

1 A bill to be entitled
2 An act relating to transportation; amending s. 20.23,
3 F.S., relating to the Department of Transportation;
4 authorizing district secretaries and executive
5 directors to be a professional engineer from any
6 state; removing obsolete language relating to
7 authority of district secretaries to appoint district
8 directors; authorizing the department to maintain
9 specified training programs for employees and
10 prospective employees; authorizing incremental
11 increases to base salary for successful completion of
12 training phases; amending s. 206.41, F.S., relating to
13 payment of a tax on fuel under specified provisions;
14 revising application of a restriction on the use of
15 agricultural equipment to qualify for a refund of the
16 tax; providing that the restriction does not apply to
17 citrus harvesting equipment or citrus fruit loaders;
18 amending s. 282.0041, F.S., relating to enterprise
19 information technology services management under the
20 Agency for Enterprise Information Technology; revising
21 the definition of the term "agency" to exclude the
22 Office of Toll Operations of the turnpike enterprise;
23 amending s. 282.0055, F.S.; exempting the Office of
24 Toll Operations from specified provisions for
25 enterprise information technology services; amending
26 s. 282.201, F.S.; removing the toll offices from
27 provisions for a primary data center under such
28 agency; revising the title of ch. 311, F.S.; amending

29 s. 311.07, F.S.; revising provisions for the financing
30 of port transportation or port facilities projects;
31 increasing funding for the Florida Seaport
32 Transportation and Economic Development Program;
33 directing the Florida Seaport Transportation and
34 Economic Development Council to develop guidelines for
35 project funding; directing council staff, the
36 Department of Transportation, and the Department of
37 Economic Opportunity to work in cooperation to review
38 projects and allocate funds as specified; revising
39 certain authorized uses of program funds; revising the
40 list of projects eligible for funding under the
41 program; removing a cap on distribution of program
42 funds; removing a requirement for a specified audit;
43 authorizing the Department of Transportation to
44 subject projects funded under the program to a
45 specified audit; amending s. 311.09, F.S.; revising
46 provisions for rules of the council for evaluating
47 certain projects; removing provisions for review by
48 the Department of Community Affairs of the list of
49 projects approved by the council; revising provisions
50 for review and evaluation of such projects by the
51 Department of Transportation and the Department of
52 Economic Opportunity; increasing the amount of funding
53 the Department of Transportation is required to
54 include in its annual legislative budget request for
55 the Florida Seaport Transportation and Economic
56 Development Program; revising provisions relating to

57 | funding to be included in the budget; creating s.
58 | 311.10, F.S.; establishing the Strategic Port
59 | Investment Initiative within the Department of
60 | Transportation; providing for a minimum annual amount
61 | from the State Transportation Trust Fund to fund the
62 | initiative; directing the department to work with
63 | deepwater ports to develop and maintain a priority
64 | list of strategic investment projects; providing
65 | project selection criteria; requiring the department
66 | to schedule a publicly noticed workshop with the
67 | Department of Economic Opportunity and the deepwater
68 | ports to review the proposed projects; directing the
69 | department to finalize a prioritized list of potential
70 | projects after considering comments received in the
71 | workshop; directing the department to include the
72 | proposed seaport projects in the tentative work
73 | program; creating s. 311.101, F.S.; creating the
74 | Intermodal Logistics Center Infrastructure Support
75 | Program within the Department of Transportation;
76 | providing purpose of the program; defining the term
77 | "intermodal logistics center"; providing criteria for
78 | consideration by the department when evaluating
79 | projects for program assistance; directing the
80 | department to coordinate and consult with the
81 | Department of Economic Opportunity in the selection of
82 | projects to be funded; authorizing the department to
83 | administer contracts on behalf of the entity selected
84 | to receive funding; providing for the department's

85 | share of project costs; providing for a certain amount
86 | of funds in the State Transportation Trust Fund to be
87 | made available for eligible projects; directing the
88 | department to include the proposed projects in the
89 | tentative work program; authorizing the department to
90 | adopt rules; creating s. 311.106, F.S., relating to
91 | seaport stormwater permitting and mitigation;
92 | authorizing a seaport to provide for offsite
93 | mitigation for port activities; providing where the
94 | mitigation project must be located; providing that the
95 | project must be constructed and maintained by the
96 | seaport or in conjunction with a local government;
97 | providing that the mitigation project must be part of
98 | the port master plan; amending s. 311.14, F.S.,
99 | relating to seaport planning; directing the department
100 | to develop, in coordination with certain partners, a
101 | Statewide Seaport and Waterways System Plan consistent
102 | with the goals of the Florida Transportation Plan;
103 | providing requirements for the plan; removing
104 | provisions for the Florida Seaport Transportation and
105 | Economic Development Council to develop freight-
106 | mobility and trade-corridor plans; removing provisions
107 | that require the Office of the State Public
108 | Transportation Administrator to integrate the Florida
109 | Transportation Plan with certain other plans and
110 | programs; removing provisions relating to the
111 | construction of seaport freight-mobility projects;
112 | amending s. 316.003, F.S.; revising the definition of

113 the term "motor vehicle" for purposes of the payment
114 and collection of tolls on toll facilities under
115 specified provisions; amending s. 316.091, F.S.;
116 permitting the use of shoulders for vehicular traffic
117 under certain circumstances; requiring notice of where
118 vehicular traffic is allowed; providing what may not
119 be deemed as authorization; requiring the department
120 to establish a pilot program to open certain limited
121 access highways and bridges to bicycles and other
122 human-powered vehicles; providing requirements for the
123 pilot program; providing a timeframe for
124 implementation of the program; authorizing the
125 department to continue or expand the program;
126 requiring the department to report findings and
127 recommendations to the Governor and Legislature by a
128 certain date; amending s. 316.1001, F.S.; revising
129 requirements for mailing of citations for failure to
130 pay a toll; authorizing mailing by certified mail in
131 addition to first class mail; providing that mailing
132 of the citation to the address of the registered motor
133 vehicle owner constitutes notification; removing a
134 requirement for a return receipt; amending s. 316.515,
135 F.S.; revising provisions for the maximum allowed
136 length of straight truck-trailer combinations;
137 revising provisions for operation of implements of
138 husbandry and farm equipment on state roads;
139 authorizing the operation of citrus harvesting
140 equipment and citrus fruit loaders for certain

141 purposes; conforming a cross-reference; amending s.
142 320.01, F.S.; revising the definition of the term
143 "low-speed vehicle" to include vehicles that are not
144 electric powered; amending s. 332.08, F.S.;
145 authorizing a municipality participating in a federal
146 airport privatization pilot program to sell an airport
147 or other air navigation facility or certain real
148 property, improvements, and equipment; requiring
149 department approval of the agreement under certain
150 circumstances; providing criteria for department
151 approval; amending s. 334.03, F.S.; removing the
152 definition of the term "Florida Intrastate Highway
153 System" and revising the definitions of the terms
154 "functional classification" and "State Highway System"
155 for purposes of the Florida Transportation Code;
156 amending s. 334.044, F.S.; revising the powers and
157 duties of the department relating to jurisdictional
158 responsibility, designating facilities, and highway
159 landscaping; adding the duty to develop freight
160 mobility and trade plans; amending s. 334.047, F.S.;
161 removing a provision that prohibits the department
162 from establishing a maximum number of miles of urban
163 principal arterial roads; amending s. 335.074, F.S.,
164 relating to bridge safety inspection reports;
165 requiring the governmental entity having maintenance
166 responsibility for a bridge to reduce the maximum
167 weight, size, or speed limit for the bridge or to
168 close the bridge upon receipt of a report recommending

169 the reduction or closure; requiring the entity to post
170 the reduced limits and notify the department;
171 requiring the department to post the reduced limits or
172 to close the bridge under certain circumstances;
173 requiring costs associated with the department posting
174 the revised limits or closure of the bridge to be
175 assessed against and collected from the governmental
176 entity; amending s. 335.17, F.S.; revising provisions
177 relating to highway construction noise abatement;
178 amending s. 336.021, F.S.; revising the date when
179 imposition of the ninth-cent fuel tax will be levied;
180 amending s. 336.025, F.S.; revising the date when
181 impositions and rate changes of the local option fuel
182 tax shall be levied; revising the definition of the
183 term "transportation expenditures" for purposes of
184 specified provisions that restrict the use of local
185 option fuel tax funds by counties and municipalities;
186 amending s. 337.11, F.S.; requiring the department to
187 advertise certain construction contracts for bids on
188 the department's Internet website; removing provisions
189 for such advertisement to be published in a newspaper;
190 amending s. 337.111, F.S.; providing additional forms
191 of security for the cost of removal of monuments or
192 memorials or modifications to an installation site at
193 highway rest areas; removing a provision requiring
194 renewal of a bond; amending s. 337.125, F.S.; revising
195 provisions relating to a prime contractor's submission
196 of a disadvantaged business enterprise utilization

197 form; repealing s. 337.137, F.S., relating to
198 subcontracting by socially and economically
199 disadvantaged business enterprises; amending s.
200 337.139, F.S.; providing an updated reference to
201 federal law as it relates to socially and economically
202 disadvantaged business enterprises; amending s.
203 337.14, F.S.; revising provisions for applications for
204 qualification to bid on department contracts; amending
205 ss. 337.403 and 337.404, F.S.; revising provisions for
206 alleviation of interference with a public road or
207 publicly owned rail corridor caused by a utility
208 facility; amending s. 337.408, F.S.; revising
209 provisions for certain facilities installed within the
210 right-of-way limits of roads; requiring counties and
211 municipalities to indemnify the department from
212 certain claims relating to the installation, removal,
213 or relocation of a noncompliant bench or shelter;
214 authorizing the department to direct a county or
215 municipality to remove or relocate a bus stop, bench,
216 transit shelter, waste disposal receptacle, public pay
217 telephone, or modular news rack that is not in
218 compliance with applicable laws or rules; directing
219 the department to remove or relocate such installation
220 and charge the cost to the county or municipality;
221 authorizing the department to deduct the cost from
222 funding available to the municipality or county from
223 the department; removing a provision for the
224 replacement of an unusable transit bus bench that was

225 | in service before a certain date; revising the title
 226 | of ch. 338, F.S.; repealing s. 338.001, F.S., relating
 227 | to provisions for the Florida Intrastate Highway
 228 | System Plan; amending s. 338.01, F.S.; clarifying
 229 | provisions governing the designation and function of
 230 | limited access facilities; authorizing the department
 231 | or other governmental entities collecting tolls to
 232 | pursue collection of unpaid tolls by contracting with
 233 | a private attorney or collection agency; authorizing a
 234 | collection fee; providing an exception to statutory
 235 | requirements related to private attorney services;
 236 | creating s. 338.151, F.S.; authorizing the department
 237 | to establish tolls on certain transportation
 238 | facilities to pay for the cost of such project;
 239 | prohibiting the department from establishing tolls on
 240 | certain lanes of limited access facilities; providing
 241 | an exception; providing for application; amending s.
 242 | 338.155, F.S.; authorizing the department adopt rules
 243 | to allow public transit vehicles and certain military-
 244 | service-related funeral processions to use certain
 245 | toll facilities without payment of tolls; amending s.
 246 | 338.161, F.S.; authorizing the department to enter
 247 | into agreements for the use of its electronic toll
 248 | collection and video billing system; authorizing
 249 | modification of its rules regarding toll collection
 250 | and an administrative charge; providing for
 251 | construction; amending s. 338.166, F.S.; revising a
 252 | provision for issuance of bonds secured by toll

253 revenues collected on high-occupancy toll lanes or
254 express lanes; revising authorized uses of such toll
255 revenues; providing restrictions on such use; amending
256 s. 338.221, F.S.; revising the definition of the term
257 "economically feasible" for purposes of proposed
258 turnpike projects; amending s. 338.223, F.S.; revising
259 provisions for department requests for legislative
260 approval of proposed turnpike projects; conforming a
261 cross-reference; amending s. 338.227, F.S.; conforming
262 provisions to changes made by the act; directing the
263 department and the Department of Management Services
264 to create and implement a program designed to enhance
265 participation of minority businesses in certain
266 contracts related to the Strategic Intermodal System
267 Plan; amending ss. 338.2275 and 338.228, F.S.,
268 relating to turnpike projects; revising cross-
269 references; amending s. 338.231, F.S.; authorizing the
270 department to apply a monthly account maintenance
271 charge to inactive prepaid toll accounts; directing
272 the department to close the account under certain
273 circumstances; amending s. 338.234, F.S.; revising
274 provisions that exempt certain lessees from payment of
275 commercial rental tax; replacing a reference to the
276 Florida Intrastate Highway System with a reference to
277 the Strategic Intermodal System; amending s. 339.0805,
278 F.S.; revising requirements for expenditure of certain
279 funds with small business concerns owned and
280 controlled by socially and economically disadvantaged

281 individuals; revising a definition of the term "small
282 business concern"; removing provisions for a periodic
283 disparity study; deleting obsolete language; revising
284 provisions for certification as a socially and
285 economically disadvantaged business enterprise;
286 revising requirements that a disadvantaged business
287 enterprise notify the department of certain changes in
288 ownership; revising criteria for such a business
289 enterprise to participate in a construction management
290 development program; revising references to federal
291 law; amending s. 339.135, F.S.; revising provisions
292 for developing the department's tentative work
293 program; revising provisions for a list of project
294 priorities submitted by a metropolitan planning
295 organization; revising criteria for proposed amendment
296 to the department's adopted work program which
297 deletes, advances, or defers a project or project
298 phase; revising threshold amounts; directing the
299 department to index the budget amendment threshold
300 amounts to the rate of inflation; prohibiting such
301 adjustments more frequently than once a year;
302 subjecting such adjustments to specified notice and
303 review procedures; amending s. 339.155, F.S.; revising
304 provisions for the Florida Transportation Plan;
305 requiring the planning process to conform to specified
306 federal provisions; removing provisions for a long-
307 range component, short-range component, and a report;
308 amending s. 339.175, F.S.; providing that to the

309 | extent possible only one metropolitan planning
310 | organization be designated in a urbanized area;
311 | providing that representatives of the department shall
312 | serve as nonvoting advisers to a metropolitan planning
313 | organization; authorizing the appointment of
314 | additional nonvoting advisers; requiring M.P.O.'s to
315 | coordinate in the development of regionally
316 | significant project priorities; amending s. 339.2819,
317 | F.S.; revising the state matching funds requirement
318 | for the Transportation Regional Incentive Program;
319 | conforming cross-references; requiring funded projects
320 | to be in the department's work program; requiring a
321 | project to meet the program's requirements prior to
322 | being funded; amending s. 339.62, F.S.; removing the
323 | Florida Intrastate Highway System from and adding
324 | highway corridors to the list of components of the
325 | Strategic Intermodal System; providing for other
326 | corridors to be included in the system; amending s.
327 | 339.63, F.S.; adding military access facilities to the
328 | types of facilities included in the Strategic
329 | Intermodal System and the Emerging Strategic
330 | Intermodal System which form components of an
331 | interconnected transportation system; providing that
332 | an intermodal logistics center meeting certain
333 | criteria shall be designated as part of the Strategic
334 | Intermodal System; providing for a waiver of
335 | transportation concurrency for such facility; amending
336 | s. 339.64, F.S.; deleting provisions creating the

337 Statewide Intermodal Transportation Advisory Council;
338 creating s. 339.65, F.S.; requiring the department to
339 plan and develop for Strategic Intermodal System
340 highway corridors to aid traffic movement around the
341 state; providing for components of the corridors;
342 requiring the department to follow specified policy
343 guidelines when developing the corridors; directing
344 the department to establish standards and criteria for
345 functional design; providing for appropriations;
346 requiring such highway corridor projects to be a part
347 of the department's adopted work program; amending s.
348 341.301, F.S.; revising the definition of "limited
349 coverage accident"; amending s. 341.302, F.S.;
350 providing parameters within which the department may
351 by contract indemnify against loss by National
352 Railroad Passenger Corporation; authorizing the
353 department to purchase liability insurance including
354 coverage for the department, National Railroad
355 Passenger Corporation, commuter rail service
356 providers, governmental entities, or any ancillary
357 development and establish a self-insurance retention
358 fund; limiting the amount of the insurance and self-
359 insurance retention fund; providing that the insureds
360 must make payments for the coverage; providing that
361 the insurance may provide coverage for all damages and
362 be maintained to provide a fund to cover liabilities
363 arising from rail corridor ownership and operations;
364 amending 341.840, F.S.; relating to the Florida Rail

365 Enterprise Act; revising obsolete references to the
366 Florida High-Speed Rail Authority; providing that
367 certain transactions made by or on behalf of the
368 enterprise are exempt from specified taxes; providing
369 for certain contractors to act as agents on behalf of
370 the enterprise for purposes of the tax exemption;
371 authorizing the department to adopt rules; amending s.
372 348.0003, F.S.; revising financial disclosure
373 requirements for certain transportation authorities;
374 amending s. 349.03, F.S.; providing for financial
375 disclosure requirements for the Jacksonville
376 Transportation Authority; amending s. 349.04, F.S.;
377 providing that the Jacksonville Transportation
378 Authority may conduct meetings and workshops using
379 communications media technology; providing that
380 certain actions may not be taken unless a quorum is
381 present in person; providing that members must be
382 physically present to vote on any item; amending s.
383 373.413, F.S.; providing legislative intent regarding
384 flexibility in the permitting of stormwater management
385 systems; requiring the cost of stormwater treatment
386 for a transportation project to be balanced with
387 benefits to the public; requiring that alternatives to
388 onsite treatment be allowed; specifying
389 responsibilities of the department relating to
390 abatement of pollutants and permits for adjacent lands
391 impacted by right-of-way acquisition; authorizing
392 water management districts and the Department of

393 Environmental Protection to adopt rules; amending s.
 394 373.4137, F.S., relating to the mitigation of
 395 environmental impact of transportation projects
 396 proposed by the department or a transportation
 397 authority; revising legislative intent; revising
 398 provisions for development of environmental impact
 399 inventories; providing for the release of escrowed
 400 mitigation funds under certain circumstances;
 401 specifying continuing responsibility for mitigation
 402 projects; revising provisions for exclusion of
 403 projects from a mitigation plan; authorizing the
 404 department to seek Federal Highway Administration
 405 approval of a tourist-oriented commerce sign pilot
 406 program; directing the department to submit the
 407 approved pilot program for legislative approval;
 408 establishing a pilot program for the Palm Beach County
 409 school district to recognize its business partners;
 410 providing for expiration of the program; amending ss.
 411 215.616, 288.063, 311.22, 316.2122, 318.12, 320.20,
 412 335.02, 338.222, 339.285, 341.053, 341.8225, 403.7211,
 413 479.01, 479.07, and 479.261, F.S., relating to bonds
 414 for federal aid highway construction, contracts for
 415 transportation projects, dredging projects, operation
 416 of low-speed vehicles or mini-trucks, traffic
 417 infractions, license tax distribution, standards for
 418 lanes, turnpike projects, the Enhanced Bridge Program
 419 for Sustainable Transportation, the Intermodal
 420 Development Program, high-speed rail projects,

421 hazardous waste facilities, outdoor advertising, and
 422 the logo sign program, respectively; deleting obsolete
 423 language; revising references to conform to the
 424 incorporation of the Florida Intrastate Highway System
 425 into the Strategic Intermodal System and to changes
 426 made by the act; providing an effective date.

427

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

429

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

434 20.23 Department of Transportation.—There is created a
 435 Department of Transportation which shall be a decentralized
 436 agency.

437 (5) (a) The operations of the department shall be organized
 438 into seven districts, each headed by a district secretary, and a
 439 turnpike enterprise and a rail enterprise, each enterprise
 440 headed by an executive director. The district secretaries and
 441 the executive directors shall be registered professional
 442 engineers in accordance with the provisions of chapter 471 or
 443 the laws of another state, or, in lieu of professional engineer
 444 registration, a district secretary or executive director may
 445 hold an advanced degree in an appropriate related discipline,
 446 such as a Master of Business Administration. The headquarters of
 447 the districts shall be located in Polk, Columbia, Washington,
 448 Broward, Volusia, Miami-Dade, and Hillsborough Counties. The

449 headquarters of the turnpike enterprise shall be located in
450 Orange County. The headquarters of the rail enterprise shall be
451 located in Leon County. In order to provide for efficient
452 operations and to expedite the decisionmaking process, the
453 department shall provide for maximum decentralization to the
454 districts.

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

459 (6) The department may maintain training programs for
460 department employees and prospective employees to:

461 (a) Provide broad practical expertise in the field of
462 transportation engineering, leading to licensure as a
463 professional engineer, for those who are graduates from an
464 approved engineering curriculum of 4 years or more in a school,
465 college, or university approved by the Florida Board of
466 Professional Engineers.

467 (b) Provide broad practical experience and enhanced
468 knowledge in the areas of right-of-way acquisition, right-of-way
469 property management, real estate appraisal, and business
470 valuation.

471
472 These training programs may provide for incremental increases to
473 base salary for all employees enrolled in the programs upon
474 successful completion of training phases.

475 Section 2. Paragraph (c) of subsection (4) of section
476 206.41, Florida Statutes, is amended to read:

477 | 206.41 State taxes imposed on motor fuel.-

478 | (4)

479 | (c)1. Any person who uses any motor fuel for agricultural,
 480 | aquacultural, commercial fishing, or commercial aviation
 481 | purposes on which fuel the tax imposed by paragraph (1)(e),
 482 | paragraph (1)(f), or paragraph (1)(g) has been paid is entitled
 483 | to a refund of such tax.

484 | 2. For the purposes of this paragraph, "agricultural and
 485 | aquacultural purposes" means motor fuel used in any tractor,
 486 | vehicle, or other farm equipment which is used exclusively on a
 487 | farm or for processing farm products on the farm, and no part of
 488 | which fuel is used in any vehicle or equipment driven or
 489 | operated upon the public highways of this state. This
 490 | restriction does not apply to the movement of a farm vehicle, ~~or~~
 491 | farm equipment, citrus harvesting equipment, or citrus fruit
 492 | loaders between farms. The transporting of bees by water and the
 493 | operating of equipment used in the apiary of a beekeeper shall
 494 | be also deemed an agricultural purpose.

495 | 3. For the purposes of this paragraph, "commercial fishing
 496 | and aquacultural purposes" means motor fuel used in the
 497 | operation of boats, vessels, or equipment used exclusively for
 498 | the taking of fish, crayfish, oysters, shrimp, or sponges from
 499 | salt or fresh waters under the jurisdiction of the state for
 500 | resale to the public, and no part of which fuel is used in any
 501 | vehicle or equipment driven or operated upon the highways of
 502 | this state; however, the term may in no way be construed to
 503 | include fuel used for sport or pleasure fishing.

504 | 4. For the purposes of this paragraph, "commercial

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505 aviation purposes" means motor fuel used in the operation of
506 aviation ground support vehicles or equipment, no part of which
507 fuel is used in any vehicle or equipment driven or operated upon
508 the public highways of this state.

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

511 282.0041 Definitions.—As used in this chapter, the term:

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

516 Section 4. Section 282.0055, Florida Statutes, is amended
517 to read:

518 282.0055 Assignment of information technology.—In order to
519 ensure the most effective and efficient use of the state's
520 information technology and information technology resources and
521 notwithstanding other provisions of law to the contrary,
522 policies for the design, planning, project management, and
523 implementation of enterprise information technology services
524 shall be the responsibility of the Agency for Enterprise
525 Information Technology for executive branch agencies created or
526 authorized in statute to perform legislatively delegated
527 functions. The supervision, design, delivery, and management of
528 agency information technology shall remain within the
529 responsibility and control of the individual state agency.
530 Notwithstanding any provision of law to the contrary,
531 information technology used in the Office of Toll Operations of
532 the turnpike enterprise is exempt from this part.

533 Section 5. Paragraph (h) of subsection (4) of section
 534 282.201, Florida Statutes, is amended to read:

535 282.201 State data center system; agency duties and
 536 limitations.—A state data center system that includes all
 537 primary data centers, other nonprimary data centers, and
 538 computing facilities, and that provides an enterprise
 539 information technology service as defined in s. 282.0041, is
 540 established.

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

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

546 1. The Department of Health's Jacksonville Lab Data
 547 Center.

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

550 3. The Department of Military Affairs' Camp Blanding Joint
 551 Training Center in Starke.

552 4. The Department of Community Affairs' Camp Blanding
 553 Emergency Operations Center in Starke.

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

556 6. The Department of Education's disaster recovery site at
 557 Santa Fe College.

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

560 8. The Fish and Wildlife Conservation Commission's Fish

561 and Wildlife Research Institute in St. Petersburg.

562 9. The Department of Children and Family Services'
563 Suncoast Data Center in Tampa.

564 10. The Department of Children and Family Services'
565 Florida State Hospital in Chattahoochee.

566 Section 6. Chapter 311, Florida Statutes, is retitled
567 "SEAPORT PROGRAMS AND FACILITIES."

568 Section 7. Section 311.07, Florida Statutes, is amended to
569 read:

570 311.07 Florida seaport transportation and economic
571 development funding.—

572 (1) There is created the Florida Seaport Transportation
573 and Economic Development Program within the Department of
574 Transportation to finance port transportation or port facilities
575 projects that will improve the movement and intermodal
576 transportation of cargo or passengers in commerce and trade and
577 ~~that will~~ support the interests, purposes, and requirements of
578 all ports listed in s. 311.09 located in this state.

579 (2) A minimum of \$15 ~~\$8~~ million per year shall be made
580 available from the State Transportation Trust Fund to fund the
581 Florida Seaport Transportation and Economic Development Program.
582 The Florida Seaport Transportation and Economic Development
583 Council created in s. 311.09 shall develop guidelines for
584 project funding. Council staff, the Department of
585 Transportation, and the Department of Economic Opportunity shall
586 work in cooperation to review projects and allocate funds in
587 accordance with the schedule required for the Department of
588 Transportation to include these projects in the tentative work

589 program developed pursuant to s. 339.135(4).

590 (3) (a) Florida Seaport Transportation and Economic
591 Development Program funds shall be used to fund approved
592 projects on a 50-50 matching basis with any of the deepwater
593 ports, as listed in s. 311.09 ~~s. 403.021(9)(b)~~, which is
594 governed by a public body or any other deepwater port which is
595 governed by a public body and which complies with the water
596 quality provisions of s. 403.061, the comprehensive master plan
597 requirements of s. 163.3178(2)(k), and the local financial
598 management and reporting provisions of part III of chapter 218.
599 However, program funds used to fund projects that involve the
600 rehabilitation of wharves, docks, berths, bulkheads, or similar
601 structures shall require a 25-percent match of funds. Program
602 funds also may be used by the Seaport Transportation and
603 Economic Development Council for data and analysis that ~~to~~
604 ~~develop trade data information products which~~ will assist
605 Florida's seaports and international trade.

606 (b) Projects eligible for funding by grants under the
607 program are limited to the following port facilities or port
608 transportation projects:

609 1. Transportation facilities within the jurisdiction of
610 the port.

611 2. The dredging or deepening of channels, turning basins,
612 or harbors.

613 3. The construction or rehabilitation of wharves, docks,
614 structures, jetties, piers, storage facilities, cruise
615 terminals, automated people mover systems, or any facilities
616 necessary or useful in connection with any of the foregoing.

617 4. The acquisition of vessel tracking systems, container
 618 cranes, or other mechanized equipment used in the movement of
 619 cargo or passengers in international commerce.

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

621 6. The acquisition, improvement, enlargement, or extension
 622 of existing port facilities.

623 7. Environmental protection projects which are necessary
 624 because of requirements imposed by a state agency as a condition
 625 of a permit or other form of state approval; which are necessary
 626 for environmental mitigation required as a condition of a state,
 627 federal, or local environmental permit; which are necessary for
 628 the acquisition of spoil disposal sites and improvements to
 629 existing and future spoil sites; or which result from the
 630 funding of eligible projects listed in this paragraph.

631 8. Transportation facilities as defined in s. 334.03(30)
 632 ~~s. 334.03(31)~~ which are not otherwise part of the Department of
 633 Transportation's adopted work program.

634 9. ~~Seaport~~ Intermodal access projects ~~identified in the 5-~~
 635 ~~year Florida Seaport Mission Plan as provided in s. 311.09(3).~~

636 10. Construction or rehabilitation of port facilities as
 637 defined in s. 315.02, excluding any park or recreational
 638 facilities, in ports listed in s. 311.09(1) with operating
 639 revenues of \$5 million or less, provided that such projects
 640 create economic development opportunities, capital improvements,
 641 and positive financial returns to such ports.

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

644 (c) To be eligible for consideration by the council

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645 pursuant to this section, a project must be consistent with the
646 port comprehensive master plan which is incorporated as part of
647 the approved local government comprehensive plan as required by
648 s. 163.3178(2)(k) or other provisions of the Community Planning
649 Act, part II of chapter 163.

650 ~~(4) A port eligible for matching funds under the program~~
651 ~~may receive a distribution of not more than \$7 million during~~
652 ~~any 1 calendar year and a distribution of not more than \$30~~
653 ~~million during any 5-calendar-year period.~~

654 (4)~~(5)~~ Any port which receives funding under the program
655 shall institute procedures to ensure that jobs created as a
656 result of the state funding shall be subject to equal
657 opportunity hiring practices in the manner provided in s.
658 110.112.

659 (5)~~(6)~~ The Department of Transportation may ~~shall~~ subject
660 any project that receives funds pursuant to this section and s.
661 320.20 to a final audit. The department may adopt rules and
662 perform such other acts as are necessary or convenient to ensure
663 that the final audits are conducted and that any deficiency or
664 questioned costs noted by the audit are resolved.

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

667 311.09 Florida Seaport Transportation and Economic
668 Development Council.—

669 (4) The council shall adopt rules for evaluating projects
670 which may be funded under ss. 311.07 and 320.20. The rules shall
671 provide criteria for evaluating the potential project,
672 including, but not limited to, such factors as consistency with

673 appropriate plans, economic benefit, readiness for construction,
 674 noncompetition with other Florida ports, and capacity within the
 675 seaport system ~~economic benefit of the project, measured by the~~
 676 ~~potential for the proposed project to maintain or increase cargo~~
 677 ~~flow, cruise passenger movement, international commerce, port~~
 678 ~~revenues, and the number of jobs for the port's local community.~~

679 (5) The council shall review and approve or disapprove
 680 each project eligible to be funded pursuant to the Florida
 681 Seaport Transportation and Economic Development Program. The
 682 council shall annually submit to the Secretary of Transportation
 683 and the executive director of the Department of Economic
 684 Opportunity, or his or her designee, a list of projects which
 685 have been approved by the council. The list shall specify the
 686 recommended funding level for each project; and, if staged
 687 implementation of the project is appropriate, the funding
 688 requirements for each stage shall be specified.

689 ~~(6) The Department of Community Affairs shall review the~~
 690 ~~list of projects approved by the council to determine~~
 691 ~~consistency with approved local government comprehensive plans~~
 692 ~~of the units of local government in which the port is located~~
 693 ~~and consistency with the port master plan. The Department of~~
 694 ~~Community Affairs shall identify and notify the council of those~~
 695 ~~projects which are not consistent, to the maximum extent~~
 696 ~~feasible, with such comprehensive plans and port master plans.~~

697 (6)(7) The Department of Transportation shall review the
 698 list of project applications ~~projects~~ approved by the council
 699 for consistency with the Florida Transportation Plan, the
 700 Statewide Seaport and Waterways System Plan, and the

701 department's adopted work program. In evaluating the consistency
 702 of a project, the department shall assess the transportation
 703 impacts and economic benefits for each project ~~determine whether~~
 704 ~~the transportation impact of the proposed project is adequately~~
 705 ~~handled by existing state-owned transportation facilities or by~~
 706 ~~the construction of additional state-owned transportation~~
 707 ~~facilities as identified in the Florida Transportation Plan and~~
 708 ~~the department's adopted work program. In reviewing for~~
 709 ~~consistency a transportation facility project as defined in s.~~
 710 ~~334.03(31) which is not otherwise part of the department's work~~
 711 ~~program, the department shall evaluate whether the project is~~
 712 ~~needed to provide for projected movement of cargo or passengers~~
 713 ~~from the port to a state transportation facility or local road.~~
 714 ~~If the project is needed to provide for projected movement of~~
 715 ~~cargo or passengers, the project shall be approved for~~
 716 ~~consistency as a consideration to facilitate the economic~~
 717 ~~development and growth of the state in a timely manner. The~~
 718 Department of Transportation shall identify those projects which
 719 are inconsistent with the Florida Transportation Plan, the
 720 Statewide Seaport and Waterways System Plan, or ~~and~~ the adopted
 721 work program and shall notify the council of projects found to
 722 be inconsistent.

723 (7)-(8) The Department of Economic Opportunity shall review
 724 the list of project applications ~~projects~~ approved by the
 725 council to evaluate the economic benefit of the project and to
 726 determine whether the project is consistent with the Florida
 727 Seaport Mission Plan and with state economic development goals
 728 and policies. The Department of Economic Opportunity shall

729 | review the proposed project's consistency with state, regional,
 730 | and local plans, as appropriate, and the economic benefits of
 731 | each project based upon the rules adopted pursuant to subsection
 732 | (4). The Department of Economic Opportunity shall identify those
 733 | projects which it has determined do not offer an economic
 734 | benefit to the state, are not consistent with an appropriate
 735 | plan, or are not consistent with the Florida Seaport Mission
 736 | Plan or state economic development goals and policies and shall
 737 | notify the council of its findings.

738 | ~~(8)-(9)~~ The council shall review the findings of the
 739 | Department of Economic Opportunity and the Department of
 740 | Transportation. Projects found to be inconsistent pursuant to
 741 | subsections (6), or (7), ~~and (8)~~ or ~~and~~ projects which have been
 742 | determined not to offer an economic benefit to the state
 743 | pursuant to subsection (7) ~~(8)~~ may ~~shall~~ not be included in the
 744 | list of projects to be funded.

745 | ~~(9)-(10)~~ The Department of Transportation shall include no
 746 | less than \$15 million per year in its annual legislative budget
 747 | request for the ~~a~~ Florida Seaport Transportation and Economic
 748 | Development ~~grant~~ Program funded under s. 311.07 ~~for expenditure~~
 749 | ~~of funds of not less than \$8 million per year.~~ Such budget shall
 750 | include funding for projects approved by the council which have
 751 | been determined by each agency to be consistent ~~and which have~~
 752 | ~~been determined by the Department of Economic Opportunity to be~~
 753 | ~~economically beneficial.~~ The department shall include the
 754 | specific approved Florida Seaport Transportation and Economic
 755 | Development Program ~~seaport~~ projects to be funded under s.
 756 | 311.07 ~~this section~~ during the ensuing fiscal year in the

757 tentative work program developed pursuant to s. 339.135(4). The
758 total amount of funding to be allocated to Florida Seaport
759 Transportation and Economic Development Program ~~seaport~~ projects
760 under s. 311.07 during the successive 4 fiscal years shall also
761 be included in the tentative work program developed pursuant to
762 s. 339.135(4). The council may submit to the department a list
763 of approved projects that could be made production-ready within
764 the next 2 years. The list shall be submitted by the department
765 as part of the needs and project list prepared pursuant to s.
766 339.135(2)(b). However, the department shall, upon written
767 request of the Florida Seaport Transportation and Economic
768 Development Council, submit work program amendments pursuant to
769 s. 339.135(7) to the Governor within 10 days after the later of
770 the date the request is received by the department or the
771 effective date of the amendment, termination, or closure of the
772 applicable funding agreement between the department and the
773 affected seaport, as required to release the funds from the
774 existing commitment. Notwithstanding s. 339.135(7)(c), any work
775 program amendment to transfer prior year funds from one approved
776 seaport project to another seaport project is subject to the
777 procedures in s. 339.135(7)(d). Notwithstanding any provision of
778 law to the contrary, the department may transfer unexpended
779 budget between the seaport projects as identified in the
780 approved work program amendments.

781 (10)~~(11)~~ The council shall meet at the call of its
782 chairperson, at the request of a majority of its membership, or
783 at such times as may be prescribed in its bylaws. However, the
784 council must meet at least semiannually. A majority of voting

785 members of the council constitutes a quorum for the purpose of
786 transacting the business of the council. All members of the
787 council are voting members. A vote of the majority of the voting
788 members present is sufficient for any action of the council,
789 except that a member representing the Department of
790 Transportation or the Department of Economic Opportunity may
791 vote to overrule any action of the council approving a project
792 pursuant to subsection (5). The bylaws of the council may
793 require a greater vote for a particular action.

794 (11)~~(12)~~ Members of the council shall serve without
795 compensation but are entitled to receive reimbursement for per
796 diem and travel expenses as provided in s. 112.061. The council
797 may elect to provide an administrative staff to provide services
798 to the council on matters relating to the Florida Seaport
799 Transportation and Economic Development Program and the council.
800 The cost for such administrative services shall be paid by all
801 ports that receive funding from the Florida Seaport
802 Transportation and Economic Development Program, based upon a
803 pro rata formula measured by each recipient's share of the funds
804 as compared to the total funds disbursed to all recipients
805 during the year. The share of costs for administrative services
806 shall be paid in its total amount by the recipient port upon
807 execution by the port and the Department of Transportation of a
808 joint participation agreement for each council-approved project,
809 and such payment is in addition to the matching funds required
810 to be paid by the recipient port. Except as otherwise exempted
811 by law, all moneys derived from the Florida Seaport
812 Transportation and Economic Development Program shall be

813 expended in accordance with the provisions of s. 287.057.
 814 Seaports subject to competitive negotiation requirements of a
 815 local governing body shall abide by the provisions of s.
 816 287.055.

817 (12)~~(13)~~ Until July 1, 2014, Citrus County may apply for a
 818 grant through the Florida Seaport Transportation and Economic
 819 Development Council to perform a feasibility study regarding the
 820 establishment of a port in Citrus County. The council shall
 821 evaluate such application pursuant to subsections (5)-(8) ~~(5)-~~
 822 ~~(9)~~ and, if approved, the Department of Transportation shall
 823 include the feasibility study in its budget request pursuant to
 824 subsection (9) ~~(10)~~. If the study determines that a port in
 825 Citrus County is not feasible, the membership of Port Citrus on
 826 the council shall terminate.

827 Section 9. Section 311.10, Florida Statutes, is created to
 828 read:

829 311.10 Strategic Port Investment Initiative.-

830 (1) There is created the Strategic Port Investment
 831 Initiative within the Department of Transportation. Beginning in
 832 fiscal year 2012-2013, a minimum of \$35 million annually shall
 833 be made available from the State Transportation Trust Fund to
 834 fund the Strategic Port Investment Initiative. The Department of
 835 Transportation shall work with the deepwater ports listed in s.
 836 311.09 to develop and maintain a priority list of strategic
 837 investment projects. Project selection shall be based on
 838 projects that meet the state's economic development goal of
 839 becoming a hub for trade, logistics, and export-oriented
 840 activities by:

841 (a) Providing important access and major on-port capacity
842 improvements;

843 (b) Providing capital improvements to strategically
844 position the state to maximize opportunities in international
845 trade, logistics, or the cruise industry;

846 (c) Achieving state goals of an integrated intermodal
847 transportation system; and

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

850 (2) Prior to making final project allocations, the
851 Department of Transportation shall schedule a publicly noticed
852 workshop with the Department of Economic Opportunity and the
853 deepwater ports listed in s. 311.09 to review the proposed
854 projects. After considering the comments received, the
855 Department of Transportation shall finalize a prioritized list
856 of potential projects.

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

861 Section 10. Section 311.101, Florida Statutes, is created
862 to read:

863 311.101 Intermodal Logistics Center Infrastructure Support
864 Program.—

865 (1) There is created within the Department of
866 Transportation the Intermodal Logistics Center Infrastructure
867 Support Program. The purpose of the program is to provide funds
868 for roads, rail facilities, or other means for the conveyance or

869 shipment of goods through a seaport, thereby enabling the state
870 to respond to private sector market demands and meet the state's
871 economic development goal of becoming a hub for trade,
872 logistics, and export-oriented activities. The department may
873 provide funds to assist with local government projects or
874 projects performed by private entities that meet the public
875 purpose of enhancing transportation facilities for the
876 conveyance or shipment of goods through a seaport.

877 (2) For the purposes of this section, "intermodal
878 logistics center," including, but not limited to, an "inland
879 port," means a facility or group of facilities serving as a
880 point of intermodal transfer of freight in a specific area
881 physically separated from a seaport where activities relating to
882 transport, logistics, goods distribution, consolidation, or
883 value-added activities are carried out and whose activities and
884 services are designed to support or be supported by one or more
885 seaports, as provided in s. 311.09.

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

889 (a) The ability of the project to serve a strategic state
890 interest.

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

893 (c) The extent to which the project contributes to
894 economic activity, including job creation, increased wages, and
895 revenues.

896 (d) The extent to which the project efficiently interacts

897 with and supports the transportation network.

898 (e) A commitment of a funding match.

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

901 (g) The extent to which the owner has commitments,
902 including memorandums of understanding or memorandums of
903 agreements, with private sector businesses planning to locate
904 operations at the intermodal logistics center.

905 (h) Demonstrated local financial support and commitment to
906 the project.

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

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

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

915 (7) Beginning in fiscal year 2012-2013, up to \$5 million
916 per year shall be made available from the State Transportation
917 Trust Fund for the program. The Department of Transportation
918 shall include projects proposed to be funded under this section
919 in the tentative work program developed pursuant so s.
920 339.135(4).

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

923 Section 11. Section 311.106, Florida Statutes, is created
924 to read:

925 311.106 Seaport Stormwater Permitting and Mitigation.—A
 926 seaport listed in s. 403.021(9)(b) is authorized to provide for
 927 offsite mitigation for port activities causing or contributing
 928 to pollution from stormwater runoff. An offsite mitigation
 929 project may occur outside of the established boundaries of the
 930 port, but shall be within the same drainage basin in which the
 931 port activity causing the need for mitigation is located. The
 932 offsite mitigation project must be designed to meet or exceed
 933 the mitigation requirements of a permit. A port offsite
 934 stormwater mitigation project must be constructed and maintained
 935 by the seaport or by the seaport in conjunction with an adjacent
 936 local government. The offsite mitigation project shall be
 937 included as part of the port master plan.

938 Section 12. Section 311.14, Florida Statutes, is amended
 939 to read:

940 311.14 Seaport planning.—

941 (1) The Department of Transportation shall develop, in
 942 coordination with the ports listed in s. 311.09(1) and other
 943 partners, a Statewide Seaport and Waterways System Plan. This
 944 plan shall be consistent with the goals of the Florida
 945 Transportation Plan developed pursuant to s. 339.155 and shall
 946 consider needs identified in individual port master plans and
 947 those from the seaport strategic plans required under this
 948 section. The plan will identify 5-year, 10-year, and 20-year
 949 needs for the seaport system and will include seaport, waterway,
 950 road, and rail projects that are needed to ensure the success of
 951 the transportation system as a whole in supporting state
 952 economic development goals ~~The Florida Seaport Transportation~~

953 ~~and Economic Development Council, in cooperation with the Office~~
 954 ~~of the State Public Transportation Administrator within the~~
 955 ~~Department of Transportation, shall develop freight-mobility and~~
 956 ~~trade-corridor plans to assist in making freight-mobility~~
 957 ~~investments that contribute to the economic growth of the state.~~
 958 ~~Such plans should enhance the integration and connectivity of~~
 959 ~~the transportation system across and between transportation~~
 960 ~~modes throughout Florida for people and freight.~~

961 ~~(2) The Office of the State Public Transportation~~
 962 ~~Administrator shall act to integrate freight-mobility and trade-~~
 963 ~~corridor plans into the Florida Transportation Plan developed~~
 964 ~~pursuant to s. 339.155 and into the plans and programs of~~
 965 ~~metropolitan planning organizations as provided in s. 339.175.~~
 966 ~~The office may also provide assistance in expediting the~~
 967 ~~transportation permitting process relating to the construction~~
 968 ~~of seaport freight-mobility projects located outside the~~
 969 ~~physical borders of seaports. The Department of Transportation~~
 970 ~~may contract, as provided in s. 334.044, with any port listed in~~
 971 ~~s. 311.09(1) or any such other statutorily authorized seaport~~
 972 ~~entity to act as an agent in the construction of seaport~~
 973 ~~freight-mobility projects.~~

974 (2)~~(3)~~ Each port shall develop a strategic plan with a 10-
 975 year horizon. Each plan must include the following:

976 (a) An economic development component that identifies
 977 targeted business opportunities for increasing business and
 978 attracting new business for which a particular facility has a
 979 strategic advantage over its competitors, identifies financial
 980 resources and other inducements to encourage growth of existing

981 business and acquisition of new business, and provides a
 982 projected schedule for attainment of the plan's goals.

983 (b) An infrastructure development and improvement
 984 component that identifies all projected infrastructure
 985 improvements within the plan area which require improvement,
 986 expansion, or development in order for a port to attain a
 987 strategic advantage for competition with national and
 988 international competitors.

989 (c) A component that identifies all intermodal
 990 transportation facilities, including sea, air, rail, or road
 991 facilities, which are available or have potential, with
 992 improvements, to be available for necessary national and
 993 international commercial linkages and provides a plan for the
 994 integration of port, airport, and railroad activities with
 995 existing and planned transportation infrastructure.

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

999 (e) An intergovernmental coordination component that
 1000 specifies modes and methods to coordinate plan goals and
 1001 missions with the missions of the Department of Transportation,
 1002 other state agencies, and affected local, general-purpose
 1003 governments.

1004

1005 To the extent feasible, the port strategic plan must be
 1006 consistent with the local government comprehensive plans of the
 1007 units of local government in which the port is located. Upon
 1008 approval of a plan by the port's board, the plan shall be

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1009 submitted to the Florida Seaport Transportation and Economic
 1010 Development Council.

1011 ~~(3)-(4)~~ The Florida Seaport Transportation and Economic
 1012 Development Council shall review the strategic plans submitted
 1013 by each port and prioritize strategic needs for inclusion in the
 1014 Florida Seaport Mission Plan prepared pursuant to s. 311.09(3).

1015 Section 13. Subsection (21) of section 316.003, Florida
 1016 Statutes, is amended to read:

1017 316.003 Definitions.—The following words and phrases, when
 1018 used in this chapter, shall have the meanings respectively
 1019 ascribed to them in this section, except where the context
 1020 otherwise requires:

1021 (21) MOTOR VEHICLE.—Except when used in s. 316.1001, any
 1022 self-propelled vehicle not operated upon rails or guideway, but
 1023 not including any bicycle, motorized scooter, electric personal
 1024 assistive mobility device, or moped. For purposes of s.
 1025 316.1001, "motor vehicle" has the same meaning as in s.
 1026 320.01(1)(a).

1027 Section 14. Subsection (4) of section 316.091, Florida
 1028 Statutes, is amended, subsection (5) is renumbered as subsection
 1029 (7), and new subsections (5) and (6) are added to that section,
 1030 to read:

1031 316.091 Limited access facilities; interstate highways;
 1032 use restricted.—

1033 (4) No person shall operate a bicycle or other human-
 1034 powered vehicle on the roadway or along the shoulder of a
 1035 limited access highway, including bridges, unless official signs
 1036 and a designated, marked bicycle lane are present at the

1037 entrance of the section of highway indicating that such use is
 1038 permitted pursuant to a pilot program of the Department of
 1039 Transportation ~~an interstate highway.~~

1040 (5) The Department of Transportation and expressway
 1041 authorities are authorized to designate use of shoulders of
 1042 limited access facilities and interstate highways under their
 1043 jurisdiction for such vehicular traffic determined to improve
 1044 safety, reliability, and transportation system efficiency.
 1045 Appropriate traffic signs or dynamic lane control signals shall
 1046 be erected along those portions of the facility affected to give
 1047 notice to the public of the action to be taken, clearly
 1048 indicating when the shoulder is open to designated vehicular
 1049 traffic. This section may not be deemed to authorize such
 1050 designation in violation of any federal law or any covenant
 1051 established in a resolution or trust indenture relating to the
 1052 issuance of turnpike bonds, expressway authority bonds, or other
 1053 bonds.

1054 (6) The Department of Transportation shall establish a 2-
 1055 year pilot program, in three separate urban areas, in which it
 1056 shall erect signs and designate marked bicycle lanes indicating
 1057 highway approaches and bridge segments of limited access
 1058 highways as open to use by operators of bicycles and other
 1059 human-powered vehicles, under the following conditions:

1060 (a) The limited access highway approaches and bridge
 1061 segments chosen must cross a river, lake, bay, inlet, or surface
 1062 water where no street or highway crossing the water body is
 1063 available for use within 2 miles of the entrance to the limited
 1064 access facility measured along the shortest public right-of-way.

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1065 (b) The Department of Transportation, with the concurrence
1066 of the Federal Highway Administration on the interstate
1067 facilities, shall establish the three highway approaches and
1068 bridge segments for the pilot project by October 1, 2012. In
1069 selecting the highway approaches and bridge segments, the
1070 Department of Transportation shall consider, without limitation,
1071 a minimum size of population in the urban area within 5 miles of
1072 the highway approach and bridge segment, the lack of bicycle
1073 access by other means, cost, safety, and operational impacts.

1074 (c) The Department of Transportation shall begin the pilot
1075 program by erecting signs and designating marked bicycle lanes
1076 indicating highway approaches and bridge segments of limited
1077 access highways, as qualified by the conditions described in
1078 this subsection, as open to use by operators of bicycles and
1079 other human-powered vehicles no later than March 1, 2013.

1080 (d) The Department of Transportation shall conduct the
1081 pilot program for a minimum of 2 years following the
1082 implementation date.

1083 (e) The Department of Transportation shall submit a report
1084 of its findings and recommendations from the pilot program to
1085 the Governor, the President of the Senate, and the Speaker of
1086 the House of Representatives by September 1, 2015. The report
1087 shall include, at a minimum, bicycle crash data occurring in the
1088 designated segments of the pilot program, usage by operators of
1089 bicycles and other human-powered vehicles, enforcement issues,
1090 operational impacts, and the cost of the pilot program.

1091 Section 15. Paragraph (b) of subsection (2) of section
1092 316.1001, Florida Statutes, is amended to read:

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1093 316.1001 Payment of toll on toll facilities required;
 1094 penalties.—

1095 (2)

1096 (b) A citation issued under this subsection may be issued
 1097 by mailing the citation by first-class mail or by certified
 1098 mail, ~~return receipt requested~~, to the address of the registered
 1099 owner of the motor vehicle involved in the violation. Mailing
 1100 ~~Receipt of~~ the citation to such address constitutes
 1101 notification. In the case of joint ownership of a motor vehicle,
 1102 the traffic citation must be mailed to the first name appearing
 1103 on the registration, unless the first name appearing on the
 1104 registration is a business organization, in which case the
 1105 second name appearing on the registration may be used. A
 1106 citation issued under this paragraph must be mailed to the
 1107 registered owner of the motor vehicle involved in the violation
 1108 within 14 days after the date of issuance of the citation. In
 1109 addition to the citation, notification must be sent to the
 1110 registered owner of the motor vehicle involved in the violation
 1111 specifying remedies available under ss. 318.14(12) and
 1112 318.18(7).

1113 Section 16. Paragraph (a) of subsection (3) and paragraphs
 1114 (a) and (c) of subsection (5) of section 316.515, Florida
 1115 Statutes, are amended to read:

1116 316.515 Maximum width, height, length.—

1117 (3) LENGTH LIMITATION.—Except as otherwise provided in
 1118 this section, length limitations apply solely to a semitrailer
 1119 or trailer, and not to a truck tractor or to the overall length
 1120 of a combination of vehicles. No combination of commercial motor

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1121 vehicles coupled together and operating on the public roads may
1122 consist of more than one truck tractor and two trailing units.
1123 Unless otherwise specifically provided for in this section, a
1124 combination of vehicles not qualifying as commercial motor
1125 vehicles may consist of no more than two units coupled together;
1126 such nonqualifying combination of vehicles may not exceed a
1127 total length of 65 feet, inclusive of the load carried thereon,
1128 but exclusive of safety and energy conservation devices approved
1129 by the department for use on vehicles using public roads.
1130 Notwithstanding any other provision of this section, a truck
1131 tractor-semitrailer combination engaged in the transportation of
1132 automobiles or boats may transport motor vehicles or boats on
1133 part of the power unit; and, except as may otherwise be mandated
1134 under federal law, an automobile or boat transporter semitrailer
1135 may not exceed 50 feet in length, exclusive of the load;
1136 however, the load may extend up to an additional 6 feet beyond
1137 the rear of the trailer. The 50-foot length limitation does not
1138 apply to non-stinger-steered automobile or boat transporters
1139 that are 65 feet or less in overall length, exclusive of the
1140 load carried thereon, or to stinger-steered automobile or boat
1141 transporters that are 75 feet or less in overall length,
1142 exclusive of the load carried thereon. For purposes of this
1143 subsection, a "stinger-steered automobile or boat transporter"
1144 is an automobile or boat transporter configured as a semitrailer
1145 combination wherein the fifth wheel is located on a drop frame
1146 located behind and below the rearmost axle of the power unit.
1147 Notwithstanding paragraphs (a) and (b), any straight truck or
1148 truck tractor-semitrailer combination engaged in the

1149 transportation of horticultural trees may allow the load to
 1150 extend up to an additional 10 feet beyond the rear of the
 1151 vehicle, provided said trees are resting against a retaining bar
 1152 mounted above the truck bed so that the root balls of the trees
 1153 rest on the floor and to the front of the truck bed and the tops
 1154 of the trees extend up over and to the rear of the truck bed,
 1155 and provided the overhanging portion of the load is covered with
 1156 protective fabric.

1157 (a) Straight trucks.—~~A No~~ straight truck may not exceed a
 1158 length of 40 feet in extreme overall dimension, exclusive of
 1159 safety and energy conservation devices approved by the
 1160 department for use on vehicles using public roads. A straight
 1161 truck may tow no more than one trailer, and the overall length
 1162 of the truck-trailer combination may not exceed 68 feet ~~such~~
 1163 ~~trailer may not exceed a length of 28 feet. However, such~~
 1164 ~~trailer limitation does not apply if the overall length of the~~
 1165 ~~truck-trailer combination is 65 feet or less, including the load~~
 1166 thereon. Notwithstanding any other provisions of this section, a
 1167 truck-trailer combination engaged in the transportation of
 1168 boats, or boat trailers whose design dictates a front-to-rear
 1169 stacking method may shall not exceed the length limitations of
 1170 this paragraph exclusive of the load; however, the load may
 1171 extend up to an additional 6 feet beyond the rear of the
 1172 trailer.

1173 (5) IMPLEMENTS OF HUSBANDRY AND FARM EQUIPMENT;
 1174 AGRICULTURAL TRAILERS; FORESTRY EQUIPMENT; SAFETY REQUIREMENTS.—

1175 (a) Notwithstanding any other provisions of law, straight
 1176 trucks, agricultural tractors, citrus harvesting equipment,

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1177 citrus fruit loaders, and cotton module movers, not exceeding 50
 1178 feet in length, or any combination of up to and including three
 1179 implements of husbandry, including the towing power unit, and
 1180 any single agricultural trailer with a load thereon or any
 1181 agricultural implements attached to a towing power unit, or a
 1182 self-propelled agricultural implement or an agricultural
 1183 tractor, is authorized for the purpose of transporting peanuts,
 1184 grains, soybeans, citrus, cotton, hay, straw, or other
 1185 perishable farm products from their point of production to the
 1186 first point of change of custody or of long-term storage, and
 1187 for the purpose of returning to such point of production, or for
 1188 the purpose of moving such tractors, movers, and implements from
 1189 one point of agricultural production to another, by a person
 1190 engaged in the production of any such product or custom hauler,
 1191 if such vehicle or combination of vehicles otherwise complies
 1192 with this section. The Department of Transportation may issue
 1193 overlength permits for cotton module movers greater than 50 feet
 1194 but not more than 55 feet in overall length. Such vehicles shall
 1195 be operated in accordance with all safety requirements
 1196 prescribed by law and rules of the Department of Transportation.

1197 (c) The width and height limitations of this section do
 1198 not apply to farming or agricultural equipment, whether self-
 1199 propelled, pulled, or hauled, when temporarily operated during
 1200 daylight hours upon a public road that is not a limited access
 1201 facility as defined in s. 334.03(12) ~~s. 334.03(13)~~, and the
 1202 width and height limitations may be exceeded by such equipment
 1203 without a permit. To be eligible for this exemption, the
 1204 equipment shall be operated within a radius of 50 miles of the

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1205 real property owned, rented, or leased by the equipment owner.
 1206 However, equipment being delivered by a dealer to a purchaser is
 1207 not subject to the 50-mile limitation. Farming or agricultural
 1208 equipment greater than 174 inches in width must have one warning
 1209 lamp mounted on each side of the equipment to denote the width
 1210 and must have a slow-moving vehicle sign. Warning lamps required
 1211 by this paragraph must be visible from the front and rear of the
 1212 vehicle and must be visible from a distance of at least 1,000
 1213 feet.

1214 Section 17. Subsection (42) of section 320.01, Florida
 1215 Statutes, is amended to read:

1216 320.01 Definitions, general.—As used in the Florida
 1217 Statutes, except as otherwise provided, the term:

1218 (42) "Low-speed vehicle" means any four-wheeled ~~electric~~
 1219 vehicle whose top speed is greater than 20 miles per hour but
 1220 not greater than 25 miles per hour, including without limitation
 1221 neighborhood electric vehicles. Low-speed vehicles must comply
 1222 with the safety standards in 49 C.F.R. s. 571.500 and s.
 1223 316.2122.

1224 Section 18. Section 332.08, Florida Statutes, is amended
 1225 to read:

1226 332.08 Additional powers.—

1227 (1) In addition to the general powers in ss. 332.01-332.12
 1228 conferred and without limitation thereof, a municipality which
 1229 has established or may hereafter establish airports, restricted
 1230 landing areas, or other air navigation facilities, or which has
 1231 acquired or set apart or may hereafter acquire or set apart real
 1232 property for such purposes, is hereby authorized:

1233 (a)~~(1)~~ To vest authority for the construction,
 1234 enlargement, improvement, maintenance, equipment, operation, and
 1235 regulation thereof in an officer, a board or body of such
 1236 municipality by ordinance or resolution which shall prescribe
 1237 the powers and duties of such officer, board or body. The
 1238 expense of such construction, enlargement, improvement,
 1239 maintenance, equipment, operation, and regulation shall be a
 1240 responsibility of the municipality.

1241 (b) 1.~~(2)~~~~(a)~~ To adopt and amend all needful rules,
 1242 regulations, and ordinances for the management, government, and
 1243 use of any properties under its control, whether within or
 1244 without the territorial limits of the municipality; to appoint
 1245 airport guards or police, with full police powers; to fix by
 1246 ordinance or resolution, as may be appropriate, penalties for
 1247 the violation of such ~~said~~ rules, regulations, and ordinances,
 1248 and enforce such ~~said~~ penalties in the same manner in which
 1249 penalties prescribed by other rules, regulations, and ordinances
 1250 of the municipality are enforced.

1251 2.~~(b)~~ ~~Provided,~~ Where a county operates one or more
 1252 airports, its regulations for the government thereof shall be by
 1253 resolution of the board of county commissioners, ~~shall be~~
 1254 recorded in the minutes of the board, and promulgated by posting
 1255 a copy at the courthouse and at every such airport for 4
 1256 consecutive weeks or by publication once a week in a newspaper
 1257 published in the county for the same period. Such regulations
 1258 shall be enforced as are the criminal laws. Violation thereof
 1259 shall be a misdemeanor of the second degree, punishable as
 1260 provided in s. 775.082 or s. 775.083.

1261 (c)~~(3)~~ To lease for a term not exceeding 30 years such
 1262 airports or other air navigation facilities, or real property
 1263 acquired or set apart for airport purposes, to private parties,
 1264 any municipal or state government or the national government, or
 1265 any department of either thereof, for operation; to lease or
 1266 assign for a term not exceeding 30 years to private parties, any
 1267 municipal or state government or the national government, or any
 1268 department of either thereof, for operation or use consistent
 1269 with the purposes of ss. 332.01-332.12, space, area,
 1270 improvements, or equipment on such airports; to sell any part of
 1271 such airports, other air navigation facilities, or real property
 1272 to any municipal or state government, or the United States or
 1273 any department or instrumentality thereof, for aeronautical
 1274 purposes or purposes incidental thereto, and to confer the
 1275 privileges of concessions of supplying upon its airports goods,
 1276 commodities, things, services, and facilities; provided, that in
 1277 each case in so doing the public is not deprived of its rightful
 1278 equal and uniform use thereof.

1279 (d)~~(4)~~ To sell or lease any property, real or personal,
 1280 acquired for airport purposes and belonging to the municipality,
 1281 which, in the judgment of its governing body, may not be
 1282 required for aeronautic purposes, in accordance with the laws of
 1283 this state, or the provisions of the charter of the
 1284 municipality, governing the sale or leasing of similar
 1285 municipally owned property.

1286 (e)~~(5)~~ To exercise all powers necessarily incidental to
 1287 the exercise of the general and special powers herein granted,
 1288 and is specifically authorized to assess and shall assess

1289 against and collect from the owner or operator of each and every
 1290 airplane using such airports a sufficient fee or service charge
 1291 to cover the cost of the service furnished airplanes using such
 1292 airports, including the liquidation of bonds or other
 1293 indebtedness for construction and improvements.

1294 (2) Notwithstanding any other provision of this section, a
 1295 municipality participating in the Federal Aviation
 1296 Administration's Airport Privatization Pilot Program pursuant to
 1297 49 U.S.C. s. 47134 may lease or sell an airport or other air
 1298 navigation facility or real property, together with improvements
 1299 and equipment, acquired or set apart for airport purposes to a
 1300 private party under such terms and conditions as negotiated by
 1301 the municipality. If state funds were provided to the
 1302 municipality pursuant to s. 332.007, the municipality must
 1303 obtain approval of the agreement from the Department of
 1304 Transportation, which is authorized to approve the agreement if
 1305 it determines the state's investment has been adequately
 1306 considered and protected consistent with the applicable
 1307 conditions specified in 49 U.S.C. s. 47134.

1308 Section 19. Subsections (11) through (37) of section
 1309 334.03, Florida Statutes, are renumbered as subsections (10)
 1310 through (36), respectively, and present subsections (10), (11),
 1311 and (25) of that section are amended to read:

1312 334.03 Definitions.—When used in the Florida
 1313 Transportation Code, the term:

1314 ~~(10) "Florida Intrastate Highway System" means a system of~~
 1315 ~~limited access and controlled access facilities on the State~~
 1316 ~~Highway System which have the capacity to provide high-speed and~~

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1317 ~~high volume traffic movements in an efficient and safe manner.~~

1318 ~~(10)-(11)~~ "Functional classification" means the assignment
 1319 of roads into systems according to the character of service they
 1320 provide in relation to the total road network using procedures
 1321 developed by the Federal Highway Administration. ~~Basic~~
 1322 ~~functional categories include arterial roads, collector roads,~~
 1323 ~~and local roads which may be subdivided into principal, major,~~
 1324 ~~or minor levels. Those levels may be additionally divided into~~
 1325 ~~rural and urban categories.~~

1326 ~~(24)-(25)~~ "State Highway System" means ~~the following, which~~
 1327 ~~shall be facilities to which access is regulated:~~

1328 ~~(a)~~ the interstate system and all other roads within the
 1329 state which were under the jurisdiction of the state on June 10,
 1330 1995, and roads constructed by an agency of the state for the
 1331 State Highway System, plus roads transferred to the state's
 1332 jurisdiction after that date by mutual consent with another
 1333 governmental entity, but not including roads so transferred from
 1334 the state's jurisdiction. These facilities shall be facilities
 1335 to which access is regulated. ~~‡~~

1336 ~~(b)~~ ~~All rural arterial routes and their extensions into~~
 1337 ~~and through urban areas;~~

1338 ~~(c)~~ ~~All urban principal arterial routes; and~~

1339 ~~(d)~~ ~~The urban minor arterial mileage on the existing State~~
 1340 ~~Highway System as of July 1, 1987, plus additional mileage to~~
 1341 ~~comply with the 2-percent requirement as described below.~~

1342
 1343 ~~However, not less than 2 percent of the public road mileage of~~
 1344 ~~each urbanized area on record as of June 30, 1986, shall be~~

1345 ~~included as minor arterials in the State Highway System.~~
 1346 ~~Urbanized areas not meeting the foregoing minimum requirement~~
 1347 ~~shall have transferred to the State Highway System additional~~
 1348 ~~minor arterials of the highest significance in which case the~~
 1349 ~~total minor arterials in the State Highway System from any~~
 1350 ~~urbanized area shall not exceed 2.5 percent of that area's total~~
 1351 ~~public urban road mileage.~~

1352 Section 20. Subsections (11), (13), and (26) of section
 1353 334.044, Florida Statutes, are amended, and subsection (33) is
 1354 added to that section, to read:

1355 334.044 Department; powers and duties.—The department
 1356 shall have the following general powers and duties:

1357 (11) To establish a numbering system for public roads, and
 1358 ~~to functionally classify such roads, and to assign~~
 1359 ~~jurisdictional responsibility.~~

1360 (13) To ~~designate existing and to~~ plan proposed
 1361 transportation facilities as part of the State Highway System,
 1362 and to construct, maintain, and operate such facilities.

1363 (26) To provide for the enhancement of environmental
 1364 benefits, including air and water quality; to prevent roadside
 1365 erosion; to conserve the natural roadside growth and scenery;
 1366 and to provide for the implementation and maintenance of
 1367 roadside conservation, enhancement, and stabilization programs.
 1368 No more ~~less~~ than 1.5 percent of the amount contracted for
 1369 construction projects shall be allocated by the department for
 1370 the purchase of plant materials. Department districts may not
 1371 expend funds for landscaping in connection with any project that
 1372 is limited to resurfacing existing lanes unless the expenditure

1373 has been approved by the department's secretary or the
 1374 secretary's designee.~~, with,~~ To the greatest extent practical, a
 1375 minimum of 50 percent of these funds shall be allocated for
 1376 large plant materials and the remaining funds for other plant
 1377 materials. All such plant materials shall be purchased from
 1378 Florida commercial nursery stock in this state on a uniform
 1379 competitive bid basis. The department will develop grades and
 1380 standards for landscaping materials purchased through this
 1381 process. To accomplish these activities, the department may
 1382 contract with nonprofit organizations having the primary purpose
 1383 of developing youth employment opportunities.

1384 (33) To develop, in coordination with its partners,
 1385 freight mobility and trade plans to assist in making freight
 1386 mobility investments that contribute to the economic growth of
 1387 the state. Such plans should enhance the integration and
 1388 connectivity of the transportation system across and between
 1389 transportation modes throughout the state for people and
 1390 freight. Freight issues and needs shall be given emphasis in all
 1391 appropriate transportation plans, including the Florida
 1392 Transportation Plan and the Strategic Intermodal System Plan.

1393 Section 21. Section 334.047, Florida Statutes, is amended
 1394 to read:

1395 334.047 Prohibition.—Notwithstanding any other provision
 1396 of law to the contrary, the Department of Transportation may not
 1397 establish a cap on the number of miles in the State Highway
 1398 System ~~or a maximum number of miles of urban principal arterial~~
 1399 ~~roads, as defined in s. 334.03, within a district or county.~~

1400 Section 22. Subsection (5) is added to section 335.074,

1401 Florida Statutes, to read:
 1402 335.074 Safety inspection of bridges.—
 1403 (5) Upon receipt of an inspection report that recommends
 1404 reducing the weight, size, or speed limit on a bridge, the
 1405 governmental entity having maintenance responsibility for the
 1406 bridge must reduce the maximum limits for the bridge in
 1407 accordance with the inspection report and post the limits in
 1408 accordance with s. 316.555. The governmental entity must, within
 1409 30 days after receipt of an inspection report recommending lower
 1410 limits, notify the department that the limitations have been
 1411 implemented and the bridge has been posted accordingly. If the
 1412 required actions are not taken within 30 days after receipt of
 1413 an inspection report, the department shall post the bridge in
 1414 accordance with the recommendations in the inspection report.
 1415 All costs incurred by the department in connection with
 1416 providing notice of the bridge's limitations or restrictions
 1417 shall be assessed against and collected from the governmental
 1418 entity having maintenance responsibility for the bridge. If an
 1419 inspection report recommends closure of a bridge, the bridge
 1420 shall be immediately closed. If the governmental entity does not
 1421 close the bridge immediately upon receipt of an inspection
 1422 report recommending closure, the department shall close the
 1423 bridge. All costs incurred by the department in connection with
 1424 the bridge closure shall be assessed against and collected from
 1425 the governmental entity having maintenance responsibility for
 1426 the bridge.
 1427 Section 23. Subsections (1) and (2) of section 335.17,
 1428 Florida Statutes, are amended to read:

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1429 335.17 State highway construction; means of noise
1430 abatement.—

1431 (1) The department shall make use of noise-control methods
1432 as part of highway construction projects involving new location
1433 or capacity expansion ~~in the construction of all new state~~
1434 ~~highways~~, with particular emphasis on those highways located in
1435 or near urban-residential developments which abut such highway
1436 rights-of-way.

1437 (2) All highway projects by the department, regardless of
1438 funding source, shall be developed in conformity with federal
1439 standards for noise abatement as contained in 23 C.F.R. 772 as
1440 such regulations existed on July 13, 2011 ~~March 1, 1989~~. The
1441 department shall, at a minimum, comply with federal requirements
1442 in the following areas:

- 1443 (a) Analysis of traffic noise impacts and abatement
- 1444 measures;
- 1445 (b) Noise abatement;
- 1446 (c) Information for local officials;
- 1447 (d) Traffic noise prediction; and
- 1448 (e) Construction noise.

1449 Section 24. Subsection (5) of section 336.021, Florida
1450 Statutes, is amended to read:

1451 336.021 County transportation system; levy of ninth-cent
1452 fuel tax on motor fuel and diesel fuel.—

1453 (5) All impositions of the tax shall be levied before
1454 October ~~July~~ 1 of each year to be effective January 1 of the
1455 following year. However, levies of the tax which were in effect
1456 on July 1, 2002, and which expire on August 31 of any year may

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1457 be reimposed at the current authorized rate to be effective
1458 September 1 of the year of expiration. All impositions shall be
1459 required to end on December 31 of a year. A decision to rescind
1460 the tax shall not take effect on any date other than December 31
1461 and shall require a minimum of 60 days' notice to the department
1462 of such decision.

1463 Section 25. Paragraphs (a) and (b) of subsection (1),
1464 paragraph (a) of subsection (5), and subsection (7) of section
1465 336.025, Florida Statutes, are amended to read:

1466 336.025 County transportation system; levy of local option
1467 fuel tax on motor fuel and diesel fuel.—

1468 (1)(a) In addition to other taxes allowed by law, there
1469 may be levied as provided in ss. 206.41(1)(e) and 206.87(1)(c) a
1470 1-cent, 2-cent, 3-cent, 4-cent, 5-cent, or 6-cent local option
1471 fuel tax upon every gallon of motor fuel and diesel fuel sold in
1472 a county and taxed under the provisions of part I or part II of
1473 chapter 206.

1474 1. All impositions and rate changes of the tax shall be
1475 levied before October ~~July~~ 1 to be effective January 1 of the
1476 following year for a period not to exceed 30 years, and the
1477 applicable method of distribution shall be established pursuant
1478 to subsection (3) or subsection (4). However, levies of the tax
1479 which were in effect on July 1, 2002, and which expire on August
1480 31 of any year may be reimposed at the current authorized rate
1481 effective September 1 of the year of expiration. Upon
1482 expiration, the tax may be releived provided that a
1483 redetermination of the method of distribution is made as
1484 provided in this section.

1485 2. County and municipal governments shall utilize moneys
 1486 received pursuant to this paragraph only for transportation
 1487 expenditures.

1488 3. Any tax levied pursuant to this paragraph may be
 1489 extended on a majority vote of the governing body of the county.
 1490 A redetermination of the method of distribution shall be
 1491 established pursuant to subsection (3) or subsection (4), if,
 1492 after July 1, 1986, the tax is extended or the tax rate changed,
 1493 for the period of extension or for the additional tax.

1494 (b) In addition to other taxes allowed by law, there may
 1495 be levied as provided in s. 206.41(1)(e) a 1-cent, 2-cent, 3-
 1496 cent, 4-cent, or 5-cent local option fuel tax upon every gallon
 1497 of motor fuel sold in a county and taxed under the provisions of
 1498 part I of chapter 206. The tax shall be levied by an ordinance
 1499 adopted by a majority plus one vote of the membership of the
 1500 governing body of the county or by referendum.

1501 1. All impositions and rate changes of the tax shall be
 1502 levied before October ~~July~~ 1, to be effective January 1 of the
 1503 following year. However, levies of the tax which were in effect
 1504 on July 1, 2002, and which expire on August 31 of any year may
 1505 be reimposed at the current authorized rate effective September
 1506 1 of the year of expiration.

1507 2. The county may, prior to levy of the tax, establish by
 1508 interlocal agreement with one or more municipalities located
 1509 therein, representing a majority of the population of the
 1510 incorporated area within the county, a distribution formula for
 1511 dividing the entire proceeds of the tax among county government
 1512 and all eligible municipalities within the county. If no

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1513 interlocal agreement is adopted before the effective date of the
1514 tax, tax revenues shall be distributed pursuant to the
1515 provisions of subsection (4). If no interlocal agreement exists,
1516 a new interlocal agreement may be established prior to June 1 of
1517 any year pursuant to this subparagraph. However, any interlocal
1518 agreement agreed to under this subparagraph after the initial
1519 levy of the tax or change in the tax rate authorized in this
1520 section shall under no circumstances materially or adversely
1521 affect the rights of holders of outstanding bonds which are
1522 backed by taxes authorized by this paragraph, and the amounts
1523 distributed to the county government and each municipality shall
1524 not be reduced below the amount necessary for the payment of
1525 principal and interest and reserves for principal and interest
1526 as required under the covenants of any bond resolution
1527 outstanding on the date of establishment of the new interlocal
1528 agreement.

1529 3. County and municipal governments shall use moneys
1530 received pursuant to this paragraph for transportation
1531 expenditures needed to meet the requirements of the capital
1532 improvements element of an adopted comprehensive plan or for
1533 expenditures needed to meet immediate local transportation
1534 problems and for other transportation-related expenditures that
1535 are critical for building comprehensive roadway networks by
1536 local governments. For purposes of this paragraph, expenditures
1537 for the construction of new roads, the reconstruction or
1538 resurfacing of existing paved roads, or the paving of existing
1539 graded roads shall be deemed to increase capacity and such
1540 projects shall be included in the capital improvements element

1541 of an adopted comprehensive plan. Expenditures for purposes of
 1542 this paragraph shall not include routine maintenance of roads.

1543 (5) (a) By October ~~July~~ 1 of each year, the county shall
 1544 notify the Department of Revenue of the rate of the taxes levied
 1545 pursuant to paragraphs (1) (a) and (b), and of its decision to
 1546 rescind or change the rate of a tax, if applicable, and shall
 1547 provide the department with a certified copy of the interlocal
 1548 agreement established under subparagraph (1) (b)2. or
 1549 subparagraph (3) (a)1. with distribution proportions established
 1550 by such agreement or pursuant to subsection (4), if applicable.
 1551 A decision to rescind a tax may ~~shall~~ not take effect on any
 1552 date other than December 31 and requires ~~shall require~~ a minimum
 1553 of 60 days' notice to the Department of Revenue of such
 1554 decision.

1555 (7) For the purposes of this section, "transportation
 1556 expenditures" means expenditures by the local government from
 1557 local or state shared revenue sources, excluding expenditures of
 1558 bond proceeds, for the following programs:

1559 (a) Public transportation operations and maintenance.

1560 (b) Roadway and right-of-way maintenance and equipment and
 1561 structures used primarily for the storage and maintenance of
 1562 such equipment.

1563 (c) Roadway and right-of-way drainage.

1564 (d) Street lighting installation, operation, maintenance,
 1565 and repair.

1566 (e) Traffic signs, traffic engineering, signalization, and
 1567 pavement markings, installation, operation, maintenance, and
 1568 repair.

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1569 (f) Bridge maintenance and operation.
 1570 (g) Debt service and current expenditures for
 1571 transportation capital projects in the foregoing program areas,
 1572 including construction or reconstruction of roads and sidewalks.

1573 Section 26. Paragraph (a) of subsection (3) of section
 1574 337.11, Florida Statutes, is amended to read:

1575 337.11 Contracting authority of department; bids;
 1576 emergency repairs, supplemental agreements, and change orders;
 1577 combined design and construction contracts; progress payments;
 1578 records; requirements of vehicle registration.—

1579 (3) (a) On all construction contracts of \$250,000 or less,
 1580 and any construction contract of less than \$500,000 for which
 1581 the department has waived prequalification under s. 337.14, the
 1582 department shall advertise for bids on the department's Internet
 1583 website for ~~in a newspaper having general circulation in the~~
 1584 ~~county where the proposed work is located. Publication shall be~~
 1585 ~~at least once a week for no less than 2 consecutive weeks, and~~
 1586 ~~the first publication shall be~~ no less than 14 consecutive days
 1587 prior to the date on which bids are to be received.

1588 Section 27. Subsection (4) of section 337.111, Florida
 1589 Statutes, is amended to read:

1590 337.111 Contracting for monuments and memorials to
 1591 military veterans at rest areas.—The Department of
 1592 Transportation is authorized to enter into contract with any
 1593 not-for-profit group or organization that has been operating for
 1594 not less than 2 years for the installation of monuments and
 1595 memorials honoring Florida's military veterans at highway rest
 1596 areas around the state pursuant to the provisions of this

1597 section.

1598 (4) The group or organization making the proposal shall
 1599 provide an annual renewable ~~a 10-year~~ bond, an irrevocable
 1600 letter of credit, or another form of security as approved by the
 1601 department's comptroller, for the purpose of securing the cost
 1602 of removal of the monument and any modifications made to the
 1603 site as part of the placement of the monument should the
 1604 Department of Transportation determine it necessary to remove or
 1605 relocate the monument. Such removal or relocation shall be
 1606 approved by the committee described in subsection (1). ~~Prior to~~
 1607 ~~expiration, the bond shall be renewed for another 10-year period~~
 1608 ~~if the memorial is to remain in place.~~

1609 Section 28. Subsection (1) of section 337.125, Florida
 1610 Statutes, is amended to read:

1611 337.125 Socially and economically disadvantaged business
 1612 enterprises; notice requirements.-

1613 (1) When contract goals are established, in order to
 1614 document that a subcontract is with a certified socially and
 1615 economically disadvantaged business enterprise, the prime
 1616 contractor must either submit a disadvantaged business
 1617 enterprise utilization form which has been signed by the
 1618 socially and economically disadvantaged business enterprise and
 1619 the prime contractor, or submit the written or oral quotation of
 1620 the socially and economically disadvantaged business enterprise,
 1621 and information contained in the quotation must be confirmed as
 1622 determined by the department by rule.

1623 Section 29. Section 337.137, Florida Statutes, is
 1624 repealed.

1625 Section 30. Section 337.139, Florida Statutes, is amended
 1626 to read:

1627 337.139 Efforts to encourage awarding contracts to
 1628 disadvantaged business enterprises.—In implementing chapter 90-
 1629 136, Laws of Florida, the Department of Transportation shall
 1630 institute procedures to encourage the awarding of contracts for
 1631 professional services and construction to disadvantaged business
 1632 enterprises. For the purposes of this section, the term
 1633 "disadvantaged business enterprise" means a small business
 1634 concern certified by the Department of Transportation to be
 1635 owned and controlled by socially and economically disadvantaged
 1636 individuals as defined by the Safe, Accountable, Flexible,
 1637 Efficient Transportation Equity Act: A Legacy for Users
 1638 (SAFETEA-LU) ~~Surface Transportation and Uniform Relocation Act~~
 1639 ~~of 1987~~. The Department of Transportation shall develop and
 1640 implement activities to encourage the participation of
 1641 disadvantaged business enterprises in the contracting process.
 1642 Such efforts may include:

1643 (1) Presolicitation or prebid meetings for the purpose of
 1644 informing disadvantaged business enterprises of contracting
 1645 opportunities.

1646 (2) Written notice to disadvantaged business enterprises
 1647 of contract opportunities for commodities or contractual and
 1648 construction services which the disadvantaged business provides.

1649 (3) Provision of adequate information to disadvantaged
 1650 business enterprises about the plans, specifications, and
 1651 requirements of contracts or the availability of jobs.

1652 (4) Breaking large contracts into several single-purpose

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1653 contracts of a size which may be obtained by certified
1654 disadvantaged business enterprises.

1655 Section 31. Subsection (1) of section 337.14, Florida
1656 Statutes, is amended to read:

1657 337.14 Application for qualification; certificate of
1658 qualification; restrictions; request for hearing.—

1659 (1) Any person desiring to bid for the performance of any
1660 construction contract in excess of \$250,000 which the department
1661 proposes to let must first be certified by the department as
1662 qualified pursuant to this section and rules of the department.
1663 The rules of the department shall address the qualification of
1664 persons to bid on construction contracts in excess of \$250,000
1665 and shall include requirements with respect to the equipment,
1666 past record, experience, financial resources, and organizational
1667 personnel of the applicant necessary to perform the specific
1668 class of work for which the person seeks certification. The
1669 department may ~~is authorized to~~ limit the dollar amount of any
1670 contract upon which a person is qualified to bid or the
1671 aggregate total dollar volume of contracts such person is
1672 allowed to have under contract at any one time. Each applicant
1673 seeking qualification to bid on construction contracts in excess
1674 of \$250,000 shall furnish the department a statement under oath,
1675 on such forms as the department may prescribe, setting forth
1676 detailed information as required on the application. Each
1677 application for certification shall be accompanied by the latest
1678 annual financial statement of the applicant completed within the
1679 last 12 months. If the application or the annual financial
1680 statement shows the financial condition of the applicant more

1681 than 4 months prior to the date on which the application is
 1682 received by the department, then an interim financial statement
 1683 must be submitted and be accompanied by an updated application.
 1684 The interim financial statement must cover the period from the
 1685 end date of the annual statement and must show the financial
 1686 condition of the applicant no more than 4 months prior to the
 1687 date the interim financial statement is received by the
 1688 department. However, upon request by the applicant, an
 1689 application and accompanying annual or interim financial
 1690 statement received by the department within 15 days after either
 1691 4-month period under this subsection shall be considered timely.
 1692 Each required annual or interim financial statement must be
 1693 audited and accompanied by the opinion of a certified public
 1694 accountant ~~or a public accountant approved by the department.~~ An
 1695 applicant desiring to bid exclusively for the performance of
 1696 construction contracts with proposed budget estimates of less
 1697 than \$1 million may submit reviewed annual or reviewed interim
 1698 financial statements prepared by a certified public accountant.
 1699 The information required by this subsection is confidential and
 1700 exempt from the provisions of s. 119.07(1). The department shall
 1701 act upon the application for qualification within 30 days after
 1702 the department determines that the application is complete. The
 1703 department may waive the requirements of this subsection for
 1704 projects having a contract price of \$500,000 or less if the
 1705 department determines that the project is of a noncritical
 1706 nature and the waiver will not endanger public health, safety,
 1707 or property.

1708 Section 32. Section 337.403, Florida Statutes, is amended

1709 to read:

1710 337.403 Interference caused by relocation of utility;
 1711 expenses.—

1712 (1) When a ~~Any~~ utility ~~heretofore or hereafter~~ placed
 1713 upon, under, over, or along any public road or publicly owned
 1714 rail corridor that is found by the authority to be unreasonably
 1715 interfering in any way with the convenient, safe, or continuous
 1716 use, or the maintenance, improvement, extension, or expansion,
 1717 of such public road or publicly owned rail corridor, the utility
 1718 owner shall, upon 30 days' written notice to the utility or its
 1719 agent by the authority, initiate the work necessary to alleviate
 1720 the interference ~~be removed or relocated by such utility~~ at its
 1721 own expense except as provided in paragraphs (a)-(f). The work
 1722 shall be completed within such time as stated in the notice or
 1723 such time as agreed to by the authority and the utility owner.

1724 (a) If the relocation of utility facilities, as referred
 1725 to in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.
 1726 627 of the 84th Congress, is necessitated by the construction of
 1727 a project on the federal-aid interstate system, including
 1728 extensions thereof within urban areas, and the cost of the
 1729 project is eligible and approved for reimbursement by the
 1730 Federal Government to the extent of 90 percent or more under the
 1731 Federal Aid Highway Act, or any amendment thereof, then in that
 1732 event the utility owning or operating such facilities shall
 1733 perform any necessary work ~~relocate the facilities~~ upon notice
 1734 from ~~order of~~ the department, and the state shall pay the entire
 1735 expense properly attributable to such work ~~relocation~~ after
 1736 deducting therefrom any increase in the value of any ~~the~~ new

1737 facility and any salvage value derived from any ~~the~~ old
 1738 facility.

1739 (b) When a joint agreement between the department and the
 1740 utility is executed for utility ~~improvement, relocation, or~~
 1741 ~~removal~~ work to be accomplished as part of a contract for
 1742 construction of a transportation facility, the department may
 1743 participate in those utility work ~~improvement, relocation, or~~
 1744 ~~removal~~ costs that exceed the department's official estimate of
 1745 the cost of the work by more than 10 percent. The amount of such
 1746 participation shall be limited to the difference between the
 1747 official estimate of all the work in the joint agreement plus 10
 1748 percent and the amount awarded for this work in the construction
 1749 contract for such work. The department may not participate in
 1750 any utility work ~~improvement, relocation, or removal~~ costs that
 1751 occur as a result of changes or additions during the course of
 1752 the contract.

1753 (c) When an agreement between the department and utility
 1754 is executed for utility ~~improvement, relocation, or removal~~ work
 1755 to be accomplished in advance of a contract for construction of
 1756 a transportation facility, the department may participate in the
 1757 cost of clearing and grubbing necessary to perform such work.

1758 (d) If the utility facility involved ~~being removed or~~
 1759 ~~relocated~~ was initially installed to exclusively serve the
 1760 department, its tenants, or both, the department shall bear the
 1761 costs of the utility work ~~removing or relocating that utility~~
 1762 ~~facility~~. However, the department is not responsible for bearing
 1763 the cost of utility work related to ~~removing or relocating~~ any
 1764 subsequent additions to that facility for the purpose of serving

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1765 others.

1766 (e) If, under an agreement between a utility and the
1767 authority entered into after July 1, 2009, the utility conveys,
1768 subordinates, or relinquishes a compensable property right to
1769 the authority for the purpose of accommodating the acquisition
1770 or use of the right-of-way by the authority, without the
1771 agreement expressly addressing future responsibility for the
1772 cost of necessary utility work ~~removing or relocating the~~
1773 ~~utility~~, the authority shall bear the cost ~~of removal or~~
1774 ~~relocation~~. This paragraph does not impair or restrict, and may
1775 not be used to interpret, the terms of any such agreement
1776 entered into before July 1, 2009.

1777 (f) If the utility is an electric facility being relocated
1778 underground in order to enhance vehicular, bicycle, and
1779 pedestrian safety and in which ownership of the electric
1780 facility to be placed underground has been transferred from a
1781 private to a public utility within the past 5 years, the
1782 department shall incur all costs of the necessary utility work
1783 ~~relocation~~.

1784 (2) If such utility work ~~removal or relocation~~ is
1785 incidental to work to be done on such road or publicly owned
1786 rail corridor, the notice shall be given at the same time the
1787 contract for the work is advertised for bids, or no less than 30
1788 days prior to the commencement of such work by the authority,
1789 whichever is greater.

1790 (3) Whenever the notice from an order of the authority
1791 requires such utility work ~~removal or change in the location of~~
1792 ~~any utility from the right-of-way of a public road or publicly~~

1793 ~~owned rail corridor,~~ and the owner thereof fails to perform the
 1794 work ~~remove or change the same~~ at his or her own expense ~~to~~
 1795 ~~conform to the order~~ within the time stated in the notice or
 1796 such other time as agreed to by the authority and the utility
 1797 owner, the authority shall proceed to cause the utility work to
 1798 be performed ~~to be removed~~. The expense thereby incurred shall
 1799 be paid out of any money available therefor, and such expense
 1800 shall, except as provided in subsection (1), be charged against
 1801 the owner and levied and collected and paid into the fund from
 1802 which the expense of such relocation was paid.

1803 Section 33. Subsection (1) of section 337.404, Florida
 1804 Statutes, is amended to read:

1805 337.404 Removal or relocation of utility facilities;
 1806 notice and order; court review.—

1807 (1) Whenever it becomes ~~shall become~~ necessary for the
 1808 authority to perform utility work ~~remove or relocate any utility~~
 1809 as provided in s. 337.403 ~~the preceding section,~~ the owner of
 1810 the utility~~,~~ or the owner's chief agent~~,~~ shall be given notice
 1811 that the authority will perform ~~of such work~~ removal or
 1812 relocation and, after the work is complete, given an order
 1813 requiring the payment of the cost thereof~~,~~ and a ~~shall be given~~
 1814 reasonable time, which may ~~shall~~ not be less than 20 or ~~not~~ more
 1815 than 30 days, in which to appear before the authority to contest
 1816 the reasonableness of the order. Should the owner or the owner's
 1817 representative not appear, the determination of the cost to the
 1818 owner shall be final. Authorities considered agencies for the
 1819 purposes of chapter 120 shall adjudicate removal or relocation
 1820 of utilities pursuant to chapter 120.

1821 Section 34. Subsections (1), (4), and (5) of section
 1822 337.408, Florida Statutes, are amended to read:

1823 337.408 Regulation of bus stops, benches, transit
 1824 shelters, street light poles, waste disposal receptacles, and
 1825 modular news racks within rights-of-way.—

1826 (1) Benches or transit shelters, including advertising
 1827 displayed on benches or transit shelters, may be installed
 1828 within the right-of-way limits of any municipal, county, or
 1829 state road, except a limited access highway, provided that such
 1830 benches or transit shelters are for the comfort or convenience
 1831 of the general public or are at designated stops on official bus
 1832 routes and provided that written authorization has been given to
 1833 a qualified private supplier of such service by the municipal
 1834 government within whose incorporated limits such benches or
 1835 transit shelters are installed or by the county government
 1836 within whose unincorporated limits such benches or transit
 1837 shelters are installed. A municipality or county may authorize
 1838 the installation, without public bid, of benches and transit
 1839 shelters together with advertising displayed thereon within the
 1840 right-of-way limits of such roads. All installations shall be in
 1841 compliance with all applicable laws and rules, including,
 1842 without limitation, the Americans with Disabilities Act.
 1843 Municipalities and counties shall indemnify, defend, and hold
 1844 harmless the department from any suits, actions, proceedings,
 1845 claims, losses, costs, charges, expenses, damages, liabilities,
 1846 attorney fees, and court costs relating to the installation,
 1847 removal, or relocation of such installations. Any contract for
 1848 the installation of benches or transit shelters or advertising

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1849 on benches or transit shelters which was entered into before
1850 April 8, 1992, without public bidding is ratified and affirmed.
1851 Such benches or transit shelters may not interfere with right-
1852 of-way preservation and maintenance. Any bench or transit
1853 shelter located on a sidewalk within the right-of-way limits of
1854 any road on the State Highway System or the county road system
1855 shall be located so as to leave at least 36 inches of clearance
1856 for pedestrians and persons in wheelchairs. Such clearance shall
1857 be measured in a direction perpendicular to the centerline of
1858 the road.

1859 (4) The department has the authority to direct the
1860 immediate relocation or removal of any bus stop, bench, transit
1861 shelter, waste disposal receptacle, public pay telephone, or
1862 modular news rack that endangers life or property or that is
1863 otherwise not in compliance with applicable laws and rules,
1864 except that transit bus benches that were placed in service
1865 before April 1, 1992, are not required to comply with bench size
1866 and advertising display size requirements established by the
1867 department before March 1, 1992. If a municipality or county
1868 fails to comply with the department's direction, the department
1869 shall remove the noncompliant installation, charge the cost of
1870 the removal to the municipality or county, and may deduct or
1871 offset such cost from any other funding available to the
1872 municipality or county from the department. ~~Any transit bus~~
1873 ~~bench that was in service before April 1, 1992, may be replaced~~
1874 ~~with a bus bench of the same size or smaller, if the bench is~~
1875 ~~damaged or destroyed or otherwise becomes unusable.~~ The
1876 department may adopt rules relating to the regulation of bench

1877 size and advertising display size requirements. If a
 1878 municipality or county within which a bench is to be located has
 1879 adopted an ordinance or other applicable regulation that
 1880 establishes bench size or advertising display sign requirements
 1881 different from requirements specified in department rule, the
 1882 local government requirement applies within the respective
 1883 municipality or county. Placement of any bench or advertising
 1884 display on the National Highway System under a local ordinance
 1885 or regulation adopted under this subsection is subject to
 1886 approval of the Federal Highway Administration.

1887 (5) A bus stop, bench, transit shelter, waste disposal
 1888 receptacle, public pay telephone, or modular news rack, or
 1889 advertising thereon, may not be erected or placed on the right-
 1890 of-way of any road in a manner that conflicts with the
 1891 requirements of federal law, regulations, or safety standards,
 1892 thereby causing the state or any political subdivision the loss
 1893 of federal funds. Competition among persons seeking to provide
 1894 bus stop, bench, transit shelter, waste disposal receptacle,
 1895 public pay telephone, or modular news rack services or
 1896 advertising on such benches, shelters, receptacles, public pay
 1897 telephone, or news racks may be regulated, restricted, or denied
 1898 by the appropriate local government entity consistent with this
 1899 section.

1900 Section 35. Chapter 338, Florida Statutes, is retitled
 1901 "LIMITED ACCESS AND TOLL FACILITIES."

1902 Section 36. Section 338.001, Florida Statutes, is
 1903 repealed.

1904 Section 37. Present subsections (1) through (6) of section

1905 338.01, Florida Statutes, are renumbered as subsections (2)
 1906 through (7), respectively, and new subsections (1) and (8) are
 1907 added to that section to read:

1908 338.01 Authority to establish and regulate limited access
 1909 facilities.—

1910 (1) The department may establish limited access facilities
 1911 as provided in s. 335.02. The primary function of such limited
 1912 access facilities shall be to allow high-speed and high-volume
 1913 traffic movements within the state. Access to abutting land is
 1914 subordinate to this function, and such access must be prohibited
 1915 or highly regulated.

1916 (8) The department, or other governmental entity
 1917 responsible for the collection of tolls, may pursue the
 1918 collection of unpaid tolls and associated fees and other amounts
 1919 to which it is entitled by contracting with a private attorney
 1920 who is a member in good standing with The Florida Bar or a
 1921 collection agent who is registered and in good standing pursuant
 1922 to chapter 559. A collection fee in an amount that is reasonable
 1923 within the collection industry, including any reasonable
 1924 attorney fees, may be added to the delinquent amount collected
 1925 by any attorney or collection agent retained by the department
 1926 or other governmental entity. The requirements of s. 287.059 do
 1927 not apply to private attorney services procured under this
 1928 section.

1929 Section 38. Section 338.151, Florida Statutes, is created
 1930 to read:

1931 338.151 Authority of the department to establish tolls on
 1932 the State Highway System.—The department may establish tolls on

1933 new limited access facilities on the State Highway System, lanes
 1934 added to existing limited access facilities on the State Highway
 1935 System, new major bridges on the State Highway System over
 1936 waterways, and replacements for existing major bridges on the
 1937 State Highway System over waterways to pay, fully or partially,
 1938 for the cost of such projects. Except for high-occupancy vehicle
 1939 lanes, express lanes, the turnpike system, and as otherwise
 1940 authorized by law, the department may not establish tolls on
 1941 lanes of limited access facilities that exist on July 1, 2012,
 1942 unless tolls were in effect for the lanes prior to that date.
 1943 The authority provided in this section is in addition to the
 1944 authority provided under the Florida Turnpike Enterprise Law and
 1945 s. 338.166.

1946 Section 39. Subsection (1) of section 338.155, Florida
 1947 Statutes, is amended to read:

1948 338.155 Payment of toll on toll facilities required;
 1949 exemptions.—

1950 (1) A person may not ~~No persons are permitted to~~ use any
 1951 toll facility without payment of tolls, except employees of the
 1952 agency operating the toll project when using the toll facility
 1953 on official state business, state military personnel while on
 1954 official military business, handicapped persons as provided in
 1955 this section, persons exempt from toll payment by the
 1956 authorizing resolution for bonds issued to finance the facility,
 1957 and persons exempt on a temporary basis where use of such toll
 1958 facility is required as a detour route. Any law enforcement
 1959 officer operating a marked official vehicle is exempt from toll
 1960 payment when on official law enforcement business. Any person

1961 | operating a fire vehicle when on official business or a rescue
 1962 | vehicle when on official business is exempt from toll payment.
 1963 | Any person participating in the funeral procession of a law
 1964 | enforcement officer or firefighter killed in the line of duty is
 1965 | exempt from toll payment. The secretary~~7~~, or the secretary's
 1966 | designee~~7~~ may suspend the payment of tolls on a toll facility
 1967 | when necessary to assist in emergency evacuation. The failure to
 1968 | pay a prescribed toll constitutes a noncriminal traffic
 1969 | infraction, punishable as a moving violation as provided in
 1970 | ~~pursuant to~~ s. 318.18. The department may ~~is authorized to~~ adopt
 1971 | rules relating to the payment, collection, and enforcement of
 1972 | tolls, as authorized in chapters 316, 318, 320, 322, and 338,
 1973 | including, but not limited to, rules for the implementation of
 1974 | video or other image billing and variable pricing. With respect
 1975 | to toll facilities managed by the department, the revenues of
 1976 | which are not pledged to repayment of bonds, the department may
 1977 | by rule allow the use of such facilities by public transit
 1978 | vehicles or by vehicles participating in a funeral procession
 1979 | for an active-duty military service member without the payment
 1980 | of tolls.

1981 | Section 40. Paragraph (c) is added to subsection (3) of
 1982 | section 338.161, Florida Statutes, to read:

1983 | 338.161 Authority of department or toll agencies to
 1984 | advertise and promote electronic toll collection; expanded uses
 1985 | of electronic toll collection system; studies authorized;
 1986 | authority of department to collect tolls, fares, and fees for
 1987 | private and public entities.-

1988 | (3)

1989 (c) If the department finds that it can increase nontoll
 1990 revenues or add convenience or other value for its customers,
 1991 the department is authorized to enter into agreements with
 1992 private or public entities for the department's use of its
 1993 electronic toll collection and video billing systems to collect
 1994 tolls, fares, administrative fees, and other applicable charges
 1995 imposed in connection with transportation facilities of the
 1996 private or public entities that become interoperable with the
 1997 department's electronic toll collection system. The department
 1998 may modify its rules regarding toll collection procedures and
 1999 the imposition of administrative charges to be applicable to
 2000 toll facilities that are not part of the turnpike system or
 2001 otherwise owned by the department. This paragraph may not be
 2002 construed to limit the authority of the department under any
 2003 other provision of law or under any agreement entered into prior
 2004 to July 1, 2012.

2005 Section 41. Subsections (1) and (3) of section 338.166,
 2006 Florida Statutes, are amended to read:

2007 338.166 High-occupancy toll lanes or express lanes.—

2008 (1) Under s. 11, Art. VII of the State Constitution, the
 2009 department may request the Division of Bond Finance to issue
 2010 bonds secured by toll revenues collected on high-occupancy toll
 2011 lanes or express lanes ~~located on Interstate 95 in Miami-Dade~~
 2012 ~~and Broward Counties.~~

2013 (3) Any remaining toll revenue from the high-occupancy
 2014 toll lanes or express lanes shall be used by the department for
 2015 the construction, maintenance, or improvement of any road on the
 2016 State Highway System within the county or counties in which the

2017 toll revenues were collected or to support express bus service
 2018 on the facility where the toll revenues were collected.

2019 Section 42. Paragraph (a) of subsection (8) of section
 2020 338.221, Florida Statutes, is amended to read:

2021 338.221 Definitions ~~of terms used in ss. 338.22-338.241.-~~

2022 As used in ss. 338.22-338.241, the following words and terms
 2023 have the following meanings, unless the context indicates
 2024 another or different meaning or intent:

2025 (8) "Economically feasible" means:

2026 (a) For a proposed turnpike project, that, as determined
 2027 by the department before the issuance of revenue bonds for the
 2028 project, the estimated net revenues of the proposed turnpike
 2029 project, excluding feeder roads and turnpike improvements, will
 2030 be sufficient to pay at least 50 percent of the annual debt
 2031 service on the bonds associated with the project by the end of
 2032 the 12th year of operation and to pay at least 100 percent of
 2033 the debt service on the bonds by the end of the 30th ~~22nd~~ year
 2034 of operation. In implementing this paragraph, up to 50 percent
 2035 of the adopted work program costs of the project may be funded
 2036 from turnpike revenues.

2037
 2038 This subsection does not prohibit the pledging of revenues from
 2039 the entire turnpike system to bonds issued to finance or
 2040 refinance a turnpike project or group of turnpike projects.

2041 Section 43. Paragraphs (a) and (b) of subsection (1) of
 2042 section 338.223, Florida Statutes, are amended to read:

2043 338.223 Proposed turnpike projects.-

2044 (1) (a) Any proposed project to be constructed or acquired

2045 as part of the turnpike system and any turnpike improvement
 2046 shall be included in the tentative work program. A ~~No~~ proposed
 2047 project or group of proposed projects may not ~~shall~~ be added to
 2048 the turnpike system unless such project or projects are
 2049 determined to be economically feasible and a statement of
 2050 environmental feasibility has been completed for such project or
 2051 projects and such projects are determined to be consistent, to
 2052 the maximum extent feasible, with approved local government
 2053 comprehensive plans of the local governments in which such
 2054 projects are located. The department may authorize engineering
 2055 studies, traffic studies, environmental studies, and other
 2056 expert studies of the location, costs, economic feasibility, and
 2057 practicality of proposed turnpike projects throughout the state
 2058 and may proceed with the design phase of such projects. The
 2059 department may ~~shall~~ not request legislative approval of a
 2060 proposed turnpike project until the design phase of that project
 2061 is at least 30 ~~60~~ percent complete. If a proposed project or
 2062 group of proposed projects is found to be economically feasible,
 2063 consistent, to the maximum extent feasible, with approved local
 2064 government comprehensive plans of the local governments in which
 2065 such projects are located, and a favorable statement of
 2066 environmental feasibility has been completed, the department,
 2067 with the approval of the Legislature, shall, after the receipt
 2068 of all necessary permits, construct, maintain, and operate such
 2069 turnpike projects.

2070 (b) Any proposed turnpike project or improvement shall be
 2071 developed in accordance with the Florida Transportation Plan and
 2072 the work program pursuant to s. 339.135. Turnpike projects that

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2073 | add capacity, alter access, affect feeder roads, or affect the
 2074 | operation of the local transportation system shall be included
 2075 | in the transportation improvement plan of the affected
 2076 | metropolitan planning organization. If such turnpike project
 2077 | does not fall within the jurisdiction of a metropolitan planning
 2078 | organization, the department shall notify the affected county
 2079 | and provide for public hearings in accordance with s.
 2080 | 339.155(5)(c) ~~s. 339.155(6)(e)~~.

2081 | Section 44. Subsection (4) of section 338.227, Florida
 2082 | Statutes, is amended to read:

2083 | 338.227 Turnpike revenue bonds.—

2084 | (4) The Department of Transportation and the Department of
 2085 | Management Services shall create and implement an outreach
 2086 | program designed to enhance the participation of minority
 2087 | persons and minority business enterprises in all contracts
 2088 | entered into by their respective departments for services
 2089 | related to the financing of department projects for the
 2090 | Strategic Intermodal System Plan developed pursuant to s. 339.64
 2091 | ~~Florida Intrastate Highway System Plan~~. These services shall
 2092 | include, but are not ~~be~~ limited to, bond counsel and bond
 2093 | underwriters.

2094 | Section 45. Subsection (2) of section 338.2275, Florida
 2095 | Statutes, is amended to read:

2096 | 338.2275 Approved turnpike projects.—

2097 | (2) The department may ~~is authorized to~~ use turnpike
 2098 | revenues, the State Transportation Trust Fund moneys allocated
 2099 | for turnpike projects pursuant to s. 339.65 ~~s. 338.001~~, federal
 2100 | funds, and bond proceeds, and shall use the most cost-efficient

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2101 combination of such funds, in developing a financial plan for
 2102 funding turnpike projects. The department must submit a report
 2103 of the estimated cost for each ongoing turnpike project and for
 2104 each planned project to the Legislature 14 days before the
 2105 convening of the regular legislative session. Verification of
 2106 economic feasibility and statements of environmental feasibility
 2107 for individual turnpike projects must be based on the entire
 2108 project as approved. Statements of environmental feasibility are
 2109 not required for those projects listed in s. 12, chapter 90-136,
 2110 Laws of Florida, for which the Project Development and
 2111 Environmental Reports were completed by July 1, 1990. All
 2112 required environmental permits must be obtained before the
 2113 department may advertise for bids for contracts for the
 2114 construction of any turnpike project.

2115 Section 46. Section 338.228, Florida Statutes, is amended
 2116 to read:

2117 338.228 Bonds not debts or pledges of credit of state.—
 2118 Turnpike revenue bonds issued under the provisions of ss.
 2119 338.22-338.241 are not debts of the state or pledges of the
 2120 faith and credit of the state. Such bonds are payable
 2121 exclusively from revenues pledged for their payment. All such
 2122 bonds shall contain a statement on their face that the state is
 2123 not obligated to pay the same or the interest thereon, except
 2124 from the revenues pledged for their payment, and that the faith
 2125 and credit of the state is not pledged to the payment of the
 2126 principal or interest of such bonds. The issuance of turnpike
 2127 revenue bonds under the provisions of ss. 338.22-338.241 does
 2128 not directly, indirectly, or contingently obligate the state to

2129 | levy or to pledge any form of taxation whatsoever, or to make
 2130 | any appropriation for their payment. Except as provided in ss.
 2131 | ~~338.001,~~ 338.223, ~~and~~ 338.2275, and 339.65, ~~no~~ state funds may
 2132 | not ~~shall~~ be used on any turnpike project or to pay the
 2133 | principal or interest of any bonds issued to finance or
 2134 | refinance any portion of the turnpike system, and all such bonds
 2135 | shall contain a statement on their face to this effect.

2136 | Section 47. Paragraph (c) is added to subsection (3) of
 2137 | section 338.231, Florida Statutes, to read:

2138 | 338.231 Turnpike tolls, fixing; pledge of tolls and other
 2139 | revenues.—The department shall at all times fix, adjust, charge,
 2140 | and collect such tolls and amounts for the use of the turnpike
 2141 | system as are required in order to provide a fund sufficient
 2142 | with other revenues of the turnpike system to pay the cost of
 2143 | maintaining, improving, repairing, and operating such turnpike
 2144 | system; to pay the principal of and interest on all bonds issued
 2145 | to finance or refinance any portion of the turnpike system as
 2146 | the same become due and payable; and to create reserves for all
 2147 | such purposes.

2148 | (3)

2149 | (c) Notwithstanding any other law to the contrary, the
 2150 | department shall also assess an administrative fee of 25 cents
 2151 | per month as an account maintenance charge to be applied against
 2152 | any prepaid toll account of any kind which has remained inactive
 2153 | for a period of at least 24 months but not longer than 48
 2154 | months. As long as a zero or negative balance has not been
 2155 | reached, the 25-cent administrative fee shall be charged in each
 2156 | month of inactivity beginning the 25th month of inactivity and

2157 continuing through the 48th month. When the 25-cent
 2158 administrative fee results in an account reaching a zero or
 2159 negative balance, the department shall close the account. If a
 2160 positive balance still remains in an account after the 48th
 2161 month, the balance shall be presumed unclaimed and its
 2162 disposition shall be handled by the Department of Financial
 2163 Services in accordance with all applicable provisions of chapter
 2164 717 relating to the disposition of unclaimed property, and the
 2165 prepaid toll account shall be closed by the department.

2166 Section 48. Subsection (2) of section 338.234, Florida
 2167 Statutes, is amended to read:

2168 338.234 Granting concessions or selling along the turnpike
 2169 system; immunity from taxation.—

2170 (2) The effectuation of the authorized purposes of the
 2171 Strategic Intermodal System, created under ss. 339.61-339.65,
 2172 ~~Florida Intrastate Highway System~~ and Florida Turnpike
 2173 Enterprise, created under this chapter, is for the benefit of
 2174 the people of the state, for the increase of their commerce and
 2175 prosperity, and for the improvement of their health and living
 2176 conditions; and, because the system and enterprise perform
 2177 essential government functions in effectuating such purposes,
 2178 neither the turnpike enterprise nor any nongovernment lessee or
 2179 licensee renting, leasing, or licensing real property from the
 2180 turnpike enterprise, pursuant to an agreement authorized by this
 2181 section, are required to pay any commercial rental tax imposed
 2182 under s. 212.031 on any capital improvements constructed,
 2183 improved, acquired, installed, or used for such purposes.

2184 Section 49. Subsections (1), (2), and (3) of section

2185 339.0805, Florida Statutes, are amended to read:

2186 339.0805 Funds to be expended with certified disadvantaged
 2187 business enterprises; ~~specified percentage to be expended;~~
 2188 construction management development program; bond guarantee
 2189 program.—It is the policy of the state to meaningfully assist
 2190 socially and economically disadvantaged business enterprises
 2191 through a program that will provide for the development of
 2192 skills through construction and business management training, as
 2193 well as by providing contracting opportunities and financial
 2194 assistance in the form of bond guarantees, to primarily remedy
 2195 the effects of past economic disparity.

2196 (1) (a) ~~Except to the extent that the head of the~~
 2197 ~~department determines otherwise,~~ The department shall expend ~~not~~
 2198 ~~less than 10 percent of~~ federal-aid highway funds as defined in
 2199 49 C.F.R. part 26 s. 23.63(a) and state matching funds with
 2200 small business concerns owned and controlled by socially and
 2201 economically disadvantaged individuals as defined by the Safe,
 2202 Accountable, Flexible, Efficient Transportation Equity Act: A
 2203 Legacy for Users (SAFETEA-LU) Surface Transportation and Uniform
 2204 Relocation Assistance Act of 1987.

2205 (b) Upon a determination by the department of past and
 2206 continuing discrimination in nonfederally funded projects on the
 2207 basis of race, color, creed, national origin, or sex, the
 2208 department may implement a program tailored to address specific
 2209 findings of disparity. The program may include the establishment
 2210 of annual goals for expending a percentage of state-administered
 2211 highway funds with small business concerns. The department may
 2212 utilize set-asides for small business concerns to assist in

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2213 achieving goals established pursuant to this subsection. For the
 2214 purpose of this subsection, the term "small business concern"
 2215 means a business owned and controlled by socially and
 2216 economically disadvantaged individuals as defined by the Safe,
 2217 Accountable, Flexible, Efficient Transportation Equity Act: A
 2218 Legacy for Users (SAFETEA-LU) Surface Transportation and Uniform
 2219 Relocation Assistance Act of 1987. The head of the department
 2220 may elect to set goals only when significant disparity is
 2221 documented. The findings of a disparity study shall be
 2222 considered in determining the program goals for each group
 2223 qualified to participate. ~~Such a study shall be conducted or~~
 2224 ~~updated by the department or its designee at a minimum of every~~
 2225 ~~5 years. The department shall adopt rules to implement this~~
 2226 ~~subsection on or before October 1, 1993.~~

2227 (c) The department shall certify a socially and
 2228 economically disadvantaged business enterprise, ~~which~~
 2229 ~~certification shall be valid for 12 months, or as prescribed by~~
 2230 49 C.F.R. part 26 ~~23~~. The department's initial application for
 2231 certification for a socially and economically disadvantaged
 2232 business enterprise shall require sufficient information to
 2233 determine eligibility as a small business concern owned and
 2234 controlled by a socially and economically disadvantaged
 2235 individual. For continuing eligibility ~~recertification~~ of a
 2236 disadvantaged business enterprise, the department may accept an
 2237 affidavit, which meets department criteria as to form and
 2238 content, certifying that the business remains qualified for
 2239 certification in accordance with program requirements. A firm
 2240 which does not fulfill all the department's criteria for

2241 certification may ~~shall~~ not be considered a disadvantaged
 2242 business enterprise. An applicant who is denied certification
 2243 may not reapply within 12 ~~6~~ months after issuance of the denial
 2244 letter ~~or the final order, whichever is later~~. The application
 2245 and financial information required by this section are
 2246 confidential and exempt from s. 119.07(1).

2247 (2) The department shall remove ~~revoke~~ the certification
 2248 of a disadvantaged business enterprise upon receipt of
 2249 notification of any change in ownership which results in the
 2250 disadvantaged individual or individuals used to qualify the
 2251 business as a disadvantaged business enterprise, no longer
 2252 owning at least 51 percent of the business enterprise. Such
 2253 notification shall be made to the department by certified mail
 2254 within 30 ~~10~~ days after the change in ownership, ~~and such~~
 2255 ~~business shall be removed from the certified disadvantaged~~
 2256 ~~business list until a new application is submitted and approved~~
 2257 ~~by the department~~. Failure to notify the department of the
 2258 change in the ownership which qualifies the business as a
 2259 disadvantaged business enterprise will also result in removal
 2260 ~~revocation~~ of certification and subject the business to the
 2261 provisions of s. 337.135. In addition, the department may, for
 2262 good cause, deny or remove ~~suspend~~ the certification of a
 2263 disadvantaged business enterprise. As used in this subsection,
 2264 the term "good cause" includes, but is not limited to, the
 2265 disadvantaged business enterprise:

- 2266 (a) No longer meeting the certification standards set
- 2267 forth in department rules;
- 2268 (b) Making a false, deceptive, or fraudulent statement in

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2269 its application for certification or in any other information
 2270 submitted to the department;

2271 (c) Failing to maintain the records required by department
 2272 rules;

2273 (d) Failing to perform a commercially useful function on
 2274 projects for which the enterprise was used to satisfy contract
 2275 goals;

2276 (e) Failing to fulfill its contractual obligations with
 2277 contractors;

2278 (f) Failing to respond with a statement of interest to
 2279 requests for bid quotations from contractors for three
 2280 consecutive lettings;

2281 ~~(g) Subcontracting to others more than 49 percent of the~~
 2282 ~~amount of any single subcontract that was used by the prime~~
 2283 ~~contractor to meet a contract goal;~~

2284 (g) ~~(h)~~ Failing to provide notarized certification of
 2285 payments received on specific projects to the prime contractor
 2286 when required to do so by contract specifications;

2287 (h) ~~(i)~~ Failing to schedule an onsite review upon request
 2288 of the department; or

2289 (i) ~~(j)~~ Becoming insolvent or the subject of a bankruptcy
 2290 proceeding.

2291 (3) The head of the department may ~~is authorized to~~ expend
 2292 up to 6 percent of the funds specified in subsection (1) which
 2293 are designated to be expended on small business firms owned and
 2294 controlled by socially and economically disadvantaged
 2295 individuals to conduct, by contract or otherwise, a construction
 2296 management development program. Participation in the program

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2297 will be limited to those firms which are certified under the
 2298 provisions of subsection (1) by the department or the federal
 2299 Small Business Administration or to any firm which meets the
 2300 definition of a small business in 49 C.F.R. s. 26.65 ~~has annual~~
 2301 ~~gross receipts not exceeding \$2 million averaged over a 3-year~~
 2302 ~~period~~. The program shall ~~will~~ consist of classroom instruction
 2303 and on-the-job instruction. To the extent feasible, the
 2304 registration fee shall be set to cover the cost of instruction
 2305 and overhead. ~~No~~ Salary may not ~~will~~ be paid to any participant.

2306 Section 50. Paragraph (c) of subsection (4) and paragraph
 2307 (e) of subsection (7) of section 339.135, Florida Statutes, are
 2308 amended to read:

2309 339.135 Work program; legislative budget request;
 2310 definitions; preparation, adoption, execution, and amendment.—

2311 (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.—

2312 (c)1. For purposes of this section, the board of county
 2313 commissioners shall serve as the metropolitan planning
 2314 organization in those counties which are not located in a
 2315 metropolitan planning organization and shall be involved in the
 2316 development of the district work program to the same extent as a
 2317 metropolitan planning organization.

2318 2. The district work program shall be developed
 2319 cooperatively from the outset with the various metropolitan
 2320 planning organizations of the state and include, to the maximum
 2321 extent feasible, the project priorities of metropolitan planning
 2322 organizations which have been submitted to the district by
 2323 October 1 of each year pursuant to s. 339.175(8)(b); however,
 2324 the department and a metropolitan planning organization may, in

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2325 writing, cooperatively agree to vary this submittal date. To
 2326 assist the metropolitan planning organizations in developing
 2327 their lists of project priorities, the district shall disclose
 2328 to each metropolitan planning organization any anticipated
 2329 changes in the allocation or programming of state and federal
 2330 funds which may affect the inclusion of metropolitan planning
 2331 organization project priorities in the district work program.

2332 3. Prior to submittal of the district work program to the
 2333 central office, the district shall provide the affected
 2334 metropolitan planning organization with written justification
 2335 for any project proposed to be rescheduled or deleted from the
 2336 district work program which project is part of the metropolitan
 2337 planning organization's transportation improvement program and
 2338 is contained in the last 4 years of the previous adopted work
 2339 program. By no later than 14 days after submittal of the
 2340 district work program to the central office, the affected
 2341 metropolitan planning organization may file an objection to such
 2342 rescheduling or deletion. When an objection is filed with the
 2343 secretary, the rescheduling or deletion may ~~shall~~ not be
 2344 included in the district work program unless the inclusion of
 2345 such rescheduling or deletion is specifically approved by the
 2346 secretary. The Florida Transportation Commission shall include
 2347 such objections in its evaluation of the tentative work program
 2348 only when the secretary has approved the rescheduling or
 2349 deletion.

2350 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

2351 (e) The department may amend the adopted work program to
 2352 transfer fixed capital outlay appropriations for projects within

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2353 the same appropriations category or between appropriations
 2354 categories, including the following amendments which shall be
 2355 subject to the procedures in paragraph (f):

- 2356 1. Any amendment which deletes any project or project
 2357 phase estimated to cost over \$150,000;
- 2358 2. Any amendment which adds a project estimated to cost
 2359 over \$500,000 ~~\$150,000~~ in funds appropriated by the Legislature;
- 2360 3. Any amendment which advances or defers to another
 2361 fiscal year, a right-of-way phase, a construction phase, or a
 2362 public transportation project phase estimated to cost over \$1.5
 2363 million ~~\$500,000~~ in funds appropriated by the Legislature,
 2364 except an amendment advancing a phase by 1 year to the current
 2365 fiscal year or deferring a phase for a period of 90 days or
 2366 less; or
- 2367 4. Any amendment which advances or defers to another
 2368 fiscal year, any preliminary engineering phase or design phase
 2369 estimated to cost over \$500,000 ~~\$150,000~~ in funds appropriated
 2370 by the Legislature, except an amendment advancing a phase by 1
 2371 year to the current fiscal year or deferring a phase for a
 2372 period of 90 days or less.

2373

2374 Beginning July 1, 2013, the department shall index the budget
 2375 amendment threshold amounts established in this paragraph to the
 2376 Consumer Price Index or similar inflation indicators. Threshold
 2377 adjustments for inflation under this paragraph may be made no
 2378 more frequently than once a year. Adjustments for inflation are
 2379 subject to the notice and review procedures contained in s.
 2380 216.177.

2381 Section 51. Section 339.155, Florida Statutes, is amended
 2382 to read:

2383 339.155 Transportation planning.—

2384 (1) THE FLORIDA TRANSPORTATION PLAN.—The department shall
 2385 develop ~~and annually update~~ a statewide transportation plan, to
 2386 be known as the Florida Transportation Plan. The plan shall be
 2387 designed so as to be easily read and understood by the general
 2388 public. The plan shall consider the needs of the entire state
 2389 transportation system and examine the use of all modes of
 2390 transportation to effectively and efficiently meet such needs.
 2391 The purpose of the Florida Transportation Plan is to establish
 2392 and define the state's long-range transportation goals and
 2393 objectives to be accomplished over a period of at least 20 years
 2394 within the context of the State Comprehensive Plan, and any
 2395 other statutory mandates and authorizations and based upon the
 2396 prevailing principles of:

- 2397 (a) Preserving the existing transportation infrastructure.
- 2398 (b) Enhancing Florida's economic competitiveness.
- 2399 (c) Improving travel choices to ensure mobility.
- 2400 (d) Expanding the state's role as a hub for trade and
 2401 investment.

2402 (2) SCOPE OF PLANNING PROCESS.—The department shall carry
 2403 out a transportation planning process in conformance with s.
 2404 334.046(1) and 23 U.S.C. s. 135. ~~which provides for~~
 2405 ~~consideration of projects and strategies that will:~~

- 2406 ~~(a) Support the economic vitality of the United States,~~
 2407 ~~Florida, and the metropolitan areas, especially by enabling~~
 2408 ~~global competitiveness, productivity, and efficiency;~~

2409 ~~(b) Increase the safety and security of the transportation~~
 2410 ~~system for motorized and nonmotorized users;~~

2411 ~~(c) Increase the accessibility and mobility options~~
 2412 ~~available to people and for freight;~~

2413 ~~(d) Protect and enhance the environment, promote energy~~
 2414 ~~conservation, and improve quality of life;~~

2415 ~~(e) Enhance the integration and connectivity of the~~
 2416 ~~transportation system, across and between modes throughout~~
 2417 ~~Florida, for people and freight;~~

2418 ~~(f) Promote efficient system management and operation; and~~

2419 ~~(g) Emphasize the preservation of the existing~~
 2420 ~~transportation system.~~

2421 (3) FORMAT, SCHEDULE, AND REVIEW.—The Florida
 2422 Transportation Plan shall be a unified, concise planning
 2423 document that clearly defines the state's long-range
 2424 transportation goals and objectives ~~and documents the~~
 2425 ~~department's short-range objectives developed to further such~~
 2426 ~~goals and objectives.~~ The plan shall:

2427 (a) Include a glossary that clearly and succinctly defines
 2428 any and all phrases, words, or terms of art included in the
 2429 plan, with which the general public may be unfamiliar. ~~and shall~~
 2430 ~~consist of, at a minimum, the following components:~~

2431 (b)-(a) Document A long-range component documenting the
 2432 goals and long-term objectives necessary to implement the
 2433 results of the department's findings from its examination of the
 2434 criteria specified ~~listed~~ in ~~subsection (2) and s. 334.046(1)~~
 2435 and 23 U.S.C. s. 135. ~~The long-range component must~~

2436 (c) Be developed in cooperation with the metropolitan

2437 | planning organizations and reconciled, to the maximum extent
 2438 | feasible, with the long-range plans developed by metropolitan
 2439 | planning organizations pursuant to s. 339.175. ~~The plan must~~
 2440 | also

2441 | (d) Be developed in consultation with affected local
 2442 | officials in nonmetropolitan areas and with any affected Indian
 2443 | tribal governments. ~~The plan must~~

2444 | (e) Provide an examination of transportation issues likely
 2445 | to arise during at least a 20-year period. ~~The long-range~~
 2446 | ~~component shall~~

2447 | (f) Be updated at least once every 5 years, or more often
 2448 | as necessary, to reflect substantive changes to federal or state
 2449 | law.

2450 | ~~(b) A short-range component documenting the short-term~~
 2451 | ~~objectives and strategies necessary to implement the goals and~~
 2452 | ~~long-term objectives contained in the long-range component. The~~
 2453 | ~~short-range component must define the relationship between the~~
 2454 | ~~long-range goals and the short-range objectives, specify those~~
 2455 | ~~objectives against which the department's achievement of such~~
 2456 | ~~goals will be measured, and identify transportation strategies~~
 2457 | ~~necessary to efficiently achieve the goals and objectives in the~~
 2458 | ~~plan. It must provide a policy framework within which the~~
 2459 | ~~department's legislative budget request, the strategie~~
 2460 | ~~information resource management plan, and the work program are~~
 2461 | ~~developed. The short-range component shall serve as the~~
 2462 | ~~department's annual agency strategic plan pursuant to s.~~
 2463 | ~~186.021. The short-range component shall be developed consistent~~
 2464 | ~~with available and forecasted state and federal funds. The~~

2465 ~~short range component shall also be submitted to the Florida~~
 2466 ~~Transportation Commission.~~

2467 ~~(4) ANNUAL PERFORMANCE REPORT. The department shall~~
 2468 ~~develop an annual performance report evaluating the operation of~~
 2469 ~~the department for the preceding fiscal year. The report shall~~
 2470 ~~also include a summary of the financial operations of the~~
 2471 ~~department and shall annually evaluate how well the adopted work~~
 2472 ~~program meets the short-term objectives contained in the short-~~
 2473 ~~range component of the Florida Transportation Plan. This~~
 2474 ~~performance report shall be submitted to the Florida~~
 2475 ~~Transportation Commission and the legislative appropriations and~~
 2476 ~~transportation committees.~~

2477 (4)~~(5)~~ ADDITIONAL TRANSPORTATION PLANS.—

2478 (a) Upon request by local governmental entities, the
 2479 department may in its discretion develop and design
 2480 transportation corridors, arterial and collector streets,
 2481 vehicular parking areas, and other support facilities which are
 2482 consistent with the plans of the department for major
 2483 transportation facilities. The department may render to local
 2484 governmental entities or their planning agencies such technical
 2485 assistance and services as are necessary so that local plans and
 2486 facilities are coordinated with the plans and facilities of the
 2487 department.

2488 (b) Each regional planning council, as provided for in s.
 2489 186.504, or any successor agency thereto, shall develop, as an
 2490 element of its strategic regional policy plan, transportation
 2491 goals and policies. The transportation goals and policies must
 2492 be prioritized to comply with the prevailing principles provided

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2493 in subsection (1) ~~(2)~~ and s. 334.046(1). The transportation
2494 goals and policies shall be consistent, to the maximum extent
2495 feasible, with the goals and policies of the metropolitan
2496 planning organization and the Florida Transportation Plan. The
2497 transportation goals and policies of the regional planning
2498 council will be advisory only and shall be submitted to the
2499 department and any affected metropolitan planning organization
2500 for their consideration and comments. Metropolitan planning
2501 organization plans and other local transportation plans shall be
2502 developed consistent, to the maximum extent feasible, with the
2503 regional transportation goals and policies. The regional
2504 planning council shall review urbanized area transportation
2505 plans and any other planning products stipulated in s. 339.175
2506 and provide the department and respective metropolitan planning
2507 organizations with written recommendations, which the department
2508 and the metropolitan planning organizations shall take under
2509 advisement. Further, the regional planning councils shall
2510 directly assist local governments that ~~which~~ are not part of a
2511 metropolitan area transportation planning process in the
2512 development of the transportation element of their comprehensive
2513 plans as required by s. 163.3177.

2514 (c) Regional transportation plans may be developed in
2515 regional transportation areas in accordance with an interlocal
2516 agreement entered into pursuant to s. 163.01 by two or more
2517 contiguous metropolitan planning organizations; one or more
2518 metropolitan planning organizations and one or more contiguous
2519 counties, none of which is a member of a metropolitan planning
2520 organization; a multicounty regional transportation authority

2521 created by or pursuant to law; two or more contiguous counties
 2522 that are not members of a metropolitan planning organization; or
 2523 metropolitan planning organizations comprised of three or more
 2524 counties.

2525 (d) The interlocal agreement must, at a minimum, identify
 2526 the entity that will coordinate the development of the regional
 2527 transportation plan; delineate the boundaries of the regional
 2528 transportation area; provide the duration of the agreement and
 2529 specify how the agreement may be terminated, modified, or
 2530 rescinded; describe the process by which the regional
 2531 transportation plan will be developed; and provide how members
 2532 of the entity will resolve disagreements regarding
 2533 interpretation of the interlocal agreement or disputes relating
 2534 to the development or content of the regional transportation
 2535 plan. Such interlocal agreement shall become effective upon its
 2536 recordation in the official public records of each county in the
 2537 regional transportation area.

2538 (e) The regional transportation plan developed pursuant to
 2539 this section must, at a minimum, identify regionally significant
 2540 transportation facilities located within a regional
 2541 transportation area and contain a prioritized list of regionally
 2542 significant projects. The projects shall be adopted into the
 2543 capital improvements schedule of the local government
 2544 comprehensive plan pursuant to s. 163.3177(3).

2545 (5)~~(6)~~ PROCEDURES FOR PUBLIC PARTICIPATION IN
 2546 TRANSPORTATION PLANNING.—

2547 (a) During the development of the ~~long range component of~~
 2548 ~~the~~ Florida Transportation Plan and prior to substantive

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2549 | revisions, the department shall provide citizens, affected
2550 | public agencies, representatives of transportation agency
2551 | employees, other affected employee representatives, private
2552 | providers of transportation, and other known interested parties
2553 | with an opportunity to comment on the proposed plan or
2554 | revisions. These opportunities shall include, at a minimum,
2555 | publishing a notice in the Florida Administrative Weekly and
2556 | within a newspaper of general circulation within the area of
2557 | each department district office.

2558 | (b) During development of major transportation
2559 | improvements, such as those increasing the capacity of a
2560 | facility through the addition of new lanes or providing new
2561 | access to a limited or controlled access facility or
2562 | construction of a facility in a new location, the department
2563 | shall hold one or more hearings prior to the selection of the
2564 | facility to be provided; prior to the selection of the site or
2565 | corridor of the proposed facility; and prior to the selection of
2566 | and commitment to a specific design proposal for the proposed
2567 | facility. Such public hearings shall be conducted so as to
2568 | provide an opportunity for effective participation by interested
2569 | persons in the process of transportation planning and site and
2570 | route selection and in the specific location and design of
2571 | transportation facilities. The various factors involved in the
2572 | decision or decisions and any alternative proposals shall be
2573 | clearly presented so that the persons attending the hearing may
2574 | present their views relating to the decision or decisions that
2575 | ~~which~~ will be made.

2576 | (c) Opportunity for design hearings:

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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2577 | 1. The department, prior to holding a design hearing,
 2578 | shall duly notify all affected property owners of record, as
 2579 | recorded in the property appraiser's office, by mail at least 20
 2580 | days prior to the date set for the hearing. The affected
 2581 | property owners shall be:

2582 | a. Those whose property lies in whole or in part within
 2583 | 300 feet on either side of the centerline of the proposed
 2584 | facility.

2585 | b. Those who ~~whom~~ the department determines will be
 2586 | substantially affected environmentally, economically, socially,
 2587 | or safetywise.

2588 | 2. For each subsequent hearing, the department shall
 2589 | publish notice prior to the hearing date in a newspaper of
 2590 | general circulation for the area affected. These notices must be
 2591 | published twice, with the first notice appearing at least 15
 2592 | days, but no later than 30 days, before the hearing.

2593 | 3. A copy of the notice of opportunity for the hearing
 2594 | must be furnished to the United States Department of
 2595 | Transportation and to the appropriate departments of the state
 2596 | government at the time of publication.

2597 | 4. The opportunity for another hearing shall be afforded
 2598 | in any case when proposed locations or designs are so changed
 2599 | from those presented in the notices specified above or at a
 2600 | hearing as to have a substantially different social, economic,
 2601 | or environmental effect.

2602 | 5. The opportunity for a hearing shall be afforded in each
 2603 | case in which the department is in doubt as to whether a hearing
 2604 | is required.

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2605 Section 52. Paragraph (a) of subsection (2), paragraph (a)
 2606 of subsection (4), and paragraph (b) of subsection (8) of
 2607 section 339.175, Florida Statutes, are amended to read:

2608 339.175 Metropolitan planning organization.—

2609 (2) DESIGNATION.—

2610 (a)1. An M.P.O. shall be designated for each urbanized
 2611 area of the state; however, this does not require that an
 2612 individual M.P.O. be designated for each such area. Such
 2613 designation shall be accomplished by agreement between the
 2614 Governor and units of general-purpose local government
 2615 representing at least 75 percent of the population of the
 2616 urbanized area; however, the unit of general-purpose local
 2617 government that represents the central city or cities within the
 2618 M.P.O. jurisdiction, as defined by the United States Bureau of
 2619 the Census, must be a party to such agreement.

2620 2. To the extent possible, only one M.P.O. shall be
 2621 designated for each urbanized area or group of contiguous
 2622 urbanized areas. More than one M.P.O. may be designated within
 2623 an existing urbanized ~~metropolitan planning~~ area only if the
 2624 Governor and the existing M.P.O. determine that the size and
 2625 complexity of the existing urbanized ~~metropolitan planning~~ area
 2626 makes the designation of more than one M.P.O. for the area
 2627 appropriate.

2628
 2629 Each M.P.O. required under this section must be fully operative
 2630 no later than 6 months following its designation.

2631 (4) APPORTIONMENT.—

2632 (a) The Governor shall, with the agreement of the affected

2633 units of general-purpose local government as required by federal
 2634 rules and regulations, apportion the membership on the
 2635 applicable M.P.O. among the various governmental entities within
 2636 the area. At the request of a majority of the affected units of
 2637 general-purpose local government comprising an M.P.O., the
 2638 Governor and a majority of units of general-purpose local
 2639 government serving on an M.P.O. shall cooperatively agree upon
 2640 and prescribe who may serve as an alternate member and a method
 2641 for appointing alternate members who may vote at any M.P.O.
 2642 meeting that an alternate member attends in place of a regular
 2643 member. The method shall be set forth as a part of the
 2644 interlocal agreement describing the M.P.O.'s membership or in
 2645 the M.P.O.'s operating procedures and bylaws. The governmental
 2646 entity so designated shall appoint the appropriate number of
 2647 members to the M.P.O. from eligible officials. Representatives
 2648 of the department shall serve as nonvoting advisers to ~~members~~
 2649 ~~of~~ the M.P.O. governing board. Additional nonvoting advisers may
 2650 be appointed by the M.P.O. as deemed necessary; however, to the
 2651 maximum extent feasible, each M.P.O. shall seek to appoint
 2652 nonvoting representatives of various multimodal forms of
 2653 transportation not otherwise represented by voting members of
 2654 the M.P.O. An M.P.O. shall appoint nonvoting advisers
 2655 representing major military installations located within the
 2656 jurisdictional boundaries of the M.P.O. upon the request of the
 2657 aforesaid major military installations and subject to the
 2658 agreement of the M.P.O. All nonvoting advisers may attend and
 2659 participate fully in governing board meetings but may ~~shall~~ not
 2660 ~~have a vote or and shall not~~ be members of the governing board.

2661 The Governor shall review the composition of the M.P.O.
 2662 membership in conjunction with the decennial census as prepared
 2663 by the United States Department of Commerce, Bureau of the
 2664 Census, and reapportion it as necessary to comply with
 2665 subsection (3).

2666 (8) TRANSPORTATION IMPROVEMENT PROGRAM.—Each M.P.O. shall,
 2667 in cooperation with the state and affected public transportation
 2668 operators, develop a transportation improvement program for the
 2669 area within the jurisdiction of the M.P.O. In the development of
 2670 the transportation improvement program, each M.P.O. must provide
 2671 the public, affected public agencies, representatives of
 2672 transportation agency employees, freight shippers, providers of
 2673 freight transportation services, private providers of
 2674 transportation, representatives of users of public transit, and
 2675 other interested parties with a reasonable opportunity to
 2676 comment on the proposed transportation improvement program.

2677 (b) Each M.P.O. annually shall prepare a list of project
 2678 priorities and shall submit the list to the appropriate district
 2679 of the department by October 1 of each year; however, the
 2680 department and a metropolitan planning organization may, in
 2681 writing, agree to vary this submittal date. Where more than one
 2682 M.P.O exists in an urbanized area, the M.P.O.'s shall coordinate
 2683 in the development of regionally significant project priorities.
 2684 The list of project priorities must be formally reviewed by the
 2685 technical and citizens' advisory committees, and approved by the
 2686 M.P.O. or M.P.O.'s, before it is transmitted to the district.
 2687 The approved list of project priorities must be used by the
 2688 district in developing the district work program and must be

2689 used by each ~~the~~ M.P.O. that approved the list in developing its
 2690 transportation improvement program. The annual list of project
 2691 priorities must be based upon project selection criteria that,
 2692 at a minimum, consider the following:

- 2693 1. The approved M.P.O. long-range transportation plan;
- 2694 2. The Strategic Intermodal System Plan developed under s.
 2695 339.64.
- 2696 3. The priorities developed pursuant to s. 339.2819(4).
- 2697 4. The results of the transportation management systems;
- 2698 and
- 2699 5. The M.P.O.'s public-involvement procedures.

2700 Section 53. Subsections (1), (2), (3), and (4) of section
 2701 339.2819, Florida Statutes, are amended to read:

2702 339.2819 Transportation Regional Incentive Program.—

2703 (1) There is created within the Department of
 2704 Transportation a Transportation Regional Incentive Program for
 2705 the purpose of providing funds to improve regionally significant
 2706 transportation facilities in regional transportation areas
 2707 created pursuant to s. 339.155(4) ~~s. 339.155(5)~~.

2708 (2) The percentage of matching funds provided from the
 2709 Transportation Regional Incentive Program shall be up to 50
 2710 percent of project costs.

2711 (3) The department shall allocate funding available for
 2712 the Transportation Regional Incentive Program to the districts
 2713 based on a factor derived from equal parts of population and
 2714 motor fuel collections for eligible counties in regional
 2715 transportation areas created pursuant to s. 339.155(4) ~~s.~~
 2716 ~~339.155(5)~~.

2717 (4) (a) Projects to be funded with Transportation Regional
 2718 Incentive Program funds shall, at a minimum:

2719 1. ~~Support those transportation facilities that~~ Serve
 2720 national, statewide, or regional functions and function as part
 2721 of an integrated regional transportation system.

2722 2. Be identified in the capital improvements element of a
 2723 comprehensive plan that has been determined to be in compliance
 2724 with part II of chapter 163, after July 1, 2005. Further, the
 2725 project shall be in compliance with local government
 2726 comprehensive plan policies relative to corridor management.

2727 3. Be consistent with the Strategic Intermodal System Plan
 2728 developed under s. 339.64.

2729 4. Have a commitment for local, regional, or private
 2730 financial matching funds as a percentage of the overall project
 2731 cost.

2732 (b) Projects funded under this section shall be included
 2733 in the department's work program developed pursuant to s.
 2734 339.135. The department may not program a project to be funded
 2735 under this section unless the project meets the requirements of
 2736 this section. In allocating Transportation Regional Incentive
 2737 Program funds, priority shall be given to projects that:

2738 (c) The department shall give priority to projects that:

2739 1. Provide connectivity to the Strategic Intermodal System
 2740 developed under s. 339.64.

2741 2. Support economic development and the movement of goods
 2742 in rural areas of critical economic concern designated under s.
 2743 288.0656(7).

2744 3. Are subject to a local ordinance that establishes

2745 | corridor management techniques, including access management
 2746 | strategies, right-of-way acquisition and protection measures,
 2747 | appropriate land use strategies, zoning, and setback
 2748 | requirements for adjacent land uses.

2749 | 4. Improve connectivity between military installations and
 2750 | the Strategic Highway Network or the Strategic Rail Corridor
 2751 | Network.

2752 | Section 54. Subsections (1) and (6) of section 339.62,
 2753 | Florida Statutes, are amended to read:

2754 | 339.62 System components.—The Strategic Intermodal System
 2755 | shall consist of appropriate components of:

2756 | (1) Highway corridors ~~The Florida Intrastate Highway~~
 2757 | ~~System~~ established under s. 339.65 ~~s. 338.001~~.

2758 | (6) Other existing or planned corridors that serve a
 2759 | statewide or interregional purpose.

2760 | Section 55. Subsection (2) of section 339.63, Florida
 2761 | Statutes, is amended, and subsection (5) is added to that
 2762 | section, to read:

2763 | 339.63 System facilities designated; additions and
 2764 | deletions.—

2765 | (2) The Strategic Intermodal System and the Emerging
 2766 | Strategic Intermodal System include five ~~four~~ different types of
 2767 | facilities that each form one component of an interconnected
 2768 | transportation system which types include:

2769 | (a) Existing or planned hubs that are ports and terminals
 2770 | including airports, seaports, spaceports, passenger terminals,
 2771 | and rail terminals serving to move goods or people between
 2772 | Florida regions or between Florida and other markets in the

2773 United States and the rest of the world.

2774 (b) Existing or planned corridors that are highways, rail
 2775 lines, waterways, and other exclusive-use facilities connecting
 2776 major markets within Florida or between Florida and other states
 2777 or nations.

2778 (c) Existing or planned intermodal connectors that are
 2779 highways, rail lines, waterways or local public transit systems
 2780 serving as connectors between the components listed in
 2781 paragraphs (a) and (b).

2782 (d) Existing or planned military access facilities that
 2783 are highways or rail lines linking Strategic Intermodal System
 2784 corridors to the state's strategic military installations.

2785 (e)-~~(d)~~ Existing or planned facilities that significantly
 2786 improve the state's competitive position to compete for the
 2787 movement of additional goods into and through this state.

2788 (5) (a) Upon the request to be added to the Strategic
 2789 Intermodal System by a facility that meets the criteria and
 2790 thresholds established in subsection (4) for a planned facility,
 2791 that meets the definition of an "intermodal logistics center" as
 2792 defined in s. 311.101(2), and that has been designated in the
 2793 comprehensive plan by the local government as an intermodal
 2794 logistics center or an equivalent planning term, the Secretary
 2795 of Transportation shall designate such planned facility as part
 2796 of the Strategic Intermodal System.

2797 (b) For a facility designated as an intermodal logistics
 2798 center pursuant to paragraph (a), a local government that
 2799 maintains a transportation concurrency system shall adopt a
 2800 waiver of transportation concurrency requirements for strategic

2801 intermodal system facilities to accommodate all development at
 2802 the facility which occurs pursuant to a building permit issued
 2803 on or before December 31, 2017.

2804 Section 56. Section 339.64, Florida Statutes, is amended
 2805 to read:

2806 339.64 Strategic Intermodal System Plan.—

2807 (1) The department shall develop, in cooperation with
 2808 metropolitan planning organizations, regional planning councils,
 2809 local governments, ~~the Statewide Intermodal Transportation~~
 2810 ~~Advisory Council~~ and other transportation providers, a Strategic
 2811 Intermodal System Plan. The plan shall be consistent with the
 2812 Florida Transportation Plan developed pursuant to s. 339.155 and
 2813 shall be updated at least once every 5 years, subsequent to
 2814 updates of the Florida Transportation Plan.

2815 (2) In association with the continued development of the
 2816 Strategic Intermodal System Plan, the Florida Transportation
 2817 Commission, as part of its work program review process, shall
 2818 conduct an annual assessment of the progress that the department
 2819 and its transportation partners have made in realizing the goals
 2820 of economic development, improved mobility, and increased
 2821 intermodal connectivity of the Strategic Intermodal System. The
 2822 Florida Transportation Commission shall coordinate with the
 2823 department, ~~the Statewide Intermodal Transportation Advisory~~
 2824 ~~Council~~, and other appropriate entities when developing this
 2825 assessment. The Florida Transportation Commission shall deliver
 2826 a report to the Governor and Legislature no later than 14 days
 2827 after the regular session begins, with recommendations as
 2828 necessary to fully implement the Strategic Intermodal System.

2829 (3) (a) During the development of updates to the Strategic
 2830 Intermodal System Plan, the department shall provide
 2831 metropolitan planning organizations, regional planning councils,
 2832 local governments, transportation providers, affected public
 2833 agencies, and citizens with an opportunity to participate in and
 2834 comment on the development of the update.

2835 (b) The department also shall coordinate with federal,
 2836 regional, and local partners the planning for the Strategic
 2837 Highway Network and the Strategic Rail Corridor Network
 2838 transportation facilities that either are included in the
 2839 Strategic Intermodal System or that provide a direct connection
 2840 between military installations and the Strategic Intermodal
 2841 System. In addition, the department shall coordinate with
 2842 regional and local partners to determine whether the roads ~~road~~
 2843 and other transportation infrastructure that connect military
 2844 installations to the Strategic Intermodal System, the Strategic
 2845 Highway Network, or the Strategic Rail Corridor are ~~is~~
 2846 regionally significant and should be included in the Strategic
 2847 Intermodal System Plan.

2848 (4) The Strategic Intermodal System Plan shall include the
 2849 following:

2850 (a) A needs assessment.

2851 (b) A project prioritization process.

2852 (c) A map of facilities designated as Strategic Intermodal
 2853 System facilities; facilities that are emerging in importance
 2854 and that ~~are~~ are likely to become part of the system in the future;
 2855 and planned facilities that will meet the established criteria.

2856 (d) A finance plan based on reasonable projections of

2857 anticipated revenues, including both 10-year and at least 20-
 2858 year cost-feasible components.

2859 (e) An assessment of the impacts of proposed improvements
 2860 to Strategic Intermodal System corridors on military
 2861 installations that are either located directly on the Strategic
 2862 Intermodal System or located on the Strategic Highway Network or
 2863 Strategic Rail Corridor Network.

2864 ~~(5) STATEWIDE INTERMODAL TRANSPORTATION ADVISORY COUNCIL.~~

2865 ~~(a) The Statewide Intermodal Transportation Advisory~~
 2866 ~~Council is created to advise and make recommendations to the~~
 2867 ~~Legislature and the department on policies, planning, and~~
 2868 ~~funding of intermodal transportation projects. The council's~~
 2869 ~~responsibilities shall include:~~

2870 ~~1. Advising the department on the policies, planning, and~~
 2871 ~~implementation of strategies related to intermodal~~
 2872 ~~transportation.~~

2873 ~~2. Providing advice and recommendations to the Legislature~~
 2874 ~~on funding for projects to move goods and people in the most~~
 2875 ~~efficient and effective manner for the State of Florida.~~

2876 ~~(b) MEMBERSHIP. Members of the Statewide Intermodal~~
 2877 ~~Transportation Advisory Council shall consist of the following:~~

2878 ~~1. Six intermodal industry representatives selected by the~~
 2879 ~~Governor as follows:~~

2880 ~~a. One representative from an airport involved in the~~
 2881 ~~movement of freight and people from their airport facility to~~
 2882 ~~another transportation mode.~~

2883 ~~b. One individual representing a fixed route, local-~~
 2884 ~~government transit system.~~

2885 ~~e. One representative from an intercity bus company~~
 2886 ~~providing regularly scheduled bus travel as determined by~~
 2887 ~~federal regulations.~~

2888 ~~d. One representative from a spaceport.~~

2889 ~~e. One representative from intermodal trucking companies.~~

2890 ~~f. One representative having command responsibilities of a~~
 2891 ~~major military installation.~~

2892 ~~2. Three intermodal industry representatives selected by~~
 2893 ~~the President of the Senate as follows:~~

2894 ~~a. One representative from major-line railroads.~~

2895 ~~b. One representative from seaports listed in s. 311.09(1)~~
 2896 ~~from the Atlantic Coast.~~

2897 ~~e. One representative from an airport involved in the~~
 2898 ~~movement of freight and people from their airport facility to~~
 2899 ~~another transportation mode.~~

2900 ~~3. Three intermodal industry representatives selected by~~
 2901 ~~the Speaker of the House of Representatives as follows:~~

2902 ~~a. One representative from short-line railroads.~~

2903 ~~b. One representative from seaports listed in s. 311.09(1)~~
 2904 ~~from the Gulf Coast.~~

2905 ~~e. One representative from intermodal trucking companies.~~
 2906 ~~In no event may this representative be employed by the same~~
 2907 ~~company that employs the intermodal trucking company~~
 2908 ~~representative selected by the Governor.~~

2909 ~~(c) Initial appointments to the council must be made no~~
 2910 ~~later than 30 days after the effective date of this section.~~

2911 ~~1. The initial appointments made by the President of the~~
 2912 ~~Senate and the Speaker of the House of Representatives shall~~

2913 ~~serve terms concurrent with those of the respective appointing~~
 2914 ~~officer. Beginning January 15, 2005, and for all subsequent~~
 2915 ~~appointments, council members appointed by the President of the~~
 2916 ~~Senate and the Speaker of the House of Representatives shall~~
 2917 ~~serve 2-year terms, concurrent with the term of the respective~~
 2918 ~~appointing officer.~~

2919 ~~2. The initial appointees, and all subsequent appointees,~~
 2920 ~~made by the Governor shall serve 2-year terms.~~

2921 ~~3. Vacancies on the council shall be filled in the same~~
 2922 ~~manner as the initial appointments.~~

2923 ~~(d) Each member of the council shall be allowed one vote.~~
 2924 ~~The council shall select a chair from among its membership.~~
 2925 ~~Meetings shall be held at the call of the chair, but not less~~
 2926 ~~frequently than quarterly. The members of the council shall be~~
 2927 ~~reimbursed for per diem and travel expenses as provided in s.~~
 2928 ~~112.061.~~

2929 ~~(e) The department shall provide administrative staff~~
 2930 ~~support and shall ensure that council meetings are~~
 2931 ~~electronically recorded. Such recordings and all documents~~
 2932 ~~received, prepared for, or used by the council in conducting its~~
 2933 ~~business shall be preserved pursuant to chapters 119 and 257.~~

2934 Section 57. Section 339.65, Florida Statutes, is created
 2935 to read:

2936 339.65 Strategic Intermodal System highway corridors.—

2937 (1) The department shall plan and develop Strategic
 2938 Intermodal System highway corridors, including limited and
 2939 controlled access facilities, allowing for high-speed and high-
 2940 volume traffic movements within the state. The primary function

2941 of the corridors is to provide such traffic movements. Access to
 2942 abutting land is subordinate to this function, and such access
 2943 must be prohibited or highly regulated.

2944 (2) Strategic Intermodal System highway corridors shall
 2945 include facilities from the following components of the State
 2946 Highway System that meet the criteria adopted by the department
 2947 pursuant to s. 339.63:

2948 (a) Interstate highways.

2949 (b) The Florida Turnpike System.

2950 (c) Interregional and intercity limited access facilities.

2951 (d) Existing interregional and intercity arterial highways
 2952 previously upgraded or upgraded in the future to limited access
 2953 or controlled access facility standards.

2954 (e) New limited access facilities necessary to complete a
 2955 balanced statewide system.

2956 (3) The department shall adhere to the following policy
 2957 guidelines in the development of Strategic Intermodal System
 2958 highway corridors. The department shall:

2959 (a) Make capacity improvements to existing facilities
 2960 where feasible to minimize costs and environmental impacts.

2961 (b) Identify appropriate arterial highways in major
 2962 transportation corridors for inclusion in a program to bring
 2963 these facilities up to limited access or controlled access
 2964 facility standards.

2965 (c) Coordinate proposed projects with appropriate limited
 2966 access projects undertaken by expressway authorities and local
 2967 governmental entities.

2968 (d) Maximize the use of limited access facility standards

2969 when constructing new arterial highways.

2970 (e) Identify appropriate new limited access highways for
 2971 inclusion as a part of the Florida Turnpike System.

2972 (f) To the maximum extent feasible, ensure that proposed
 2973 projects are consistent with approved local government
 2974 comprehensive plans of the local jurisdictions in which such
 2975 facilities are to be located and with the transportation
 2976 improvement program of any metropolitan planning organization
 2977 where such facilities are to be located.

2978 (4) The department shall develop and maintain a plan of
 2979 Strategic Intermodal System highway corridor projects that are
 2980 anticipated to be let to contract for construction within a time
 2981 period of at least 20 years. The plan shall also identify when
 2982 segments of the corridor will meet the standards and criteria
 2983 developed pursuant to subsection (5).

2984 (5) The department shall establish the standards and
 2985 criteria for the functional characteristics and design of
 2986 facilities proposed as part of Strategic Intermodal System
 2987 highway corridors.

2988 (6) For the purposes of developing the proposed Strategic
 2989 Intermodal System highway corridors, beginning in fiscal year
 2990 2012-2013 and for each fiscal year thereafter, the minimum
 2991 amount allocated shall be based on the fiscal year 2003-2004
 2992 allocation of \$450 million adjusted annually by the change in
 2993 the Consumer Price Index for the prior fiscal year compared to
 2994 the Consumer Price Index for fiscal year 2003-2004.

2995 (7) Any project to be constructed as part of a Strategic
 2996 Intermodal System highway corridor shall be included in the

2997 department's adopted work program. Any Strategic Intermodal
 2998 System highway corridor projects that are added to or deleted
 2999 from the previous adopted work program, or any modification to
 3000 Strategic Intermodal System highway corridor projects contained
 3001 in the previous adopted work program, shall be specifically
 3002 identified and submitted as a separate part of the tentative
 3003 work program.

3004 Section 58. Subsection (7) of section 341.301, Florida
 3005 Statutes, is amended to read:

3006 341.301 Definitions; ss. 341.302-341.303.—As used in ss.
 3007 341.302-341.303, the term:

3008 (7) "Limited covered accident" means:

3009 (a) A collision directly between the trains, locomotives,
 3010 rail cars, or rail equipment of the department and the freight
 3011 rail operator only, where the collision is caused by or arising
 3012 from the willful misconduct of the freight rail operator or its
 3013 subsidiaries, agents, licensees, employees, officers, or
 3014 directors or where punitive damages or exemplary damages are
 3015 awarded due to the conduct of the freight rail operator or its
 3016 subsidiaries, agents, licensees, employees, officers, or
 3017 directors; or

3018 (b) A collision directly between the trains, locomotives,
 3019 rail cars, or rail equipment of the department and National
 3020 Railroad Passenger Corporation only, where the collision is
 3021 caused by or arising from the willful misconduct of National
 3022 Railroad Passenger Corporation or its subsidiaries, agents,
 3023 licensees, employees, officers, or directors or where punitive
 3024 damages or exemplary damages are awarded due to the conduct of

3025 National Railroad Passenger Corporation or its subsidiaries,
 3026 agents, licensees, employees, officers, or directors.

3027 Section 59. Subsection (17) of section 341.302, Florida
 3028 Statutes, is amended to read:

3029 341.302 Rail program; duties and responsibilities of the
 3030 department.—The department, in conjunction with other
 3031 governmental entities, including the rail enterprise and the
 3032 private sector, shall develop and implement a rail program of
 3033 statewide application designed to ensure the proper maintenance,
 3034 safety, revitalization, and expansion of the rail system to
 3035 assure its continued and increased availability to respond to
 3036 statewide mobility needs. Within the resources provided pursuant
 3037 to chapter 216, and as authorized under federal law, the
 3038 department shall:

3039 (17) In conjunction with the acquisition, ownership,
 3040 construction, operation, maintenance, and management of a rail
 3041 corridor, have the authority to:

3042 (a) Assume obligations pursuant to the following:

3043 1.a. The department may assume the obligation by contract
 3044 to forever protect, defend, indemnify, and hold harmless the
 3045 freight rail operator, or its successors, from whom the
 3046 department has acquired a real property interest in the rail
 3047 corridor, and that freight rail operator's officers, agents, and
 3048 employees, from and against any liability, cost, and expense,
 3049 including, but not limited to, commuter rail passengers and rail
 3050 corridor invitees in the rail corridor, regardless of whether
 3051 the loss, damage, destruction, injury, or death giving rise to
 3052 any such liability, cost, or expense is caused in whole or in

3053 part, and to whatever nature or degree, by the fault, failure,
 3054 negligence, misconduct, nonfeasance, or misfeasance of such
 3055 freight rail operator, its successors, or its officers, agents,
 3056 and employees, or any other person or persons whomsoever; ~~or~~
 3057 b. The department may assume the obligation by contract to
 3058 forever protect, defend, indemnify, and hold harmless National
 3059 Railroad Passenger Corporation, or its successors, and National
 3060 Railroad Passenger Corporation's officers, agents, and
 3061 employees, from and against any liability, cost, and expense,
 3062 including, but not limited to, commuter rail passengers and rail
 3063 corridor invitees in the rail corridor, regardless of whether
 3064 the loss, damage, destruction, injury, or death giving rise to
 3065 any such liability, cost, or expense is caused in whole or in
 3066 part, and to whatever nature or degree, by the fault, failure,
 3067 negligence, misconduct, nonfeasance, or misfeasance of National
 3068 Railroad Passenger Corporation, its successors, or its officers,
 3069 agents, and employees, or any other person or persons
 3070 whomsoever.

3071 2. However, ~~Provided that~~ such assumption of liability of
 3072 the department by contract as to either sub-subparagraph 1.a. or
 3073 sub-subparagraph 1.b. may ~~shall~~ not in any instance exceed the
 3074 following parameters of allocation of risk:

3075 a.1. The department may be solely responsible for any
 3076 loss, injury, or damage to commuter rail passengers, or rail
 3077 corridor invitees, or trespassers, regardless of circumstances
 3078 or cause, subject to sub-subparagraph b. and subparagraphs 2.,
 3079 3., 4., 5., and 6.

3080 b.(I)2. In the event of a limited covered accident, the

3081 authority of the department to protect, defend, and indemnify
 3082 the freight operator for all liability, cost, and expense,
 3083 including punitive or exemplary damages, in excess of the
 3084 deductible or self-insurance retention fund established under
 3085 paragraph (b) and actually in force at the time of the limited
 3086 covered accident exists only if the freight operator agrees,
 3087 with respect to the limited covered accident, to protect,
 3088 defend, and indemnify the department for the amount of the
 3089 deductible or self-insurance retention fund established under
 3090 paragraph (b) and actually in force at the time of the limited
 3091 covered accident.

3092 (II) In the event of a limited covered accident, the
 3093 authority of the department to protect, defend, and indemnify
 3094 National Railroad Passenger Corporation for all liability, cost,
 3095 and expense, including punitive or exemplary damages, in excess
 3096 of the deductible or self-insurance retention fund established
 3097 under paragraph (b) and actually in force at the time of the
 3098 limited covered accident exists only if National Railroad
 3099 Passenger Corporation agrees, with respect to the limited
 3100 covered accident, to protect, defend, and indemnify the
 3101 department for the amount of the deductible or self-insurance
 3102 retention fund established under paragraph (b) and actually in
 3103 force at the time of the limited covered accident.

3104 3. When only one train is involved in an incident, the
 3105 department may be solely responsible for any loss, injury, or
 3106 damage if the train is a department train or other train
 3107 pursuant to subparagraph 4., but only if;

3108 a. When an incident occurs with only a freight train

3109 | involved, including incidents with trespassers or at grade
 3110 | crossings, the freight rail operator is solely responsible for
 3111 | any loss, injury, or damage, except for commuter rail passengers
 3112 | and rail corridor invitees; or

3113 | b. When an incident occurs with only a National Railroad
 3114 | Passenger Corporation train involved, including incidents with
 3115 | trespassers or at grade crossings, National Railroad Passenger
 3116 | Corporation is solely responsible for any loss, injury, or
 3117 | damage, except for commuter rail passengers and rail corridor
 3118 | invitees.

3119 | 4. For the purposes of this subsection:r

3120 | a. Any train involved in an incident that is neither the
 3121 | department's train nor the freight rail operator's train,
 3122 | hereinafter referred to in this subsection as an "other train,"
 3123 | may be treated as a department train, solely for purposes of any
 3124 | allocation of liability between the department and the freight
 3125 | rail operator only, but only if the department and the freight
 3126 | rail operator share responsibility equally as to third parties
 3127 | outside the rail corridor who incur loss, injury, or damage as a
 3128 | result of any incident involving both a department train and a
 3129 | freight rail operator train, and the allocation as between the
 3130 | department and the freight rail operator, regardless of whether
 3131 | the other train is treated as a department train, shall remain
 3132 | one-half each as to third parties outside the rail corridor who
 3133 | incur loss, injury, or damage as a result of the incident. The
 3134 | involvement of any other train shall not alter the sharing of
 3135 | equal responsibility as to third parties outside the rail
 3136 | corridor who incur loss, injury, or damage as a result of the

3137 | incident; or
 3138 | b. Any train involved in an incident that is neither the
 3139 | department's train nor the National Railroad Passenger
 3140 | Corporation's train, hereinafter referred to in this subsection
 3141 | as an "other train," may be treated as a department train,
 3142 | solely for purposes of any allocation of liability between the
 3143 | department and National Railroad Passenger Corporation only, but
 3144 | only if the department and National Railroad Passenger
 3145 | Corporation share responsibility equally as to third parties
 3146 | outside the rail corridor who incur loss, injury, or damage as a
 3147 | result of any incident involving both a department train and a
 3148 | National Railroad Passenger Corporation train, and the
 3149 | allocation as between the department and National Railroad
 3150 | Passenger Corporation, regardless of whether the other train is
 3151 | treated as a department train, shall remain one-half each as to
 3152 | third parties outside the rail corridor who incur loss, injury,
 3153 | or damage as a result of the incident. The involvement of any
 3154 | other train shall not alter the sharing of equal responsibility
 3155 | as to third parties outside the rail corridor who incur loss,
 3156 | injury, or damage as a result of the incident.

3157 | 5. When more than one train is involved in an incident:
 3158 | a.(I) If only a department train and freight rail
 3159 | operator's train, or only an other train as described in sub-
 3160 | subparagraph 4.a. subparagraph 4. and a freight rail operator's
 3161 | train, are involved in an incident, the department may be
 3162 | responsible for its property and all of its people, all commuter
 3163 | rail passengers, and rail corridor invitees, but only if the
 3164 | freight rail operator is responsible for its property and all of

3165 its people, and the department and the freight rail operator
 3166 each share one-half responsibility as to trespassers or third
 3167 parties outside the rail corridor who incur loss, injury, or
 3168 damage as a result of the incident; or

3169 (II) If only a department train and a National Railroad
 3170 Passenger Corporation train, or only an other train as described
 3171 in sub-subparagraph 4.b. and a National Railroad Passenger
 3172 Corporation train, are involved in an incident, the department
 3173 may be responsible for its property and all of its people, all
 3174 commuter rail passengers, and rail corridor invitees, but only
 3175 if National Railroad Passenger Corporation is responsible for
 3176 its property and all of its people, all National Railroad
 3177 Passenger Corporation's rail property, and the department and
 3178 National Railroad Passenger Corporation each share one-half
 3179 responsibility as to trespassers or third parties outside the
 3180 rail corridor who incur loss, injury, or damage as a result of
 3181 the incident.

3182 b.(I) If a department train, a freight rail operator
 3183 train, and any other train are involved in an incident, the
 3184 allocation of liability between the department and the freight
 3185 rail operator, regardless of whether the other train is treated
 3186 as a department train, shall remain one-half each as to third
 3187 parties outside the rail corridor who incur loss, injury, or
 3188 damage as a result of the incident; the involvement of any other
 3189 train shall not alter the sharing of equal responsibility as to
 3190 third parties outside the rail corridor who incur loss, injury,
 3191 or damage as a result of the incident; and, if the owner,
 3192 operator, or insurer of the other train makes any payment to

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3193 | injured third parties outside the rail corridor who incur loss,
 3194 | injury, or damage as a result of the incident, the allocation of
 3195 | credit between the department and the freight rail operator as
 3196 | to such payment shall not in any case reduce the freight rail
 3197 | operator's third-party-sharing allocation of one-half under this
 3198 | paragraph to less than one-third of the total third party
 3199 | liability; or

3200 | (II) If a department train, a National Railroad Passenger
 3201 | Corporation train, and any other train are involved in an
 3202 | incident, the allocation of liability between the department and
 3203 | National Railroad Passenger Corporation, regardless of whether
 3204 | the other train is treated as a department train, shall remain
 3205 | one-half each as to third parties outside the rail corridor who
 3206 | incur loss, injury, or damage as a result of the incident; the
 3207 | involvement of any other train shall not alter the sharing of
 3208 | equal responsibility as to third parties outside the rail
 3209 | corridor who incur loss, injury, or damage as a result of the
 3210 | incident; and, if the owner, operator, or insurer of the other
 3211 | train makes any payment to injured third parties outside the
 3212 | rail corridor who incur loss, injury, or damage as a result of
 3213 | the incident, the allocation of credit between the department
 3214 | and National Railroad Passenger Corporation as to such payment
 3215 | shall not in any case reduce National Railroad Passenger
 3216 | Corporation's third-party-sharing allocation of one-half under
 3217 | this sub-subparagraph to less than one-third of the total third
 3218 | party liability.

3219 | 6. Any such contractual duty to protect, defend,
 3220 | indemnify, and hold harmless such a freight rail operator or

3221 National Railroad Passenger Corporation shall expressly include
 3222 a specific cap on the amount of the contractual duty, which
 3223 amount shall not exceed \$200 million without prior legislative
 3224 approval, and the department to purchase liability insurance and
 3225 establish a self-insurance retention fund in the amount of the
 3226 specific cap established under this subparagraph, provided that:

3227 a. No such contractual duty shall in any case be effective
 3228 nor otherwise extend the department's liability in scope and
 3229 effect beyond the contractual liability insurance and self-
 3230 insurance retention fund required pursuant to this paragraph;
 3231 and

3232 b. The freight rail operator's compensation to the
 3233 department for future use of the department's rail corridor
 3234 shall include a monetary contribution to the cost of such
 3235 liability coverage for the sole benefit of the freight rail
 3236 operator. National Railroad Passenger Corporation's compensation
 3237 to the department for future use of the department's rail
 3238 corridor shall include a monetary contribution to the cost of
 3239 such liability coverage for the sole benefit of National
 3240 Railroad Passenger Corporation.

3241 (b) Purchase liability insurance, which amount shall not
 3242 exceed \$200 million, and establish a self-insurance retention
 3243 fund for the purpose of paying the deductible limit established
 3244 in the insurance policies it may obtain, including coverage for
 3245 the department, any freight rail operator as described in
 3246 paragraph (a), National Railroad Passenger Corporation, commuter
 3247 rail service providers, governmental entities, or any ancillary
 3248 development, which self-insurance retention fund or deductible

3249 shall not exceed \$10 million. The insureds shall pay a
 3250 reasonable monetary contribution to the cost of such liability
 3251 coverage for the sole benefit of the insured. Such insurance and
 3252 self-insurance retention fund may provide coverage for all
 3253 damages, including, but not limited to, compensatory, special,
 3254 and exemplary, and be maintained to provide an adequate fund to
 3255 cover claims and liabilities for loss, injury, or damage arising
 3256 out of or connected with the ownership, operation, maintenance,
 3257 and management of a rail corridor.

3258 (c) Incur expenses for the purchase of advertisements,
 3259 marketing, and promotional items.

3260
 3261 Neither the assumption by contract to protect, defend,
 3262 indemnify, and hold harmless; the purchase of insurance; nor the
 3263 establishment of a self-insurance retention fund shall be deemed
 3264 to be a waiver of any defense of sovereign immunity for torts
 3265 nor deemed to increase the limits of the department's or the
 3266 governmental entity's liability for torts as provided in s.
 3267 768.28. The requirements of s. 287.022(1) shall not apply to the
 3268 purchase of any insurance under this subsection. The provisions
 3269 of this subsection shall apply and inure fully as to any other
 3270 governmental entity providing commuter rail service and
 3271 constructing, operating, maintaining, or managing a rail
 3272 corridor on publicly owned right-of-way under contract by the
 3273 governmental entity with the department or a governmental entity
 3274 designated by the department. Notwithstanding any law to the
 3275 contrary, procurement for the construction, operation,
 3276 maintenance, and management of any rail corridor described in

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3277 | this subsection, whether by the department, a governmental
 3278 | entity under contract with the department, or a governmental
 3279 | entity designated by the department, shall be pursuant to s.
 3280 | 287.057 and shall include, but not be limited to, criteria for
 3281 | the consideration of qualifications, technical aspects of the
 3282 | proposal, and price. Further, any such contract for design-build
 3283 | shall be procured pursuant to the criteria in s. 337.11(7).

3284 | Section 60. Section 341.840, Florida Statutes, is amended
 3285 | to read:

3286 | 341.840 Tax exemption.—

3287 | (1) The exercise of the powers granted under ss. 341.8201-
 3288 | 341.842 ~~by this act~~ will be in all respects for the benefit of
 3289 | the people of this state, for the increase of their commerce,
 3290 | welfare, and prosperity, and for the improvement of their health
 3291 | and living conditions. The design, construction, operation,
 3292 | maintenance, and financing of a high-speed rail system by the
 3293 | enterprise authority, its agent, or the owner or lessee thereof,
 3294 | as herein authorized, constitutes the performance of an
 3295 | essential public function.

3296 | (2) (a) For the purposes of this section, the term
 3297 | "enterprise authority" does not include agents of the enterprise
 3298 | ~~authority~~ other than contractors who qualify as such pursuant to
 3299 | subsection (7).

3300 | (b) For the purposes of this section, any item or property
 3301 | that is within the definition of the term "associated
 3302 | development" in s. 341.8203(1) may ~~shall~~ not be considered ~~to be~~
 3303 | part of the high-speed rail system as defined in s.
 3304 | 341.8203 (3) ~~(6)~~.

3305 (3) (a) Purchases or leases of tangible personal property
3306 or real property by the enterprise authority, excluding agents
3307 of the enterprise authority, are exempt from taxes imposed by
3308 chapter 212 as provided in s. 212.08(6). Purchases or leases of
3309 tangible personal property that is incorporated into the high-
3310 speed rail system as a component part thereof, as determined by
3311 the enterprise authority, by agents of the enterprise authority
3312 or the owner of the high-speed rail system are exempt from sales
3313 or use taxes imposed by chapter 212. Leases, rentals, or
3314 licenses to use real property granted to agents of the
3315 enterprise authority or the owner of the high-speed rail system
3316 are exempt from taxes imposed by s. 212.031 if the real property
3317 becomes part of such system. The exemptions granted in this
3318 subsection do not apply to sales, leases, or licenses by the
3319 enterprise authority, agents of the authority, or the owner of
3320 the high-speed rail system.

3321 (b) The exemption granted in paragraph (a) to purchases or
3322 leases of tangible personal property by agents of the enterprise
3323 authority or by the owner of the high-speed rail system applies
3324 only to property that becomes a component part of such system.
3325 It does not apply to items, including, but not limited to,
3326 cranes, bulldozers, forklifts, other machinery and equipment,
3327 tools and supplies, or other items of tangible personal property
3328 used in the construction, operation, or maintenance of the high-
3329 speed rail system when such items are not incorporated into the
3330 high-speed rail system as a component part thereof.

3331 (4) Any bonds or other security, and all notes, mortgages,
3332 security agreements, letters of credit, or other instruments

3333 that arise out of or are given to secure the repayment of bonds
 3334 or other security, issued by the enterprise authority, or on
 3335 behalf of the enterprise authority, their transfer, and the
 3336 income therefrom, including any profit made on the sale thereof,
 3337 shall at all times be free from taxation of every kind by the
 3338 state, the counties, and the municipalities and other political
 3339 subdivisions in the state. This subsection, however, does not
 3340 exempt from taxation or assessment the leasehold interest of a
 3341 lessee in any project or any other property or interest owned by
 3342 the lessee. The exemption granted by this subsection is not
 3343 applicable to any tax imposed by chapter 220 on interest income
 3344 or profits on the sale of debt obligations owned by
 3345 corporations.

3346 (5) When property of the enterprise authority is leased to
 3347 another person or entity, the property shall be exempt from ad
 3348 valorem taxation only if the use by the lessee qualifies the
 3349 property for exemption under s. 196.199.

3350 (6) A leasehold interest held by the enterprise authority
 3351 is not subject to intangible tax. However, if a leasehold
 3352 interest held by the enterprise authority is subleased to a
 3353 nongovernmental lessee, such subleasehold interest shall be
 3354 deemed to be an interest described in s. 199.023(1)(d), Florida
 3355 Statutes 2005, and is subject to the intangible tax.

3356 (7)(a) In order to be considered an agent of the
 3357 enterprise authority for purposes of the exemption from sales
 3358 and use tax granted by subsection (3) for tangible personal
 3359 property incorporated into the high-speed rail system, a
 3360 contractor of the enterprise authority that purchases or

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3361 fabricates such tangible personal property must be certified by
3362 the enterprise authority as provided in this subsection.

3363 (b)1. A contractor must apply for a renewal of the
3364 exemption not later than December 1 of each calendar year.

3365 2. A contractor must apply to the enterprise authority on
3366 the application form adopted by the enterprise authority, which
3367 shall develop the form in consultation with the Department of
3368 Revenue.

3369 3. The enterprise authority shall review each submitted
3370 application and determine whether it is complete. The enterprise
3371 authority shall notify the applicant of any deficiencies in the
3372 application within 30 days. Upon receipt of a completed
3373 application, the enterprise authority shall evaluate the
3374 application for exemption under this subsection and issue a
3375 certification that the contractor is qualified to act as an
3376 agent of the enterprise authority for purposes of this section
3377 or a denial of such certification within 30 days. The enterprise
3378 authority shall provide the Department of Revenue with a copy of
3379 each certification issued upon approval of an application. Upon
3380 receipt of a certification from the enterprise authority, the
3381 Department of Revenue shall issue an exemption permit to the
3382 contractor.

3383 (c)1. The contractor may extend a copy of its exemption
3384 permit to its vendors in lieu of paying sales tax on purchases
3385 of tangible personal property qualifying for exemption under
3386 this section. Possession of a copy of the exemption permit
3387 relieves the seller of the responsibility of collecting tax on
3388 the sale, and the Department of Revenue shall look solely to the

3389 contractor for recovery of tax upon a determination that the
 3390 contractor was not entitled to the exemption.

3391 2. The contractor may extend a copy of its exemption
 3392 permit to real property subcontractors supplying and installing
 3393 tangible personal property that is exempt under subsection (3).
 3394 Any such subcontractor may ~~is authorized to~~ extend a copy of the
 3395 permit to the subcontractor's vendors in order to purchase
 3396 qualifying tangible personal property tax-exempt. If the
 3397 subcontractor uses the exemption permit to purchase tangible
 3398 personal property that is determined not to qualify for
 3399 exemption under subsection (3), the Department of Revenue may
 3400 assess and collect any tax, penalties, and interest that are due
 3401 from either the contractor holding the exemption permit or the
 3402 subcontractor that extended the exemption permit to the seller.

3403 (d) Any contractor authorized to act as an agent of the
 3404 enterprise authority under this section shall maintain the
 3405 necessary books and records to document the exempt status of
 3406 purchases and fabrication costs made or incurred under the
 3407 permit. In addition, an authorized contractor extending its
 3408 exemption permit to its subcontractors shall maintain a copy of
 3409 the subcontractor's books, records, and invoices indicating all
 3410 purchases made by the subcontractor under the authorized
 3411 contractor's permit. If, in an audit conducted by the Department
 3412 of Revenue, it is determined that tangible personal property
 3413 purchased or fabricated claiming exemption under this section
 3414 does not meet the criteria for exemption, the amount of taxes
 3415 not paid at the time of purchase or fabrication shall be
 3416 immediately due and payable to the Department of Revenue,

3417 together with the appropriate interest and penalty, computed
 3418 from the date of purchase, in the manner prescribed by chapter
 3419 212.

3420 (e) If a contractor fails to apply for a high-speed rail
 3421 system exemption permit, or if a contractor initially determined
 3422 by the enterprise authority to not qualify for exemption is
 3423 subsequently determined to be eligible, the contractor shall
 3424 receive the benefit of the exemption in this subsection through
 3425 a refund of previously paid taxes for transactions that
 3426 otherwise would have been exempt. A refund may not be made for
 3427 such taxes without the issuance of a certification by the
 3428 enterprise authority that the contractor was authorized to make
 3429 purchases tax-exempt and a determination by the Department of
 3430 Revenue that the purchases qualified for the exemption.

3431 (f) The enterprise authority may adopt rules governing the
 3432 application process for exemption of a contractor as an
 3433 authorized agent of the enterprise authority.

3434 (g) The Department of Revenue may adopt rules governing
 3435 the issuance and form of high-speed rail system exemption
 3436 permits, the audit of contractors and subcontractors using such
 3437 permits, the recapture of taxes on nonqualified purchases, and
 3438 the manner and form of refund applications.

3439 Section 61. Paragraph (c) of subsection (4) of section
 3440 348.0003, Florida Statutes, is amended to read:

3441 348.0003 Expressway authority; formation; membership.—

3442 (4)

3443 (c) Members of each expressway authority, transportation
 3444 authority, bridge authority, or toll authority, created pursuant

3445 to this chapter, chapter 343, ~~or chapter 349~~ or any other
 3446 general law, ~~legislative enactment~~ shall comply with the
 3447 applicable financial disclosure requirements of s. 8, Art. II of
 3448 the State Constitution. This paragraph does not subject any
 3449 statutorily created authority, other than an expressway
 3450 authority created under this part, to any other requirement of
 3451 this part except the requirement of this paragraph.

3452 Section 62. Subsection (3) of section 349.03, Florida
 3453 Statutes, is amended to read:

3454 349.03 Jacksonville Transportation Authority.—

3455 (3) (a) The terms of appointed members shall be for 4 years
 3456 deemed to have commenced on June 1 of the year in which they are
 3457 appointed. Each member shall hold office until a successor has
 3458 been appointed and has qualified. A vacancy during a term shall
 3459 be filled by the respective appointing authority only for the
 3460 balance of the unexpired term. Any member appointed to the
 3461 authority for two consecutive full terms shall not be eligible
 3462 for appointment to the next succeeding term. One of the members
 3463 so appointed shall be designated annually by the members as
 3464 chair of the authority, one member shall be designated annually
 3465 as the vice chair of the authority, one member shall be
 3466 designated annually as the secretary of the authority, and one
 3467 member shall be designated annually as the treasurer of the
 3468 authority. The members of the authority shall not be entitled to
 3469 compensation, but shall be reimbursed for travel expenses or
 3470 other expenses actually incurred in their duties as provided by
 3471 law. Four voting members of the authority shall constitute a
 3472 quorum, and no resolution adopted by the authority shall become

3473 effective unless with the affirmative vote of at least four
 3474 members. Members of the authority shall file as their mandatory
 3475 financial disclosure a statement of financial interest with the
 3476 Commission on Ethics as provided in s. 112.3145.

3477 (b) The authority shall employ an executive director, and
 3478 the executive director may hire such staff, permanent or
 3479 temporary, as he or she may determine and may organize the staff
 3480 of the authority into such departments and units as he or she
 3481 may determine. The executive director may appoint department
 3482 directors, deputy directors, division chiefs, and staff
 3483 assistants to the executive director, as he or she may
 3484 determine. In so appointing the executive director, the
 3485 authority may fix the compensation of such appointee, who shall
 3486 serve at the pleasure of the authority. All employees of the
 3487 authority shall be exempt from the provisions of part II of
 3488 chapter 110. The authority may employ such financial advisers
 3489 and consultants, technical experts, engineers, and agents and
 3490 employees, permanent or temporary, as it may require and may fix
 3491 the compensation and qualifications of such persons, firms, or
 3492 corporations. The authority may delegate to one or more of its
 3493 agents or employees such of its powers as it shall deem
 3494 necessary to carry out the purposes of this chapter, subject
 3495 always to the supervision and control of the governing body of
 3496 the authority.

3497 Section 63. Subsection (8) is added to section 349.04,
 3498 Florida Statutes, to read:

3499 349.04 Purposes and powers.—

3500 (8) The authority may conduct public meetings and

3501 workshops by means of communications media technology, as
 3502 provided in s. 120.54(5). However, a resolution, rule, or formal
 3503 action is not binding unless a quorum is physically present at
 3504 the noticed meeting location, and only members physically
 3505 present may vote on any item.

3506 Section 64. Subsection (6) is added to section 373.413,
 3507 Florida Statutes, to read:

3508 373.413 Permits for construction or alteration.—

3509 (6) It is the intent of the Legislature that the governing
 3510 board or department exercise flexibility in the permitting of
 3511 stormwater management systems associated with the construction
 3512 or alteration of systems serving state transportation projects
 3513 and facilities. Because of the unique limitations of linear
 3514 facilities, the governing board or department shall balance the
 3515 expenditure of public funds for stormwater treatment for state
 3516 transportation projects and facilities with the benefits to the
 3517 public in providing the most cost-efficient and effective method
 3518 of achieving the treatment objectives. In consideration thereof,
 3519 the governing board or department shall allow alternatives to
 3520 onsite treatment, including, but not limited to, regional
 3521 stormwater treatment systems. The Department of Transportation
 3522 is responsible for treating stormwater generated from state
 3523 transportation projects but is not responsible for the abatement
 3524 of pollutants and flows entering its stormwater management
 3525 systems from offsite sources; however, this subsection does not
 3526 prohibit the Department of Transportation from receiving and
 3527 managing such pollutants and flows when cost-effective and
 3528 prudent. Further, in association with right-of-way acquisition

3529 for state transportation projects, the Department of
 3530 Transportation is responsible for providing stormwater treatment
 3531 and attenuation for the acquired right-of-way but is not
 3532 responsible for modifying permits for adjacent lands affected by
 3533 right-of-way acquisition when it is not the permittee. The
 3534 governing board or department may establish, by rule, specific
 3535 criteria to implement the management and treatment alternatives
 3536 and activities under this subsection.

3537 Section 65. Subsections (1) through (5) of section
 3538 373.4137, Florida Statutes, are amended to read:

3539 373.4137 Mitigation requirements for specified
 3540 transportation projects.—

3541 (1) The Legislature finds that environmental mitigation
 3542 for the impact of transportation projects proposed by the
 3543 Department of Transportation or a transportation authority
 3544 established pursuant to chapter 348 or chapter 349 can be more
 3545 effectively achieved by regional, long-range mitigation planning
 3546 rather than on a project-by-project basis. It is the intent of
 3547 the Legislature that mitigation to offset the adverse effects of
 3548 these transportation projects be funded by the Department of
 3549 Transportation and be carried out by the water management
 3550 districts, including the use of mitigation banks and any other
 3551 mitigation options that satisfy state and federal requirements
 3552 ~~established pursuant to this part.~~

3553 (2) Environmental impact inventories for transportation
 3554 projects proposed by the Department of Transportation or a
 3555 transportation authority established pursuant to chapter 348 or
 3556 chapter 349 shall be developed as follows:

3557 (a) By July 1 of each year, the Department of
 3558 Transportation, or a transportation authority established
 3559 pursuant to chapter 348 or chapter 349 which chooses to
 3560 participate in this program, shall submit to the water
 3561 management districts a list ~~copy~~ of its projects in the adopted
 3562 work program and an environmental impact inventory of habitats
 3563 addressed in the rules adopted pursuant to this part and s. 404
 3564 of the Clean Water Act, 33 U.S.C. s. 1344, which may be impacted
 3565 by its plan of construction for transportation projects in the
 3566 next 3 years of the tentative work program. The Department of
 3567 Transportation or a transportation authority established
 3568 pursuant to chapter 348 or chapter 349 may also include in its
 3569 environmental impact inventory the habitat impacts of any future
 3570 transportation project. The Department of Transportation and
 3571 each transportation authority established pursuant to chapter
 3572 348 or chapter 349 may fund any mitigation activities for future
 3573 projects using current year funds.

3574 (b) The environmental impact inventory shall include a
 3575 description of these habitat impacts, including their location,
 3576 acreage, and type; state water quality classification of
 3577 impacted wetlands and other surface waters; any other state or
 3578 regional designations for these habitats; and a list ~~survey~~ of
 3579 threatened species, endangered species, and species of special
 3580 concern affected by the proposed project.

3581 (3) (a) To fund development and implementation of the
 3582 mitigation plan for the projected impacts identified in the
 3583 environmental impact inventory described in subsection (2), the
 3584 Department of Transportation shall identify funds quarterly in

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3585 an escrow account within the State Transportation Trust Fund for
3586 the environmental mitigation phase of projects budgeted by the
3587 Department of Transportation for the current fiscal year. The
3588 escrow account shall be maintained by the Department of
3589 Transportation for the benefit of the water management
3590 districts. Any interest earnings from the escrow account shall
3591 remain with the Department of Transportation.

3592 (b) Each transportation authority established pursuant to
3593 chapter 348 or chapter 349 that chooses to participate in this
3594 program shall create an escrow account within its financial
3595 structure and deposit funds in the account to pay for the
3596 environmental mitigation phase of projects budgeted for the
3597 current fiscal year. The escrow account shall be maintained by
3598 the authority for the benefit of the water management districts.
3599 Any interest earnings from the escrow account shall remain with
3600 the authority.

3601 (c) Except for current mitigation projects in the
3602 monitoring and maintenance phase and except as allowed by
3603 paragraph (d), the water management districts may request a
3604 transfer of funds from an escrow account no sooner than 30 days
3605 prior to the date the funds are needed to pay for activities
3606 associated with development or implementation of the approved
3607 mitigation plan described in subsection (4) for the current
3608 fiscal year, including, but not limited to, design, engineering,
3609 production, and staff support. Actual conceptual plan
3610 preparation costs incurred before plan approval may be submitted
3611 to the Department of Transportation or the appropriate
3612 transportation authority each year with the plan. The conceptual

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3613 plan preparation costs of each water management district shall
3614 ~~will~~ be paid from mitigation funds associated with the
3615 environmental impact inventory for the current year. The amount
3616 transferred to the escrow accounts each year by the Department
3617 of Transportation and participating transportation authorities
3618 established pursuant to chapter 348 or chapter 349 shall
3619 correspond to a cost per acre of \$75,000 multiplied by the
3620 projected acres of impact identified in the environmental impact
3621 inventory described in subsection (2). However, the \$75,000 cost
3622 per acre does not constitute an admission against interest by
3623 the state or its subdivisions nor is the cost admissible as
3624 evidence of full compensation for any property acquired by
3625 eminent domain or through inverse condemnation. Each July 1, the
3626 cost per acre shall be adjusted by the percentage change in the
3627 average of the Consumer Price Index issued by the United States
3628 Department of Labor for the most recent 12-month period ending
3629 September 30, compared to the base year average, which is the
3630 average for the 12-month period ending September 30, 1996. Each
3631 quarter, the projected acreage of impact shall be reconciled
3632 with the acreage of impact of projects as permitted, including
3633 permit modifications, pursuant to this part and s. 404 of the
3634 Clean Water Act, 33 U.S.C. s. 1344. The subject year's transfer
3635 of funds shall be adjusted accordingly to reflect the acreage of
3636 impacts as permitted. The Department of Transportation and
3637 participating transportation authorities established pursuant to
3638 chapter 348 or chapter 349 may ~~are authorized to~~ transfer such
3639 funds from the escrow accounts to the water management districts
3640 to carry out the mitigation programs. Environmental mitigation

3641 funds that are identified for or maintained in an escrow account
 3642 for the benefit of a water management district may be released
 3643 if the associated transportation project is excluded in whole or
 3644 part from the mitigation plan. For a mitigation project that is
 3645 in the maintenance and monitoring phase, the water management
 3646 district may request and receive a one-time payment based on the
 3647 project's expected future maintenance and monitoring costs. Upon
 3648 disbursement of the final maintenance and monitoring payment,
 3649 the obligation of the Department of Transportation or the
 3650 participating transportation authority is satisfied, the water
 3651 management district has continuing responsibility for the
 3652 mitigation project, and the escrow account for the project
 3653 established by the Department of Transportation or the
 3654 participating transportation authority may be closed. Any
 3655 interest earned on these disbursed funds shall remain with the
 3656 water management district and must be used as authorized under
 3657 this section.

3658 (d) Beginning in the 2005-2006 fiscal year, each water
 3659 management district shall be paid a lump-sum amount of \$75,000
 3660 per acre, adjusted as provided under paragraph (c), for
 3661 federally funded transportation projects that are included on
 3662 the environmental impact inventory and that have an approved
 3663 mitigation plan. Beginning in the 2009-2010 fiscal year, each
 3664 water management district shall be paid a lump-sum amount of
 3665 \$75,000 per acre, adjusted as provided under paragraph (c), for
 3666 federally funded and nonfederally funded transportation projects
 3667 that have an approved mitigation plan. All mitigation costs,
 3668 including, but not limited to, the costs of preparing conceptual

3669 plans and the costs of design, construction, staff support,
 3670 future maintenance, and monitoring the mitigated acres shall be
 3671 funded through these lump-sum amounts.

3672 (4) Before ~~Prior to~~ March 1 of each year, each water
 3673 management district, in consultation with the Department of
 3674 Environmental Protection, the United States Army Corps of
 3675 Engineers, the Department of Transportation, participating
 3676 transportation authorities established pursuant to chapter 348
 3677 or chapter 349, and other appropriate federal, state, and local
 3678 governments, and other interested parties, including entities
 3679 operating mitigation banks, shall develop a plan for the primary
 3680 purpose of complying with the mitigation requirements adopted
 3681 pursuant to this part and 33 U.S.C. s. 1344. In developing such
 3682 plans, the districts shall utilize sound ecosystem management
 3683 practices to address significant water resource needs and shall
 3684 focus on activities of the Department of Environmental
 3685 Protection and the water management districts, such as surface
 3686 water improvement and management (SWIM) projects and lands
 3687 identified for potential acquisition for preservation,
 3688 restoration or enhancement, and the control of invasive and
 3689 exotic plants in wetlands and other surface waters, to the
 3690 extent that such activities comply with the mitigation
 3691 requirements adopted under this part and 33 U.S.C. s. 1344. In
 3692 determining the activities to be included in such plans, the
 3693 districts shall also consider the purchase of credits from
 3694 public or private mitigation banks permitted under s. 373.4136
 3695 and associated federal authorization and shall include such
 3696 purchase as a part of the mitigation plan when such purchase

3697 would offset the impact of the transportation project, provide
 3698 equal benefits to the water resources than other mitigation
 3699 options being considered, and provide the most cost-effective
 3700 mitigation option. The mitigation plan shall be submitted to the
 3701 water management district governing board, or its designee, for
 3702 review and approval. At least 14 days prior to approval, the
 3703 water management district shall provide a copy of the draft
 3704 mitigation plan to any person who has requested a copy.

3705 (a) For each transportation project with a funding request
 3706 for the next fiscal year, the mitigation plan must include a
 3707 brief explanation of why a mitigation bank was or was not chosen
 3708 as a mitigation option, including an estimation of identifiable
 3709 costs of the mitigation bank and nonbank options to the extent
 3710 practicable.

3711 (b) Specific projects may be excluded from the mitigation
 3712 plan, in whole or in part, and are ~~shall~~ not ~~be~~ subject to this
 3713 section upon the election agreement of the Department of
 3714 Transportation, ~~or~~ a transportation authority if applicable, or
 3715 and the appropriate water management district ~~that the inclusion~~
 3716 ~~of such projects would hamper the efficiency or timeliness of~~
 3717 ~~the mitigation planning and permitting process. The water~~
 3718 ~~management district may choose to exclude a project in whole or~~
 3719 ~~in part if the district is unable to identify mitigation that~~
 3720 ~~would offset impacts of the project.~~

3721 (5) The water management district shall ensure ~~be~~
 3722 ~~responsible for ensuring~~ that mitigation requirements pursuant
 3723 to 33 U.S.C. s. 1344 are met for the impacts identified in the
 3724 environmental impact inventory described in subsection (2), by

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3725 implementation of the approved plan described in subsection (4)
3726 to the extent funding is provided by the Department of
3727 Transportation, or a transportation authority established
3728 pursuant to chapter 348 or chapter 349, if applicable. During
3729 the federal permitting process, the water management district
3730 may deviate from the approved mitigation plan in order to comply
3731 with federal permitting requirements.

3732 Section 66. The Department of Transportation may seek
3733 Federal Highway Administration approval of a tourist-oriented
3734 commerce sign pilot program for small businesses, as defined in
3735 s. 288.703, Florida Statutes, in rural areas of critical
3736 economic concern, as defined by s. 288.0656(2)(d) and (e),
3737 Florida Statutes. Upon Federal Highway Administration approval,
3738 the department shall submit the pilot program for legislative
3739 approval in the next regular legislative session.

3740 Section 67. There is established a pilot program for the
3741 Palm Beach County school district to recognize its business
3742 partners. The district may recognize its business partners by
3743 publicly displaying such business partners' names on school
3744 district property in the unincorporated areas of the county.
3745 Project graduation and athletic sponsorships are examples of
3746 appropriate recognition. The district shall make every effort to
3747 display its business partners' names in a manner that is
3748 consistent with the county standards for uniformity in size,
3749 color, and placement of signs. If the provisions of this section
3750 are inconsistent with county ordinances or regulations relating
3751 to signs in the unincorporated areas of the county or
3752 inconsistent with chapter 125 or chapter 166, Florida Statutes,

3753 the provisions of this section prevail. The pilot program
 3754 expires June 30, 2014.

3755 Section 68. Subsection (7) of section 215.616, Florida
 3756 Statutes, is amended to read:

3757 215.616 State bonds for federal aid highway construction.—

3758 ~~(7) Up to \$325 million in bonds may be issued for the~~
 3759 ~~Mobility 2000 Initiative with emphasis on the Florida Intrastate~~
 3760 ~~Highway System to advance projects in the most cost-effective~~
 3761 ~~manner and to support emergency evacuation, improved access to~~
 3762 ~~urban areas, or the enhancement of trade and economic growth~~
 3763 ~~corridors of statewide and regional significance which promote~~
 3764 ~~Florida's economic growth.~~

3765 Section 69. Subsection (3) of section 288.063, Florida
 3766 Statutes, is amended to read:

3767 288.063 Contracts for transportation projects.—

3768 (3) With respect to any contract executed pursuant to this
 3769 section, the term "transportation project" means a
 3770 transportation facility as defined in s. 334.03(30) ~~s.~~
 3771 ~~334.03(31)~~ which is necessary in the judgment of the department
 3772 to facilitate the economic development and growth of the state.
 3773 Such transportation projects shall be approved only as a
 3774 consideration to attract new employment opportunities to the
 3775 state or expand or retain employment in existing companies
 3776 operating within the state, or to allow for the construction or
 3777 expansion of a state or federal correctional facility in a
 3778 county having ~~with~~ a population of 75,000 or less that creates
 3779 new employment opportunities or expands or retains employment in
 3780 the county. The department shall institute procedures to ensure

3781 that small and minority businesses have equal access to funding
 3782 provided under this section. Funding for approved transportation
 3783 projects may include any expenses, other than administrative
 3784 costs and equipment purchases specified in the contract,
 3785 necessary for new, or improvement to existing, transportation
 3786 facilities. Funds made available pursuant to this section may
 3787 not be expended in connection with the relocation of a business
 3788 from one community to another community in this state unless the
 3789 department determines that without such relocation the business
 3790 will move outside this state or determines that the business has
 3791 a compelling economic rationale for the relocation which creates
 3792 additional jobs. Subject to appropriation for projects under
 3793 this section, any appropriation greater than \$10 million shall
 3794 be allocated to each of the districts of the Department of
 3795 Transportation to ensure equitable geographical distribution.
 3796 Such allocated funds that remain uncommitted by the third
 3797 quarter of the fiscal year shall be reallocated among the
 3798 districts based on pending project requests.

3799 Section 70. Subsection (2) of section 311.22, Florida
 3800 Statutes, is amended to read:

3801 311.22 Additional authorization for funding certain
 3802 dredging projects.—

3803 (2) The council shall adopt rules for evaluating the
 3804 projects that may be funded pursuant to this section. The rules
 3805 must provide criteria for evaluating the economic benefit of the
 3806 project. The rules must include the creation of an
 3807 administrative review process by the council which is similar to
 3808 the process described in s. 311.09(5)-(11) ~~s. 311.09(5)-(12)~~,

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3809 and provide for a review by the Department of Transportation and
 3810 the Department of Economic Opportunity of all projects submitted
 3811 for funding under this section.

3812 Section 71. Section 316.2122, Florida Statutes, is amended
 3813 to read:

3814 316.2122 Operation of a low-speed vehicle or mini truck on
 3815 certain roadways.—The operation of a low-speed vehicle as
 3816 defined in s. 320.01(42) or a mini truck as defined in s.
 3817 320.01(45) on any road ~~as defined in s. 334.03(15) or (33)~~ is
 3818 authorized with the following restrictions:

3819 (1) A low-speed vehicle or mini truck may be operated only
 3820 on streets where the posted speed limit is 35 miles per hour or
 3821 less. This does not prohibit a low-speed vehicle or mini truck
 3822 from crossing a road or street at an intersection where the road
 3823 or street has a posted speed limit of more than 35 miles per
 3824 hour.

3825 (2) A low-speed vehicle must be equipped with headlamps,
 3826 stop lamps, turn signal lamps, taillamps, reflex reflectors,
 3827 parking brakes, rearview mirrors, windshields, seat belts, and
 3828 vehicle identification numbers.

3829 (3) A low-speed vehicle or mini truck must be registered
 3830 and insured in accordance with s. 320.02 and titled pursuant to
 3831 chapter 319.

3832 (4) Any person operating a low-speed vehicle or mini truck
 3833 must have in his or her possession a valid driver's license.

3834 (5) A county or municipality may prohibit the operation of
 3835 low-speed vehicles or mini trucks on any road under its
 3836 jurisdiction if the governing body of the county or municipality

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3837 determines that such prohibition is necessary in the interest of
 3838 safety.

3839 (6) The Department of Transportation may prohibit the
 3840 operation of low-speed vehicles or mini trucks on any road under
 3841 its jurisdiction if it determines that such prohibition is
 3842 necessary in the interest of safety.

3843 Section 72. Section 318.12, Florida Statutes, is amended
 3844 to read:

3845 318.12 Purpose.—It is the legislative intent in the
 3846 adoption of this chapter to decriminalize certain violations of
 3847 chapter 316, the Florida Uniform Traffic Control Law; chapter
 3848 320, Motor Vehicle Licenses; chapter 322, Drivers' Licenses;
 3849 chapter 338, Limited Access Florida Intrastate Highway System
 3850 and Toll Facilities; and chapter 1006, Support of Learning,
 3851 thereby facilitating the implementation of a more uniform and
 3852 expeditious system for the disposition of traffic infractions.

3853 Section 73. Subsections (3) and (4) of section 320.20,
 3854 Florida Statutes, are amended to read:

3855 320.20 Disposition of license tax moneys.—The revenue
 3856 derived from the registration of motor vehicles, including any
 3857 delinquent fees and excluding those revenues collected and
 3858 distributed under the provisions of s. 320.081, must be
 3859 distributed monthly, as collected, as follows:

3860 (3) Notwithstanding any other provision of law except
 3861 subsections (1) and (2), on July 1, 1996, and annually
 3862 thereafter, \$15 million shall be deposited in the State
 3863 Transportation Trust Fund solely for the purposes of funding the
 3864 Florida Seaport Transportation and Economic Development Program

3865 as provided for in chapter 311. Such revenues shall be
 3866 distributed on a 50-50 matching basis to any port listed in s.
 3867 311.09(1) to be used for funding projects as described in s.
 3868 311.07(3) (b). Such revenues may be assigned, pledged, or set
 3869 aside as a trust for the payment of principal or interest on
 3870 bonds, tax anticipation certificates, or any other form of
 3871 indebtedness issued by an individual port or appropriate local
 3872 government having jurisdiction thereof, or collectively by
 3873 interlocal agreement among any of the ports, or used to purchase
 3874 credit support to permit such borrowings. However, such debt
 3875 shall not constitute a general obligation of the State of
 3876 Florida. The state does hereby covenant with holders of such
 3877 revenue bonds or other instruments of indebtedness issued
 3878 hereunder that it will not repeal or impair or amend in any
 3879 manner which will materially and adversely affect the rights of
 3880 such holders so long as bonds authorized by this section are
 3881 outstanding. Any revenues which are not pledged to the repayment
 3882 of bonds as authorized by this section may be utilized for
 3883 purposes authorized under the Florida Seaport Transportation and
 3884 Economic Development Program. This revenue source is in addition
 3885 to any amounts provided for and appropriated in accordance with
 3886 s. 311.07. The Florida Seaport Transportation and Economic
 3887 Development Council shall approve distribution of funds to ports
 3888 for projects which have been approved pursuant to s. 311.09(5)-
 3889 (8) ~~s. 311.09(5)-(9)~~. The council and the Department of
 3890 Transportation may ~~are authorized to~~ perform such acts as are
 3891 required to facilitate and implement ~~the provisions of~~ this
 3892 subsection. To better enable the ports to cooperate to their

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3893 mutual advantage, the governing body of each port may exercise
 3894 powers provided to municipalities or counties in s. 163.01(7)(d)
 3895 subject to the provisions of chapter 311 and special acts, if
 3896 any, pertaining to a port. The use of funds provided pursuant to
 3897 this subsection are limited to eligible projects listed in this
 3898 subsection. Income derived from a project completed with the use
 3899 of program funds, beyond operating costs and debt service, shall
 3900 be restricted to further port capital improvements consistent
 3901 with maritime purposes and for no other purpose. Use of such
 3902 income for nonmaritime purposes is prohibited. ~~The provisions of~~
 3903 ~~s. 311.07(4) do not apply to any funds received pursuant to this~~
 3904 ~~subsection.~~ The revenues available under this subsection shall
 3905 not be pledged to the payment of any bonds other than the
 3906 Florida Ports Financing Commission Series 1996 and Series 1999
 3907 Bonds currently outstanding; provided, however, such revenues
 3908 may be pledged to secure payment of refunding bonds to refinance
 3909 the Florida Ports Financing Commission Series 1996 and Series
 3910 1999 Bonds. No refunding bonds secured by revenues available
 3911 under this subsection may be issued with a final maturity later
 3912 than the final maturity of the Florida Ports Financing
 3913 Commission Series 1996 and Series 1999 Bonds or which provide
 3914 for higher debt service in any year than is currently payable on
 3915 such bonds. Any revenue bonds or other indebtedness issued after
 3916 July 1, 2000, other than refunding bonds shall be issued by the
 3917 Division of Bond Finance at the request of the Department of
 3918 Transportation pursuant to the State Bond Act.

3919 (4) Notwithstanding any other provision of law except
 3920 subsections (1), (2), and (3), on July 1, 1999, and annually

3921 thereafter, \$10 million shall be deposited in the State
 3922 Transportation Trust Fund solely for the purposes of funding the
 3923 Florida Seaport Transportation and Economic Development Program
 3924 as provided in chapter 311 and for funding seaport intermodal
 3925 access projects of statewide significance as provided in s.
 3926 341.053. Such revenues shall be distributed to any port listed
 3927 in s. 311.09(1), to be used for funding projects as follows:

3928 (a) For any seaport intermodal access projects that are
 3929 identified in the 1997-1998 Tentative Work Program of the
 3930 Department of Transportation, up to the amounts needed to offset
 3931 the funding requirements of this section.

3932 (b) For seaport intermodal access projects as described in
 3933 s. 341.053(5) that are identified in the 5-year Florida Seaport
 3934 Mission Plan as provided in s. 311.09(3). Funding for such
 3935 projects shall be on a matching basis as mutually determined by
 3936 the Florida Seaport Transportation and Economic Development
 3937 Council and the Department of Transportation, provided a minimum
 3938 of 25 percent of total project funds shall come from any port
 3939 funds, local funds, private funds, or specifically earmarked
 3940 federal funds.

3941 (c) On a 50-50 matching basis for projects as described in
 3942 s. 311.07(3)(b).

3943 (d) For seaport intermodal access projects that involve
 3944 the dredging or deepening of channels, turning basins, or
 3945 harbors; or the rehabilitation of wharves, docks, or similar
 3946 structures. Funding for such projects shall require a 25 percent
 3947 match of the funds received pursuant to this subsection.
 3948 Matching funds shall come from any port funds, federal funds,

3949 | local funds, or private funds.
 3950 |
 3951 | Such revenues may be assigned, pledged, or set aside as a trust
 3952 | for the payment of principal or interest on bonds, tax
 3953 | anticipation certificates, or any other form of indebtedness
 3954 | issued by an individual port or appropriate local government
 3955 | having jurisdiction thereof, or collectively by interlocal
 3956 | agreement among any of the ports, or used to purchase credit
 3957 | support to permit such borrowings. However, such debt shall not
 3958 | constitute a general obligation of the state. This state does
 3959 | hereby covenant with holders of such revenue bonds or other
 3960 | instruments of indebtedness issued hereunder that it will not
 3961 | repeal or impair or amend this subsection in any manner which
 3962 | will materially and adversely affect the rights of holders so
 3963 | long as bonds authorized by this subsection are outstanding. Any
 3964 | revenues that are not pledged to the repayment of bonds as
 3965 | authorized by this section may be utilized for purposes
 3966 | authorized under the Florida Seaport Transportation and Economic
 3967 | Development Program. This revenue source is in addition to any
 3968 | amounts provided for and appropriated in accordance with s.
 3969 | 311.07 and subsection (3). The Florida Seaport Transportation
 3970 | and Economic Development Council shall approve distribution of
 3971 | funds to ports for projects that have been approved pursuant to
 3972 | s. 311.09(5)-(8) ~~s. 311.09(5)-(9)~~, or for seaport intermodal
 3973 | access projects identified in the 5-year Florida Seaport Mission
 3974 | Plan as provided in s. 311.09(3) and mutually agreed upon by the
 3975 | Florida Seaport Transportation and Economic Development ~~FSTED~~
 3976 | Council and the Department of Transportation. All contracts for

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3977 actual construction of projects authorized by this subsection
 3978 must include a provision encouraging employment of participants
 3979 in the welfare transition program. The goal for employment of
 3980 participants in the welfare transition program is 25 percent of
 3981 all new employees employed specifically for the project, unless
 3982 the Department of Transportation and the Florida Seaport
 3983 Transportation and Economic Development Council demonstrate that
 3984 such a requirement would severely hamper the successful
 3985 completion of the project. In such an instance, Workforce
 3986 Florida, Inc., shall establish an appropriate percentage of
 3987 employees that must be participants in the welfare transition
 3988 program. The council and the Department of Transportation may
 3989 ~~are authorized to~~ perform such acts as are required to
 3990 facilitate and implement the provisions of this subsection. To
 3991 better enable the ports to cooperate to their mutual advantage,
 3992 the governing body of each port may exercise powers provided to
 3993 municipalities or counties in s. 163.01(7)(d) subject to the
 3994 provisions of chapter 311 and special acts, if any, pertaining
 3995 to a port. The use of funds provided pursuant to this subsection
 3996 is limited to eligible projects listed in this subsection. ~~The~~
 3997 ~~provisions of s. 311.07(4) do not apply to any funds received~~
 3998 ~~pursuant to this subsection.~~ The revenues available under this
 3999 subsection shall not be pledged to the payment of any bonds
 4000 other than the Florida Ports Financing Commission Series 1996
 4001 and Series 1999 Bonds currently outstanding; provided, however,
 4002 such revenues may be pledged to secure payment of refunding
 4003 bonds to refinance the Florida Ports Financing Commission Series
 4004 1996 and Series 1999 Bonds. No refunding bonds secured by

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4005 revenues available under this subsection may be issued with a
 4006 final maturity later than the final maturity of the Florida
 4007 Ports Financing Commission Series 1996 and Series 1999 Bonds or
 4008 which provide for higher debt service in any year than is
 4009 currently payable on such bonds. Any revenue bonds or other
 4010 indebtedness issued after July 1, 2000, other than refunding
 4011 bonds shall be issued by the Division of Bond Finance at the
 4012 request of the Department of Transportation pursuant to the
 4013 State Bond Act.

4014 Section 74. Subsection (3) of section 335.02, Florida
 4015 Statutes, is amended to read:

4016 335.02 Authority to designate transportation facilities
 4017 and rights-of-way and establish lanes; procedure for
 4018 redesignation and relocation; application of local regulations.—

4019 (3) The department may establish standards for lanes on
 4020 the State Highway System, including the Strategic Intermodal
 4021 System highway corridors ~~Florida Intrastate Highway System~~
 4022 established pursuant to s. 339.65 ~~s. 338.001~~. In determining the
 4023 number of lanes for any regional corridor or section of highway
 4024 on the State Highway System to be funded by the department with
 4025 state or federal funds, the department shall evaluate all
 4026 alternatives and seek to achieve the highest degree of efficient
 4027 mobility for corridor users. In conducting the analysis, the
 4028 department must give consideration to the following factors
 4029 consistent with sound engineering principles:

4030 (a) Overall economic importance of the corridor as a trade
 4031 or tourism corridor.

4032 (b) Safety of corridor users, including the importance of

4033 the corridor for evacuation purposes.

4034 (c) Cost-effectiveness of alternative methods of

4035 increasing the mobility of corridor users.

4036 (d) Current and projected traffic volumes on the corridor.

4037 (e) Multimodal alternatives.

4038 (f) Use of intelligent transportation technology in

4039 increasing the efficiency of the corridor.

4040 (g) Compliance with state and federal policies related to

4041 clean air, environmental impacts, growth management, livable

4042 communities, and energy conservation.

4043 (h) Addition of special use lanes, such as exclusive truck

4044 lanes, high-occupancy-vehicle toll lanes, and exclusive

4045 interregional traffic lanes.

4046 (i) Availability and cost of rights-of-way, including

4047 associated costs, and the most effective use of existing rights-

4048 of-way.

4049 (j) Regional economic and transportation objectives, where

4050 articulated.

4051 (k) The future land use plan element of local government

4052 comprehensive plans, as appropriate, including designated urban

4053 infill and redevelopment areas.

4054 (l) The traffic circulation element, if applicable, of

4055 local government comprehensive plans, including designated

4056 transportation corridors and public transportation corridors.

4057 (m) The approved metropolitan planning organization's

4058 long-range transportation plan, as appropriate.

4059

4060 This subsection does not preclude a number of lanes in excess of

4061 10 lanes, but an additional factor that must be considered
 4062 before the department may determine that the number of lanes
 4063 should be more than 10 is the capacity to accommodate in the
 4064 future alternative forms of transportation within existing or
 4065 potential rights-of-way.

4066 Section 75. Subsection (2) of section 338.222, Florida
 4067 Statutes, is amended to read:

4068 338.222 Department of Transportation sole governmental
 4069 entity to acquire, construct, or operate turnpike projects;
 4070 exception.—

4071 (2) The department may contract with any local
 4072 governmental entity as defined in s. 334.03(13) ~~s. 334.03(14)~~
 4073 for the design, right-of-way acquisition, or construction of any
 4074 turnpike project which the Legislature has approved. Local
 4075 governmental entities may negotiate with the department for the
 4076 design, right-of-way acquisition, and construction of any
 4077 section of the turnpike project within areas of their respective
 4078 jurisdictions or within counties with which they have interlocal
 4079 agreements.

4080 Section 76. Subsection (6) of section 339.285, Florida
 4081 Statutes, is amended to read:

4082 339.285 Enhanced Bridge Program for Sustainable
 4083 Transportation.—

4084 (6) Preference shall be given to bridge projects located
 4085 on corridors that connect to the Strategic Intermodal System,
 4086 created under s. 339.64, and that have been identified as
 4087 regionally significant in accordance with s. 339.155(4)(c), (d),
 4088 and (e) ~~s. 339.155(5)(c), (d), and (e)~~.

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4089 Section 77. Subsection (2) of section 341.053, Florida
 4090 Statutes, is amended to read:

4091 341.053 Intermodal Development Program; administration;
 4092 eligible projects; limitations.—

4093 (2) In recognition of the department's role in the
 4094 economic development of this state, the department shall develop
 4095 a proposed intermodal development plan to connect Florida's
 4096 airports, deepwater seaports, rail systems serving both
 4097 passenger and freight, and major intermodal connectors to the
 4098 Strategic Intermodal System highway corridors ~~Florida Intrastate~~
 4099 ~~Highway System facilities~~ as the primary system for the movement
 4100 of people and freight in this state in order to make the
 4101 intermodal development plan a fully integrated and
 4102 interconnected system. The intermodal development plan must:

4103 (a) Define and assess the state's freight intermodal
 4104 network, including airports, seaports, rail lines and terminals,
 4105 intercity bus lines and terminals, and connecting highways.

4106 (b) Prioritize statewide infrastructure investments,
 4107 including the acceleration of current projects, which are found
 4108 by the Freight Stakeholders Task Force to be priority projects
 4109 for the efficient movement of people and freight.

4110 (c) Be developed in a manner that will assure maximum use
 4111 of existing facilities and optimum integration and coordination
 4112 of the various modes of transportation, including both
 4113 government-owned and privately owned resources, in the most
 4114 cost-effective manner possible.

4115 Section 78. Subsection (2) of section 341.8225, Florida
 4116 Statutes, is amended to read:

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4117 341.8225 Department of Transportation sole governmental
 4118 entity to acquire, construct, or operate high-speed rail
 4119 projects; exception.—

4120 (2) Local governmental entities, as defined in s.
 4121 334.03(13) ~~s. 334.03(14)~~, may negotiate with the department for
 4122 the design, right-of-way acquisition, and construction of any
 4123 component of the high-speed rail system within areas of their
 4124 respective jurisdictions or within counties with which they have
 4125 interlocal agreements.

4126 Section 79. Subsection (2) of section 403.7211, Florida
 4127 Statutes, is amended to read:

4128 403.7211 Hazardous waste facilities managing hazardous
 4129 wastes generated offsite; federal facilities managing hazardous
 4130 waste.—

4131 (2) The department may ~~shall~~ not issue any permit under s.
 4132 403.722 for the construction, initial operation, or substantial
 4133 modification of a facility for the disposal, storage, or
 4134 treatment of hazardous waste generated offsite which is proposed
 4135 to be located in any of the following locations:

4136 (a) Any area where life-threatening concentrations of
 4137 hazardous substances could accumulate at any residence or
 4138 residential subdivision as the result of a catastrophic event at
 4139 the proposed facility, unless each such residence or residential
 4140 subdivision is served by at least one arterial road or urban
 4141 minor arterial road, as determined under the procedures
 4142 referenced in s. 334.03(10) ~~defined in s. 334.03~~, which provides
 4143 safe and direct egress by land to an area where such life-
 4144 threatening concentrations of hazardous substances could not

4145 accumulate in a catastrophic event. Egress by any road leading
 4146 from any residence or residential subdivision to any point
 4147 located within 1,000 yards of the proposed facility is unsafe
 4148 for the purposes of this paragraph. In determining whether
 4149 egress proposed by the applicant is safe and direct, the
 4150 department shall also consider, at a minimum, the following
 4151 factors:

4152 1. Natural barriers such as water bodies, and whether any
 4153 road in the proposed evacuation route is impaired by a natural
 4154 barrier such as a water body.†

4155 2. Potential exposure during egress and potential
 4156 increases in the duration of exposure.†

4157 3. Whether any road in a proposed evacuation route passes
 4158 in close proximity to the facility.†~~and~~

4159 4. Whether any portion of the evacuation route is
 4160 inherently directed toward the facility.

4161 (b) Any location within 1,500 yards of any hospital,
 4162 prison, school, nursing home facility, day care facility,
 4163 stadium, place of assembled worship, or any other similar site
 4164 where individuals are routinely confined or assembled in such a
 4165 manner that reasonable access to immediate evacuation is likely
 4166 to be unavailable.†

4167 (c) Any location within 1,000 yards of any residence.†~~or~~

4168 (d) Any location which is inconsistent with rules adopted
 4169 by the department under this part.

4170

4171 For the purposes of this subsection, all distances shall be
 4172 measured from the outer limit of the active hazardous waste

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4173 management area. "Substantial modification" includes: any
 4174 physical change in, change in the operations of, or addition to
 4175 a facility which could increase the potential offsite impact, or
 4176 risk of impact, from a release at that facility; and any change
 4177 in permit conditions which is reasonably expected to lead to
 4178 greater potential impacts or risks of impacts, from a release at
 4179 that facility. "Substantial modification" does not include a
 4180 change in operations, structures, or permit conditions which
 4181 does not substantially increase either the potential impact
 4182 from, or the risk of, a release. Physical or operational changes
 4183 to a facility related solely to the management of nonhazardous
 4184 waste at the facility is ~~shall not be~~ considered a substantial
 4185 modification. The department shall, by rule, adopt criteria to
 4186 determine whether a facility has been substantially modified.
 4187 "Initial operation" means the initial commencement of operations
 4188 at the facility.

4189 Section 80. Subsection (27) of section 479.01, Florida
 4190 Statutes, is amended to read:

4191 479.01 Definitions.—As used in this chapter, the term:
 4192 (27) "Urban area" has the same meaning as defined in s.
 4193 334.03(31) ~~s. 334.03(32)~~.

4194 Section 81. Subsection (1) of section 479.07, Florida
 4195 Statutes, is amended to read:

4196 479.07 Sign permits.—
 4197 (1) Except as provided in ss. 479.105(1)(e) and 479.16, a
 4198 person may not erect, operate, use, or maintain, or cause to be
 4199 erected, operated, used, or maintained, any sign on the State
 4200 Highway System outside an urban area, as defined in s.

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4201 334.03(31) ~~s. 334.03(32)~~, or on any portion of the interstate or
 4202 federal-aid primary highway system without first obtaining a
 4203 permit for the sign from the department and paying the annual
 4204 fee as provided in this section. As used in this section, the
 4205 term "on any portion of the State Highway System, interstate, or
 4206 federal-aid primary system" means a sign located within the
 4207 controlled area which is visible from any portion of the main-
 4208 traveled way of such system.

4209 Section 82. Subsection (5) of section 479.261, Florida
 4210 Statutes, is amended to read:

4211 479.261 Logo sign program.—

4212 (5) At a minimum, permit fees for businesses that
 4213 participate in the program must be established in an amount
 4214 sufficient to offset the total cost to the department for the
 4215 program, including contract costs. The department shall provide
 4216 the services in the most efficient and cost-effective manner
 4217 through department staff or by contracting for some or all of
 4218 the services. The department shall adopt rules that set
 4219 reasonable rates based upon factors such as population, traffic
 4220 volume, market demand, and costs for annual permit fees.
 4221 However, annual permit fees for sign locations inside an urban
 4222 area, as defined in s. 334.03(31) ~~s. 334.03(32)~~, may not exceed
 4223 \$3,500, and annual permit fees for sign locations outside an
 4224 urban area, as defined in s. 334.03(31) ~~s. 334.03(32)~~, may not
 4225 exceed \$2,000. After recovering program costs, the proceeds from
 4226 the annual permit fees shall be deposited into the State
 4227 Transportation Trust Fund and used for transportation purposes.

4228 Section 83. This act shall take effect July 1, 2012.