality; to prevent roadside  
881 erosion; to conserve the natural roadside growth and scenery;  
882 and to provide for the implementation and maintenance of  
883 roadside conservation, enhancement, and stabilization programs.  
884 No more less than 1.5 percent of the amount contracted for  
885 construction projects shall be allocated by the department for  
886 the purchase of plant materials. Department districts may not  
887 expend funds for landscaping in connection with any project that  
888 is limited to resurfacing existing lanes unless the expenditure  
889 has been approved by the department's secretary or the  
890 secretary's designee. ~~with~~ To the greatest extent practical, a  
891 minimum of 50 percent of these funds shall be allocated for  
892 large plant materials and the remaining funds for other plant  
893 materials. All such plant materials shall be purchased from  
894 Florida commercial nursery stock in this state on a uniform  
895 competitive bid basis. The department will develop grades and  
896 standards for landscaping materials purchased through this  
897 process. To accomplish these activities, the department may  
898 contract with nonprofit organizations having the primary purpose  
899 of developing youth employment opportunities.

900 (33) To develop, in coordination with its partners,  
901 freight mobility and trade plans to assist in making freight  
902 mobility investments that contribute to the economic growth of  
903 the state. Such plans should enhance the integration and

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904 connectivity of the transportation system across and between  
905 transportation modes throughout the state for people and  
906 freight. Freight issues and needs shall be given emphasis in all  
907 appropriate transportation plans, including the Florida  
908 Transportation Plan and the Strategic Intermodal System Plan.

909 Section 21. Section 334.047, Florida Statutes, is amended  
910 to read:

911 334.047 Prohibition.—Notwithstanding any other provision  
912 of law to the contrary, the Department of Transportation may not  
913 establish a cap on the number of miles in the State Highway  
914 System ~~or a maximum number of miles of urban principal arterial~~  
915 ~~roads, as defined in s. 334.03, within a district or county.~~

916 Section 22. Subsection (5) is added to section 335.074,  
917 Florida Statutes, to read:

918 335.074 Safety inspection of bridges.—

919 (5) Upon receipt of an inspection report that recommends  
920 reducing the weight, size, or speed limit on a bridge, the  
921 governmental entity having maintenance responsibility for the  
922 bridge must reduce the maximum limits for the bridge in  
923 accordance with the inspection report and post the limits in  
924 accordance with s. 316.555. The governmental entity must, within  
925 30 days after receipt of an inspection report recommending lower  
926 limits, notify the department that the limitations have been  
927 implemented and the bridge has been posted accordingly. If the  
928 required actions are not taken within 30 days after receipt of  
929 an inspection report, the department shall post the bridge in  
930 accordance with the recommendations in the inspection report.

931 All costs incurred by the department in connection with

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932 providing notice of the bridge's limitations or restrictions  
933 shall be assessed against and collected from the governmental  
934 entity having maintenance responsibility for the bridge. If an  
935 inspection report recommends closure of a bridge, the bridge  
936 shall be immediately closed. If the governmental entity does not  
937 close the bridge immediately upon receipt of an inspection  
938 report recommending closure, the department shall close the  
939 bridge. All costs incurred by the department in connection with  
940 the bridge closure shall be assessed against and collected from  
941 the governmental entity having maintenance responsibility for  
942 the bridge.

943 Section 23. Subsections (1) and (2) of section 335.17,  
944 Florida Statutes, are amended to read:

945 335.17 State highway construction; means of noise  
946 abatement.—

947 (1) The department shall make use of noise-control methods  
948 as part of highway construction projects involving new location  
949 or capacity expansion in the construction of all new state  
950 highways, with particular emphasis on those highways located in  
951 or near urban-residential developments which abut such highway  
952 rights-of-way.

953 (2) All highway projects by the department, regardless of  
954 funding source, shall be developed in conformity with federal  
955 standards for noise abatement as contained in 23 C.F.R. 772 as  
956 such regulations existed on July 13, 2011 ~~March 1, 1989~~. The  
957 department shall, at a minimum, comply with federal requirements  
958 in the following areas:

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959 (a) Analysis of traffic noise impacts and abatement  
960 measures;

961 (b) Noise abatement;

962 (c) Information for local officials;

963 (d) Traffic noise prediction; and

964 (e) Construction noise.

965 Section 24. Subsection (5) of section 336.021, Florida  
966 Statutes, is amended to read:

967 336.021 County transportation system; levy of ninth-cent  
968 fuel tax on motor fuel and diesel fuel.—

969 (5) All impositions of the tax shall be levied before  
970 October ~~July~~ 1 of each year to be effective January 1 of the  
971 following year. However, levies of the tax which were in effect  
972 on July 1, 2002, and which expire on August 31 of any year may  
973 be reimposed at the current authorized rate to be effective  
974 September 1 of the year of expiration. All impositions shall be  
975 required to end on December 31 of a year. A decision to rescind  
976 the tax shall not take effect on any date other than December 31  
977 and shall require a minimum of 60 days' notice to the department  
978 of such decision.

979 Section 25. Paragraphs (a) and (b) of subsection (1),  
980 paragraph (a) of subsection (5) and subsection (7) of section  
981 336.025, Florida Statutes, are amended to read:

982 336.025 County transportation system; levy of local option  
983 fuel tax on motor fuel and diesel fuel.—

984 (1)(a) In addition to other taxes allowed by law, there  
985 may be levied as provided in ss. 206.41(1)(e) and 206.87(1)(c) a  
986 1-cent, 2-cent, 3-cent, 4-cent, 5-cent, or 6-cent local option

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987 fuel tax upon every gallon of motor fuel and diesel fuel sold in  
988 a county and taxed under the provisions of part I or part II of  
989 chapter 206.

990 1. All impositions and rate changes of the tax shall be  
991 levied before October ~~July~~ 1 to be effective January 1 of the  
992 following year for a period not to exceed 30 years, and the  
993 applicable method of distribution shall be established pursuant  
994 to subsection (3) or subsection (4). However, levies of the tax  
995 which were in effect on July 1, 2002, and which expire on August  
996 31 of any year may be reimposed at the current authorized rate  
997 effective September 1 of the year of expiration. Upon  
998 expiration, the tax may be relieved provided that a  
999 redetermination of the method of distribution is made as  
1000 provided in this section.

1001 2. County and municipal governments shall utilize moneys  
1002 received pursuant to this paragraph only for transportation  
1003 expenditures.

1004 3. Any tax levied pursuant to this paragraph may be  
1005 extended on a majority vote of the governing body of the county.  
1006 A redetermination of the method of distribution shall be  
1007 established pursuant to subsection (3) or subsection (4), if,  
1008 after July 1, 1986, the tax is extended or the tax rate changed,  
1009 for the period of extension or for the additional tax.

1010 (b) In addition to other taxes allowed by law, there may  
1011 be levied as provided in s. 206.41(1)(e) a 1-cent, 2-cent, 3-  
1012 cent, 4-cent, or 5-cent local option fuel tax upon every gallon  
1013 of motor fuel sold in a county and taxed under the provisions of  
1014 part I of chapter 206. The tax shall be levied by an ordinance

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1015 adopted by a majority plus one vote of the membership of the  
1016 governing body of the county or by referendum.

1017 1. All impositions and rate changes of the tax shall be  
1018 levied before October ~~July~~ 1, to be effective January 1 of the  
1019 following year. However, levies of the tax which were in effect  
1020 on July 1, 2002, and which expire on August 31 of any year may  
1021 be reimposed at the current authorized rate effective September  
1022 1 of the year of expiration.

1023 2. The county may, prior to levy of the tax, establish by  
1024 interlocal agreement with one or more municipalities located  
1025 therein, representing a majority of the population of the  
1026 incorporated area within the county, a distribution formula for  
1027 dividing the entire proceeds of the tax among county government  
1028 and all eligible municipalities within the county. If no  
1029 interlocal agreement is adopted before the effective date of the  
1030 tax, tax revenues shall be distributed pursuant to the  
1031 provisions of subsection (4). If no interlocal agreement exists,  
1032 a new interlocal agreement may be established prior to June 1 of  
1033 any year pursuant to this subparagraph. However, any interlocal  
1034 agreement agreed to under this subparagraph after the initial  
1035 levy of the tax or change in the tax rate authorized in this  
1036 section shall under no circumstances materially or adversely  
1037 affect the rights of holders of outstanding bonds which are  
1038 backed by taxes authorized by this paragraph, and the amounts  
1039 distributed to the county government and each municipality shall  
1040 not be reduced below the amount necessary for the payment of  
1041 principal and interest and reserves for principal and interest  
1042 as required under the covenants of any bond resolution

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1043 outstanding on the date of establishment of the new interlocal  
1044 agreement.

1045 3. County and municipal governments shall use moneys  
1046 received pursuant to this paragraph for transportation  
1047 expenditures needed to meet the requirements of the capital  
1048 improvements element of an adopted comprehensive plan or for  
1049 expenditures needed to meet immediate local transportation  
1050 problems and for other transportation-related expenditures that  
1051 are critical for building comprehensive roadway networks by  
1052 local governments. For purposes of this paragraph, expenditures  
1053 for the construction of new roads, the reconstruction or  
1054 resurfacing of existing paved roads, or the paving of existing  
1055 graded roads shall be deemed to increase capacity and such  
1056 projects shall be included in the capital improvements element  
1057 of an adopted comprehensive plan. Expenditures for purposes of  
1058 this paragraph shall not include routine maintenance of roads.

1059 (5) (a) By October ~~July~~ 1 of each year, the county shall  
1060 notify the Department of Revenue of the rate of the taxes levied  
1061 pursuant to paragraphs (1) (a) and (b), and of its decision to  
1062 rescind or change the rate of a tax, if applicable, and shall  
1063 provide the department with a certified copy of the interlocal  
1064 agreement established under subparagraph (1) (b)2. or  
1065 subparagraph (3) (a)1. with distribution proportions established  
1066 by such agreement or pursuant to subsection (4), if applicable.  
1067 A decision to rescind a tax may ~~shall~~ not take effect on any  
1068 date other than December 31 and requires ~~shall require~~ a minimum  
1069 of 60 days' notice to the Department of Revenue of such  
1070 decision.

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1071 (7) For the purposes of this section, "transportation  
1072 expenditures" means expenditures by the local government from  
1073 local or state shared revenue sources, excluding expenditures of  
1074 bond proceeds, for the following programs:

1075 (a) Public transportation operations and maintenance.

1076 (b) Roadway and right-of-way maintenance and equipment and  
1077 structures used primarily for the storage and maintenance of  
1078 such equipment.

1079 (c) Roadway and right-of-way drainage.

1080 (d) Street lighting installation, operation, maintenance,  
1081 and repair.

1082 (e) Traffic signs, traffic engineering, signalization, and  
1083 pavement markings, installation, operation, maintenance, and  
1084 repair.

1085 (f) Bridge maintenance and operation.

1086 (g) Debt service and current expenditures for  
1087 transportation capital projects in the foregoing program areas,  
1088 including construction or reconstruction of roads and sidewalks.

1089 Section 26. Paragraph (a) of subsection (3) of section  
1090 337.11, Florida Statutes, is amended to read:

1091 337.11 Contracting authority of department; bids;  
1092 emergency repairs, supplemental agreements, and change orders;  
1093 combined design and construction contracts; progress payments;  
1094 records; requirements of vehicle registration.—

1095 (3) (a) On all construction contracts of \$250,000 or less,  
1096 and any construction contract of less than \$500,000 for which  
1097 the department has waived prequalification under s. 337.14, the  
1098 department shall advertise for bids on the department's Internet

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1099 ~~website for in a newspaper having general circulation in the~~  
1100 ~~county where the proposed work is located. Publication shall be~~  
1101 ~~at least once a week for no less than 2 consecutive weeks, and~~  
1102 ~~the first publication shall be no less than 14 consecutive days~~  
1103 ~~prior to the date on which bids are to be received.~~

1104 Section 27. Subsection (4) of section 337.111, Florida  
1105 Statutes, is amended to read:

1106 337.111 Contracting for monuments and memorials to  
1107 military veterans at rest areas.—The Department of  
1108 Transportation is authorized to enter into contract with any  
1109 not-for-profit group or organization that has been operating for  
1110 not less than 2 years for the installation of monuments and  
1111 memorials honoring Florida's military veterans at highway rest  
1112 areas around the state pursuant to the provisions of this  
1113 section.

1114 (4) The group or organization making the proposal shall  
1115 provide a ~~10-year bond~~ an annual renewable bond, an irrevocable  
1116 letter of credit, or other form of security as approved by the  
1117 department's comptroller, for the purpose of securing the cost  
1118 of removal of the monument and any modifications made to the  
1119 site as part of the placement of the monument should the  
1120 Department of Transportation determine it necessary to remove or  
1121 relocate the monument. Such removal or relocation shall be  
1122 approved by the committee described in subsection (1). ~~Prior to~~  
1123 ~~expiration, the bond shall be renewed for another 10-year period~~  
1124 ~~if the memorial is to remain in place.~~

1125 Section 28. Subsection (1) of section 337.125, Florida  
1126 Statutes, is amended to read:

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1127 337.125 Socially and economically disadvantaged business  
1128 enterprises; notice requirements.-

1129 (1) When contract goals are established, in order to  
1130 document that a subcontract is with a certified socially and  
1131 economically disadvantaged business enterprise, the prime  
1132 contractor must either submit a disadvantaged business  
1133 enterprise utilization form which has been signed by the  
1134 socially and economically disadvantaged business enterprise and  
1135 the prime contractor, or submit the written or oral quotation of  
1136 the socially and economically disadvantaged business enterprise,  
1137 and information contained in the quotation must be confirmed as  
1138 determined by the department by rule.

1139 Section 29. Section 337.137, Florida Statutes, is  
1140 repealed.

1141 Section 30. Section 337.139, Florida Statutes, is amended  
1142 to read:

1143 337.139 Efforts to encourage awarding contracts to  
1144 disadvantaged business enterprises.-In implementing chapter 90-  
1145 136, Laws of Florida, the Department of Transportation shall  
1146 institute procedures to encourage the awarding of contracts for  
1147 professional services and construction to disadvantaged business  
1148 enterprises. For the purposes of this section, the term  
1149 "disadvantaged business enterprise" means a small business  
1150 concern certified by the Department of Transportation to be  
1151 owned and controlled by socially and economically disadvantaged  
1152 individuals as defined by the Safe, Accountable, Flexible,  
1153 Efficient Transportation Equity Act: A Legacy for Users  
1154 (SAFETEA-LU) ~~Surface Transportation and Uniform Relocation Act~~

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1155 ~~of 1987.~~ The Department of Transportation shall develop and  
1156 implement activities to encourage the participation of  
1157 disadvantaged business enterprises in the contracting process.  
1158 Such efforts may include:

1159 (1) Presolicitation or prebid meetings for the purpose of  
1160 informing disadvantaged business enterprises of contracting  
1161 opportunities.

1162 (2) Written notice to disadvantaged business enterprises  
1163 of contract opportunities for commodities or contractual and  
1164 construction services which the disadvantaged business provides.

1165 (3) Provision of adequate information to disadvantaged  
1166 business enterprises about the plans, specifications, and  
1167 requirements of contracts or the availability of jobs.

1168 (4) Breaking large contracts into several single-purpose  
1169 contracts of a size which may be obtained by certified  
1170 disadvantaged business enterprises.

1171 Section 31. Subsection (1) of section 337.14, Florida  
1172 Statutes, is amended to read:

1173 337.14 Application for qualification; certificate of  
1174 qualification; restrictions; request for hearing.—

1175 (1) Any person desiring to bid for the performance of any  
1176 construction contract in excess of \$250,000 which the department  
1177 proposes to let must first be certified by the department as  
1178 qualified pursuant to this section and rules of the department.  
1179 The rules of the department shall address the qualification of  
1180 persons to bid on construction contracts in excess of \$250,000  
1181 and shall include requirements with respect to the equipment,  
1182 past record, experience, financial resources, and organizational

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1183 personnel of the applicant necessary to perform the specific  
1184 class of work for which the person seeks certification. The  
1185 department may ~~is authorized to~~ limit the dollar amount of any  
1186 contract upon which a person is qualified to bid or the  
1187 aggregate total dollar volume of contracts such person is  
1188 allowed to have under contract at any one time. Each applicant  
1189 seeking qualification to bid on construction contracts in excess  
1190 of \$250,000 shall furnish the department a statement under oath,  
1191 on such forms as the department may prescribe, setting forth  
1192 detailed information as required on the application. Each  
1193 application for certification shall be accompanied by the latest  
1194 annual financial statement of the applicant completed within the  
1195 last 12 months. If the application or the annual financial  
1196 statement shows the financial condition of the applicant more  
1197 than 4 months prior to the date on which the application is  
1198 received by the department, then an interim financial statement  
1199 must be submitted and be accompanied by an updated application.  
1200 The interim financial statement must cover the period from the  
1201 end date of the annual statement and must show the financial  
1202 condition of the applicant no more than 4 months prior to the  
1203 date the interim financial statement is received by the  
1204 department. However, upon request by the applicant, an  
1205 application and accompanying annual or interim financial  
1206 statement received by the department within 15 days after either  
1207 4-month period under this subsection shall be considered timely.  
1208 Each required annual or interim financial statement must be  
1209 audited and accompanied by the opinion of a certified public  
1210 accountant ~~or a public accountant approved by the department.~~ An

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1211 applicant desiring to bid exclusively for the performance of  
1212 construction contracts with proposed budget estimates of less  
1213 than \$1 million may submit reviewed annual or reviewed interim  
1214 financial statements prepared by a certified public accountant.

1215 The information required by this subsection is confidential and  
1216 exempt from the provisions of s. 119.07(1). The department shall  
1217 act upon the application for qualification within 30 days after  
1218 the department determines that the application is complete. The  
1219 department may waive the requirements of this subsection for  
1220 projects having a contract price of \$500,000 or less if the  
1221 department determines that the project is of a noncritical  
1222 nature and the waiver will not endanger public health, safety,  
1223 or property.

1224 Section 32. Section 337.403, Florida Statutes, is amended  
1225 to read:

1226 337.403 Interference caused by relocation of utility;  
1227 expenses.-

1228 (1) When a ~~Any utility heretofore or hereafter~~ placed  
1229 upon, under, over, or along any public road or publicly owned  
1230 rail corridor that is found by the authority to be unreasonably  
1231 interfering in any way with the convenient, safe, or continuous  
1232 use, or the maintenance, improvement, extension, or expansion,  
1233 of such public road or publicly owned rail corridor, the utility  
1234 owner shall, upon 30 days' written notice to the utility or its  
1235 agent by the authority, initiate the work necessary to alleviate  
1236 the interference ~~be removed or relocated by such utility~~ at its  
1237 own expense except as provided in paragraphs (a)-(f). The work

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1238 shall be completed within such time as stated in the notice or  
1239 such time as agreed to by the authority and the utility owner.

1240 (a) If the relocation of utility facilities, as referred  
1241 to in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.  
1242 627 of the 84th Congress, is necessitated by the construction of  
1243 a project on the federal-aid interstate system, including  
1244 extensions thereof within urban areas, and the cost of the  
1245 project is eligible and approved for reimbursement by the  
1246 Federal Government to the extent of 90 percent or more under the  
1247 Federal Aid Highway Act, or any amendment thereof, then in that  
1248 event the utility owning or operating such facilities shall  
1249 perform any necessary work ~~relocate the facilities~~ upon notice  
1250 from ~~order of~~ the department, and the state shall pay the entire  
1251 expense properly attributable to such work ~~relocation~~ after  
1252 deducting therefrom any increase in the value of any ~~the~~ new  
1253 facility and any salvage value derived from any ~~the~~ old  
1254 facility.

1255 (b) When a joint agreement between the department and the  
1256 utility is executed for utility ~~improvement, relocation, or~~  
1257 ~~removal~~ work to be accomplished as part of a contract for  
1258 construction of a transportation facility, the department may  
1259 participate in those utility work ~~improvement, relocation, or~~  
1260 ~~removal~~ costs that exceed the department's official estimate of  
1261 the cost of the work by more than 10 percent. The amount of such  
1262 participation shall be limited to the difference between the  
1263 official estimate of all the work in the joint agreement plus 10  
1264 percent and the amount awarded for this work in the construction  
1265 contract for such work. The department may not participate in

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1266 any utility work ~~improvement, relocation, or removal~~ costs that  
1267 occur as a result of changes or additions during the course of  
1268 the contract.

1269 (c) When an agreement between the department and utility  
1270 is executed for utility ~~improvement, relocation, or removal~~ work  
1271 to be accomplished in advance of a contract for construction of  
1272 a transportation facility, the department may participate in the  
1273 cost of clearing and grubbing necessary to perform such work.

1274 (d) If the utility facility involved ~~being removed or~~  
1275 ~~relocated~~ was initially installed to exclusively serve the  
1276 department, its tenants, or both, the department shall bear the  
1277 costs of the utility work ~~removing or relocating that utility~~  
1278 ~~facility~~. However, the department is not responsible for bearing  
1279 the cost of utility work related to ~~removing or relocating~~ any  
1280 subsequent additions to that facility for the purpose of serving  
1281 others.

1282 (e) If, under an agreement between a utility and the  
1283 authority entered into after July 1, 2009, the utility conveys,  
1284 subordinates, or relinquishes a compensable property right to  
1285 the authority for the purpose of accommodating the acquisition  
1286 or use of the right-of-way by the authority, without the  
1287 agreement expressly addressing future responsibility for the  
1288 cost of necessary utility work ~~removing or relocating the~~  
1289 ~~utility~~, the authority shall bear the cost ~~of removal or~~  
1290 ~~relocation~~. This paragraph does not impair or restrict, and may  
1291 not be used to interpret, the terms of any such agreement  
1292 entered into before July 1, 2009.

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1293 (f) If the utility is an electric facility being relocated  
1294 underground in order to enhance vehicular, bicycle, and  
1295 pedestrian safety and in which ownership of the electric  
1296 facility to be placed underground has been transferred from a  
1297 private to a public utility within the past 5 years, the  
1298 department shall incur all costs of the necessary utility work  
1299 relocation.

1300 (2) If such utility work ~~removal or relocation~~ is  
1301 incidental to work to be done on such road or publicly owned  
1302 rail corridor, the notice shall be given at the same time the  
1303 contract for the work is advertised for bids, or no less than 30  
1304 days prior to the commencement of such work by the authority,  
1305 whichever is greater.

1306 (3) Whenever the notice from ~~an order of~~ the authority  
1307 requires such utility work ~~removal or change in the location of~~  
1308 ~~any utility from the right-of-way of a public road or publicly~~  
1309 ~~owned rail corridor,~~ and the owner thereof fails to perform the  
1310 work ~~remove or change the same~~ at his or her own expense ~~to~~  
1311 ~~conform to the order~~ within the time stated in the notice or  
1312 such other time as agreed to by the authority and the utility  
1313 owner, the authority shall proceed to cause the utility work to  
1314 be performed ~~to be removed~~. The expense thereby incurred shall  
1315 be paid out of any money available therefor, and such expense  
1316 shall, except as provided in subsection (1), be charged against  
1317 the owner and levied and collected and paid into the fund from  
1318 which the expense of such relocation was paid.

1319 Section 33. Subsection (1) of section 337.404, Florida  
1320 Statutes, is amended to read:

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1321 337.404 Removal or relocation of utility facilities;  
1322 notice and order; court review.-

1323 (1) Whenever it becomes ~~shall become~~ necessary for the  
1324 authority to perform utility work ~~remove or relocate any utility~~  
1325 as provided in s. 337.403 ~~the preceding section~~, the owner of  
1326 the utility, or the owner's chief agent, shall be given notice  
1327 that the authority will perform ~~of such work removal or~~  
1328 ~~relocation~~ and, after the work is complete, given an order  
1329 requiring the payment of the cost thereof, and a ~~shall be given~~  
1330 reasonable time, which may ~~shall~~ not be less than 20 or ~~or~~ more  
1331 than 30 days, in which to appear before the authority to contest  
1332 the reasonableness of the order. Should the owner or the owner's  
1333 representative not appear, the determination of the cost to the  
1334 owner shall be final. Authorities considered agencies for the  
1335 purposes of chapter 120 shall adjudicate removal or relocation  
1336 of utilities pursuant to chapter 120.

1337 Section 34. Subsections (1), (4), and (5) of section  
1338 337.408, Florida Statutes, are amended to read:

1339 337.408 Regulation of bus stops, benches, transit  
1340 shelters, street light poles, waste disposal receptacles, and  
1341 modular news racks within rights-of-way.-

1342 (1) Benches or transit shelters, including advertising  
1343 displayed on benches or transit shelters, may be installed  
1344 within the right-of-way limits of any municipal, county, or  
1345 state road, except a limited access highway, provided that such  
1346 benches or transit shelters are for the comfort or convenience  
1347 of the general public or are at designated stops on official bus  
1348 routes and provided that written authorization has been given to

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1349 a qualified private supplier of such service by the municipal  
1350 government within whose incorporated limits such benches or  
1351 transit shelters are installed or by the county government  
1352 within whose unincorporated limits such benches or transit  
1353 shelters are installed. A municipality or county may authorize  
1354 the installation, without public bid, of benches and transit  
1355 shelters together with advertising displayed thereon within the  
1356 right-of-way limits of such roads. All installations shall be in  
1357 compliance with all applicable laws and rules, including,  
1358 without limitation, the Americans with Disabilities Act.  
1359 Municipalities and counties shall indemnify, defend, and hold  
1360 harmless the department from any suits, actions, proceedings,  
1361 claims, losses, costs, charges, expenses, damages, liabilities,  
1362 attorney fees, and court costs relating to the installation,  
1363 removal, or relocation of such installations. Any contract for  
1364 the installation of benches or transit shelters or advertising  
1365 on benches or transit shelters which was entered into before  
1366 April 8, 1992, without public bidding is ratified and affirmed.  
1367 Such benches or transit shelters may not interfere with right-  
1368 of-way preservation and maintenance. Any bench or transit  
1369 shelter located on a sidewalk within the right-of-way limits of  
1370 any road on the State Highway System or the county road system  
1371 shall be located so as to leave at least 36 inches of clearance  
1372 for pedestrians and persons in wheelchairs. Such clearance shall  
1373 be measured in a direction perpendicular to the centerline of  
1374 the road.

1375 (4) The department has the authority to direct the  
1376 immediate relocation or removal of any bus stop, bench, transit

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1377 shelter, waste disposal receptacle, public pay telephone, or  
1378 modular news rack that endangers life or property or that is  
1379 otherwise not in compliance with applicable laws and rules,  
1380 except that transit bus benches that were placed in service  
1381 before April 1, 1992, are not required to comply with bench size  
1382 and advertising display size requirements established by the  
1383 department before March 1, 1992. If a municipality or county  
1384 fails to comply with the department's direction, the department  
1385 shall remove the noncompliant installation, charge the cost of  
1386 the removal to the municipality or county, and may deduct or  
1387 offset such cost from any other funding available to the  
1388 municipality or county from the department. ~~Any transit bus~~  
1389 ~~bench that was in service before April 1, 1992, may be replaced~~  
1390 ~~with a bus bench of the same size or smaller, if the bench is~~  
1391 ~~damaged or destroyed or otherwise becomes unusable.~~ The  
1392 department may adopt rules relating to the regulation of bench  
1393 size and advertising display size requirements. If a  
1394 municipality or county within which a bench is to be located has  
1395 adopted an ordinance or other applicable regulation that  
1396 establishes bench size or advertising display sign requirements  
1397 different from requirements specified in department rule, the  
1398 local government requirement applies within the respective  
1399 municipality or county. Placement of any bench or advertising  
1400 display on the National Highway System under a local ordinance  
1401 or regulation adopted under this subsection is subject to  
1402 approval of the Federal Highway Administration.

1403 (5) A bus stop, bench, transit shelter, waste disposal  
1404 receptacle, public pay telephone, or modular news rack, or

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1405 advertising thereon, may not be erected or placed on the right-  
1406 of-way of any road in a manner that conflicts with the  
1407 requirements of federal law, regulations, or safety standards,  
1408 thereby causing the state or any political subdivision the loss  
1409 of federal funds. Competition among persons seeking to provide  
1410 bus stop, bench, transit shelter, waste disposal receptacle,  
1411 public pay telephone, or modular news rack services or  
1412 advertising on such benches, shelters, receptacles, public pay  
1413 telephone, or news racks may be regulated, restricted, or denied  
1414 by the appropriate local government entity consistent with this  
1415 section.

1416 Section 35. Chapter 338, Florida Statutes, is retitled  
1417 "LIMITED ACCESS AND TOLL FACILITIES."

1418 Section 36. Section 338.001, Florida Statutes, is  
1419 repealed.

1420 Section 37. Present subsections (1) through (6) of section  
1421 338.01, Florida Statutes, are renumbered as subsections (2)  
1422 through (7), respectively, and a new subsections (1) and (8) are  
1423 added to that section to read:

1424 338.01 Authority to establish and regulate limited access  
1425 facilities.-

1426 (1) The department may establish limited access facilities  
1427 as provided in s. 335.02. The primary function of such limited  
1428 access facilities shall be to allow high-speed and high-volume  
1429 traffic movements within the state. Access to abutting land is  
1430 subordinate to this function, and such access must be prohibited  
1431 or highly regulated.

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1432       (8) The department, or other governmental entity  
1433 responsible for the collection of tolls, may pursue the  
1434 collection of unpaid tolls and associated fees and other amounts  
1435 to which it is entitled by contracting with a private attorney  
1436 who is a member in good standing with the Florida Bar, or a  
1437 collection agent who is registered and in good standing pursuant  
1438 to chapter 559. A collection fee in an amount that is reasonable  
1439 within the collection industry, including any reasonable  
1440 attorney's fee, may be added to the delinquent amount collected  
1441 by any attorney or collection agent retained by the department  
1442 or other governmental entity. The requirements of s. 287.059  
1443 shall not apply to private attorney services procured under this  
1444 section.

1445       Section 38. Section 338.151, Florida Statutes, is created  
1446 to read:

1447       338.151 Authority of the department to establish tolls on  
1448 the State Highway System.—The department may establish tolls on  
1449 new limited access facilities on the State Highway System, lanes  
1450 added to existing limited access facilities on the State Highway  
1451 System, new major bridges on the State Highway System over  
1452 waterways, and replacements for existing major bridges on the  
1453 State Highway System over waterways to pay, fully or partially,  
1454 for the cost of such projects. Except for high-occupancy vehicle  
1455 lanes, express lanes, the turnpike system, and as otherwise  
1456 authorized by law, the department may not establish tolls on  
1457 lanes of limited access facilities that exist on July 1, 2012,  
1458 unless tolls were in effect for the lanes prior to that date.  
1459 The authority provided in this section is in addition to the

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1460 authority provided under the Florida Turnpike Enterprise Law and  
1461 s. 338.166.

1462 Section 39. Subsection (1) of section 338.155, Florida  
1463 Statutes, is amended to read:

1464 338.155 Payment of toll on toll facilities required;  
1465 exemptions.—

1466 (1) A person may not ~~No persons are permitted to~~ use any  
1467 toll facility without payment of tolls, except employees of the  
1468 agency operating the toll project when using the toll facility  
1469 on official state business, state military personnel while on  
1470 official military business, handicapped persons as provided in  
1471 this section, persons exempt from toll payment by the  
1472 authorizing resolution for bonds issued to finance the facility,  
1473 and persons exempt on a temporary basis where use of such toll  
1474 facility is required as a detour route. Any law enforcement  
1475 officer operating a marked official vehicle is exempt from toll  
1476 payment when on official law enforcement business. Any person  
1477 operating a fire vehicle when on official business or a rescue  
1478 vehicle when on official business is exempt from toll payment.  
1479 Any person participating in the funeral procession of a law  
1480 enforcement officer or firefighter killed in the line of duty is  
1481 exempt from toll payment. The secretary~~r~~, or the secretary's  
1482 designee~~r~~ may suspend the payment of tolls on a toll facility  
1483 when necessary to assist in emergency evacuation. The failure to  
1484 pay a prescribed toll constitutes a noncriminal traffic  
1485 infraction, punishable as a moving violation as provided in  
1486 ~~pursuant to~~ s. 318.18. The department may ~~is authorized to~~ adopt  
1487 rules relating to the payment, collection, and enforcement of

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1488 tolls, as authorized in chapters 316, 318, 320, 322, and 338,  
1489 including, but not limited to, rules for the implementation of  
1490 video or other image billing and variable pricing. With respect  
1491 to toll facilities managed by the department, the revenues of  
1492 which are not pledged to repayment of bonds, the department may  
1493 by rule allow the use of such facilities by public transit  
1494 vehicles or by vehicles participating in a funeral procession  
1495 for an active-duty military service member without the payment  
1496 of tolls.

1497 Section 40. Paragraph (c) is added to subsection (3) of  
1498 section 338.161, Florida Statutes, to read:

1499 338.161 Authority of department or toll agencies to  
1500 advertise and promote electronic toll collection; expanded uses  
1501 of electronic toll collection system; studies authorized;  
1502 authority of department to collect tolls, fares, and fees for  
1503 private and public entities -

1504 (3)

1505 (c) If the department finds that it can increase nontoll  
1506 revenues or add convenience or other value for its customers,  
1507 the department is authorized to enter into agreements with  
1508 private or public entities for the department's use of its  
1509 electronic toll collection and video billing systems to collect  
1510 tolls, fares, administrative fees, and other applicable charges  
1511 imposed in connection with transportation facilities of the  
1512 private or public entities that become interoperable with the  
1513 department's electronic toll collection system. The department  
1514 may modify its rules regarding toll collection procedures and  
1515 the imposition of administrative charges to be applicable to

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1516 toll facilities that are not part of the turnpike system or  
1517 otherwise owned by the department. This paragraph shall not be  
1518 construed to limit the authority of the department under any  
1519 other provision of law or under any agreement entered into prior  
1520 to July 1, 2012.

1521 Section 41. Subsections (1) and (3) of section 338.166,  
1522 Florida Statutes, are amended to read:

1523 338.166 High-occupancy toll lanes or express lanes.—

1524 (1) Under s. 11, Art. VII of the State Constitution, the  
1525 department may request the Division of Bond Finance to issue  
1526 bonds secured by toll revenues collected on high-occupancy toll  
1527 lanes or express lanes ~~located on Interstate 95 in Miami-Dade~~  
1528 ~~and Broward Counties.~~

1529 (3) Any remaining toll revenue from the high-occupancy  
1530 toll lanes or express lanes shall be used by the department for  
1531 the construction, maintenance, or improvement of any road on the  
1532 State Highway System within the county or counties in which the  
1533 toll revenues were collected or to support express bus service  
1534 on the facility where the toll revenues were collected.

1535 Section 42. Paragraph (a) of subsection (8) of section  
1536 338.221, Florida Statutes, is amended to read:

1537 338.221 ~~Definitions of terms used in ss. 338.22-338.241.—~~

1538 As used in ss. 338.22-338.241, the following words and terms  
1539 have the following meanings, unless the context indicates  
1540 another or different meaning or intent:

1541 (8) "Economically feasible" means:

1542 (a) For a proposed turnpike project, that, as determined  
1543 by the department before the issuance of revenue bonds for the



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1544 project, the estimated net revenues of the proposed turnpike  
1545 project, excluding feeder roads and turnpike improvements, will  
1546 be sufficient to pay at least 50 percent of the annual debt  
1547 service on the bonds associated with the project by the end of  
1548 the 12th year of operation and to pay at least 100 percent of  
1549 the debt service on the bonds by the end of the 30th ~~22nd~~ year  
1550 of operation. In implementing this paragraph, up to 50 percent  
1551 of the adopted work program costs of the project may be funded  
1552 from turnpike revenues.

1553  
1554 This subsection does not prohibit the pledging of revenues from  
1555 the entire turnpike system to bonds issued to finance or  
1556 refinance a turnpike project or group of turnpike projects.

1557 Section 43. Paragraphs (a) and (b) of subsection (1) of  
1558 section 338.223, Florida Statutes, are amended to read:

1559 338.223 Proposed turnpike projects.-

1560 (1) (a) Any proposed project to be constructed or acquired  
1561 as part of the turnpike system and any turnpike improvement  
1562 shall be included in the tentative work program. A ~~No~~ proposed  
1563 project or group of proposed projects may not ~~shall~~ be added to  
1564 the turnpike system unless such project or projects are  
1565 determined to be economically feasible and a statement of  
1566 environmental feasibility has been completed for such project or  
1567 projects and such projects are determined to be consistent, to  
1568 the maximum extent feasible, with approved local government  
1569 comprehensive plans of the local governments in which such  
1570 projects are located. The department may authorize engineering  
1571 studies, traffic studies, environmental studies, and other

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1572 expert studies of the location, costs, economic feasibility, and  
1573 practicality of proposed turnpike projects throughout the state  
1574 and may proceed with the design phase of such projects. The  
1575 department may ~~shall~~ not request legislative approval of a  
1576 proposed turnpike project until the design phase of that project  
1577 is at least 30 ~~60~~ percent complete. If a proposed project or  
1578 group of proposed projects is found to be economically feasible,  
1579 consistent, to the maximum extent feasible, with approved local  
1580 government comprehensive plans of the local governments in which  
1581 such projects are located, and a favorable statement of  
1582 environmental feasibility has been completed, the department,  
1583 with the approval of the Legislature, shall, after the receipt  
1584 of all necessary permits, construct, maintain, and operate such  
1585 turnpike projects.

1586 (b) Any proposed turnpike project or improvement shall be  
1587 developed in accordance with the Florida Transportation Plan and  
1588 the work program pursuant to s. 339.135. Turnpike projects that  
1589 add capacity, alter access, affect feeder roads, or affect the  
1590 operation of the local transportation system shall be included  
1591 in the transportation improvement plan of the affected  
1592 metropolitan planning organization. If such turnpike project  
1593 does not fall within the jurisdiction of a metropolitan planning  
1594 organization, the department shall notify the affected county  
1595 and provide for public hearings in accordance with s.  
1596 339.155(5)(c) ~~s. 339.155(6)(e)~~.

1597 Section 44. Subsection (4) of section 338.227, Florida  
1598 Statutes, is amended to read:

1599 338.227 Turnpike revenue bonds.—

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1399 (2012)

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1600 (4) The Department of Transportation and the Department of  
1601 Management Services shall create and implement an outreach  
1602 program designed to enhance the participation of minority  
1603 persons and minority business enterprises in all contracts  
1604 entered into by their respective departments for services  
1605 related to the financing of department projects for the  
1606 Strategic Intermodal System Plan developed pursuant to s. 339.64  
1607 ~~Florida Intrastate Highway System Plan~~. These services shall  
1608 include, but are not ~~be~~ limited to, bond counsel and bond  
1609 underwriters.

1610 Section 45. Subsection (2) of section 338.2275, Florida  
1611 Statutes, is amended to read:

1612 338.2275 Approved turnpike projects.-

1613 (2) The department may ~~is authorized to~~ use turnpike  
1614 revenues, the State Transportation Trust Fund moneys allocated  
1615 for turnpike projects pursuant to s. 339.65 ~~s. 338.001~~, federal  
1616 funds, and bond proceeds, and shall use the most cost-efficient  
1617 combination of such funds, in developing a financial plan for  
1618 funding turnpike projects. The department must submit a report  
1619 of the estimated cost for each ongoing turnpike project and for  
1620 each planned project to the Legislature 14 days before the  
1621 convening of the regular legislative session. Verification of  
1622 economic feasibility and statements of environmental feasibility  
1623 for individual turnpike projects must be based on the entire  
1624 project as approved. Statements of environmental feasibility are  
1625 not required for those projects listed in s. 12, chapter 90-136,  
1626 Laws of Florida, for which the Project Development and  
1627 Environmental Reports were completed by July 1, 1990. All

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Bill No. HB 1399 (2012)

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1628 required environmental permits must be obtained before the  
1629 department may advertise for bids for contracts for the  
1630 construction of any turnpike project.

1631 Section 46. Section 338.228, Florida Statutes, is amended  
1632 to read:

1633 338.228 Bonds not debts or pledges of credit of state.—  
1634 Turnpike revenue bonds issued under the provisions of ss.  
1635 338.22-338.241 are not debts of the state or pledges of the  
1636 faith and credit of the state. Such bonds are payable  
1637 exclusively from revenues pledged for their payment. All such  
1638 bonds shall contain a statement on their face that the state is  
1639 not obligated to pay the same or the interest thereon, except  
1640 from the revenues pledged for their payment, and that the faith  
1641 and credit of the state is not pledged to the payment of the  
1642 principal or interest of such bonds. The issuance of turnpike  
1643 revenue bonds under the provisions of ss. 338.22-338.241 does  
1644 not directly, indirectly, or contingently obligate the state to  
1645 levy or to pledge any form of taxation whatsoever, or to make  
1646 any appropriation for their payment. Except as provided in ss.  
1647 ~~338.001~~, 338.223, ~~and~~ 338.2275, and 339.65, ~~no~~ state funds may  
1648 not shall be used on any turnpike project or to pay the  
1649 principal or interest of any bonds issued to finance or  
1650 refinance any portion of the turnpike system, and all such bonds  
1651 shall contain a statement on their face to this effect.

1652 Section 47. Paragraph (c) is added to subsection (3) of  
1653 section 338.231, Florida Statutes, to read:

1654 338.231 Turnpike tolls, fixing; pledge of tolls and other  
1655 revenues.—The department shall at all times fix, adjust, charge,

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1656 and collect such tolls and amounts for the use of the turnpike  
1657 system as are required in order to provide a fund sufficient  
1658 with other revenues of the turnpike system to pay the cost of  
1659 maintaining, improving, repairing, and operating such turnpike  
1660 system; to pay the principal of and interest on all bonds issued  
1661 to finance or refinance any portion of the turnpike system as  
1662 the same become due and payable; and to create reserves for all  
1663 such purposes.

1664 (3)

1665 (c) Notwithstanding any other law to the contrary, the  
1666 department shall also assess an administrative fee of 25 cents  
1667 per month as an account maintenance charge to be applied against  
1668 any prepaid toll account of any kind which has remained inactive  
1669 for a period of at least 24 months but not longer than 48  
1670 months. As long as a zero or negative balance has not been  
1671 reached, the 25-cent administrative fee shall be charged in each  
1672 month of inactivity beginning the 25th month of inactivity and  
1673 continuing through the 48th month. When the 25-cent  
1674 administrative fee results in an account reaching a zero or  
1675 negative balance, the department shall close the account. If a  
1676 positive balance still remains in an account after the 48th  
1677 month, the balance shall be presumed unclaimed and its  
1678 disposition shall be handled by the Department of Financial  
1679 Services in accordance with all applicable provisions of chapter  
1680 717 relating to the disposition of unclaimed property, and the  
1681 prepaid toll account shall be closed by the department.

1682 Section 48. Subsection (2) of section 338.234, Florida  
1683 Statutes, is amended to read:

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1684 338.234 Granting concessions or selling along the turnpike  
1685 system; immunity from taxation.-

1686 (2) The effectuation of the authorized purposes of the  
1687 Strategic Intermodal System, created under ss. 339.61-339.65,  
1688 ~~Florida Intrastate Highway System~~ and Florida Turnpike  
1689 Enterprise, created under this chapter, is for the benefit of  
1690 the people of the state, for the increase of their commerce and  
1691 prosperity, and for the improvement of their health and living  
1692 conditions; and, because the system and enterprise perform  
1693 essential government functions in effectuating such purposes,  
1694 neither the turnpike enterprise nor any nongovernment lessee or  
1695 licensee renting, leasing, or licensing real property from the  
1696 turnpike enterprise, pursuant to an agreement authorized by this  
1697 section, are required to pay any commercial rental tax imposed  
1698 under s. 212.031 on any capital improvements constructed,  
1699 improved, acquired, installed, or used for such purposes.

1700 Section 49. Subsections (1), (2), and (3) of section  
1701 339.0805, Florida Statutes, are amended to read:

1702 339.0805 Funds to be expended with certified disadvantaged  
1703 business enterprises; ~~specified percentage to be expended;~~  
1704 construction management development program; bond guarantee  
1705 program.-It is the policy of the state to meaningfully assist  
1706 socially and economically disadvantaged business enterprises  
1707 through a program that will provide for the development of  
1708 skills through construction and business management training, as  
1709 well as by providing contracting opportunities and financial  
1710 assistance in the form of bond guarantees, to primarily remedy  
1711 the effects of past economic disparity.

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1712 (1) (a) ~~Except to the extent that the head of the~~  
1713 ~~department determines otherwise,~~ The department shall expend ~~not~~  
1714 ~~less than 10 percent of~~ federal-aid highway funds as defined in  
1715 49 C.F.R. part 26 s. 23.63(a) and state matching funds with  
1716 small business concerns owned and controlled by socially and  
1717 economically disadvantaged individuals as defined by the Safe,  
1718 Accountable, Flexible, Efficient Transportation Equity Act: A  
1719 Legacy for Users (SAFETEA-LU) ~~Surface Transportation and Uniform~~  
1720 ~~Relocation Assistance Act of 1987.~~

1721 (b) Upon a determination by the department of past and  
1722 continuing discrimination in nonfederally funded projects on the  
1723 basis of race, color, creed, national origin, or sex, the  
1724 department may implement a program tailored to address specific  
1725 findings of disparity. The program may include the establishment  
1726 of annual goals for expending a percentage of state-administered  
1727 highway funds with small business concerns. The department may  
1728 utilize set-asides for small business concerns to assist in  
1729 achieving goals established pursuant to this subsection. For the  
1730 purpose of this subsection, the term "small business concern"  
1731 means a business owned and controlled by socially and  
1732 economically disadvantaged individuals as defined by the Safe,  
1733 Accountable, Flexible, Efficient Transportation Equity Act: A  
1734 Legacy for Users (SAFETEA-LU) ~~Surface Transportation and Uniform~~  
1735 ~~Relocation Assistance Act of 1987.~~ The head of the department  
1736 may elect to set goals only when significant disparity is  
1737 documented. The findings of a disparity study shall be  
1738 considered in determining the program goals for each group  
1739 qualified to participate. ~~Such a study shall be conducted or~~

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1740 ~~updated by the department or its designee at a minimum of every~~  
1741 ~~5 years. The department shall adopt rules to implement this~~  
1742 ~~subsection on or before October 1, 1993.~~

1743 (c) The department shall certify a socially and  
1744 economically disadvantaged business enterprise, ~~which~~  
1745 ~~certification shall be valid for 12 months, or as prescribed by~~  
1746 49 C.F.R. part 26 ~~23~~. The department's initial application for  
1747 certification for a socially and economically disadvantaged  
1748 business enterprise shall require sufficient information to  
1749 determine eligibility as a small business concern owned and  
1750 controlled by a socially and economically disadvantaged  
1751 individual. For continuing eligibility ~~recertification~~ of a  
1752 disadvantaged business enterprise, the department may accept an  
1753 affidavit, which meets department criteria as to form and  
1754 content, certifying that the business remains qualified for  
1755 certification in accordance with program requirements. A firm  
1756 which does not fulfill all the department's criteria for  
1757 certification may ~~shall~~ not be considered a disadvantaged  
1758 business enterprise. An applicant who is denied certification  
1759 may not reapply within 12 ~~6~~ months after issuance of the denial  
1760 letter ~~or the final order, whichever is later~~. The application  
1761 and financial information required by this section are  
1762 confidential and exempt from s. 119.07(1).

1763 (2) The department shall remove ~~revoke~~ the certification  
1764 of a disadvantaged business enterprise upon receipt of  
1765 notification of any change in ownership which results in the  
1766 disadvantaged individual or individuals used to qualify the  
1767 business as a disadvantaged business enterprise, no longer

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1768 owning at least 51 percent of the business enterprise. Such  
1769 notification shall be made to the department by certified mail  
1770 within 30 ~~10~~ days after the change in ownership, ~~and such~~  
1771 ~~business shall be removed from the certified disadvantaged~~  
1772 ~~business list until a new application is submitted and approved~~  
1773 ~~by the department.~~ Failure to notify the department of the  
1774 change in the ownership which qualifies the business as a  
1775 disadvantaged business enterprise will also result in removal  
1776 ~~revocation~~ of certification and subject the business to the  
1777 provisions of s. 337.135. In addition, the department may, for  
1778 good cause, deny or remove ~~suspend~~ the certification of a  
1779 disadvantaged business enterprise. As used in this subsection,  
1780 the term "good cause" includes, but is not limited to, the  
1781 disadvantaged business enterprise:

1782 (a) No longer meeting the certification standards set  
1783 forth in department rules;

1784 (b) Making a false, deceptive, or fraudulent statement in  
1785 its application for certification or in any other information  
1786 submitted to the department;

1787 (c) Failing to maintain the records required by department  
1788 rules;

1789 (d) Failing to perform a commercially useful function on  
1790 projects for which the enterprise was used to satisfy contract  
1791 goals;

1792 (e) Failing to fulfill its contractual obligations with  
1793 contractors;

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1794 (f) Failing to respond with a statement of interest to  
1795 requests for bid quotations from contractors for three  
1796 consecutive lettings;

1797 ~~(g) Subcontracting to others more than 49 percent of the~~  
1798 ~~amount of any single subcontract that was used by the prime~~  
1799 ~~contractor to meet a contract goal;~~

1800 ~~(g)(h)~~ Failing to provide notarized certification of  
1801 payments received on specific projects to the prime contractor  
1802 when required to do so by contract specifications;

1803 ~~(h)(i)~~ Failing to schedule an onsite review upon request  
1804 of the department; or

1805 ~~(i)(j)~~ Becoming insolvent or the subject of a bankruptcy  
1806 proceeding.

1807 (3) The head of the department may ~~is authorized to~~ expend  
1808 up to 6 percent of the funds specified in subsection (1) which  
1809 are designated to be expended on small business firms owned and  
1810 controlled by socially and economically disadvantaged  
1811 individuals to conduct, by contract or otherwise, a construction  
1812 management development program. Participation in the program  
1813 will be limited to those firms which are certified under the  
1814 provisions of subsection (1) by the department or the federal  
1815 Small Business Administration or to any firm which meets the  
1816 definition of a small business in 49 C.F.R. s. 26.65 ~~has annual~~  
1817 ~~gross receipts not exceeding \$2 million averaged over a 3-year~~  
1818 ~~period~~. The program shall ~~will~~ consist of classroom instruction  
1819 and on-the-job instruction. To the extent feasible, the  
1820 registration fee shall be set to cover the cost of instruction  
1821 and overhead. ~~No~~ Salary may not ~~will~~ be paid to any participant.

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1399 (2012)

Amendment No. 1

1822 Section 50. Paragraph (c) of subsection (4) and paragraph  
1823 (e) of subsection (7) of section 339.135, Florida Statutes, are  
1824 amended to read:

1825 339.135 Work program; legislative budget request;  
1826 definitions; preparation, adoption, execution, and amendment.—

1827 (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.—

1828 (c)1. For purposes of this section, the board of county  
1829 commissioners shall serve as the metropolitan planning  
1830 organization in those counties which are not located in a  
1831 metropolitan planning organization and shall be involved in the  
1832 development of the district work program to the same extent as a  
1833 metropolitan planning organization.

1834 2. The district work program shall be developed  
1835 cooperatively from the outset with the various metropolitan  
1836 planning organizations of the state and include, to the maximum  
1837 extent feasible, the project priorities of metropolitan planning  
1838 organizations which have been submitted to the district by  
1839 October 1 of each year pursuant to s. 339.175(8)(b); however,  
1840 the department and a metropolitan planning organization may, in  
1841 writing, cooperatively agree to vary this submittal date. To  
1842 assist the metropolitan planning organizations in developing  
1843 their lists of project priorities, the district shall disclose  
1844 to each metropolitan planning organization any anticipated  
1845 changes in the allocation or programming of state and federal  
1846 funds which may affect the inclusion of metropolitan planning  
1847 organization project priorities in the district work program.

1848 3. Prior to submittal of the district work program to the  
1849 central office, the district shall provide the affected

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1850 metropolitan planning organization with written justification  
1851 for any project proposed to be rescheduled or deleted from the  
1852 district work program which project is part of the metropolitan  
1853 planning organization's transportation improvement program and  
1854 is contained in the last 4 years of the previous adopted work  
1855 program. By no later than 14 days after submittal of the  
1856 district work program to the central office, the affected  
1857 metropolitan planning organization may file an objection to such  
1858 rescheduling or deletion. When an objection is filed with the  
1859 secretary, the rescheduling or deletion may ~~shall~~ not be  
1860 included in the district work program unless the inclusion of  
1861 such rescheduling or deletion is specifically approved by the  
1862 secretary. The Florida Transportation Commission shall include  
1863 such objections in its evaluation of the tentative work program  
1864 only when the secretary has approved the rescheduling or  
1865 deletion.

1866 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

1867 (e) The department may amend the adopted work program to  
1868 transfer fixed capital outlay appropriations for projects within  
1869 the same appropriations category or between appropriations  
1870 categories, including the following amendments which shall be  
1871 subject to the procedures in paragraph (f):

1872 1. Any amendment which deletes any project or project  
1873 phase estimated to cost over \$150,000;

1874 2. Any amendment which adds a project estimated to cost  
1875 over \$500,000 ~~\$150,000~~ in funds appropriated by the Legislature;

1876 3. Any amendment which advances or defers to another  
1877 fiscal year, a right-of-way phase, a construction phase, or a

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1878 public transportation project phase estimated to cost over \$1.5  
1879 million ~~\$500,000~~ in funds appropriated by the Legislature,  
1880 except an amendment advancing a phase by 1 year to the current  
1881 fiscal year or deferring a phase for a period of 90 days or  
1882 less; or

1883 4. Any amendment which advances or defers to another  
1884 fiscal year, any preliminary engineering phase or design phase  
1885 estimated to cost over \$500,000 ~~\$150,000~~ in funds appropriated  
1886 by the Legislature, except an amendment advancing a phase by 1  
1887 year to the current fiscal year or deferring a phase for a  
1888 period of 90 days or less.

1889  
1890 Beginning July 1, 2013, the department shall index the budget  
1891 amendment threshold amounts established in this paragraph to the  
1892 Consumer Price Index or similar inflation indicators. Threshold  
1893 adjustments for inflation under this paragraph may be made no  
1894 more frequently than once a year. Adjustments for inflation are  
1895 subject to the notice and review procedures contained in s.  
1896 216.177.

1897 Section 51. Section 339.155, Florida Statutes, is amended  
1898 to read:

1899 339.155 Transportation planning.—

1900 (1) THE FLORIDA TRANSPORTATION PLAN.—The department shall  
1901 develop ~~and annually update~~ a statewide transportation plan, to  
1902 be known as the Florida Transportation Plan. The plan shall be  
1903 designed so as to be easily read and understood by the general  
1904 public. The plan shall consider the needs of the entire state  
1905 transportation system and examine the use of all modes of

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1906 transportation to effectively and efficiently meet such needs.  
1907 The purpose of the Florida Transportation Plan is to establish  
1908 and define the state's long-range transportation goals and  
1909 objectives to be accomplished over a period of at least 20 years  
1910 within the context of the State Comprehensive Plan, and any  
1911 other statutory mandates and authorizations and based upon the  
1912 prevailing principles of:

1913 (a) Preserving the existing transportation infrastructure.

1914 (b) Enhancing Florida's economic competitiveness.

1915 (c) Improving travel choices to ensure mobility.

1916 (d) Expanding the state's role as a hub for trade and  
1917 investment.

1918 (2) SCOPE OF PLANNING PROCESS.—The department shall carry  
1919 out a transportation planning process in conformance with s.  
1920 334.046(1) and 23 U.S.C. s. 135. ~~which provides for~~  
1921 ~~consideration of projects and strategies that will:~~

1922 ~~(a) Support the economic vitality of the United States,~~  
1923 ~~Florida, and the metropolitan areas, especially by enabling~~  
1924 ~~global competitiveness, productivity, and efficiency;~~

1925 ~~(b) Increase the safety and security of the transportation~~  
1926 ~~system for motorized and nonmotorized users;~~

1927 ~~(c) Increase the accessibility and mobility options~~  
1928 ~~available to people and for freight;~~

1929 ~~(d) Protect and enhance the environment, promote energy~~  
1930 ~~conservation, and improve quality of life;~~

1931 ~~(e) Enhance the integration and connectivity of the~~  
1932 ~~transportation system, across and between modes throughout~~  
1933 ~~Florida, for people and freight;~~

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1934 ~~(f) Promote efficient system management and operation; and~~

1935 ~~(g) Emphasize the preservation of the existing~~

1936 ~~transportation system.~~

1937 (3) FORMAT, SCHEDULE, AND REVIEW.—The Florida

1938 Transportation Plan shall be a unified, concise planning

1939 document that clearly defines the state's long-range

1940 transportation goals and objectives ~~and documents the~~

1941 ~~department's short-range objectives developed to further such~~

1942 ~~goals and objectives.~~ The plan shall:

1943 (a) Include a glossary that clearly and succinctly defines  
1944 any and all phrases, words, or terms of art included in the  
1945 plan, with which the general public may be unfamiliar. ~~and shall~~  
1946 ~~consist of, at a minimum, the following components:~~

1947 (b) ~~(a) Document A long-range component documenting the~~  
1948 ~~goals and long-term objectives necessary to implement the~~  
1949 ~~results of the department's findings from its examination of the~~  
1950 ~~criteria specified listed in subsection (2) and s. 334.046(1),~~  
1951 ~~and 23 U.S.C. s. 135. The long-range component must~~

1952 (c) Be developed in cooperation with the metropolitan  
1953 planning organizations and reconciled, to the maximum extent  
1954 feasible, with the long-range plans developed by metropolitan  
1955 planning organizations pursuant to s. 339.175. ~~The plan must~~  
1956 ~~also~~

1957 (d) Be developed in consultation with affected local  
1958 officials in nonmetropolitan areas and with any affected Indian  
1959 tribal governments. ~~The plan must~~

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1960        (e) Provide an examination of transportation issues likely  
1961 to arise during at least a 20-year period. ~~The long-range~~  
1962 ~~component shall~~

1963        (f) Be updated at least once every 5 years, or more often  
1964 as necessary, to reflect substantive changes to federal or state  
1965 law.

1966        ~~(b) A short-range component documenting the short-term~~  
1967 ~~objectives and strategies necessary to implement the goals and~~  
1968 ~~long-term objectives contained in the long-range component. The~~  
1969 ~~short-range component must define the relationship between the~~  
1970 ~~long-range goals and the short-range objectives, specify those~~  
1971 ~~objectives against which the department's achievement of such~~  
1972 ~~goals will be measured, and identify transportation strategies~~  
1973 ~~necessary to efficiently achieve the goals and objectives in the~~  
1974 ~~plan. It must provide a policy framework within which the~~  
1975 ~~department's legislative budget request, the strategic~~  
1976 ~~information resource management plan, and the work program are~~  
1977 ~~developed. The short-range component shall serve as the~~  
1978 ~~department's annual agency strategic plan pursuant to s.~~  
1979 ~~186.021. The short-range component shall be developed consistent~~  
1980 ~~with available and forecasted state and federal funds. The~~  
1981 ~~short-range component shall also be submitted to the Florida~~  
1982 ~~Transportation Commission.~~

1983        ~~(4) ANNUAL PERFORMANCE REPORT. The department shall~~  
1984 ~~develop an annual performance report evaluating the operation of~~  
1985 ~~the department for the preceding fiscal year. The report shall~~  
1986 ~~also include a summary of the financial operations of the~~  
1987 ~~department and shall annually evaluate how well the adopted work~~

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1988 ~~program meets the short-term objectives contained in the short-~~  
1989 ~~range component of the Florida Transportation Plan. This~~  
1990 ~~performance report shall be submitted to the Florida~~  
1991 ~~Transportation Commission and the legislative appropriations and~~  
1992 ~~transportation committees.~~

1993 (4) ~~(5)~~ ADDITIONAL TRANSPORTATION PLANS.—

1994 (a) Upon request by local governmental entities, the  
1995 department may in its discretion develop and design  
1996 transportation corridors, arterial and collector streets,  
1997 vehicular parking areas, and other support facilities which are  
1998 consistent with the plans of the department for major  
1999 transportation facilities. The department may render to local  
2000 governmental entities or their planning agencies such technical  
2001 assistance and services as are necessary so that local plans and  
2002 facilities are coordinated with the plans and facilities of the  
2003 department.

2004 (b) Each regional planning council, as provided for in s.  
2005 186.504, or any successor agency thereto, shall develop, as an  
2006 element of its strategic regional policy plan, transportation  
2007 goals and policies. The transportation goals and policies must  
2008 be prioritized to comply with the prevailing principles provided  
2009 in subsection (1) ~~(2)~~ and s. 334.046(1). The transportation  
2010 goals and policies shall be consistent, to the maximum extent  
2011 feasible, with the goals and policies of the metropolitan  
2012 planning organization and the Florida Transportation Plan. The  
2013 transportation goals and policies of the regional planning  
2014 council will be advisory only and shall be submitted to the  
2015 department and any affected metropolitan planning organization

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2016 for their consideration and comments. Metropolitan planning  
2017 organization plans and other local transportation plans shall be  
2018 developed consistent, to the maximum extent feasible, with the  
2019 regional transportation goals and policies. The regional  
2020 planning council shall review urbanized area transportation  
2021 plans and any other planning products stipulated in s. 339.175  
2022 and provide the department and respective metropolitan planning  
2023 organizations with written recommendations, which the department  
2024 and the metropolitan planning organizations shall take under  
2025 advisement. Further, the regional planning councils shall  
2026 directly assist local governments that ~~which~~ are not part of a  
2027 metropolitan area transportation planning process in the  
2028 development of the transportation element of their comprehensive  
2029 plans as required by s. 163.3177.

2030 (c) Regional transportation plans may be developed in  
2031 regional transportation areas in accordance with an interlocal  
2032 agreement entered into pursuant to s. 163.01 by two or more  
2033 contiguous metropolitan planning organizations; one or more  
2034 metropolitan planning organizations and one or more contiguous  
2035 counties, none of which is a member of a metropolitan planning  
2036 organization; a multicounty regional transportation authority  
2037 created by or pursuant to law; two or more contiguous counties  
2038 that are not members of a metropolitan planning organization; or  
2039 metropolitan planning organizations comprised of three or more  
2040 counties.

2041 (d) The interlocal agreement must, at a minimum, identify  
2042 the entity that will coordinate the development of the regional  
2043 transportation plan; delineate the boundaries of the regional

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2044 transportation area; provide the duration of the agreement and  
2045 specify how the agreement may be terminated, modified, or  
2046 rescinded; describe the process by which the regional  
2047 transportation plan will be developed; and provide how members  
2048 of the entity will resolve disagreements regarding  
2049 interpretation of the interlocal agreement or disputes relating  
2050 to the development or content of the regional transportation  
2051 plan. Such interlocal agreement shall become effective upon its  
2052 recordation in the official public records of each county in the  
2053 regional transportation area.

2054 (e) The regional transportation plan developed pursuant to  
2055 this section must, at a minimum, identify regionally significant  
2056 transportation facilities located within a regional  
2057 transportation area and contain a prioritized list of regionally  
2058 significant projects. The projects shall be adopted into the  
2059 capital improvements schedule of the local government  
2060 comprehensive plan pursuant to s. 163.3177(3).

2061 (5) ~~(6)~~ PROCEDURES FOR PUBLIC PARTICIPATION IN  
2062 TRANSPORTATION PLANNING.—

2063 (a) During the development of the ~~long-range component of~~  
2064 ~~the~~ Florida Transportation Plan and prior to substantive  
2065 revisions, the department shall provide citizens, affected  
2066 public agencies, representatives of transportation agency  
2067 employees, other affected employee representatives, private  
2068 providers of transportation, and other known interested parties  
2069 with an opportunity to comment on the proposed plan or  
2070 revisions. These opportunities shall include, at a minimum,  
2071 publishing a notice in the Florida Administrative Weekly and

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2072 within a newspaper of general circulation within the area of  
2073 each department district office.

2074 (b) During development of major transportation  
2075 improvements, such as those increasing the capacity of a  
2076 facility through the addition of new lanes or providing new  
2077 access to a limited or controlled access facility or  
2078 construction of a facility in a new location, the department  
2079 shall hold one or more hearings prior to the selection of the  
2080 facility to be provided; prior to the selection of the site or  
2081 corridor of the proposed facility; and prior to the selection of  
2082 and commitment to a specific design proposal for the proposed  
2083 facility. Such public hearings shall be conducted so as to  
2084 provide an opportunity for effective participation by interested  
2085 persons in the process of transportation planning and site and  
2086 route selection and in the specific location and design of  
2087 transportation facilities. The various factors involved in the  
2088 decision or decisions and any alternative proposals shall be  
2089 clearly presented so that the persons attending the hearing may  
2090 present their views relating to the decision or decisions that  
2091 ~~which~~ will be made.

2092 (c) Opportunity for design hearings:

2093 1. The department, prior to holding a design hearing,  
2094 shall duly notify all affected property owners of record, as  
2095 recorded in the property appraiser's office, by mail at least 20  
2096 days prior to the date set for the hearing. The affected  
2097 property owners shall be:

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2098 a. Those whose property lies in whole or in part within  
2099 300 feet on either side of the centerline of the proposed  
2100 facility.

2101 b. Those who ~~whom~~ the department determines will be  
2102 substantially affected environmentally, economically, socially,  
2103 or safetywise.

2104 2. For each subsequent hearing, the department shall  
2105 publish notice prior to the hearing date in a newspaper of  
2106 general circulation for the area affected. These notices must be  
2107 published twice, with the first notice appearing at least 15  
2108 days, but no later than 30 days, before the hearing.

2109 3. A copy of the notice of opportunity for the hearing  
2110 must be furnished to the United States Department of  
2111 Transportation and to the appropriate departments of the state  
2112 government at the time of publication.

2113 4. The opportunity for another hearing shall be afforded  
2114 in any case when proposed locations or designs are so changed  
2115 from those presented in the notices specified above or at a  
2116 hearing as to have a substantially different social, economic,  
2117 or environmental effect.

2118 5. The opportunity for a hearing shall be afforded in each  
2119 case in which the department is in doubt as to whether a hearing  
2120 is required.

2121 Section 52. Paragraph (a) of subsections (2) and (4) and  
2122 paragraph (b) subsection (8) of section 339.175, Florida  
2123 Statutes, are amended to read:

2124 339.175 Metropolitan planning organization.—

2125 (2) DESIGNATION.—

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2126 (a)1. An M.P.O. shall be designated for each urbanized  
2127 area of the state; however, this does not require that an  
2128 individual M.P.O. be designated for each such area. Such  
2129 designation shall be accomplished by agreement between the  
2130 Governor and units of general-purpose local government  
2131 representing at least 75 percent of the population of the  
2132 urbanized area; however, the unit of general-purpose local  
2133 government that represents the central city or cities within the  
2134 M.P.O. jurisdiction, as defined by the United States Bureau of  
2135 the Census, must be a party to such agreement.

2136 2. To the extent possible, only one M.P.O. shall be  
2137 designated for each urbanized area or group of contiguous  
2138 urbanized areas. More than one M.P.O. may be designated within  
2139 an existing urbanized ~~metropolitan planning~~ area only if the  
2140 Governor and the existing M.P.O. determine that the size and  
2141 complexity of the existing urbanized ~~metropolitan planning~~ area  
2142 makes the designation of more than one M.P.O. for the area  
2143 appropriate.

2144  
2145 Each M.P.O. required under this section must be fully operative  
2146 no later than 6 months following its designation.

2147 (4) APPORTIONMENT.—

2148 (a) The Governor shall, with the agreement of the affected  
2149 units of general-purpose local government as required by federal  
2150 rules and regulations, apportion the membership on the  
2151 applicable M.P.O. among the various governmental entities within  
2152 the area. At the request of a majority of the affected units of  
2153 general-purpose local government comprising an M.P.O., the

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2154 Governor and a majority of units of general-purpose local  
2155 government serving on an M.P.O. shall cooperatively agree upon  
2156 and prescribe who may serve as an alternate member and a method  
2157 for appointing alternate members who may vote at any M.P.O.  
2158 meeting that an alternate member attends in place of a regular  
2159 member. The method shall be set forth as a part of the  
2160 interlocal agreement describing the M.P.O.'s membership or in  
2161 the M.P.O.'s operating procedures and bylaws. The governmental  
2162 entity so designated shall appoint the appropriate number of  
2163 members to the M.P.O. from eligible officials. Representatives  
2164 of the department shall serve as nonvoting advisers to ~~members~~  
2165 ~~of~~ the M.P.O. governing board. Additional nonvoting advisers may  
2166 be appointed by the M.P.O. as deemed necessary; however, to the  
2167 maximum extent feasible, each M.P.O. shall seek to appoint  
2168 nonvoting representatives of various multimodal forms of  
2169 transportation not otherwise represented by voting members of  
2170 the M.P.O. An M.P.O. shall appoint nonvoting advisers  
2171 representing major military installations located within the  
2172 jurisdictional boundaries of the M.P.O. upon the request of the  
2173 aforesaid major military installations and subject to the  
2174 agreement of the M.P.O. All nonvoting advisers may attend and  
2175 participate fully in governing board meetings but may ~~shall~~ not  
2176 ~~have a vote or and shall not~~ be members of the governing board.  
2177 The Governor shall review the composition of the M.P.O.  
2178 membership in conjunction with the decennial census as prepared  
2179 by the United States Department of Commerce, Bureau of the  
2180 Census, and reapportion it as necessary to comply with  
2181 subsection (3).

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2182 (8) TRANSPORTATION IMPROVEMENT PROGRAM.—Each M.P.O. shall,  
2183 in cooperation with the state and affected public transportation  
2184 operators, develop a transportation improvement program for the  
2185 area within the jurisdiction of the M.P.O. In the development of  
2186 the transportation improvement program, each M.P.O. must provide  
2187 the public, affected public agencies, representatives of  
2188 transportation agency employees, freight shippers, providers of  
2189 freight transportation services, private providers of  
2190 transportation, representatives of users of public transit, and  
2191 other interested parties with a reasonable opportunity to  
2192 comment on the proposed transportation improvement program.

2193 (b) Each M.P.O. annually shall prepare a list of project  
2194 priorities and shall submit the list to the appropriate district  
2195 of the department by October 1 of each year; however, the  
2196 department and a metropolitan planning organization may, in  
2197 writing, agree to vary this submittal date. Where more than one  
2198 M.P.O exists in an urbanized area, the M.P.O.s shall coordinate  
2199 in the development of regionally significant project priorities.

2200 The list of project priorities must be formally reviewed by the  
2201 technical and citizens' advisory committees, and approved by the  
2202 M.P.O. or M.P.O.'s, before it is transmitted to the district.

2203 The approved list of project priorities must be used by the  
2204 district in developing the district work program and must be  
2205 used by each the M.P.O. that approved the list in developing its  
2206 transportation improvement program. The annual list of project  
2207 priorities must be based upon project selection criteria that,  
2208 at a minimum, consider the following:

- 2209 1. The approved M.P.O. long-range transportation plan;



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2210 2. The Strategic Intermodal System Plan developed under s.  
2211 339.64.

2212 3. The priorities developed pursuant to s. 339.2819(4).

2213 4. The results of the transportation management systems;  
2214 and

2215 5. The M.P.O.'s public-involvement procedures.

2216 Section 53. Subsections (1), (2), (3), and (4) of section  
2217 339.2819, Florida Statutes, are amended to read:

2218 339.2819 Transportation Regional Incentive Program.—

2219 (1) There is created within the Department of  
2220 Transportation a Transportation Regional Incentive Program for  
2221 the purpose of providing funds to improve regionally significant  
2222 transportation facilities in regional transportation areas  
2223 created pursuant to s. 339.155(4) ~~s. 339.155(5)~~.

2224 (2) The percentage of matching funds provided from the  
2225 Transportation Regional Incentive Program shall be up to 50  
2226 percent of project costs.

2227 (3) The department shall allocate funding available for  
2228 the Transportation Regional Incentive Program to the districts  
2229 based on a factor derived from equal parts of population and  
2230 motor fuel collections for eligible counties in regional  
2231 transportation areas created pursuant to s. 339.155(4) ~~s.~~  
2232 ~~339.155(5)~~.

2233 (4) (a) Projects to be funded with Transportation Regional  
2234 Incentive Program funds shall, at a minimum:

2235 1. Serve ~~Support those transportation facilities that~~  
2236 ~~serve~~ national, statewide, or regional functions and function as  
2237 part of an integrated regional transportation system.

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2238 2. Be identified in the capital improvements element of a  
2239 comprehensive plan that has been determined to be in compliance  
2240 with part II of chapter 163, after July 1, 2005. Further, the  
2241 project shall be in compliance with local government  
2242 comprehensive plan policies relative to corridor management.

2243 3. Be consistent with the Strategic Intermodal System Plan  
2244 developed under s. 339.64.

2245 4. Have a commitment for local, regional, or private  
2246 financial matching funds as a percentage of the overall project  
2247 cost.

2248 (b) Projects funded under this section shall be included  
2249 in the department's work program developed pursuant to s.  
2250 339.135. The department shall not program a project to be funded  
2251 under this section unless the project meets the requirements of  
2252 this section. ~~In allocating Transportation Regional Incentive~~  
2253 ~~Program funds, priority shall be given to projects that:~~

2254 (c) The department shall give priority to projects that:

2255 1. Provide connectivity to the Strategic Intermodal System  
2256 developed under s. 339.64.

2257 2. Support economic development and the movement of goods  
2258 in rural areas of critical economic concern designated under s.  
2259 288.0656(7).

2260 3. Are subject to a local ordinance that establishes  
2261 corridor management techniques, including access management  
2262 strategies, right-of-way acquisition and protection measures,  
2263 appropriate land use strategies, zoning, and setback  
2264 requirements for adjacent land uses.

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2265 4. Improve connectivity between military installations and  
2266 the Strategic Highway Network or the Strategic Rail Corridor  
2267 Network.

2268 Section 54. Subsections (1) and (6) of section 339.62,  
2269 Florida Statutes, are amended to read:

2270 339.62 System components.—The Strategic Intermodal System  
2271 shall consist of appropriate components of:

2272 (1) Highway corridors ~~The Florida Intrastate Highway~~  
2273 ~~System~~ established under s. 339.65 ~~s. 338.001~~.

2274 (6) Other existing or planned corridors that serve a  
2275 statewide or interregional purpose.

2276 Section 55. Subsection(2) of section 339.63, Florida  
2277 Statutes, is amended and subsection (5) is created to read:

2278 339.63 System facilities designated; additions and  
2279 deletions.—

2280 (2) The Strategic Intermodal System and the Emerging  
2281 Strategic Intermodal System include five ~~four~~ different types of  
2282 facilities that each form one component of an interconnected  
2283 transportation system which types include:

2284 (a) Existing or planned hubs that are ports and terminals  
2285 including airports, seaports, spaceports, passenger terminals,  
2286 and rail terminals serving to move goods or people between  
2287 Florida regions or between Florida and other markets in the  
2288 United States and the rest of the world.

2289 (b) Existing or planned corridors that are highways, rail  
2290 lines, waterways, and other exclusive-use facilities connecting  
2291 major markets within Florida or between Florida and other states  
2292 or nations.

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2293 (c) Existing or planned intermodal connectors that are  
2294 highways, rail lines, waterways or local public transit systems  
2295 serving as connectors between the components listed in  
2296 paragraphs (a) and (b).

2297 (d) Existing or planned military access facilities that  
2298 are highways or rail lines linking Strategic Intermodal System  
2299 corridors to the state's strategic military installations.

2300 (e) ~~(d)~~ Existing or planned facilities that significantly  
2301 improve the state's competitive position to compete for the  
2302 movement of additional goods into and through this state.

2303 (5) (a) Upon the request of a facility meeting the criteria  
2304 and thresholds established in subsection (4) for a planned  
2305 facility to be added to the Strategic Intermodal System, meeting  
2306 the definition of an "intermodal logistics center" as defined in  
2307 s. 311.101(2), Florida Statutes, and where the local government  
2308 in which the facility is located has designated the facility in  
2309 its comprehensive plan as an intermodal logistics center or an  
2310 equivalent planning term, the Secretary of Transportation shall  
2311 designate such planned facility as part of the Strategic  
2312 Intermodal System.

2313 (b) For a facility designated pursuant to paragraph (a), a  
2314 local government which maintains a transportation concurrency  
2315 system shall adopt a waiver of transportation concurrency  
2316 requirements for strategic intermodal system facilities to  
2317 accommodate all development at the facility which occurs  
2318 pursuant to a building permit issued on or before December 31,  
2319 2017.

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2321 Section 56. Section 339.64, Florida Statutes, is amended  
2322 to read:

2323 339.64 Strategic Intermodal System Plan.—

2324 (1) The department shall develop, in cooperation with  
2325 metropolitan planning organizations, regional planning councils,  
2326 local governments, ~~the Statewide Intermodal Transportation~~  
2327 ~~Advisory Council~~ and other transportation providers, a Strategic  
2328 Intermodal System Plan. The plan shall be consistent with the  
2329 Florida Transportation Plan developed pursuant to s. 339.155 and  
2330 shall be updated at least once every 5 years, subsequent to  
2331 updates of the Florida Transportation Plan.

2332 (2) In association with the continued development of the  
2333 Strategic Intermodal System Plan, the Florida Transportation  
2334 Commission, as part of its work program review process, shall  
2335 conduct an annual assessment of the progress that the department  
2336 and its transportation partners have made in realizing the goals  
2337 of economic development, improved mobility, and increased  
2338 intermodal connectivity of the Strategic Intermodal System. The  
2339 Florida Transportation Commission shall coordinate with the  
2340 department, ~~the Statewide Intermodal Transportation Advisory~~  
2341 ~~Council~~, and other appropriate entities when developing this  
2342 assessment. The Florida Transportation Commission shall deliver  
2343 a report to the Governor and Legislature no later than 14 days  
2344 after the regular session begins, with recommendations as  
2345 necessary to fully implement the Strategic Intermodal System.

2346 (3) (a) During the development of updates to the Strategic  
2347 Intermodal System Plan, the department shall provide  
2348 metropolitan planning organizations, regional planning councils,

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2349 local governments, transportation providers, affected public  
2350 agencies, and citizens with an opportunity to participate in and  
2351 comment on the development of the update.

2352 (b) The department also shall coordinate with federal,  
2353 regional, and local partners the planning for the Strategic  
2354 Highway Network and the Strategic Rail Corridor Network  
2355 transportation facilities that either are included in the  
2356 Strategic Intermodal System or that provide a direct connection  
2357 between military installations and the Strategic Intermodal  
2358 System. In addition, the department shall coordinate with  
2359 regional and local partners to determine whether the roads ~~road~~  
2360 and other transportation infrastructure that connect military  
2361 installations to the Strategic Intermodal System, the Strategic  
2362 Highway Network, or the Strategic Rail Corridor are ~~is~~  
2363 regionally significant and should be included in the Strategic  
2364 Intermodal System Plan.

2365 (4) The Strategic Intermodal System Plan shall include the  
2366 following:

2367 (a) A needs assessment.

2368 (b) A project prioritization process.

2369 (c) A map of facilities designated as Strategic Intermodal  
2370 System facilities; facilities that are emerging in importance  
2371 and that are likely to become part of the system in the future;  
2372 and planned facilities that will meet the established criteria.

2373 (d) A finance plan based on reasonable projections of  
2374 anticipated revenues, including both 10-year and at least 20-  
2375 year cost-feasible components.

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2376 (e) An assessment of the impacts of proposed improvements  
2377 to Strategic Intermodal System corridors on military  
2378 installations that are either located directly on the Strategic  
2379 Intermodal System or located on the Strategic Highway Network or  
2380 Strategic Rail Corridor Network.

2381 ~~(5) STATEWIDE INTERMODAL TRANSPORTATION ADVISORY COUNCIL.—~~

2382 ~~(a) The Statewide Intermodal Transportation Advisory~~  
2383 ~~Council is created to advise and make recommendations to the~~  
2384 ~~Legislature and the department on policies, planning, and~~  
2385 ~~funding of intermodal transportation projects. The council's~~  
2386 ~~responsibilities shall include:~~

2387 ~~1. Advising the department on the policies, planning, and~~  
2388 ~~implementation of strategies related to intermodal~~  
2389 ~~transportation.~~

2390 ~~2. Providing advice and recommendations to the Legislature~~  
2391 ~~on funding for projects to move goods and people in the most~~  
2392 ~~efficient and effective manner for the State of Florida.~~

2393 ~~(b) MEMBERSHIP. Members of the Statewide Intermodal~~  
2394 ~~Transportation Advisory Council shall consist of the following:~~

2395 ~~1. Six intermodal industry representatives selected by the~~  
2396 ~~Governor as follows:~~

2397 ~~a. One representative from an airport involved in the~~  
2398 ~~movement of freight and people from their airport facility to~~  
2399 ~~another transportation mode.~~

2400 ~~b. One individual representing a fixed route, local-~~  
2401 ~~government transit system.~~

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2402 ~~e. One representative from an intercity bus company~~  
2403 ~~providing regularly scheduled bus travel as determined by~~  
2404 ~~federal regulations.~~

2405 ~~d. One representative from a spaceport.~~

2406 ~~e. One representative from intermodal trucking companies.~~

2407 ~~f. One representative having command responsibilities of a~~  
2408 ~~major military installation.~~

2409 ~~2. Three intermodal industry representatives selected by~~  
2410 ~~the President of the Senate as follows:~~

2411 ~~a. One representative from major-line railroads.~~

2412 ~~b. One representative from seaports listed in s. 311.09(1)~~  
2413 ~~from the Atlantic Coast.~~

2414 ~~e. One representative from an airport involved in the~~  
2415 ~~movement of freight and people from their airport facility to~~  
2416 ~~another transportation mode.~~

2417 ~~3. Three intermodal industry representatives selected by~~  
2418 ~~the Speaker of the House of Representatives as follows:~~

2419 ~~a. One representative from short-line railroads.~~

2420 ~~b. One representative from seaports listed in s. 311.09(1)~~  
2421 ~~from the Gulf Coast.~~

2422 ~~e. One representative from intermodal trucking companies.~~  
2423 ~~In no event may this representative be employed by the same~~  
2424 ~~company that employs the intermodal trucking company~~  
2425 ~~representative selected by the Governor.~~

2426 ~~(c) Initial appointments to the council must be made no~~  
2427 ~~later than 30 days after the effective date of this section.~~

2428 ~~1. The initial appointments made by the President of the~~  
2429 ~~Senate and the Speaker of the House of Representatives shall~~



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2430 ~~serve terms concurrent with those of the respective appointing~~  
2431 ~~officer. Beginning January 15, 2005, and for all subsequent~~  
2432 ~~appointments, council members appointed by the President of the~~  
2433 ~~Senate and the Speaker of the House of Representatives shall~~  
2434 ~~serve 2-year terms, concurrent with the term of the respective~~  
2435 ~~appointing officer.~~

2436 ~~2. The initial appointees, and all subsequent appointees,~~  
2437 ~~made by the Governor shall serve 2-year terms.~~

2438 ~~3. Vacancies on the council shall be filled in the same~~  
2439 ~~manner as the initial appointments.~~

2440 ~~(d) Each member of the council shall be allowed one vote.~~  
2441 ~~The council shall select a chair from among its membership.~~  
2442 ~~Meetings shall be held at the call of the chair, but not less~~  
2443 ~~frequently than quarterly. The members of the council shall be~~  
2444 ~~reimbursed for per diem and travel expenses as provided in s.~~  
2445 ~~112.061.~~

2446 ~~(e) The department shall provide administrative staff~~  
2447 ~~support and shall ensure that council meetings are~~  
2448 ~~electronically recorded. Such recordings and all documents~~  
2449 ~~received, prepared for, or used by the council in conducting its~~  
2450 ~~business shall be preserved pursuant to chapters 119 and 257.~~

2451 Section 57. Section 339.65, Florida Statutes, is created  
2452 to read:

2453 339.65 Strategic Intermodal System highway corridors.—

2454 (1) The department shall plan and develop Strategic  
2455 Intermodal System highway corridors, including limited and  
2456 controlled access facilities, allowing for high-speed and high-  
2457 volume traffic movements within the state. The primary function

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2458 of the corridors is to provide such traffic movements. Access to  
2459 abutting land is subordinate to this function, and such access  
2460 must be prohibited or highly regulated.

2461 (2) Strategic Intermodal System highway corridors shall  
2462 include facilities from the following components of the State  
2463 Highway System that meet the criteria adopted by the department  
2464 pursuant to s. 339.63:

2465 (a) Interstate highways.

2466 (b) The Florida Turnpike System.

2467 (c) Interregional and intercity limited access facilities.

2468 (d) Existing interregional and intercity arterial highways  
2469 previously upgraded or upgraded in the future to limited access  
2470 or controlled access facility standards.

2471 (e) New limited access facilities necessary to complete a  
2472 balanced statewide system.

2473 (3) The department shall adhere to the following policy  
2474 guidelines in the development of Strategic Intermodal System  
2475 highway corridors. The department shall:

2476 (a) Make capacity improvements to existing facilities  
2477 where feasible to minimize costs and environmental impacts.

2478 (b) Identify appropriate arterial highways in major  
2479 transportation corridors for inclusion in a program to bring  
2480 these facilities up to limited access or controlled access  
2481 facility standards.

2482 (c) Coordinate proposed projects with appropriate limited  
2483 access projects undertaken by expressway authorities and local  
2484 governmental entities.

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2485 (d) Maximize the use of limited access facility standards  
2486 when constructing new arterial highways.

2487 (e) Identify appropriate new limited access highways for  
2488 inclusion as a part of the Florida Turnpike System.

2489 (f) To the maximum extent feasible, ensure that proposed  
2490 projects are consistent with approved local government  
2491 comprehensive plans of the local jurisdictions in which such  
2492 facilities are to be located and with the transportation  
2493 improvement program of any metropolitan planning organization  
2494 where such facilities are to be located.

2495 (4) The department shall develop and maintain a plan of  
2496 Strategic Intermodal System highway corridor projects that are  
2497 anticipated to be let to contract for construction within a time  
2498 period of at least 20 years. The plan shall also identify when  
2499 segments of the corridor will meet the standards and criteria  
2500 developed pursuant to subsection (5).

2501 (5) The department shall establish the standards and  
2502 criteria for the functional characteristics and design of  
2503 facilities proposed as part of Strategic Intermodal System  
2504 highway corridors.

2505 (6) For the purposes of developing the proposed Strategic  
2506 Intermodal System highway corridors, beginning in fiscal year  
2507 2012-2013 and for each fiscal year thereafter, the minimum  
2508 amount allocated shall be based on the fiscal year 2003-2004  
2509 allocation of \$450 million adjusted annually by the change in  
2510 the Consumer Price Index for the prior fiscal year compared to  
2511 the Consumer Price Index for fiscal year 2003-2004.

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2512        (7) Any project to be constructed as part of a Strategic  
2513 Intermodal System highway corridor shall be included in the  
2514 department's adopted work program. Any Strategic Intermodal  
2515 System highway corridor projects that are added to or deleted  
2516 from the previous adopted work program, or any modification to  
2517 Strategic Intermodal System highway corridor projects contained  
2518 in the previous adopted work program, shall be specifically  
2519 identified and submitted as a separate part of the tentative  
2520 work program.

2521        Section 58. Section 341.840, Florida Statutes, is amended  
2522 to read:

2523        341.840 Tax exemption.—

2524        (1) The exercise of the powers granted under ss. 341.8201-  
2525 341.842 ~~by this act~~ will be in all respects for the benefit of  
2526 the people of this state, for the increase of their commerce,  
2527 welfare, and prosperity, and for the improvement of their health  
2528 and living conditions. The design, construction, operation,  
2529 maintenance, and financing of a high-speed rail system by the  
2530 enterprise authority, its agent, or the owner or lessee thereof,  
2531 as herein authorized, constitutes the performance of an  
2532 essential public function.

2533        (2) (a) For the purposes of this section, the term  
2534 "enterprise authority" does not include agents of the enterprise  
2535 authority other than contractors who qualify as such pursuant to  
2536 subsection (7).

2537        (b) For the purposes of this section, any item or property  
2538 that is within the definition of the term "associated  
2539 development" in s. 341.8203(1) may ~~shall~~ not be considered ~~to be~~

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2540 part of the high-speed rail system as defined in s.

2541 341.8203(3)~~(6)~~.

2542 (3) (a) Purchases or leases of tangible personal property  
2543 or real property by the enterprise authority, excluding agents  
2544 of the enterprise authority, are exempt from taxes imposed by  
2545 chapter 212 as provided in s. 212.08(6). Purchases or leases of  
2546 tangible personal property that is incorporated into the high-  
2547 speed rail system as a component part thereof, as determined by  
2548 the enterprise authority, by agents of the enterprise authority  
2549 or the owner of the high-speed rail system are exempt from sales  
2550 or use taxes imposed by chapter 212. Leases, rentals, or  
2551 licenses to use real property granted to agents of the  
2552 enterprise authority or the owner of the high-speed rail system  
2553 are exempt from taxes imposed by s. 212.031 if the real property  
2554 becomes part of such system. The exemptions granted in this  
2555 subsection do not apply to sales, leases, or licenses by the  
2556 enterprise authority, agents of the authority, or the owner of  
2557 the high-speed rail system.

2558 (b) The exemption granted in paragraph (a) to purchases or  
2559 leases of tangible personal property by agents of the enterprise  
2560 authority or by the owner of the high-speed rail system applies  
2561 only to property that becomes a component part of such system.  
2562 It does not apply to items, including, but not limited to,  
2563 cranes, bulldozers, forklifts, other machinery and equipment,  
2564 tools and supplies, or other items of tangible personal property  
2565 used in the construction, operation, or maintenance of the high-  
2566 speed rail system when such items are not incorporated into the  
2567 high-speed rail system as a component part thereof.

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2568 (4) Any bonds or other security, and all notes, mortgages,  
2569 security agreements, letters of credit, or other instruments  
2570 that arise out of or are given to secure the repayment of bonds  
2571 or other security, issued by the enterprise authority, or on  
2572 behalf of the enterprise authority, their transfer, and the  
2573 income therefrom, including any profit made on the sale thereof,  
2574 shall at all times be free from taxation of every kind by the  
2575 state, the counties, and the municipalities and other political  
2576 subdivisions in the state. This subsection, however, does not  
2577 exempt from taxation or assessment the leasehold interest of a  
2578 lessee in any project or any other property or interest owned by  
2579 the lessee. The exemption granted by this subsection is not  
2580 applicable to any tax imposed by chapter 220 on interest income  
2581 or profits on the sale of debt obligations owned by  
2582 corporations.

2583 (5) When property of the enterprise authority is leased to  
2584 another person or entity, the property shall be exempt from ad  
2585 valorem taxation only if the use by the lessee qualifies the  
2586 property for exemption under s. 196.199.

2587 (6) A leasehold interest held by the enterprise authority  
2588 is not subject to intangible tax. However, if a leasehold  
2589 interest held by the enterprise authority is subleased to a  
2590 nongovernmental lessee, such subleasehold interest shall be  
2591 deemed to be an interest described in s. 199.023(1)(d), Florida  
2592 Statutes 2005, and is subject to the intangible tax.

2593 (7)(a) In order to be considered an agent of the  
2594 enterprise authority for purposes of the exemption from sales  
2595 and use tax granted by subsection (3) for tangible personal

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2596 property incorporated into the high-speed rail system, a  
2597 contractor of the enterprise authority that purchases or  
2598 fabricates such tangible personal property must be certified by  
2599 the enterprise authority as provided in this subsection.

2600 (b)1. A contractor must apply for a renewal of the  
2601 exemption not later than December 1 of each calendar year.

2602 2. A contractor must apply to the enterprise authority on  
2603 the application form adopted by the enterprise authority, which  
2604 shall develop the form in consultation with the Department of  
2605 Revenue.

2606 3. The enterprise authority shall review each submitted  
2607 application and determine whether it is complete. The enterprise  
2608 authority shall notify the applicant of any deficiencies in the  
2609 application within 30 days. Upon receipt of a completed  
2610 application, the enterprise authority shall evaluate the  
2611 application for exemption under this subsection and issue a  
2612 certification that the contractor is qualified to act as an  
2613 agent of the enterprise authority for purposes of this section  
2614 or a denial of such certification within 30 days. The enterprise  
2615 authority shall provide the Department of Revenue with a copy of  
2616 each certification issued upon approval of an application. Upon  
2617 receipt of a certification from the enterprise authority, the  
2618 Department of Revenue shall issue an exemption permit to the  
2619 contractor.

2620 (c)1. The contractor may extend a copy of its exemption  
2621 permit to its vendors in lieu of paying sales tax on purchases  
2622 of tangible personal property qualifying for exemption under  
2623 this section. Possession of a copy of the exemption permit

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2624 relieves the seller of the responsibility of collecting tax on  
2625 the sale, and the Department of Revenue shall look solely to the  
2626 contractor for recovery of tax upon a determination that the  
2627 contractor was not entitled to the exemption.

2628         2. The contractor may extend a copy of its exemption  
2629 permit to real property subcontractors supplying and installing  
2630 tangible personal property that is exempt under subsection (3).  
2631 Any such subcontractor may ~~is authorized to~~ extend a copy of the  
2632 permit to the subcontractor's vendors in order to purchase  
2633 qualifying tangible personal property tax-exempt. If the  
2634 subcontractor uses the exemption permit to purchase tangible  
2635 personal property that is determined not to qualify for  
2636 exemption under subsection (3), the Department of Revenue may  
2637 assess and collect any tax, penalties, and interest that are due  
2638 from either the contractor holding the exemption permit or the  
2639 subcontractor that extended the exemption permit to the seller.

2640         (d) Any contractor authorized to act as an agent of the  
2641 enterprise authority under this section shall maintain the  
2642 necessary books and records to document the exempt status of  
2643 purchases and fabrication costs made or incurred under the  
2644 permit. In addition, an authorized contractor extending its  
2645 exemption permit to its subcontractors shall maintain a copy of  
2646 the subcontractor's books, records, and invoices indicating all  
2647 purchases made by the subcontractor under the authorized  
2648 contractor's permit. If, in an audit conducted by the Department  
2649 of Revenue, it is determined that tangible personal property  
2650 purchased or fabricated claiming exemption under this section  
2651 does not meet the criteria for exemption, the amount of taxes



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2652 not paid at the time of purchase or fabrication shall be  
2653 immediately due and payable to the Department of Revenue,  
2654 together with the appropriate interest and penalty, computed  
2655 from the date of purchase, in the manner prescribed by chapter  
2656 212.

2657 (e) If a contractor fails to apply for a high-speed rail  
2658 system exemption permit, or if a contractor initially determined  
2659 by the enterprise authority to not qualify for exemption is  
2660 subsequently determined to be eligible, the contractor shall  
2661 receive the benefit of the exemption in this subsection through  
2662 a refund of previously paid taxes for transactions that  
2663 otherwise would have been exempt. A refund may not be made for  
2664 such taxes without the issuance of a certification by the  
2665 enterprise authority that the contractor was authorized to make  
2666 purchases tax-exempt and a determination by the Department of  
2667 Revenue that the purchases qualified for the exemption.

2668 (f) The enterprise authority may adopt rules governing the  
2669 application process for exemption of a contractor as an  
2670 authorized agent of the enterprise authority.

2671 (g) The Department of Revenue may adopt rules governing  
2672 the issuance and form of high-speed rail system exemption  
2673 permits, the audit of contractors and subcontractors using such  
2674 permits, the recapture of taxes on nonqualified purchases, and  
2675 the manner and form of refund applications.

2676 Section 59. Subsection (3) of section 343.52, Florida  
2677 Statutes, is amended to read:

2678 343.52 Definitions.—As used in this part, the term:

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2679 (3) "Area served" means Miami-Dade, Broward, and Palm  
2680 Beach Counties. ~~However, this area may be expanded by mutual~~  
2681 ~~consent of the authority and the board of county commissioners~~  
2682 ~~representing the proposed expansion area.~~

2683 Section 60. Section 343.53, Florida Statutes, is amended  
2684 to read:

2685 343.53 South Florida Regional Transportation Authority.—

2686 (1) There is created and established a body politic and  
2687 corporate, an agency of the state, to be known as the "South  
2688 Florida Regional Transportation Authority," hereinafter referred  
2689 to as the "authority."

2690 (2) The governing board of the authority shall consist of  
2691 seven ~~nine~~ voting members, as follows:

2692 (a) The county commissions of Miami-Dade, Broward, and  
2693 Palm Beach Counties shall each elect a commissioner as that  
2694 commission's representative on the board. The commissioner must  
2695 be a member of the county commission when elected and for the  
2696 full extent of his or her term.

2697 ~~(b) The county commissions of Miami-Dade, Broward, and~~  
2698 ~~Palm Beach Counties shall each appoint a citizen member to the~~  
2699 ~~board who is not a member of the county commission but who is a~~  
2700 ~~resident of the county from which he or she is appointed and a~~  
2701 ~~qualified elector of that county. Insofar as practicable, the~~  
2702 ~~citizen member shall represent the business and civic interests~~  
2703 ~~of the community.~~

2704 (b)(e) The secretary of the Department of Transportation  
2705 shall appoint one of the district secretaries, or his or her

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2706 designee, for the districts within which the area served by the  
2707 South Florida Regional Transportation Authority is located.

2708 ~~(d) If the authority's service area is expanded pursuant~~  
2709 ~~to s. 343.54(5), the county containing the new service area~~  
2710 ~~shall have three members appointed to the board as follows:~~

2711 ~~1. The county commission of the county shall elect a~~  
2712 ~~commissioner as that commission's representative on the board.~~  
2713 ~~The commissioner must be a member of the county commission when~~  
2714 ~~elected and for the full extent of his or her term.~~

2715 ~~2. The county commission of the county shall appoint a~~  
2716 ~~citizen member to the board who is not a member of the county~~  
2717 ~~commission but who is a resident and a qualified elector of that~~  
2718 ~~county. Insofar as is practicable, the citizen member shall~~  
2719 ~~represent the business and civic interests of the community.~~

2720 ~~3. The Governor shall appoint a citizen member to the~~  
2721 ~~board who is not a member of the county commission but who is a~~  
2722 ~~resident and a qualified elector of that county.~~

2723 ~~(c)(e)~~ The Governor shall appoint three ~~two~~ members to the  
2724 board who are residents and qualified electors in the area  
2725 served by the authority but who are not residents of the same  
2726 county ~~and also not residents of the county in which the~~  
2727 ~~district secretary who was appointed pursuant to paragraph (e)~~  
2728 ~~is a resident.~~

2729 (3)(a) Members of the governing board of the authority  
2730 shall be appointed to serve 4-year staggered terms, except that  
2731 the terms of the appointees of the Governor shall be concurrent.

2732 ~~(b) The terms of the board members currently serving on~~  
2733 ~~the authority that is being succeeded by this act shall expire~~

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2734 ~~July 30, 2003, at which time the terms of the members appointed~~  
2735 ~~pursuant to subsection (2) shall commence. The Governor shall~~  
2736 ~~make his or her appointments to the board within 30 days after~~  
2737 ~~July 30, 2003.~~

2738 (4) A vacancy during a term shall be filled by the  
2739 respective appointing authority in the same manner as the  
2740 original appointment and only for the balance of the unexpired  
2741 term.

2742 (5) The members of the authority shall serve without  
2743 compensation, but are entitled to reimbursement for travel  
2744 expenses actually incurred in their duties as provided by law.

2745 Section 61. Paragraph (c) of subsection (4) of section  
2746 348.0003, Florida Statutes, is amended to read:

2747 348.0003 Expressway authority; formation; membership.—

2748 (4)

2749 (c) Members of each expressway authority, transportation  
2750 authority, bridge authority, or toll authority, created pursuant  
2751 to this chapter, chapter 343, ~~or chapter 349~~ or any other  
2752 general law, legislative enactment shall comply with the  
2753 applicable financial disclosure requirements of s. 8, Art. II of  
2754 the State Constitution. This paragraph does not subject any  
2755 statutorily created authority, other than an expressway  
2756 authority created under this part, to any other requirement of  
2757 this part except the requirement of this paragraph.

2758 Section 62. Subsection (3) of section 349.03, Florida  
2759 Statutes, is amended to read:

2760 349.03 Jacksonville Transportation Authority.—

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2761 (3) (a) The terms of appointed members shall be for 4 years  
2762 deemed to have commenced on June 1 of the year in which they are  
2763 appointed. Each member shall hold office until a successor has  
2764 been appointed and has qualified. A vacancy during a term shall  
2765 be filled by the respective appointing authority only for the  
2766 balance of the unexpired term. Any member appointed to the  
2767 authority for two consecutive full terms shall not be eligible  
2768 for appointment to the next succeeding term. One of the members  
2769 so appointed shall be designated annually by the members as  
2770 chair of the authority, one member shall be designated annually  
2771 as the vice chair of the authority, one member shall be  
2772 designated annually as the secretary of the authority, and one  
2773 member shall be designated annually as the treasurer of the  
2774 authority. The members of the authority shall not be entitled to  
2775 compensation, but shall be reimbursed for travel expenses or  
2776 other expenses actually incurred in their duties as provided by  
2777 law. Four voting members of the authority shall constitute a  
2778 quorum, and no resolution adopted by the authority shall become  
2779 effective unless with the affirmative vote of at least four  
2780 members. Members of the authority shall file as their mandatory  
2781 financial disclosure a statement of financial interest with the  
2782 Commission on Ethics as provided in s. 112.3145.

2783 (b) The authority shall employ an executive director, and  
2784 the executive director may hire such staff, permanent or  
2785 temporary, as he or she may determine and may organize the staff  
2786 of the authority into such departments and units as he or she  
2787 may determine. The executive director may appoint department  
2788 directors, deputy directors, division chiefs, and staff

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2789 assistants to the executive director, as he or she may  
2790 determine. In so appointing the executive director, the  
2791 authority may fix the compensation of such appointee, who shall  
2792 serve at the pleasure of the authority. All employees of the  
2793 authority shall be exempt from the provisions of part II of  
2794 chapter 110. The authority may employ such financial advisers  
2795 and consultants, technical experts, engineers, and agents and  
2796 employees, permanent or temporary, as it may require and may fix  
2797 the compensation and qualifications of such persons, firms, or  
2798 corporations. The authority may delegate to one or more of its  
2799 agents or employees such of its powers as it shall deem  
2800 necessary to carry out the purposes of this chapter, subject  
2801 always to the supervision and control of the governing body of  
2802 the authority.

2803 Section 63. Subsection (8) is added to section 349.04,  
2804 Florida Statutes, to read:

2805 349.04 Purposes and powers.—

2806 (8) The authority may conduct public meetings and  
2807 workshops by means of communications media technology, as  
2808 provided in s. 120.54(5). However, a resolution, rule, or formal  
2809 action is not binding unless a quorum is physically present at  
2810 the noticed meeting location, and only members physically  
2811 present may vote on any item.

2812 Section 64. Subsection (6) is added to section 373.413,  
2813 Florida Statutes, to read:

2814 373.413 Permits for construction or alteration.—

2815 (6) It is the intent of the Legislature that the governing  
2816 board or department exercise flexibility in the permitting of

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2817 stormwater management systems associated with the construction  
2818 or alteration of systems serving state transportation projects  
2819 and facilities. Because of the unique limitations of linear  
2820 facilities, the governing board or department shall balance the  
2821 expenditure of public funds for stormwater treatment for state  
2822 transportation projects and facilities with the benefits to the  
2823 public in providing the most cost-efficient and effective method  
2824 of achieving the treatment objectives. In consideration thereof,  
2825 the governing board or department shall allow alternatives to  
2826 onsite treatment, including, but not limited to, regional  
2827 stormwater treatment systems. The Department of Transportation  
2828 is responsible for treating stormwater generated from state  
2829 transportation projects but is not responsible for the abatement  
2830 of pollutants and flows entering its stormwater management  
2831 systems from offsite sources; however, this subsection does not  
2832 prohibit the Department of Transportation from receiving and  
2833 managing such pollutants and flows when cost-effective and  
2834 prudent. Further, in association with right-of-way acquisition  
2835 for state transportation projects, the Department of  
2836 Transportation is responsible for providing stormwater treatment  
2837 and attenuation for the acquired right-of-way but is not  
2838 responsible for modifying permits for adjacent lands affected by  
2839 right-of-way acquisition when it is not the permittee. The  
2840 governing board or department may establish, by rule, specific  
2841 criteria to implement the management and treatment alternatives  
2842 and activities under this subsection.

2843 Section 65. Subsections (1) through (5) of section  
2844 373.4137, Florida Statutes, are amended to read:

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2845 373.4137 Mitigation requirements for specified  
2846 transportation projects.-

2847 (1) The Legislature finds that environmental mitigation  
2848 for the impact of transportation projects proposed by the  
2849 Department of Transportation or a transportation authority  
2850 established pursuant to chapter 348 or chapter 349 can be more  
2851 effectively achieved by regional, long-range mitigation planning  
2852 rather than on a project-by-project basis. It is the intent of  
2853 the Legislature that mitigation to offset the adverse effects of  
2854 these transportation projects be funded by the Department of  
2855 Transportation and be carried out by the water management  
2856 districts, including the use of mitigation banks and any other  
2857 mitigation options that satisfy state and federal requirements  
2858 established pursuant to this part.

2859 (2) Environmental impact inventories for transportation  
2860 projects proposed by the Department of Transportation or a  
2861 transportation authority established pursuant to chapter 348 or  
2862 chapter 349 shall be developed as follows:

2863 (a) By July 1 of each year, the Department of  
2864 Transportation, or a transportation authority established  
2865 pursuant to chapter 348 or chapter 349 which chooses to  
2866 participate in this program, shall submit to the water  
2867 management districts a list ~~copy~~ of its projects in the adopted  
2868 work program and an environmental impact inventory of habitats  
2869 addressed in the rules adopted pursuant to this part and s. 404  
2870 of the Clean Water Act, 33 U.S.C. s. 1344, which may be impacted  
2871 by its plan of construction for transportation projects in the  
2872 next 3 years of the tentative work program. The Department of

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2873 Transportation or a transportation authority established  
2874 pursuant to chapter 348 or chapter 349 may also include in its  
2875 environmental impact inventory the habitat impacts of any future  
2876 transportation project. The Department of Transportation and  
2877 each transportation authority established pursuant to chapter  
2878 348 or chapter 349 may fund any mitigation activities for future  
2879 projects using current year funds.

2880 (b) The environmental impact inventory shall include a  
2881 description of these habitat impacts, including their location,  
2882 acreage, and type; state water quality classification of  
2883 impacted wetlands and other surface waters; any other state or  
2884 regional designations for these habitats; and a list ~~survey~~ of  
2885 threatened species, endangered species, and species of special  
2886 concern affected by the proposed project.

2887 (3) (a) To fund development and implementation of the  
2888 mitigation plan for the projected impacts identified in the  
2889 environmental impact inventory described in subsection (2), the  
2890 Department of Transportation shall identify funds quarterly in  
2891 an escrow account within the State Transportation Trust Fund for  
2892 the environmental mitigation phase of projects budgeted by the  
2893 Department of Transportation for the current fiscal year. The  
2894 escrow account shall be maintained by the Department of  
2895 Transportation for the benefit of the water management  
2896 districts. Any interest earnings from the escrow account shall  
2897 remain with the Department of Transportation.

2898 (b) Each transportation authority established pursuant to  
2899 chapter 348 or chapter 349 that chooses to participate in this  
2900 program shall create an escrow account within its financial

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2901 structure and deposit funds in the account to pay for the  
2902 environmental mitigation phase of projects budgeted for the  
2903 current fiscal year. The escrow account shall be maintained by  
2904 the authority for the benefit of the water management districts.  
2905 Any interest earnings from the escrow account shall remain with  
2906 the authority.

2907 (c) Except for current mitigation projects in the  
2908 monitoring and maintenance phase and except as allowed by  
2909 paragraph (d), the water management districts may request a  
2910 transfer of funds from an escrow account no sooner than 30 days  
2911 prior to the date the funds are needed to pay for activities  
2912 associated with development or implementation of the approved  
2913 mitigation plan described in subsection (4) for the current  
2914 fiscal year, including, but not limited to, design, engineering,  
2915 production, and staff support. Actual conceptual plan  
2916 preparation costs incurred before plan approval may be submitted  
2917 to the Department of Transportation or the appropriate  
2918 transportation authority each year with the plan. The conceptual  
2919 plan preparation costs of each water management district shall  
2920 ~~will~~ be paid from mitigation funds associated with the  
2921 environmental impact inventory for the current year. The amount  
2922 transferred to the escrow accounts each year by the Department  
2923 of Transportation and participating transportation authorities  
2924 established pursuant to chapter 348 or chapter 349 shall  
2925 correspond to a cost per acre of \$75,000 multiplied by the  
2926 projected acres of impact identified in the environmental impact  
2927 inventory described in subsection (2). However, the \$75,000 cost  
2928 per acre does not constitute an admission against interest by

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2929 the state or its subdivisions nor is the cost admissible as  
2930 evidence of full compensation for any property acquired by  
2931 eminent domain or through inverse condemnation. Each July 1, the  
2932 cost per acre shall be adjusted by the percentage change in the  
2933 average of the Consumer Price Index issued by the United States  
2934 Department of Labor for the most recent 12-month period ending  
2935 September 30, compared to the base year average, which is the  
2936 average for the 12-month period ending September 30, 1996. Each  
2937 quarter, the projected acreage of impact shall be reconciled  
2938 with the acreage of impact of projects as permitted, including  
2939 permit modifications, pursuant to this part and s. 404 of the  
2940 Clean Water Act, 33 U.S.C. s. 1344. The subject year's transfer  
2941 of funds shall be adjusted accordingly to reflect the acreage of  
2942 impacts as permitted. The Department of Transportation and  
2943 participating transportation authorities established pursuant to  
2944 chapter 348 or chapter 349 may ~~are authorized to~~ transfer such  
2945 funds from the escrow accounts to the water management districts  
2946 to carry out the mitigation programs. Environmental mitigation  
2947 funds that are identified for or maintained in an escrow account  
2948 for the benefit of a water management district may be released  
2949 if the associated transportation project is excluded in whole or  
2950 part from the mitigation plan. For a mitigation project that is  
2951 in the maintenance and monitoring phase, the water management  
2952 district may request and receive a one-time payment based on the  
2953 project's expected future maintenance and monitoring costs. Upon  
2954 disbursement of the final maintenance and monitoring payment,  
2955 the obligation of the Department of Transportation or the  
2956 participating transportation authority is satisfied, the water

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2957 | management district has continuing responsibility for the  
2958 | mitigation project, and the escrow account for the project  
2959 | established by the Department of Transportation or the  
2960 | participating transportation authority may be closed. Any  
2961 | interest earned on these disbursed funds shall remain with the  
2962 | water management district and must be used as authorized under  
2963 | this section.

2964 | (d) Beginning in the 2005-2006 fiscal year, each water  
2965 | management district shall be paid a lump-sum amount of \$75,000  
2966 | per acre, adjusted as provided under paragraph (c), for  
2967 | federally funded transportation projects that are included on  
2968 | the environmental impact inventory and that have an approved  
2969 | mitigation plan. Beginning in the 2009-2010 fiscal year, each  
2970 | water management district shall be paid a lump-sum amount of  
2971 | \$75,000 per acre, adjusted as provided under paragraph (c), for  
2972 | federally funded and nonfederally funded transportation projects  
2973 | that have an approved mitigation plan. All mitigation costs,  
2974 | including, but not limited to, the costs of preparing conceptual  
2975 | plans and the costs of design, construction, staff support,  
2976 | future maintenance, and monitoring the mitigated acres shall be  
2977 | funded through these lump-sum amounts.

2978 | (4) Before ~~Prior to~~ March 1 of each year, each water  
2979 | management district, in consultation with the Department of  
2980 | Environmental Protection, the United States Army Corps of  
2981 | Engineers, the Department of Transportation, participating  
2982 | transportation authorities established pursuant to chapter 348  
2983 | or chapter 349, and other appropriate federal, state, and local  
2984 | governments, and other interested parties, including entities

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2985 operating mitigation banks, shall develop a plan for the primary  
2986 purpose of complying with the mitigation requirements adopted  
2987 pursuant to this part and 33 U.S.C. s. 1344. In developing such  
2988 plans, the districts shall utilize sound ecosystem management  
2989 practices to address significant water resource needs and shall  
2990 focus on activities of the Department of Environmental  
2991 Protection and the water management districts, such as surface  
2992 water improvement and management (SWIM) projects and lands  
2993 identified for potential acquisition for preservation,  
2994 restoration or enhancement, and the control of invasive and  
2995 exotic plants in wetlands and other surface waters, to the  
2996 extent that such activities comply with the mitigation  
2997 requirements adopted under this part and 33 U.S.C. s. 1344. In  
2998 determining the activities to be included in such plans, the  
2999 districts shall also consider the purchase of credits from  
3000 public or private mitigation banks permitted under s. 373.4136  
3001 and associated federal authorization and shall include such  
3002 purchase as a part of the mitigation plan when such purchase  
3003 would offset the impact of the transportation project, provide  
3004 equal benefits to the water resources than other mitigation  
3005 options being considered, and provide the most cost-effective  
3006 mitigation option. The mitigation plan shall be submitted to the  
3007 water management district governing board, or its designee, for  
3008 review and approval. At least 14 days prior to approval, the  
3009 water management district shall provide a copy of the draft  
3010 mitigation plan to any person who has requested a copy.

3011 (a) For each transportation project with a funding request  
3012 for the next fiscal year, the mitigation plan must include a

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3013 brief explanation of why a mitigation bank was or was not chosen  
3014 as a mitigation option, including an estimation of identifiable  
3015 costs of the mitigation bank and nonbank options to the extent  
3016 practicable.

3017 (b) Specific projects may be excluded from the mitigation  
3018 plan, in whole or in part, and are ~~shall~~ not ~~be~~ subject to this  
3019 section upon the election agreement of the Department of  
3020 Transportation, ~~or~~ a transportation authority if applicable, or  
3021 ~~and~~ the appropriate water management district ~~that the inclusion~~  
3022 ~~of such projects would hamper the efficiency or timeliness of~~  
3023 ~~the mitigation planning and permitting process. The water~~  
3024 ~~management district may choose to exclude a project in whole or~~  
3025 ~~in part if the district is unable to identify mitigation that~~  
3026 ~~would offset impacts of the project.~~

3027 (5) The water management district shall ensure ~~be~~  
3028 ~~responsible for ensuring~~ that mitigation requirements pursuant  
3029 to 33 U.S.C. s. 1344 are met for the impacts identified in the  
3030 environmental impact inventory described in subsection (2), by  
3031 implementation of the approved plan described in subsection (4)  
3032 to the extent funding is provided by the Department of  
3033 Transportation, or a transportation authority established  
3034 pursuant to chapter 348 or chapter 349, if applicable. During  
3035 the federal permitting process, the water management district  
3036 may deviate from the approved mitigation plan in order to comply  
3037 with federal permitting requirements.

3038 Section 66. The Department of Transportation may seek  
3039 Federal Highway Administration approval of a tourist-oriented  
3040 commerce sign pilot program for small businesses, as defined in

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3041 s. 288.703, Florida Statutes, in rural areas of critical  
3042 economic concern, as defined by s. 288.0656(2) (d) and (e),  
3043 Florida Statutes. Upon Federal Highway Administration approval,  
3044 the department shall submit the pilot program for legislative  
3045 approval in the next regular legislative session.

3046 Section 67. There is established a pilot program for the  
3047 Palm Beach County school district to recognize its business  
3048 partners. The district may recognize its business partners by  
3049 publicly displaying such business partners' names on school  
3050 district property in the unincorporated areas of the county.  
3051 Project graduation and athletic sponsorships are examples of  
3052 appropriate recognition. The district shall make every effort to  
3053 display its business partners' names in a manner that is  
3054 consistent with the county standards for uniformity in size,  
3055 color, and placement of signs. If the provisions of this section  
3056 are inconsistent with county ordinances or regulations relating  
3057 to signs in the unincorporated areas of the county or  
3058 inconsistent with chapter 125 or chapter 166, Florida Statutes,  
3059 the provisions of this section prevail. The pilot program  
3060 expires June 30, 2014.

3061 Section 68. Subsection (7) of section 215.616, Florida  
3062 Statutes, is amended to read:

3063 215.616 State bonds for federal aid highway construction.—

3064 ~~(7) Up to \$325 million in bonds may be issued for the~~  
3065 ~~Mobility 2000 Initiative with emphasis on the Florida Intrastate~~  
3066 ~~Highway System to advance projects in the most cost-effective~~  
3067 ~~manner and to support emergency evacuation, improved access to~~  
3068 ~~urban areas, or the enhancement of trade and economic growth~~

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3069 ~~corridors of statewide and regional significance which promote~~  
3070 ~~Florida's economic growth.~~

3071 Section 69. Subsection (3) of section 288.063, Florida  
3072 Statutes, is amended to read:

3073 288.063 Contracts for transportation projects.-

3074 (3) With respect to any contract executed pursuant to this  
3075 section, the term "transportation project" means a  
3076 transportation facility as defined in s. 334.03(30) ~~s.~~

3077 ~~334.03(31)~~ which is necessary in the judgment of the department  
3078 to facilitate the economic development and growth of the state.

3079 Such transportation projects shall be approved only as a  
3080 consideration to attract new employment opportunities to the  
3081 state or expand or retain employment in existing companies  
3082 operating within the state, or to allow for the construction or  
3083 expansion of a state or federal correctional facility in a  
3084 county having ~~with~~ a population of 75,000 or less that creates  
3085 new employment opportunities or expands or retains employment in  
3086 the county. The department shall institute procedures to ensure  
3087 that small and minority businesses have equal access to funding  
3088 provided under this section. Funding for approved transportation  
3089 projects may include any expenses, other than administrative  
3090 costs and equipment purchases specified in the contract,  
3091 necessary for new, or improvement to existing, transportation  
3092 facilities. Funds made available pursuant to this section may  
3093 not be expended in connection with the relocation of a business  
3094 from one community to another community in this state unless the  
3095 department determines that without such relocation the business  
3096 will move outside this state or determines that the business has

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3097 a compelling economic rationale for the relocation which creates  
3098 additional jobs. Subject to appropriation for projects under  
3099 this section, any appropriation greater than \$10 million shall  
3100 be allocated to each of the districts of the Department of  
3101 Transportation to ensure equitable geographical distribution.  
3102 Such allocated funds that remain uncommitted by the third  
3103 quarter of the fiscal year shall be reallocated among the  
3104 districts based on pending project requests.

3105 Section 70. Subsection (2) of section 311.22, Florida  
3106 Statutes, is amended to read:

3107 311.22 Additional authorization for funding certain  
3108 dredging projects.-

3109 (2) The council shall adopt rules for evaluating the  
3110 projects that may be funded pursuant to this section. The rules  
3111 must provide criteria for evaluating the economic benefit of the  
3112 project. The rules must include the creation of an  
3113 administrative review process by the council which is similar to  
3114 the process described in s. 311.09(5)-(11) ~~s. 311.09(5)-(12)~~,  
3115 and provide for a review by the Department of Transportation and  
3116 the Department of Economic Opportunity of all projects submitted  
3117 for funding under this section.

3118 Section 71. Section 316.2122, Florida Statutes, is amended  
3119 to read:

3120 316.2122 Operation of a low-speed vehicle or mini truck on  
3121 certain roadways.-The operation of a low-speed vehicle as  
3122 defined in s. 320.01(42) or a mini truck as defined in s.  
3123 320.01(45) on any road ~~as defined in s. 334.03(15) or (33)~~ is  
3124 authorized with the following restrictions:

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3125 (1) A low-speed vehicle or mini truck may be operated only  
3126 on streets where the posted speed limit is 35 miles per hour or  
3127 less. This does not prohibit a low-speed vehicle or mini truck  
3128 from crossing a road or street at an intersection where the road  
3129 or street has a posted speed limit of more than 35 miles per  
3130 hour.

3131 (2) A low-speed vehicle must be equipped with headlamps,  
3132 stop lamps, turn signal lamps, taillamps, reflex reflectors,  
3133 parking brakes, rearview mirrors, windshields, seat belts, and  
3134 vehicle identification numbers.

3135 (3) A low-speed vehicle or mini truck must be registered  
3136 and insured in accordance with s. 320.02 and titled pursuant to  
3137 chapter 319.

3138 (4) Any person operating a low-speed vehicle or mini truck  
3139 must have in his or her possession a valid driver's license.

3140 (5) A county or municipality may prohibit the operation of  
3141 low-speed vehicles or mini trucks on any road under its  
3142 jurisdiction if the governing body of the county or municipality  
3143 determines that such prohibition is necessary in the interest of  
3144 safety.

3145 (6) The Department of Transportation may prohibit the  
3146 operation of low-speed vehicles or mini trucks on any road under  
3147 its jurisdiction if it determines that such prohibition is  
3148 necessary in the interest of safety.

3149 Section 72. Section 318.12, Florida Statutes, is amended  
3150 to read:

3151 318.12 Purpose.—It is the legislative intent in the  
3152 adoption of this chapter to decriminalize certain violations of

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3153 chapter 316, the Florida Uniform Traffic Control Law; chapter  
3154 320, Motor Vehicle Licenses; chapter 322, Drivers' Licenses;  
3155 chapter 338, Limited Access Florida Intrastate Highway System  
3156 and Toll Facilities; and chapter 1006, Support of Learning,  
3157 thereby facilitating the implementation of a more uniform and  
3158 expeditious system for the disposition of traffic infractions.

3159 Section 73. Subsections (3) and (4) of section 320.20,  
3160 Florida Statutes, are amended to read:

3161 320.20 Disposition of license tax moneys.—The revenue  
3162 derived from the registration of motor vehicles, including any  
3163 delinquent fees and excluding those revenues collected and  
3164 distributed under the provisions of s. 320.081, must be  
3165 distributed monthly, as collected, as follows:

3166 (3) Notwithstanding any other provision of law except  
3167 subsections (1) and (2), on July 1, 1996, and annually  
3168 thereafter, \$15 million shall be deposited in the State  
3169 Transportation Trust Fund solely for the purposes of funding the  
3170 Florida Seaport Transportation and Economic Development Program  
3171 as provided for in chapter 311. Such revenues shall be  
3172 distributed on a 50-50 matching basis to any port listed in s.  
3173 311.09(1) to be used for funding projects as described in s.  
3174 311.07(3)(b). Such revenues may be assigned, pledged, or set  
3175 aside as a trust for the payment of principal or interest on  
3176 bonds, tax anticipation certificates, or any other form of  
3177 indebtedness issued by an individual port or appropriate local  
3178 government having jurisdiction thereof, or collectively by  
3179 interlocal agreement among any of the ports, or used to purchase  
3180 credit support to permit such borrowings. However, such debt

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3181 shall not constitute a general obligation of the State of  
3182 Florida. The state does hereby covenant with holders of such  
3183 revenue bonds or other instruments of indebtedness issued  
3184 hereunder that it will not repeal or impair or amend in any  
3185 manner which will materially and adversely affect the rights of  
3186 such holders so long as bonds authorized by this section are  
3187 outstanding. Any revenues which are not pledged to the repayment  
3188 of bonds as authorized by this section may be utilized for  
3189 purposes authorized under the Florida Seaport Transportation and  
3190 Economic Development Program. This revenue source is in addition  
3191 to any amounts provided for and appropriated in accordance with  
3192 s. 311.07. The Florida Seaport Transportation and Economic  
3193 Development Council shall approve distribution of funds to ports  
3194 for projects which have been approved pursuant to s. 311.09(5)-  
3195 (8) ~~s. 311.09(5)-(9)~~. The council and the Department of  
3196 Transportation may ~~are authorized to~~ perform such acts as are  
3197 required to facilitate and implement ~~the provisions of~~ this  
3198 subsection. To better enable the ports to cooperate to their  
3199 mutual advantage, the governing body of each port may exercise  
3200 powers provided to municipalities or counties in s. 163.01(7)(d)  
3201 subject to the provisions of chapter 311 and special acts, if  
3202 any, pertaining to a port. The use of funds provided pursuant to  
3203 this subsection are limited to eligible projects listed in this  
3204 subsection. Income derived from a project completed with the use  
3205 of program funds, beyond operating costs and debt service, shall  
3206 be restricted to further port capital improvements consistent  
3207 with maritime purposes and for no other purpose. Use of such  
3208 income for nonmaritime purposes is prohibited. ~~The provisions of~~

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3209 ~~s. 311.07(4) do not apply to any funds received pursuant to this~~  
3210 ~~subsection.~~ The revenues available under this subsection shall  
3211 not be pledged to the payment of any bonds other than the  
3212 Florida Ports Financing Commission Series 1996 and Series 1999  
3213 Bonds currently outstanding; provided, however, such revenues  
3214 may be pledged to secure payment of refunding bonds to refinance  
3215 the Florida Ports Financing Commission Series 1996 and Series  
3216 1999 Bonds. No refunding bonds secured by revenues available  
3217 under this subsection may be issued with a final maturity later  
3218 than the final maturity of the Florida Ports Financing  
3219 Commission Series 1996 and Series 1999 Bonds or which provide  
3220 for higher debt service in any year than is currently payable on  
3221 such bonds. Any revenue bonds or other indebtedness issued after  
3222 July 1, 2000, other than refunding bonds shall be issued by the  
3223 Division of Bond Finance at the request of the Department of  
3224 Transportation pursuant to the State Bond Act.

3225 (4) Notwithstanding any other provision of law except  
3226 subsections (1), (2), and (3), on July 1, 1999, and annually  
3227 thereafter, \$10 million shall be deposited in the State  
3228 Transportation Trust Fund solely for the purposes of funding the  
3229 Florida Seaport Transportation and Economic Development Program  
3230 as provided in chapter 311 and for funding seaport intermodal  
3231 access projects of statewide significance as provided in s.  
3232 341.053. Such revenues shall be distributed to any port listed  
3233 in s. 311.09(1), to be used for funding projects as follows:

3234 (a) For any seaport intermodal access projects that are  
3235 identified in the 1997-1998 Tentative Work Program of the

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3236 Department of Transportation, up to the amounts needed to offset  
3237 the funding requirements of this section.

3238 (b) For seaport intermodal access projects as described in  
3239 s. 341.053(5) that are identified in the 5-year Florida Seaport  
3240 Mission Plan as provided in s. 311.09(3). Funding for such  
3241 projects shall be on a matching basis as mutually determined by  
3242 the Florida Seaport Transportation and Economic Development  
3243 Council and the Department of Transportation, provided a minimum  
3244 of 25 percent of total project funds shall come from any port  
3245 funds, local funds, private funds, or specifically earmarked  
3246 federal funds.

3247 (c) On a 50-50 matching basis for projects as described in  
3248 s. 311.07(3)(b).

3249 (d) For seaport intermodal access projects that involve  
3250 the dredging or deepening of channels, turning basins, or  
3251 harbors; or the rehabilitation of wharves, docks, or similar  
3252 structures. Funding for such projects shall require a 25 percent  
3253 match of the funds received pursuant to this subsection.  
3254 Matching funds shall come from any port funds, federal funds,  
3255 local funds, or private funds.

3256  
3257 Such revenues may be assigned, pledged, or set aside as a trust  
3258 for the payment of principal or interest on bonds, tax  
3259 anticipation certificates, or any other form of indebtedness  
3260 issued by an individual port or appropriate local government  
3261 having jurisdiction thereof, or collectively by interlocal  
3262 agreement among any of the ports, or used to purchase credit  
3263 support to permit such borrowings. However, such debt shall not

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3264 constitute a general obligation of the state. This state does  
3265 hereby covenant with holders of such revenue bonds or other  
3266 instruments of indebtedness issued hereunder that it will not  
3267 repeal or impair or amend this subsection in any manner which  
3268 will materially and adversely affect the rights of holders so  
3269 long as bonds authorized by this subsection are outstanding. Any  
3270 revenues that are not pledged to the repayment of bonds as  
3271 authorized by this section may be utilized for purposes  
3272 authorized under the Florida Seaport Transportation and Economic  
3273 Development Program. This revenue source is in addition to any  
3274 amounts provided for and appropriated in accordance with s.  
3275 311.07 and subsection (3). The Florida Seaport Transportation  
3276 and Economic Development Council shall approve distribution of  
3277 funds to ports for projects that have been approved pursuant to  
3278 s. 311.09(5)-(8) ~~s. 311.09(5)-(9)~~, or for seaport intermodal  
3279 access projects identified in the 5-year Florida Seaport Mission  
3280 Plan as provided in s. 311.09(3) and mutually agreed upon by the  
3281 Florida Seaport Transportation and Economic Development ~~FSTED~~  
3282 Council and the Department of Transportation. All contracts for  
3283 actual construction of projects authorized by this subsection  
3284 must include a provision encouraging employment of participants  
3285 in the welfare transition program. The goal for employment of  
3286 participants in the welfare transition program is 25 percent of  
3287 all new employees employed specifically for the project, unless  
3288 the Department of Transportation and the Florida Seaport  
3289 Transportation and Economic Development Council demonstrate that  
3290 such a requirement would severely hamper the successful  
3291 completion of the project. In such an instance, Workforce

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3292 Florida, Inc., shall establish an appropriate percentage of  
3293 employees that must be participants in the welfare transition  
3294 program. The council and the Department of Transportation may  
3295 ~~are authorized to~~ perform such acts as are required to  
3296 facilitate and implement the provisions of this subsection. To  
3297 better enable the ports to cooperate to their mutual advantage,  
3298 the governing body of each port may exercise powers provided to  
3299 municipalities or counties in s. 163.01(7)(d) subject to the  
3300 provisions of chapter 311 and special acts, if any, pertaining  
3301 to a port. The use of funds provided pursuant to this subsection  
3302 is limited to eligible projects listed in this subsection. ~~The~~  
3303 ~~provisions of s. 311.07(4) do not apply to any funds received~~  
3304 ~~pursuant to this subsection.~~ The revenues available under this  
3305 subsection shall not be pledged to the payment of any bonds  
3306 other than the Florida Ports Financing Commission Series 1996  
3307 and Series 1999 Bonds currently outstanding; provided, however,  
3308 such revenues may be pledged to secure payment of refunding  
3309 bonds to refinance the Florida Ports Financing Commission Series  
3310 1996 and Series 1999 Bonds. No refunding bonds secured by  
3311 revenues available under this subsection may be issued with a  
3312 final maturity later than the final maturity of the Florida  
3313 Ports Financing Commission Series 1996 and Series 1999 Bonds or  
3314 which provide for higher debt service in any year than is  
3315 currently payable on such bonds. Any revenue bonds or other  
3316 indebtedness issued after July 1, 2000, other than refunding  
3317 bonds shall be issued by the Division of Bond Finance at the  
3318 request of the Department of Transportation pursuant to the  
3319 State Bond Act.

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3320 Section 74. Subsection (3) of section 335.02, Florida  
3321 Statutes, is amended to read:

3322 335.02 Authority to designate transportation facilities  
3323 and rights-of-way and establish lanes; procedure for  
3324 redesignation and relocation; application of local regulations.-

3325 (3) The department may establish standards for lanes on  
3326 the State Highway System, including the Strategic Intermodal  
3327 System highway corridors ~~Florida Intrastate Highway System~~  
3328 established pursuant to s. 339.65 ~~s. 338.001~~. In determining the  
3329 number of lanes for any regional corridor or section of highway  
3330 on the State Highway System to be funded by the department with  
3331 state or federal funds, the department shall evaluate all  
3332 alternatives and seek to achieve the highest degree of efficient  
3333 mobility for corridor users. In conducting the analysis, the  
3334 department must give consideration to the following factors  
3335 consistent with sound engineering principles:

3336 (a) Overall economic importance of the corridor as a trade  
3337 or tourism corridor.

3338 (b) Safety of corridor users, including the importance of  
3339 the corridor for evacuation purposes.

3340 (c) Cost-effectiveness of alternative methods of  
3341 increasing the mobility of corridor users.

3342 (d) Current and projected traffic volumes on the corridor.

3343 (e) Multimodal alternatives.

3344 (f) Use of intelligent transportation technology in  
3345 increasing the efficiency of the corridor.

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3346 (g) Compliance with state and federal policies related to  
3347 clean air, environmental impacts, growth management, livable  
3348 communities, and energy conservation.

3349 (h) Addition of special use lanes, such as exclusive truck  
3350 lanes, high-occupancy-vehicle toll lanes, and exclusive  
3351 interregional traffic lanes.

3352 (i) Availability and cost of rights-of-way, including  
3353 associated costs, and the most effective use of existing rights-  
3354 of-way.

3355 (j) Regional economic and transportation objectives, where  
3356 articulated.

3357 (k) The future land use plan element of local government  
3358 comprehensive plans, as appropriate, including designated urban  
3359 infill and redevelopment areas.

3360 (l) The traffic circulation element, if applicable, of  
3361 local government comprehensive plans, including designated  
3362 transportation corridors and public transportation corridors.

3363 (m) The approved metropolitan planning organization's  
3364 long-range transportation plan, as appropriate.

3365  
3366 This subsection does not preclude a number of lanes in excess of  
3367 10 lanes, but an additional factor that must be considered  
3368 before the department may determine that the number of lanes  
3369 should be more than 10 is the capacity to accommodate in the  
3370 future alternative forms of transportation within existing or  
3371 potential rights-of-way.

3372 Section 75. Subsection (2) of section 338.222, Florida  
3373 Statutes, is amended to read:

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3374 338.222 Department of Transportation sole governmental  
3375 entity to acquire, construct, or operate turnpike projects;  
3376 exception.-

3377 (2) The department may contract with any local  
3378 governmental entity as defined in s. 334.03(13) ~~s. 334.03(14)~~  
3379 for the design, right-of-way acquisition, or construction of any  
3380 turnpike project which the Legislature has approved. Local  
3381 governmental entities may negotiate with the department for the  
3382 design, right-of-way acquisition, and construction of any  
3383 section of the turnpike project within areas of their respective  
3384 jurisdictions or within counties with which they have interlocal  
3385 agreements.

3386 Section 76. Subsection (6) of section 339.285, Florida  
3387 Statutes, is amended to read:

3388 339.285 Enhanced Bridge Program for Sustainable  
3389 Transportation.-

3390 (6) Preference shall be given to bridge projects located  
3391 on corridors that connect to the Strategic Intermodal System,  
3392 created under s. 339.64, and that have been identified as  
3393 regionally significant in accordance with s. 339.155(4)(c), (d),  
3394 and (e) ~~s. 339.155(5)(c), (d), and (e)~~.

3395 Section 77. Subsection (2) of section 341.053, Florida  
3396 Statutes, is amended to read:

3397 341.053 Intermodal Development Program; administration;  
3398 eligible projects; limitations.-

3399 (2) In recognition of the department's role in the  
3400 economic development of this state, the department shall develop  
3401 a proposed intermodal development plan to connect Florida's

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3402 airports, deepwater seaports, rail systems serving both  
3403 passenger and freight, and major intermodal connectors to the  
3404 Strategic Intermodal System highway corridors ~~Florida Intrastate~~  
3405 ~~Highway System facilities~~ as the primary system for the movement  
3406 of people and freight in this state in order to make the  
3407 intermodal development plan a fully integrated and  
3408 interconnected system. The intermodal development plan must:

3409 (a) Define and assess the state's freight intermodal  
3410 network, including airports, seaports, rail lines and terminals,  
3411 intercity bus lines and terminals, and connecting highways.

3412 (b) Prioritize statewide infrastructure investments,  
3413 including the acceleration of current projects, which are found  
3414 by the Freight Stakeholders Task Force to be priority projects  
3415 for the efficient movement of people and freight.

3416 (c) Be developed in a manner that will assure maximum use  
3417 of existing facilities and optimum integration and coordination  
3418 of the various modes of transportation, including both  
3419 government-owned and privately owned resources, in the most  
3420 cost-effective manner possible.

3421 Section 78. Subsection (2) of section 341.8225, Florida  
3422 Statutes, is amended to read:

3423 341.8225 Department of Transportation sole governmental  
3424 entity to acquire, construct, or operate high-speed rail  
3425 projects; exception.—

3426 (2) Local governmental entities, as defined in s.  
3427 334.03(13) ~~s. 334.03(14)~~, may negotiate with the department for  
3428 the design, right-of-way acquisition, and construction of any  
3429 component of the high-speed rail system within areas of their

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3430 respective jurisdictions or within counties with which they have  
3431 interlocal agreements.

3432 Section 79. Subsection (2) of section 403.7211, Florida  
3433 Statutes, is amended to read:

3434 403.7211 Hazardous waste facilities managing hazardous  
3435 wastes generated offsite; federal facilities managing hazardous  
3436 waste.—

3437 (2) The department may ~~shall~~ not issue any permit under s.  
3438 403.722 for the construction, initial operation, or substantial  
3439 modification of a facility for the disposal, storage, or  
3440 treatment of hazardous waste generated offsite which is proposed  
3441 to be located in any of the following locations:

3442 (a) Any area where life-threatening concentrations of  
3443 hazardous substances could accumulate at any residence or  
3444 residential subdivision as the result of a catastrophic event at  
3445 the proposed facility, unless each such residence or residential  
3446 subdivision is served by at least one arterial road or urban  
3447 minor arterial road, as determined under the procedures  
3448 referenced in s. 334.03(10) ~~defined in s. 334.03~~, which provides  
3449 safe and direct egress by land to an area where such life-  
3450 threatening concentrations of hazardous substances could not  
3451 accumulate in a catastrophic event. Egress by any road leading  
3452 from any residence or residential subdivision to any point  
3453 located within 1,000 yards of the proposed facility is unsafe  
3454 for the purposes of this paragraph. In determining whether  
3455 egress proposed by the applicant is safe and direct, the  
3456 department shall also consider, at a minimum, the following  
3457 factors:

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3458 1. Natural barriers such as water bodies, and whether any  
3459 road in the proposed evacuation route is impaired by a natural  
3460 barrier such as a water body.~~†~~

3461 2. Potential exposure during egress and potential  
3462 increases in the duration of exposure.~~†~~

3463 3. Whether any road in a proposed evacuation route passes  
3464 in close proximity to the facility.~~†~~ ~~and~~

3465 4. Whether any portion of the evacuation route is  
3466 inherently directed toward the facility.

3467 (b) Any location within 1,500 yards of any hospital,  
3468 prison, school, nursing home facility, day care facility,  
3469 stadium, place of assembled worship, or any other similar site  
3470 where individuals are routinely confined or assembled in such a  
3471 manner that reasonable access to immediate evacuation is likely  
3472 to be unavailable.~~†~~

3473 (c) Any location within 1,000 yards of any residence.~~†~~ ~~or~~

3474 (d) Any location which is inconsistent with rules adopted  
3475 by the department under this part.

3476  
3477 For the purposes of this subsection, all distances shall be  
3478 measured from the outer limit of the active hazardous waste  
3479 management area. "Substantial modification" includes: any  
3480 physical change in, change in the operations of, or addition to  
3481 a facility which could increase the potential offsite impact, or  
3482 risk of impact, from a release at that facility; and any change  
3483 in permit conditions which is reasonably expected to lead to  
3484 greater potential impacts or risks of impacts, from a release at  
3485 that facility. "Substantial modification" does not include a

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3486 change in operations, structures, or permit conditions which  
3487 does not substantially increase either the potential impact  
3488 from, or the risk of, a release. Physical or operational changes  
3489 to a facility related solely to the management of nonhazardous  
3490 waste at the facility is ~~shall~~ not ~~be~~ considered a substantial  
3491 modification. The department shall, by rule, adopt criteria to  
3492 determine whether a facility has been substantially modified.  
3493 "Initial operation" means the initial commencement of operations  
3494 at the facility.

3495 Section 80. Subsection (27) of section 479.01, Florida  
3496 Statutes, is amended to read:

3497 479.01 Definitions.—As used in this chapter, the term:

3498 (27) "Urban area" has the same meaning as defined in s.  
3499 334.03(31) ~~s. 334.03(32)~~.

3500 Section 81. Subsection (1) of section 479.07, Florida  
3501 Statutes, is amended to read:

3502 479.07 Sign permits.—

3503 (1) Except as provided in ss. 479.105(1)(e) and 479.16, a  
3504 person may not erect, operate, use, or maintain, or cause to be  
3505 erected, operated, used, or maintained, any sign on the State  
3506 Highway System outside an urban area, as defined in s.  
3507 334.03(31) ~~s. 334.03(32)~~, or on any portion of the interstate or  
3508 federal-aid primary highway system without first obtaining a  
3509 permit for the sign from the department and paying the annual  
3510 fee as provided in this section. As used in this section, the  
3511 term "on any portion of the State Highway System, interstate, or  
3512 federal-aid primary system" means a sign located within the

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3513 controlled area which is visible from any portion of the main-  
3514 traveled way of such system.

3515 Section 82. Subsection (5) of section 479.261, Florida  
3516 Statutes, is amended to read:

3517 479.261 Logo sign program.—

3518 (5) At a minimum, permit fees for businesses that  
3519 participate in the program must be established in an amount  
3520 sufficient to offset the total cost to the department for the  
3521 program, including contract costs. The department shall provide  
3522 the services in the most efficient and cost-effective manner  
3523 through department staff or by contracting for some or all of  
3524 the services. The department shall adopt rules that set  
3525 reasonable rates based upon factors such as population, traffic  
3526 volume, market demand, and costs for annual permit fees.  
3527 However, annual permit fees for sign locations inside an urban  
3528 area, as defined in s. 334.03(31) ~~s. 334.03(32)~~, may not exceed  
3529 \$3,500, and annual permit fees for sign locations outside an  
3530 urban area, as defined in s. 334.03(31) ~~s. 334.03(32)~~, may not  
3531 exceed \$2,000. After recovering program costs, the proceeds from  
3532 the annual permit fees shall be deposited into the State  
3533 Transportation Trust Fund and used for transportation purposes.

3534 Section 83. This act shall take effect July 1, 2012.

3535  
3536  
3537 -----  
3538 **T I T L E A M E N D M E N T**

3539 Remove the entire title and insert:



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3540 An act relating to transportation; amending s. 20.23,  
3541 F.S., relating to the Department of Transportation;  
3542 authorizing district secretaries and executive  
3543 directors to be a professional engineer from any  
3544 state; removing obsolete language relating to  
3545 authority of district secretaries to appoint district  
3546 directors; authorizing the department to maintain  
3547 specified training programs for employees and  
3548 prospective employees; authorizing incremental  
3549 increases to base salary for successful completion of  
3550 training phases; amending s. 206.41, F.S., relating to  
3551 payment of a tax on fuel under specified provisions;  
3552 revising application of a restriction on the use of  
3553 agricultural equipment to qualify for a refund of the  
3554 tax; providing that the restriction does not apply to  
3555 citrus harvesting equipment or citrus fruit loaders;  
3556 amending s. 282.0041, F.S., relating to enterprise  
3557 information technology services management under the  
3558 Agency for Enterprise Information Technology; revising  
3559 the definition of the term "agency" to exclude the  
3560 Office of Toll Operations of the turnpike enterprise;  
3561 amending s. 282.0055, F.S.; exempting the Office of  
3562 Toll Operations from specified provisions for  
3563 enterprise information technology services; amending  
3564 s. 282.201, F.S.; removing the toll offices from  
3565 provisions for a primary data center under such  
3566 agency; revising the title of ch. 311, F.S.; amending  
3567 s. 311.07, F.S.; revising provisions for the financing

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3568 of port transportation or port facilities projects;  
3569 increasing funding for the Florida Seaport  
3570 Transportation and Economic Development Program;  
3571 directing the Florida Seaport Transportation and  
3572 Economic Development Council to develop guidelines for  
3573 project funding; directing council staff, the  
3574 Department of Transportation, and the Department of  
3575 Economic Opportunity to work in cooperation to review  
3576 projects and allocate funds as specified; revising  
3577 certain authorized uses of program funds; revising the  
3578 list of projects eligible for funding under the  
3579 program; removing a cap on distribution of program  
3580 funds; removing a requirement for a specified audit;  
3581 authorizing the Department of Transportation to  
3582 subject projects funded under the program to a  
3583 specified audit; amending s. 311.09, F.S.; revising  
3584 provisions for rules of the council for evaluating  
3585 certain projects; removing provisions for review by  
3586 the Department of Community Affairs of the list of  
3587 projects approved by the council; revising provisions  
3588 for review and evaluation of such projects by the  
3589 Department of Transportation and the Department of  
3590 Economic Opportunity; increasing the amount of funding  
3591 the Department of Transportation is required to  
3592 include in its annual legislative budget request for  
3593 the Florida Seaport Transportation and Economic  
3594 Development Program; revising provisions relating to  
3595 funding to be included in the budget; creating s.

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3596 311.10, F.S.; establishing the Strategic Port  
3597 Investment Initiative within the Department of  
3598 Transportation; providing for a minimum annual amount  
3599 from the State Transportation Trust Fund to fund the  
3600 initiative; directing the department to work with  
3601 deepwater ports to develop and maintain a priority  
3602 list of strategic investment projects; providing  
3603 project selection criteria; requiring the department  
3604 to schedule a publicly noticed workshop with the  
3605 Department of Economic Opportunity and the deepwater  
3606 ports to review the proposed projects; directing the  
3607 department to finalize a prioritized list of potential  
3608 projects after considering comments received in the  
3609 workshop; directing the department to include the  
3610 proposed seaport projects in the tentative work  
3611 program; creating s. 311.101, F.S.; creating the  
3612 Intermodal Logistics Center Infrastructure Support  
3613 Program within the Department of Transportation;  
3614 providing purpose of the program; defining the term  
3615 "intermodal logistics center"; providing criteria for  
3616 consideration by the department when evaluating  
3617 projects for program assistance; directing the  
3618 department to coordinate and consult with the  
3619 Department of Economic Opportunity in the selection of  
3620 projects to be funded; authorizing the department to  
3621 administer contracts on behalf of the entity selected  
3622 to receive funding; providing for the department's  
3623 share of project costs; providing for a certain amount

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3624 of funds in the State Transportation Trust Fund to be  
3625 made available for eligible projects; directing the  
3626 department to include the proposed projects in the  
3627 tentative work program; authorizing the department to  
3628 adopt rules; creating s. 311.106, F.S.; relating to  
3629 seaport stormwater permitting and mitigation;  
3630 authorizing a seaport to provide for off-site  
3631 mitigation for port activities; providing where the  
3632 mitigation project must be located; providing the  
3633 project must be constructed and maintained by the  
3634 seaport or in conjunction with a local government;  
3635 providing that the mitigation project must be part of  
3636 the port master plan; amending s. 311.14, F.S.,  
3637 relating to seaport planning; directing the department  
3638 to develop, in coordination with certain partners, a  
3639 Statewide Seaport and Waterways System Plan consistent  
3640 with the goals of the Florida Transportation Plan;  
3641 providing requirements for the plan; removing  
3642 provisions for the Florida Seaport Transportation and  
3643 Economic Development Council to develop freight-  
3644 mobility and trade-corridor plans; removing provisions  
3645 that require the Office of the State Public  
3646 Transportation Administrator to integrate the Florida  
3647 Transportation Plan with certain other plans and  
3648 programs; removing provisions relating to the  
3649 construction of seaport freight-mobility projects;  
3650 amending s. 316.003, F.S.; revising the definition of  
3651 the term "motor vehicle" for purposes of the payment

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3652 and collection of tolls on toll facilities under  
3653 specified provisions; amending s. 316.091, F.S.;  
3654 permitting the use of shoulders for vehicular traffic  
3655 under certain circumstances; requiring notice of where  
3656 vehicular traffic is allowed; providing what it does  
3657 not deem as authorization; requiring the department to  
3658 establish a pilot program to open certain limited  
3659 access highways and bridges to bicycles and other  
3660 human-powered vehicles; providing requirements for the  
3661 pilot program; providing a timeframe for  
3662 implementation of the program; authorizing the  
3663 department to continue or expand the program;  
3664 requiring the department to report findings and  
3665 recommendations to the Governor and Legislature by a  
3666 certain date; amending s. 316.1001, F.S.; revising  
3667 requirements for mailing of citations for failure to  
3668 pay a toll; authorizing mailing by certified mail in  
3669 addition to first class mail; providing that mailing  
3670 of the citation to the address of the registered motor  
3671 vehicle owner constitutes notification; removing a  
3672 requirement for a return receipt; amending s. 316.515,  
3673 F.S.; revising provisions for the maximum allowed  
3674 length of straight truck-trailer combinations;  
3675 revising provisions for operation of implements of  
3676 husbandry and farm equipment on state roads;  
3677 authorizing the operation of citrus harvesting  
3678 equipment and citrus fruit loaders for certain  
3679 purposes; conforming a cross-reference; amending s.

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3680 320.01, F.S.; revising the definition of the term  
3681 "low-speed vehicle" to include vehicles that are not  
3682 electric powered; amending s. 332.08, F.S.,  
3683 authorizing a municipality participating in a federal  
3684 Airport Privatization Pilot program to sell an airport  
3685 or other air navigation facility or certain real  
3686 property, improvements, and equipment; requiring  
3687 department approval of agreement under certain  
3688 circumstances; providing criteria for department  
3689 approval; amending s. 334.03, F.S.; removing the  
3690 definition of the term "Florida Intrastate Highway  
3691 System" and revising the definitions of the terms  
3692 "functional classification" and "State Highway System"  
3693 for purposes of the Florida Transportation Code;  
3694 amending s. 334.044, F.S.; revising the powers and  
3695 duties of the department relating to jurisdictional  
3696 responsibility, designating facilities, and highway  
3697 landscaping; adding the duty to develop freight  
3698 mobility and trade plans; amending s. 334.047, F.S.;  
3699 removing a provision that prohibits the department  
3700 from establishing a maximum number of miles of urban  
3701 principal arterial roads; amending s. 335.074, F.S.,  
3702 relating to bridge safety inspection reports;  
3703 requiring the governmental entity having maintenance  
3704 responsibility for a bridge to reduce the maximum  
3705 weight, size, or speed limit for the bridge or to  
3706 close the bridge upon receipt of a report recommending  
3707 the reduction or closure; requiring the entity to post

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3708 the reduced limits and notify the department;  
3709 requiring the department to post the reduced limits or  
3710 to close the bridge under certain circumstances;  
3711 requiring costs associated with the department posting  
3712 the revised limits or closure of the bridge to be  
3713 assessed against and collected from the governmental  
3714 entity; amending s. 335.17, F.S.; revising provisions  
3715 relating to highway construction noise abatement;  
3716 amending s. 336.021, F.S.; revising the date when  
3717 imposition of the ninth-cent fuel tax will be levied;  
3718 amending s. 336.025, F.S.; revising the date when  
3719 impositions and rate changes of the local option fuel  
3720 tax shall be levied; revising the definition of the  
3721 term "transportation expenditures" for purposes of  
3722 specified provisions that restrict the use of local  
3723 option fuel tax funds by counties and municipalities;  
3724 amending s. 337.11, F.S.; requiring the department to  
3725 advertise certain construction contracts for bids on  
3726 the department's Internet website; removing provisions  
3727 for such advertisement to be published in a newspaper;  
3728 amending s. 337.111, F.S.; providing additional forms  
3729 of security for the cost of removal of monuments or  
3730 memorials or modifications to an installation site at  
3731 highway rest areas; removing a provision requiring  
3732 renewal of a bond; amending s. 337.125, F.S.; revising  
3733 provisions relating to a prime contractor's submission  
3734 of a disadvantaged business enterprise utilization  
3735 form; repealing s. 337.137, F.S., relating to

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3736 subcontracting by socially and economically  
3737 disadvantaged business enterprises; amending s.  
3738 337.139, F.S.; providing an updated reference to  
3739 federal law as it relates to socially and economically  
3740 disadvantaged business enterprises; amending s.  
3741 337.14, F.S.; revising provisions for applications for  
3742 qualification to bid on department contracts; amending  
3743 ss. 337.403 and 337.404, F.S.; revising provisions for  
3744 alleviation of interference with a public road or  
3745 publicly owned rail corridor caused by a utility  
3746 facility; amending s. 337.408, F.S.; revising  
3747 provisions for certain facilities installed within the  
3748 right-of-way limits of roads; requiring counties and  
3749 municipalities to indemnify the department from  
3750 certain claims relating to the installation, removal,  
3751 or relocation of a noncompliant bench or shelter;  
3752 authorizing the department to direct a county or  
3753 municipality to remove or relocate a bus stop, bench,  
3754 transit shelter, waste disposal receptacle, public pay  
3755 telephone, or modular news rack that is not in  
3756 compliance with applicable laws or rules; directing  
3757 the department to remove or relocate such installation  
3758 and charge the cost to the county or municipality;  
3759 authorizing the department to deduct the cost from  
3760 funding available to the municipality or county from  
3761 the department; removing a provision for the  
3762 replacement of an unusable transit bus bench that was  
3763 in service before a certain date; revising the title

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3764 of ch. 338, F.S.; repealing s. 338.001, F.S., relating  
3765 to provisions for the Florida Intrastate Highway  
3766 System Plan; amending s. 338.01, F.S.; clarifying  
3767 provisions governing the designation and function of  
3768 limited access facilities; authorizing the department  
3769 or other governmental entities collecting tolls to  
3770 pursue collection of unpaid tolls by contracting with  
3771 a private attorney or collection agency; authorizing a  
3772 collection fee; providing an exception to statutory  
3773 requirements related to private attorney services;  
3774 creating s. 338.151, F.S.; authorizing the department  
3775 to establish tolls on certain transportation  
3776 facilities to pay for the cost of such project;  
3777 prohibiting the department from establishing tolls on  
3778 certain lanes of limited access facilities; providing  
3779 an exception; providing for application; amending s.  
3780 338.155, F.S.; authorizing the department adopt rules  
3781 to allow public transit vehicles and certain military-  
3782 service-related funeral processions to use certain  
3783 toll facilities without payment of tolls; amending s.  
3784 338.161, F.S., authorizing the department to enter  
3785 into agreements for the use of its electronic toll  
3786 collection and video billing system; authorizing rule  
3787 modification of its rules regarding toll collection  
3788 and an administrative charge; providing for  
3789 construction; amending s. 338.166, F.S.; revising a  
3790 provision for issuance of bonds secured by toll  
3791 revenues collected on high-occupancy toll lanes or

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3792 express lanes; revising authorized uses of such toll  
3793 revenues; providing restrictions on such use; amending  
3794 s. 338.221, F.S.; revising the definition of the term  
3795 "economically feasible" for purposes of proposed  
3796 turnpike projects; amending s. 338.223, F.S.; revising  
3797 provisions for department requests for legislative  
3798 approval of proposed turnpike projects; conforming a  
3799 cross-reference; amending s. 338.227, F.S.; conforming  
3800 provisions to changes made by the act; directing the  
3801 department and the Department of Management Services  
3802 to create and implement a program designed to enhance  
3803 participation of minority businesses in certain  
3804 contracts related to the Strategic Intermodal System  
3805 Plan; amending ss. 338.2275 and 338.228, F.S.,  
3806 relating to turnpike projects; revising cross-  
3807 references; amending s. 338.231, F.S.; authorizing the  
3808 department to apply a monthly account maintenance  
3809 charge to inactive prepaid toll accounts; directing  
3810 the department to close the account under certain  
3811 circumstances; amending s. 338.234, F.S.; revising  
3812 provisions that exempt certain lessees from payment of  
3813 commercial rental tax; replacing a reference to the  
3814 Florida Intrastate Highway System with a reference to  
3815 the Strategic Intermodal System; amending s. 339.0805,  
3816 F.S.; revising requirements for expenditure of certain  
3817 funds with small business concerns owned and  
3818 controlled by socially and economically disadvantaged  
3819 individuals; revising a definition of the term "small

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3820 business concern"; removing provisions for a periodic  
3821 disparity study; deleting obsolete language; revising  
3822 provisions for certification as a socially and  
3823 economically disadvantaged business enterprise;  
3824 revising requirements that a disadvantaged business  
3825 enterprise notify the department of certain changes in  
3826 ownership; revising criteria for such a business  
3827 enterprise to participate in a construction management  
3828 development program; revising references to federal  
3829 law; amending s. 339.135, F.S.; revising provisions  
3830 for developing the department's tentative work  
3831 program; revising provisions for a list of project  
3832 priorities submitted by a metropolitan planning  
3833 organization; revising criteria for proposed amendment  
3834 to the department's adopted work program which  
3835 deletes, advances, or defers a project or project  
3836 phase; revising threshold amounts; directing the  
3837 department to index the budget amendment threshold  
3838 amounts to the rate of inflation; prohibiting such  
3839 adjustments more frequently than once a year;  
3840 subjecting such adjustments to specified notice and  
3841 review procedures; amending s. 339.155, F.S.; revising  
3842 provisions for the Florida Transportation Plan;  
3843 requiring the planning process to conform to specified  
3844 federal provisions; removing provisions for a long-  
3845 range component, short-range component, and a report;  
3846 amending s. 339.175, F.S.; providing to the extent  
3847 possible only one metropolitan planning organization

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3848 be designated in a urbanized area; providing that  
3849 representatives of the department shall serve as  
3850 nonvoting advisers to a metropolitan planning  
3851 organization; authorizing the appointment of  
3852 additional nonvoting advisers; requiring M.P.O.s to  
3853 coordinate in the development of regionally  
3854 significant project priorities; amending s. 339.2819,  
3855 F.S.; revising the state matching funds requirement  
3856 for the Transportation Regional Incentive Program;  
3857 conforming cross-references; requiring funded projects  
3858 to be in the department's work program; requiring a  
3859 project to meet the program's requirements prior to  
3860 being funded; amending s. 339.62, F.S.; removing the  
3861 Florida Intrastate Highway System from and adding  
3862 highway corridors to the list of components of the  
3863 Strategic Intermodal System; providing for other  
3864 corridors to be included in the system; amending s.  
3865 339.63, F.S.; adding military access facilities to the  
3866 types of facilities included in the Strategic  
3867 Intermodal System and the Emerging Strategic  
3868 Intermodal System which form components of an  
3869 interconnected transportation system; providing that  
3870 an intermodal logistics center meeting certain  
3871 criteria shall be designated as part of the Strategic  
3872 Intermodal System; providing for a waiver of  
3873 transportation concurrency for such facility; amending  
3874 s. 339.64, F.S.; deleting provisions creating the  
3875 Statewide Intermodal Transportation Advisory Council;

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3876 creating s. 339.65, F.S.; requiring the department to  
3877 plan and develop for Strategic Intermodal System  
3878 highway corridors to aid traffic movement around the  
3879 state; providing for components of the corridors;  
3880 requiring the department to follow specified policy  
3881 guidelines when developing the corridors; directing  
3882 the department to establish standards and criteria for  
3883 functional design; providing for appropriations;  
3884 requiring such highway corridor projects to be a part  
3885 of the department's adopted work program; amending  
3886 341.840, F.S.; relating to the Florida Rail Enterprise  
3887 Act; revising obsolete references to the Florida High-  
3888 Speed Rail Authority; providing that certain  
3889 transactions made by or on behalf of the enterprise  
3890 are exempt from specified taxes; providing for certain  
3891 contractors to act as agents on behalf of the  
3892 enterprise for purposes of the tax exemption;  
3893 authorizing the department to adopt rules; amending s.  
3894 343.52, F.S.; revising the definition of the term  
3895 "area served" for purposes of the South Florida  
3896 Regional Transportation Authority; removing authority  
3897 to expand the area; amending s. 343.53, F.S.; revising  
3898 the membership of the governing board of the South  
3899 Florida Regional Transportation Authority; amending s.  
3900 348.0003, F.S.; revising financial disclosure  
3901 requirements for certain transportation authorities;  
3902 amending s. 349.03, F.S.; providing for financial  
3903 disclosure requirements for the Jacksonville

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1399 (2012)

Amendment No. 1

3904 Transportation Authority; amending s. 349.04, F.S.;

3905 providing that the Jacksonville Transportation

3906 Authority may conduct meetings and workshops using

3907 communications media technology; providing that

3908 certain actions may not be taken unless a quorum is

3909 present in person; providing that members must be

3910 physically present to vote on any item; amending s.

3911 373.413, F.S.; providing legislative intent regarding

3912 flexibility in the permitting of stormwater management

3913 systems; requiring the cost of stormwater treatment

3914 for a transportation project to be balanced with

3915 benefits to the public; requiring that alternatives to

3916 onsite treatment be allowed; specifying

3917 responsibilities of the department relating to

3918 abatement of pollutants and permits for adjacent lands

3919 impacted by right-of-way acquisition; authorizing

3920 water management districts and the Department of

3921 Environmental Protection to adopt rules; amending s.

3922 373.4137, F.S., relating to the mitigation of

3923 environmental impact of transportation projects

3924 proposed by the department or a transportation

3925 authority; revising legislative intent; revising

3926 provisions for development of environmental impact

3927 inventories; providing for the release of escrowed

3928 mitigation funds under certain circumstances;

3929 specifying continuing responsibility for mitigation

3930 projects; revising provisions for exclusion of

3931 projects from a mitigation plan; authorizing the

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1399 (2012)

Amendment No. 1

3932 department to seek Federal Highway Administration  
3933 approval of a tourist-oriented commerce sign pilot  
3934 program; directing the department to submit the  
3935 approved pilot program for legislative approval;  
3936 establishing a pilot program for the Palm Beach County  
3937 school district to recognize its business partners;  
3938 providing for expiration of the program; amending ss.  
3939 215.616, 288.063, 311.22, 316.2122, 318.12, 320.20,  
3940 335.02, 338.222, 339.285, 341.053, 341.8225, 403.7211,  
3941 479.01, 479.07, and 479.261, F.S., relating to bonds  
3942 for federal aid highway construction, contracts for  
3943 transportation projects, dredging projects, operation  
3944 of low-speed vehicles or mini-trucks, traffic  
3945 infractions, license tax distribution, standards for  
3946 lanes, turnpike projects, the Enhanced Bridge Program  
3947 for Sustainable Transportation, the Intermodal  
3948 Development Program, high-speed rail projects,  
3949 hazardous waste facilities, outdoor advertising, and  
3950 the logo sign program, respectively; deleting obsolete  
3951 language; revising references to conform to the  
3952 incorporation of the Florida Intrastate Highway System  
3953 into the Strategic Intermodal System and to changes  
3954 made by the act; providing an effective date.  
3955