

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; amending s. 206.41, F.S., relating to  
9       payment of a tax on fuel under specified provisions;  
10      revising application of a restriction on the use of  
11      agricultural equipment to qualify for a refund of the  
12      tax; providing that the restriction does not apply to  
13      citrus harvesting equipment or citrus fruit loaders;  
14      revising the title of ch. 311, F.S.; amending s.  
15      311.07, F.S.; revising provisions for the financing of  
16      port transportation or port facilities projects;  
17      increasing funding for the Florida Seaport  
18      Transportation and Economic Development Program;  
19      directing the Florida Seaport Transportation and  
20      Economic Development Council to develop guidelines for  
21      project funding; directing council staff, the  
22      Department of Transportation, and the Department of  
23      Economic Opportunity to work in cooperation to review  
24      projects and allocate funds as specified; revising  
25      certain authorized uses of program funds; revising the  
26      list of projects eligible for funding under the  
27      program; removing a cap on distribution of program  
28      funds; removing a requirement for a specified audit;

29 | authorizing the Department of Transportation to  
30 | subject projects funded under the program to a  
31 | specified audit; amending s. 311.09, F.S.; revising  
32 | provisions for rules of the council for evaluating  
33 | certain projects; removing provisions for review by  
34 | the Department of Community Affairs of the list of  
35 | projects approved by the council; revising provisions  
36 | for review and evaluation of such projects by the  
37 | Department of Transportation and the Department of  
38 | Economic Opportunity; increasing the amount of funding  
39 | the Department of Transportation is required to  
40 | include in its annual legislative budget request for  
41 | the Florida Seaport Transportation and Economic  
42 | Development Program; revising provisions relating to  
43 | funding to be included in the budget; creating s.  
44 | 311.10, F.S.; establishing the Strategic Port  
45 | Investment Initiative within the Department of  
46 | Transportation; providing for a minimum annual amount  
47 | from the State Transportation Trust Fund to fund the  
48 | initiative; directing the department to work with  
49 | deepwater ports to develop and maintain a priority  
50 | list of strategic investment projects; providing  
51 | project selection criteria; requiring the department  
52 | to schedule a publicly noticed workshop with the  
53 | Department of Economic Opportunity and the deepwater  
54 | ports to review the proposed projects; directing the  
55 | department to finalize a prioritized list of potential  
56 | projects after considering comments received in the

57 | workshop; directing the department to include the  
58 | proposed seaport projects in the tentative work  
59 | program; creating s. 311.101, F.S.; creating the  
60 | Intermodal Logistics Center Infrastructure Support  
61 | Program within the Department of Transportation;  
62 | providing purpose of the program; defining the term  
63 | "intermodal logistics center"; providing criteria for  
64 | consideration by the department when evaluating  
65 | projects for program assistance; directing the  
66 | department to coordinate and consult with the  
67 | Department of Economic Opportunity in the selection of  
68 | projects to be funded; authorizing the department to  
69 | administer contracts on behalf of the entity selected  
70 | to receive funding; providing for the department's  
71 | share of project costs; providing for a certain amount  
72 | of funds in the State Transportation Trust Fund to be  
73 | made available for eligible projects; directing the  
74 | department to include the proposed projects in the  
75 | tentative work program; authorizing the department to  
76 | adopt rules; creating s. 311.106, F.S., relating to  
77 | seaport stormwater permitting and mitigation;  
78 | authorizing a seaport to provide for offsite  
79 | mitigation for port activities; providing where the  
80 | mitigation project must be located; providing that the  
81 | project must be constructed and maintained by the  
82 | seaport or in conjunction with a local government;  
83 | providing that the mitigation project must be part of  
84 | the port master plan; amending s. 311.14, F.S.,

85 relating to seaport planning; directing the department  
86 to develop, in coordination with certain partners, a  
87 Statewide Seaport and Waterways System Plan consistent  
88 with the goals of the Florida Transportation Plan;  
89 providing requirements for the plan; removing  
90 provisions for the Florida Seaport Transportation and  
91 Economic Development Council to develop freight-  
92 mobility and trade-corridor plans; removing provisions  
93 that require the Office of the State Public  
94 Transportation Administrator to integrate the Florida  
95 Transportation Plan with certain other plans and  
96 programs; removing provisions relating to the  
97 construction of seaport freight-mobility projects;  
98 amending s. 316.003, F.S.; revising the definition of  
99 the term "motor vehicle" for purposes of the payment  
100 and collection of tolls on toll facilities under  
101 specified provisions; amending s. 316.091, F.S.;

102 permitting the use of shoulders for vehicular traffic  
103 under certain circumstances; requiring notice of where  
104 vehicular traffic is allowed; providing what may not  
105 be deemed as authorization; requiring the department  
106 to establish a pilot program to open certain limited  
107 access highways and bridges to bicycles and other  
108 human-powered vehicles; providing requirements for the  
109 pilot program; providing a timeframe for  
110 implementation of the program; authorizing the  
111 department to continue or expand the program;  
112 requiring the department to report findings and

113 recommendations to the Governor and Legislature by a  
114 certain date; amending s. 316.1001, F.S.; revising  
115 requirements for mailing of citations for failure to  
116 pay a toll; authorizing mailing by certified mail in  
117 addition to first class mail; providing that mailing  
118 of the citation to the address of the registered motor  
119 vehicle owner constitutes notification; removing a  
120 requirement for a return receipt; amending s. 316.515,  
121 F.S.; revising provisions for the maximum allowed  
122 length of straight truck-trailer combinations;  
123 revising provisions for operation of implements of  
124 husbandry and farm equipment on state roads;  
125 authorizing the operation of citrus harvesting  
126 equipment and citrus fruit loaders for certain  
127 purposes; conforming a cross-reference; amending s.  
128 320.01, F.S.; revising the definition of the term  
129 "low-speed vehicle" to include vehicles that are not  
130 electric powered; amending s. 332.08, F.S.;

131 authorizing a municipality participating in a federal  
132 airport privatization pilot program to sell an airport  
133 or other air navigation facility or certain real  
134 property, improvements, and equipment; requiring  
135 department approval of the agreement under certain  
136 circumstances; providing criteria for department  
137 approval; amending s. 334.03, F.S.; removing the  
138 definition of the term "Florida Intrastate Highway  
139 System" and revising the definitions of the terms  
140 "functional classification" and "State Highway System"

141 for purposes of the Florida Transportation Code;  
142 amending s. 334.044, F.S.; revising the powers and  
143 duties of the department relating to jurisdictional  
144 responsibility, designating facilities, and highway  
145 landscaping; adding the duty to develop freight  
146 mobility and trade plans; amending s. 334.047, F.S.;  
147 removing a provision that prohibits the department  
148 from establishing a maximum number of miles of urban  
149 principal arterial roads; amending s. 335.074, F.S.,  
150 relating to bridge safety inspection reports;  
151 requiring the governmental entity having maintenance  
152 responsibility for a bridge to reduce the maximum  
153 weight, size, or speed limit for the bridge or to  
154 close the bridge upon receipt of a report recommending  
155 the reduction or closure; requiring the entity to post  
156 the reduced limits and notify the department;  
157 requiring the department to post the reduced limits or  
158 to close the bridge under certain circumstances;  
159 requiring costs associated with the department posting  
160 the revised limits or closure of the bridge to be  
161 assessed against and collected from the governmental  
162 entity; amending s. 335.17, F.S.; revising provisions  
163 relating to highway construction noise abatement;  
164 amending s. 336.021, F.S.; revising the date when  
165 imposition of the ninth-cent fuel tax will be levied;  
166 amending s. 336.025, F.S.; revising the date when  
167 impositions and rate changes of the local option fuel  
168 tax shall be levied; revising the definition of the

169 term "transportation expenditures" for purposes of  
170 specified provisions that restrict the use of local  
171 option fuel tax funds by counties and municipalities;  
172 amending s. 337.11, F.S.; requiring the department to  
173 advertise certain construction contracts for bids on  
174 the department's Internet website; removing provisions  
175 for such advertisement to be published in a newspaper;  
176 amending s. 337.111, F.S.; providing additional forms  
177 of security for the cost of removal of monuments or  
178 memorials or modifications to an installation site at  
179 highway rest areas; removing a provision requiring  
180 renewal of a bond; amending s. 337.125, F.S.; revising  
181 provisions relating to a prime contractor's submission  
182 of a disadvantaged business enterprise utilization  
183 form; repealing s. 337.137, F.S., relating to  
184 subcontracting by socially and economically  
185 disadvantaged business enterprises; amending s.  
186 337.139, F.S.; providing an updated reference to  
187 federal law as it relates to socially and economically  
188 disadvantaged business enterprises; amending s.  
189 337.14, F.S.; revising provisions for applications for  
190 qualification to bid on department contracts; amending  
191 ss. 337.403 and 337.404, F.S.; revising provisions for  
192 alleviation of interference with a public road or  
193 publicly owned rail corridor caused by a utility  
194 facility; amending s. 337.408, F.S.; revising  
195 provisions for certain facilities installed within the  
196 right-of-way limits of roads; requiring counties and

197 municipalities to indemnify the department from  
198 certain claims relating to the installation, removal,  
199 or relocation of a noncompliant bench or shelter;  
200 authorizing the department to direct a county or  
201 municipality to remove or relocate a bus stop, bench,  
202 transit shelter, waste disposal receptacle, public pay  
203 telephone, or modular news rack that is not in  
204 compliance with applicable laws or rules; directing  
205 the department to remove or relocate such installation  
206 and charge the cost to the county or municipality;  
207 authorizing the department to deduct the cost from  
208 funding available to the municipality or county from  
209 the department; removing a provision for the  
210 replacement of an unusable transit bus bench that was  
211 in service before a certain date; revising the title  
212 of ch. 338, F.S.; repealing s. 338.001, F.S., relating  
213 to provisions for the Florida Intrastate Highway  
214 System Plan; amending s. 338.01, F.S.; clarifying  
215 provisions governing the designation and function of  
216 limited access facilities; authorizing the department  
217 or other governmental entities collecting tolls to  
218 pursue collection of unpaid tolls by contracting with  
219 a private attorney or collection agency; authorizing a  
220 collection fee; providing an exception to statutory  
221 requirements related to private attorney services;  
222 creating s. 338.151, F.S.; authorizing the department  
223 to establish tolls on certain transportation  
224 facilities to pay for the cost of such project;

225 prohibiting the department from establishing tolls on  
226 certain lanes of limited access facilities; providing  
227 an exception; providing for application; amending s.  
228 338.155, F.S.; authorizing the department adopt rules  
229 to allow public transit vehicles and certain military-  
230 service-related funeral processions to use certain  
231 toll facilities without payment of tolls; amending s.  
232 338.161, F.S.; authorizing the department to enter  
233 into agreements for the use of its electronic toll  
234 collection and video billing system; authorizing  
235 modification of its rules regarding toll collection  
236 and an administrative charge; providing for  
237 construction; amending s. 338.166, F.S.; revising a  
238 provision for issuance of bonds secured by toll  
239 revenues collected on high-occupancy toll lanes or  
240 express lanes; revising authorized uses of such toll  
241 revenues; providing restrictions on such use; amending  
242 s. 338.221, F.S.; revising the definition of the term  
243 "economically feasible" for purposes of proposed  
244 turnpike projects; amending s. 338.223, F.S.; revising  
245 provisions for department requests for legislative  
246 approval of proposed turnpike projects; conforming a  
247 cross-reference; amending s. 338.227, F.S.; conforming  
248 provisions to changes made by the act; directing the  
249 department and the Department of Management Services  
250 to create and implement a program designed to enhance  
251 participation of minority businesses in certain  
252 contracts related to the Strategic Intermodal System

253 Plan; amending ss. 338.2275 and 338.228, F.S.,  
254 relating to turnpike projects; revising cross-  
255 references; amending s. 338.231, F.S.; authorizing the  
256 department to apply a monthly account maintenance  
257 charge to inactive prepaid toll accounts; directing  
258 the department to close the account under certain  
259 circumstances; amending s. 338.234, F.S.; revising  
260 provisions that exempt certain lessees from payment of  
261 commercial rental tax; replacing a reference to the  
262 Florida Intrastate Highway System with a reference to  
263 the Strategic Intermodal System; amending s. 339.0805,  
264 F.S.; revising requirements for expenditure of certain  
265 funds with small business concerns owned and  
266 controlled by socially and economically disadvantaged  
267 individuals; revising a definition of the term "small  
268 business concern"; removing provisions for a periodic  
269 disparity study; deleting obsolete language; revising  
270 provisions for certification as a socially and  
271 economically disadvantaged business enterprise;  
272 revising requirements that a disadvantaged business  
273 enterprise notify the department of certain changes in  
274 ownership; revising criteria for such a business  
275 enterprise to participate in a construction management  
276 development program; revising references to federal  
277 law; amending s. 339.135, F.S.; revising provisions  
278 for developing the department's tentative work  
279 program; revising provisions for a list of project  
280 priorities submitted by a metropolitan planning

281 organization; revising criteria for proposed amendment  
282 to the department's adopted work program which  
283 deletes, advances, or defers a project or project  
284 phase; revising threshold amounts; directing the  
285 department to index the budget amendment threshold  
286 amounts to the rate of inflation; prohibiting such  
287 adjustments more frequently than once a year;  
288 subjecting such adjustments to specified notice and  
289 review procedures; amending s. 339.155, F.S.; revising  
290 provisions for the Florida Transportation Plan;  
291 requiring the planning process to conform to specified  
292 federal provisions; removing provisions for a long-  
293 range component, short-range component, and a report;  
294 amending s. 339.175, F.S.; providing that to the  
295 extent possible only one metropolitan planning  
296 organization be designated in a urbanized area;  
297 providing that representatives of the department shall  
298 serve as nonvoting advisers to a metropolitan planning  
299 organization; authorizing the appointment of  
300 additional nonvoting advisers; requiring M.P.O.'s to  
301 coordinate in the development of regionally  
302 significant project priorities; amending s. 339.2819,  
303 F.S.; revising the state matching funds requirement  
304 for the Transportation Regional Incentive Program;  
305 conforming cross-references; requiring funded projects  
306 to be in the department's work program; requiring a  
307 project to meet the program's requirements prior to  
308 being funded; amending s. 339.62, F.S.; removing the

309 Florida Intrastate Highway System from and adding  
310 highway corridors to the list of components of the  
311 Strategic Intermodal System; providing for other  
312 corridors to be included in the system; amending s.  
313 339.63, F.S.; adding military access facilities to the  
314 types of facilities included in the Strategic  
315 Intermodal System and the Emerging Strategic  
316 Intermodal System which form components of an  
317 interconnected transportation system; providing that  
318 an intermodal logistics center meeting certain  
319 criteria shall be designated as part of the Strategic  
320 Intermodal System; providing for a waiver of  
321 transportation concurrency for such facility; amending  
322 s. 339.64, F.S.; deleting provisions creating the  
323 Statewide Intermodal Transportation Advisory Council;  
324 creating s. 339.65, F.S.; requiring the department to  
325 plan and develop for Strategic Intermodal System  
326 highway corridors to aid traffic movement around the  
327 state; providing for components of the corridors;  
328 requiring the department to follow specified policy  
329 guidelines when developing the corridors; directing  
330 the department to establish standards and criteria for  
331 functional design; providing for appropriations;  
332 requiring such highway corridor projects to be a part  
333 of the department's adopted work program; amending s.  
334 341.301, F.S.; revising the definition of "limited  
335 coverage accident"; amending s. 341.302, F.S.;

336 providing parameters within which the department may

337 by contract indemnify against loss by National  
338 Railroad Passenger Corporation; authorizing the  
339 department to purchase liability insurance including  
340 coverage for the department, National Railroad  
341 Passenger Corporation, commuter rail service  
342 providers, governmental entities, or any ancillary  
343 development and establish a self-insurance retention  
344 fund; limiting the amount of the insurance and self-  
345 insurance retention fund; providing that the insureds  
346 must make payments for the coverage; providing that  
347 the insurance may provide coverage for all damages and  
348 be maintained to provide a fund to cover liabilities  
349 arising from rail corridor ownership and operations;  
350 amending 341.840, F.S.; relating to the Florida Rail  
351 Enterprise Act; revising obsolete references to the  
352 Florida High-Speed Rail Authority; providing that  
353 certain transactions made by or on behalf of the  
354 enterprise are exempt from specified taxes; providing  
355 for certain contractors to act as agents on behalf of  
356 the enterprise for purposes of the tax exemption;  
357 authorizing the department to adopt rules; amending s.  
358 343.52, F.S.; revising the definition of the term  
359 "area served" for purposes of provisions for the South  
360 Florida Regional Transportation Authority; removing a  
361 provision for expansion of the area; amending s.  
362 343.53, F.S.; revising the number of members of and  
363 criteria for appointment to the board of the South  
364 Florida Regional Transportation Authority; amending s.

365 343.54, F.S.; providing that the bylaws of the South  
366 Florida Regional Transportation Authority shall  
367 require approval by at least two-thirds of the board  
368 members for execution of an agreement with a private  
369 entity or consortia of private entities for operation  
370 or maintenance of any transit system or facility;  
371 removing a provision authorizing the authority to  
372 expand its service area; amending s. 348.0003, F.S.;  
373 revising financial disclosure requirements for certain  
374 transportation authorities; amending s. 349.03, F.S.;  
375 providing for financial disclosure requirements for  
376 the Jacksonville Transportation Authority; amending s.  
377 349.04, F.S.; providing that the Jacksonville  
378 Transportation Authority may conduct meetings and  
379 workshops using communications media technology;  
380 providing that certain actions may not be taken unless  
381 a quorum is present in person; providing that members  
382 must be physically present to vote on any item;  
383 amending s. 373.413, F.S.; providing legislative  
384 intent regarding flexibility in the permitting of  
385 stormwater management systems; requiring the cost of  
386 stormwater treatment for a transportation project to  
387 be balanced with benefits to the public; requiring  
388 that alternatives to onsite treatment be allowed;  
389 specifying responsibilities of the department relating  
390 to abatement of pollutants and permits for adjacent  
391 lands impacted by right-of-way acquisition;  
392 authorizing water management districts and the

393 Department of Environmental Protection to adopt rules;  
 394 amending s. 373.4137, F.S., relating to the mitigation  
 395 of 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 to read:

432 20.23 Department of Transportation.—There is created a  
 433 Department of Transportation which shall be a decentralized  
 434 agency.

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

449 | located in Leon County. In order to provide for efficient  
 450 | operations and to expedite the decisionmaking process, the  
 451 | department shall provide for maximum decentralization to the  
 452 | districts.

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

457 | Section 2. Paragraph (c) of subsection (4) of section  
 458 | 206.41, Florida Statutes, is amended to read:

459 | 206.41 State taxes imposed on motor fuel.-

460 | (4)

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

466 | 2. For the purposes of this paragraph, "agricultural and  
 467 | aquacultural purposes" means motor fuel used in any tractor,  
 468 | vehicle, or other farm equipment which is used exclusively on a  
 469 | farm or for processing farm products on the farm, and no part of  
 470 | which fuel is used in any vehicle or equipment driven or  
 471 | operated upon the public highways of this state. This  
 472 | restriction does not apply to the movement of a farm vehicle, ~~or~~  
 473 | farm equipment, citrus harvesting equipment, or citrus fruit  
 474 | loaders between farms. The transporting of bees by water and the  
 475 | operating of equipment used in the apiary of a beekeeper shall  
 476 | be also deemed an agricultural purpose.

477           3. For the purposes of this paragraph, "commercial fishing  
 478 and aquacultural purposes" means motor fuel used in the  
 479 operation of boats, vessels, or equipment used exclusively for  
 480 the taking of fish, crayfish, oysters, shrimp, or sponges from  
 481 salt or fresh waters under the jurisdiction of the state for  
 482 resale to the public, and no part of which fuel is used in any  
 483 vehicle or equipment driven or operated upon the highways of  
 484 this state; however, the term may in no way be construed to  
 485 include fuel used for sport or pleasure fishing.

486           4. For the purposes of this paragraph, "commercial  
 487 aviation purposes" means motor fuel used in the operation of  
 488 aviation ground support vehicles or equipment, no part of which  
 489 fuel is used in any vehicle or equipment driven or operated upon  
 490 the public highways of this state.

491           Section 3. Chapter 311, Florida Statutes, is retitled  
 492 "SEAPORT PROGRAMS AND FACILITIES."

493           Section 4. Section 311.07, Florida Statutes, is amended to  
 494 read:

495           311.07 Florida seaport transportation and economic  
 496 development funding.—

497           (1) There is created the Florida Seaport Transportation  
 498 and Economic Development Program within the Department of  
 499 Transportation to finance port transportation or port facilities  
 500 projects that will improve the movement and intermodal  
 501 transportation of cargo or passengers in commerce and trade and  
 502 ~~that will~~ support the interests, purposes, and requirements of  
 503 all ports listed in s. 311.09 ~~located in this state.~~

504           (2) A minimum of \$15 ~~\$8~~ million per year shall be made

505 available from the State Transportation Trust Fund to fund the  
 506 Florida Seaport Transportation and Economic Development Program.  
 507 The Florida Seaport Transportation and Economic Development  
 508 Council created in s. 311.09 shall develop guidelines for  
 509 project funding. Council staff, the Department of  
 510 Transportation, and the Department of Economic Opportunity shall  
 511 work in cooperation to review projects and allocate funds in  
 512 accordance with the schedule required for the Department of  
 513 Transportation to include these projects in the tentative work  
 514 program developed pursuant to s. 339.135(4).

515 (3) (a) Florida Seaport Transportation and Economic  
 516 Development Program funds shall be used to fund approved  
 517 projects on a 50-50 matching basis with any of the deepwater  
 518 ports, as listed in s. 311.09 ~~s. 403.021(9)(b)~~, which is  
 519 governed by a public body or any other deepwater port which is  
 520 governed by a public body and which complies with the water  
 521 quality provisions of s. 403.061, the comprehensive master plan  
 522 requirements of s. 163.3178(2)(k), and the local financial  
 523 management and reporting provisions of part III of chapter 218.  
 524 However, program funds used to fund projects that involve the  
 525 rehabilitation of wharves, docks, berths, bulkheads, or similar  
 526 structures shall require a 25-percent match of funds. Program  
 527 funds also may be used by the Seaport Transportation and  
 528 Economic Development Council for data and analysis that ~~to~~  
 529 ~~develop trade data information products which~~ will assist  
 530 Florida's seaports and international trade.

531 (b) Projects eligible for funding by grants under the  
 532 program are limited to the following port facilities or port

533 transportation projects:

534 1. Transportation facilities within the jurisdiction of  
535 the port.

536 2. The dredging or deepening of channels, turning basins,  
537 or harbors.

538 3. The construction or rehabilitation of wharves, docks,  
539 structures, jetties, piers, storage facilities, cruise  
540 terminals, automated people mover systems, or any facilities  
541 necessary or useful in connection with any of the foregoing.

542 4. The acquisition of vessel tracking systems, container  
543 cranes, or other mechanized equipment used in the movement of  
544 cargo or passengers in international commerce.

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

546 6. The acquisition, improvement, enlargement, or extension  
547 of existing port facilities.

548 7. Environmental protection projects which are necessary  
549 because of requirements imposed by a state agency as a condition  
550 of a permit or other form of state approval; which are necessary  
551 for environmental mitigation required as a condition of a state,  
552 federal, or local environmental permit; which are necessary for  
553 the acquisition of spoil disposal sites and improvements to  
554 existing and future spoil sites; or which result from the  
555 funding of eligible projects listed in this paragraph.

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

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

561 10. Construction or rehabilitation of port facilities as  
562 defined in s. 315.02, excluding any park or recreational  
563 facilities, in ports listed in s. 311.09(1) with operating  
564 revenues of \$5 million or less, provided that such projects  
565 create economic development opportunities, capital improvements,  
566 and positive financial returns to such ports.

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

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

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

579 (4)~~(5)~~ Any port which receives funding under the program  
580 shall institute procedures to ensure that jobs created as a  
581 result of the state funding shall be subject to equal  
582 opportunity hiring practices in the manner provided in s.  
583 110.112.

584 (5)~~(6)~~ The Department of Transportation may ~~shall~~ subject  
585 any project that receives funds pursuant to this section and s.  
586 320.20 to a final audit. The department may adopt rules and  
587 perform such other acts as are necessary or convenient to ensure  
588 that the final audits are conducted and that any deficiency or

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589 questioned costs noted by the audit are resolved.

590 Section 5. Subsections (4) through (13) of section 311.09,  
591 Florida Statutes, are amended to read:

592 311.09 Florida Seaport Transportation and Economic  
593 Development Council.—

594 (4) The council shall adopt rules for evaluating projects  
595 which may be funded under ss. 311.07 and 320.20. The rules shall  
596 provide criteria for evaluating the potential project,  
597 including, but not limited to, such factors as consistency with  
598 appropriate plans, economic benefit, readiness for construction,  
599 noncompetition with other Florida ports, and capacity within the  
600 seaport system ~~economic benefit of the project, measured by the~~  
601 ~~potential for the proposed project to maintain or increase cargo~~  
602 ~~flow, cruise passenger movement, international commerce, port~~  
603 ~~revenues, and the number of jobs for the port's local community.~~

604 (5) The council shall review and approve or disapprove  
605 each project eligible to be funded pursuant to the Florida  
606 Seaport Transportation and Economic Development Program. The  
607 council shall annually submit to the Secretary of Transportation  
608 and the executive director of the Department of Economic  
609 Opportunity, or his or her designee, a list of projects which  
610 have been approved by the council. The list shall specify the  
611 recommended funding level for each project; and, if staged  
612 implementation of the project is appropriate, the funding  
613 requirements for each stage shall be specified.

614 ~~(6) The Department of Community Affairs shall review the~~  
615 ~~list of projects approved by the council to determine~~  
616 ~~consistency with approved local government comprehensive plans~~

617 ~~of the units of local government in which the port is located~~  
 618 ~~and consistency with the port master plan. The Department of~~  
 619 ~~Community Affairs shall identify and notify the council of those~~  
 620 ~~projects which are not consistent, to the maximum extent~~  
 621 ~~feasible, with such comprehensive plans and port master plans.~~

622 (6)~~(7)~~ The Department of Transportation shall review the  
 623 list of project applications ~~projects~~ approved by the council  
 624 for consistency with the Florida Transportation Plan, the  
 625 Statewide Seaport and Waterways System Plan, and the  
 626 department's adopted work program. In evaluating the consistency  
 627 of a project, the department shall assess the transportation  
 628 impacts and economic benefits for each project ~~determine whether~~  
 629 ~~the transportation impact of the proposed project is adequately~~  
 630 ~~handled by existing state-owned transportation facilities or by~~  
 631 ~~the construction of additional state-owned transportation~~  
 632 ~~facilities as identified in the Florida Transportation Plan and~~  
 633 ~~the department's adopted work program. In reviewing for~~  
 634 ~~consistency a transportation facility project as defined in s.~~  
 635 ~~334.03(31) which is not otherwise part of the department's work~~  
 636 ~~program, the department shall evaluate whether the project is~~  
 637 ~~needed to provide for projected movement of cargo or passengers~~  
 638 ~~from the port to a state transportation facility or local road.~~  
 639 ~~If the project is needed to provide for projected movement of~~  
 640 ~~cargo or passengers, the project shall be approved for~~  
 641 ~~consistency as a consideration to facilitate the economic~~  
 642 ~~development and growth of the state in a timely manner. The~~  
 643 Department of Transportation shall identify those projects which  
 644 are inconsistent with the Florida Transportation Plan, the

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645 Statewide Seaport and Waterways System Plan, or ~~and~~ the adopted  
646 work program and shall notify the council of projects found to  
647 be inconsistent.

648 ~~(7)-(8)~~ The Department of Economic Opportunity shall review  
649 the list of project applications ~~projects~~ approved by the  
650 council to evaluate the economic benefit of the project and to  
651 determine whether the project is consistent with the Florida  
652 Seaport Mission Plan and with state economic development goals  
653 and policies. The Department of Economic Opportunity shall  
654 review the proposed project's consistency with state, regional,  
655 and local plans, as appropriate, and the economic benefits of  
656 each project based upon the rules adopted pursuant to subsection  
657 (4). The Department of Economic Opportunity shall identify those  
658 projects which it has determined do not offer an economic  
659 benefit to the state, are not consistent with an appropriate  
660 plan, or are not consistent with the Florida Seaport Mission  
661 Plan or state economic development goals and policies and shall  
662 notify the council of its findings.

663 ~~(8)-(9)~~ The council shall review the findings of the  
664 Department of Economic Opportunity and the Department of  
665 Transportation. Projects found to be inconsistent pursuant to  
666 subsections (6) ~~, or~~ (7) ~~, and~~ ~~(8)~~ or ~~and~~ projects which have been  
667 determined not to offer an economic benefit to the state  
668 pursuant to subsection ~~(7)~~ ~~(8)~~ may ~~shall~~ not be included in the  
669 list of projects to be funded.

670 ~~(9)-(10)~~ The Department of Transportation shall include no  
671 less than \$15 million per year in its annual legislative budget  
672 request for the a Florida Seaport Transportation and Economic

673 Development ~~grant~~ Program funded under s. 311.07 ~~for expenditure~~  
 674 ~~of funds of not less than \$8 million per year.~~ Such budget shall  
 675 include funding for projects approved by the council which have  
 676 been determined by each agency to be consistent ~~and which have~~  
 677 ~~been determined by the Department of Economic Opportunity to be~~  
 678 ~~economically beneficial.~~ The department shall include the  
 679 specific approved Florida Seaport Transportation and Economic  
 680 Development Program ~~seaport~~ projects to be funded under s.  
 681 311.07 ~~this section~~ during the ensuing fiscal year in the  
 682 tentative work program developed pursuant to s. 339.135(4). The  
 683 total amount of funding to be allocated to Florida Seaport  
 684 Transportation and Economic Development Program ~~seaport~~ projects  
 685 under s. 311.07 during the successive 4 fiscal years shall also  
 686 be included in the tentative work program developed pursuant to  
 687 s. 339.135(4). The council may submit to the department a list  
 688 of approved projects that could be made production-ready within  
 689 the next 2 years. The list shall be submitted by the department  
 690 as part of the needs and project list prepared pursuant to s.  
 691 339.135(2) (b). However, the department shall, upon written  
 692 request of the Florida Seaport Transportation and Economic  
 693 Development Council, submit work program amendments pursuant to  
 694 s. 339.135(7) to the Governor within 10 days after the later of  
 695 the date the request is received by the department or the  
 696 effective date of the amendment, termination, or closure of the  
 697 applicable funding agreement between the department and the  
 698 affected seaport, as required to release the funds from the  
 699 existing commitment. Notwithstanding s. 339.135(7) (c), any work  
 700 program amendment to transfer prior year funds from one approved

701 seaport project to another seaport project is subject to the  
 702 procedures in s. 339.135(7)(d). Notwithstanding any provision of  
 703 law to the contrary, the department may transfer unexpended  
 704 budget between the seaport projects as identified in the  
 705 approved work program amendments.

706 (10)~~(11)~~ The council shall meet at the call of its  
 707 chairperson, at the request of a majority of its membership, or  
 708 at such times as may be prescribed in its bylaws. However, the  
 709 council must meet at least semiannually. A majority of voting  
 710 members of the council constitutes a quorum for the purpose of  
 711 transacting the business of the council. All members of the  
 712 council are voting members. A vote of the majority of the voting  
 713 members present is sufficient for any action of the council,  
 714 except that a member representing the Department of  
 715 Transportation or the Department of Economic Opportunity may  
 716 vote to overrule any action of the council approving a project  
 717 pursuant to subsection (5). The bylaws of the council may  
 718 require a greater vote for a particular action.

719 (11)~~(12)~~ Members of the council shall serve without  
 720 compensation but are entitled to receive reimbursement for per  
 721 diem and travel expenses as provided in s. 112.061. The council  
 722 may elect to provide an administrative staff to provide services  
 723 to the council on matters relating to the Florida Seaport  
 724 Transportation and Economic Development Program and the council.  
 725 The cost for such administrative services shall be paid by all  
 726 ports that receive funding from the Florida Seaport  
 727 Transportation and Economic Development Program, based upon a  
 728 pro rata formula measured by each recipient's share of the funds

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729 as compared to the total funds disbursed to all recipients  
730 during the year. The share of costs for administrative services  
731 shall be paid in its total amount by the recipient port upon  
732 execution by the port and the Department of Transportation of a  
733 joint participation agreement for each council-approved project,  
734 and such payment is in addition to the matching funds required  
735 to be paid by the recipient port. Except as otherwise exempted  
736 by law, all moneys derived from the Florida Seaport  
737 Transportation and Economic Development Program shall be  
738 expended in accordance with the provisions of s. 287.057.  
739 Seaports subject to competitive negotiation requirements of a  
740 local governing body shall abide by the provisions of s.  
741 287.055.

742 (12)~~(13)~~ Until July 1, 2014, Citrus County may apply for a  
743 grant through the Florida Seaport Transportation and Economic  
744 Development Council to perform a feasibility study regarding the  
745 establishment of a port in Citrus County. The council shall  
746 evaluate such application pursuant to subsections (5)-(8) ~~(5)-~~  
747 ~~(9)~~ and, if approved, the Department of Transportation shall  
748 include the feasibility study in its budget request pursuant to  
749 subsection (9) ~~(10)~~. If the study determines that a port in  
750 Citrus County is not feasible, the membership of Port Citrus on  
751 the council shall terminate.

752 Section 6. Section 311.10, Florida Statutes, is created to  
753 read:

754 311.10 Strategic Port Investment Initiative.-

755 (1) There is created the Strategic Port Investment  
756 Initiative within the Department of Transportation. Beginning in

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757 fiscal year 2012-2013, a minimum of \$35 million annually shall  
758 be made available from the State Transportation Trust Fund to  
759 fund the Strategic Port Investment Initiative. The Department of  
760 Transportation shall work with the deepwater ports listed in s.  
761 311.09 to develop and maintain a priority list of strategic  
762 investment projects. Project selection shall be based on  
763 projects that meet the state's economic development goal of  
764 becoming a hub for trade, logistics, and export-oriented  
765 activities by:

766 (a) Providing important access and major on-port capacity  
767 improvements;

768 (b) Providing capital improvements to strategically  
769 position the state to maximize opportunities in international  
770 trade, logistics, or the cruise industry;

771 (c) Achieving state goals of an integrated intermodal  
772 transportation system; and

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

775 (2) Prior to making final project allocations, the  
776 Department of Transportation shall schedule a publicly noticed  
777 workshop with the Department of Economic Opportunity and the  
778 deepwater ports listed in s. 311.09 to review the proposed  
779 projects. After considering the comments received, the  
780 Department of Transportation shall finalize a prioritized list  
781 of potential projects.

782 (3) The Department of Transportation shall, to the maximum  
783 extent feasible, include the seaport projects proposed to be  
784 funded under this section in the tentative work program

785 developed under s. 339.135(4).

786 Section 7. Section 311.101, Florida Statutes, is created  
787 to read:

788 311.101 Intermodal Logistics Center Infrastructure Support  
789 Program.—

790 (1) There is created within the Department of  
791 Transportation the Intermodal Logistics Center Infrastructure  
792 Support Program. The purpose of the program is to provide funds  
793 for roads, rail facilities, or other means for the conveyance or  
794 shipment of goods through a seaport, thereby enabling the state  
795 to respond to private sector market demands and meet the state's  
796 economic development goal of becoming a hub for trade,  
797 logistics, and export-oriented activities. The department may  
798 provide funds to assist with local government projects or  
799 projects performed by private entities that meet the public  
800 purpose of enhancing transportation facilities for the  
801 conveyance or shipment of goods through a seaport.

802 (2) For the purposes of this section, "intermodal  
803 logistics center," including, but not limited to, an "inland  
804 port," means a facility or group of facilities serving as a  
805 point of intermodal transfer of freight in a specific area  
806 physically separated from a seaport where activities relating to  
807 transport, logistics, goods distribution, consolidation, or  
808 value-added activities are carried out and whose activities and  
809 services are designed to support or be supported by one or more  
810 seaports, as provided in s. 311.09.

811 (3) The department must consider, but is not limited to,  
812 the following criteria when evaluating projects for Intermodal

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813 Logistics Center Infrastructure Support Program assistance:

814 (a) The ability of the project to serve a strategic state  
815 interest.

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

818 (c) The extent to which the project contributes to  
819 economic activity, including job creation, increased wages, and  
820 revenues.

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

823 (e) A commitment of a funding match.

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

826 (g) The extent to which the owner has commitments,  
827 including memorandums of understanding or memorandums of  
828 agreements, with private sector businesses planning to locate  
829 operations at the intermodal logistics center.

830 (h) Demonstrated local financial support and commitment to  
831 the project.

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

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

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

840 (7) Beginning in fiscal year 2012-2013, up to \$5 million

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841 per year shall be made available from the State Transportation  
842 Trust Fund for the program. The Department of Transportation  
843 shall include projects proposed to be funded under this section  
844 in the tentative work program developed pursuant so s.  
845 339.135(4).

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

848 Section 8. Section 311.106, Florida Statutes, is created  
849 to read:

850 311.106 Seaport Stormwater Permitting and Mitigation.—A  
851 seaport listed in s. 403.021(9)(b) is authorized to provide for  
852 offsite mitigation for port activities causing or contributing  
853 to pollution from stormwater runoff. An offsite mitigation  
854 project may occur outside of the established boundaries of the  
855 port, but shall be within the same drainage basin in which the  
856 port activity causing the need for mitigation is located. The  
857 offsite mitigation project must be designed to meet or exceed  
858 the mitigation requirements of a permit. A port offsite  
859 stormwater mitigation project must be constructed and maintained  
860 by the seaport or by the seaport in conjunction with an adjacent  
861 local government. The offsite mitigation project shall be  
862 included as part of the port master plan.

863 Section 9. Section 311.14, Florida Statutes, is amended to  
864 read:

865 311.14 Seaport planning.—

866 (1) The Department of Transportation shall develop, in  
867 coordination with the ports listed in s. 311.09(1) and other  
868 partners, a Statewide Seaport and Waterways System Plan. This

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869 plan shall be consistent with the goals of the Florida  
870 Transportation Plan developed pursuant to s. 339.155 and shall  
871 consider needs identified in individual port master plans and  
872 those from the seaport strategic plans required under this  
873 section. The plan will identify 5-year, 10-year, and 20-year  
874 needs for the seaport system and will include seaport, waterway,  
875 road, and rail projects that are needed to ensure the success of  
876 the transportation system as a whole in supporting state  
877 economic development goals ~~The Florida Seaport Transportation~~  
878 ~~and Economic Development Council, in cooperation with the Office~~  
879 ~~of the State Public Transportation Administrator within the~~  
880 ~~Department of Transportation, shall develop freight mobility and~~  
881 ~~trade-corridor plans to assist in making freight-mobility~~  
882 ~~investments that contribute to the economic growth of the state.~~  
883 ~~Such plans should enhance the integration and connectivity of~~  
884 ~~the transportation system across and between transportation~~  
885 ~~modes throughout Florida for people and freight.~~

886 ~~(2) The Office of the State Public Transportation~~  
887 ~~Administrator shall act to integrate freight mobility and trade-~~  
888 ~~corridor plans into the Florida Transportation Plan developed~~  
889 ~~pursuant to s. 339.155 and into the plans and programs of~~  
890 ~~metropolitan planning organizations as provided in s. 339.175.~~  
891 ~~The office may also provide assistance in expediting the~~  
892 ~~transportation permitting process relating to the construction~~  
893 ~~of seaport freight-mobility projects located outside the~~  
894 ~~physical borders of seaports. The Department of Transportation~~  
895 ~~may contract, as provided in s. 334.044, with any port listed in~~  
896 ~~s. 311.09(1) or any such other statutorily authorized seaport~~

897 ~~entity to act as an agent in the construction of seaport~~  
898 ~~freight mobility projects.~~

899 (2)~~(3)~~ Each port shall develop a strategic plan with a 10-  
900 year horizon. Each plan must include the following:

901 (a) An economic development component that identifies  
902 targeted business opportunities for increasing business and  
903 attracting new business for which a particular facility has a  
904 strategic advantage over its competitors, identifies financial  
905 resources and other inducements to encourage growth of existing  
906 business and acquisition of new business, and provides a  
907 projected schedule for attainment of the plan's goals.

908 (b) An infrastructure development and improvement  
909 component that identifies all projected infrastructure  
910 improvements within the plan area which require improvement,  
911 expansion, or development in order for a port to attain a  
912 strategic advantage for competition with national and  
913 international competitors.

914 (c) A component that identifies all intermodal  
915 transportation facilities, including sea, air, rail, or road  
916 facilities, which are available or have potential, with  
917 improvements, to be available for necessary national and  
918 international commercial linkages and provides a plan for the  
919 integration of port, airport, and railroad activities with  
920 existing and planned transportation infrastructure.

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

924 (e) An intergovernmental coordination component that

925 specifies modes and methods to coordinate plan goals and  
 926 missions with the missions of the Department of Transportation,  
 927 other state agencies, and affected local, general-purpose  
 928 governments.

929  
 930 To the extent feasible, the port strategic plan must be  
 931 consistent with the local government comprehensive plans of the  
 932 units of local government in which the port is located. Upon  
 933 approval of a plan by the port's board, the plan shall be  
 934 submitted to the Florida Seaport Transportation and Economic  
 935 Development Council.

936 ~~(3)(4)~~ The Florida Seaport Transportation and Economic  
 937 Development Council shall review the strategic plans submitted  
 938 by each port and prioritize strategic needs for inclusion in the  
 939 Florida Seaport Mission Plan prepared pursuant to s. 311.09(3).

940 Section 10. Subsection (21) of section 316.003, Florida  
 941 Statutes, is amended to read:

942 316.003 Definitions.—The following words and phrases, when  
 943 used in this chapter, shall have the meanings respectively  
 944 ascribed to them in this section, except where the context  
 945 otherwise requires:

946 (21) MOTOR VEHICLE.—Except when used in s. 316.1001, any  
 947 self-propelled vehicle not operated upon rails or guideway, but  
 948 not including any bicycle, motorized scooter, electric personal  
 949 assistive mobility device, or moped. For purposes of s.  
 950 316.1001, "motor vehicle" has the same meaning as in s.  
 951 320.01(1)(a).

952 Section 11. Subsection (4) of section 316.091, Florida

953 Statutes, is amended, subsection (5) is renumbered as subsection  
 954 (7), and new subsections (5) and (6) are added to that section,  
 955 to read:

956 316.091 Limited access facilities; interstate highways;  
 957 use restricted.—

958 (4) No person shall operate a bicycle or other human-  
 959 powered vehicle on the roadway or along the shoulder of a  
 960 limited access highway, including bridges, unless official signs  
 961 and a designated, marked bicycle lane are present at the  
 962 entrance of the section of highway indicating that such use is  
 963 permitted pursuant to a pilot program of the Department of  
 964 Transportation ~~an interstate highway.~~

965 (5) The Department of Transportation and expressway  
 966 authorities are authorized to designate use of shoulders of  
 967 limited access facilities and interstate highways under their  
 968 jurisdiction for such vehicular traffic determined to improve  
 969 safety, reliability, and transportation system efficiency.  
 970 Appropriate traffic signs or dynamic lane control signals shall  
 971 be erected along those portions of the facility affected to give  
 972 notice to the public of the action to be taken, clearly  
 973 indicating when the shoulder is open to designated vehicular  
 974 traffic. This section may not be deemed to authorize such  
 975 designation in violation of any federal law or any covenant  
 976 established in a resolution or trust indenture relating to the  
 977 issuance of turnpike bonds, expressway authority bonds, or other  
 978 bonds.

979 (6) The Department of Transportation shall establish a 2-  
 980 year pilot program, in three separate urban areas, in which it

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981 shall erect signs and designate marked bicycle lanes indicating  
982 highway approaches and bridge segments of limited access  
983 highways as open to use by operators of bicycles and other  
984 human-powered vehicles, under the following conditions:

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

990 (b) The Department of Transportation, with the concurrence  
991 of the Federal Highway Administration on the interstate  
992 facilities, shall establish the three highway approaches and  
993 bridge segments for the pilot project by October 1, 2012. In  
994 selecting the highway approaches and bridge segments, the  
995 Department of Transportation shall consider, without limitation,  
996 a minimum size of population in the urban area within 5 miles of  
997 the highway approach and bridge segment, the lack of bicycle  
998 access by other means, cost, safety, and operational impacts.

999 (c) The Department of Transportation shall begin the pilot  
1000 program by erecting signs and designating marked bicycle lanes  
1001 indicating highway approaches and bridge segments of limited  
1002 access highways, as qualified by the conditions described in  
1003 this subsection, as open to use by operators of bicycles and  
1004 other human-powered vehicles no later than March 1, 2013.

1005 (d) The Department of Transportation shall conduct the  
1006 pilot program for a minimum of 2 years following the  
1007 implementation date.

1008 (e) The Department of Transportation shall submit a report

1009 of its findings and recommendations from the pilot program to  
 1010 the Governor, the President of the Senate, and the Speaker of  
 1011 the House of Representatives by September 1, 2015. The report  
 1012 shall include, at a minimum, bicycle crash data occurring in the  
 1013 designated segments of the pilot program, usage by operators of  
 1014 bicycles and other human-powered vehicles, enforcement issues,  
 1015 operational impacts, and the cost of the pilot program.

1016 Section 12. Paragraph (b) of subsection (2) of section  
 1017 316.1001, Florida Statutes, is amended to read:

1018 316.1001 Payment of toll on toll facilities required;  
 1019 penalties.—

1020 (2)

1021 (b) A citation issued under this subsection may be issued  
 1022 by mailing the citation by first-class mail or by certified  
 1023 mail, return receipt requested, to the address of the registered  
 1024 owner of the motor vehicle involved in the violation. Mailing  
 1025 Receipt of the citation to such address constitutes  
 1026 notification. In the case of joint ownership of a motor vehicle,  
 1027 the traffic citation must be mailed to the first name appearing  
 1028 on the registration, unless the first name appearing on the  
 1029 registration is a business organization, in which case the  
 1030 second name appearing on the registration may be used. A  
 1031 citation issued under this paragraph must be mailed to the  
 1032 registered owner of the motor vehicle involved in the violation  
 1033 within 14 days after the date of issuance of the citation. In  
 1034 addition to the citation, notification must be sent to the  
 1035 registered owner of the motor vehicle involved in the violation  
 1036 specifying remedies available under ss. 318.14(12) and

1037 318.18(7).

1038 Section 13. Paragraph (a) of subsection (3) and paragraphs  
 1039 (a) and (c) of subsection (5) of section 316.515, Florida  
 1040 Statutes, are amended to read:

1041 316.515 Maximum width, height, length.—

1042 (3) LENGTH LIMITATION.—Except as otherwise provided in  
 1043 this section, length limitations apply solely to a semitrailer  
 1044 or trailer, and not to a truck tractor or to the overall length  
 1045 of a combination of vehicles. No combination of commercial motor  
 1046 vehicles coupled together and operating on the public roads may  
 1047 consist of more than one truck tractor and two trailing units.  
 1048 Unless otherwise specifically provided for in this section, a  
 1049 combination of vehicles not qualifying as commercial motor  
 1050 vehicles may consist of no more than two units coupled together;  
 1051 such nonqualifying combination of vehicles may not exceed a  
 1052 total length of 65 feet, inclusive of the load carried thereon,  
 1053 but exclusive of safety and energy conservation devices approved  
 1054 by the department for use on vehicles using public roads.  
 1055 Notwithstanding any other provision of this section, a truck  
 1056 tractor-semitrailer combination engaged in the transportation of  
 1057 automobiles or boats may transport motor vehicles or boats on  
 1058 part of the power unit; and, except as may otherwise be mandated  
 1059 under federal law, an automobile or boat transporter semitrailer  
 1060 may not exceed 50 feet in length, exclusive of the load;  
 1061 however, the load may extend up to an additional 6 feet beyond  
 1062 the rear of the trailer. The 50-foot length limitation does not  
 1063 apply to non-stinger-steered automobile or boat transporters  
 1064 that are 65 feet or less in overall length, exclusive of the

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1065 load carried thereon, or to stinger-steered automobile or boat  
 1066 transporters that are 75 feet or less in overall length,  
 1067 exclusive of the load carried thereon. For purposes of this  
 1068 subsection, a "stinger-steered automobile or boat transporter"  
 1069 is an automobile or boat transporter configured as a semitrailer  
 1070 combination wherein the fifth wheel is located on a drop frame  
 1071 located behind and below the rearmost axle of the power unit.  
 1072 Notwithstanding paragraphs (a) and (b), any straight truck or  
 1073 truck tractor-semitrailer combination engaged in the  
 1074 transportation of horticultural trees may allow the load to  
 1075 extend up to an additional 10 feet beyond the rear of the  
 1076 vehicle, provided said trees are resting against a retaining bar  
 1077 mounted above the truck bed so that the root balls of the trees  
 1078 rest on the floor and to the front of the truck bed and the tops  
 1079 of the trees extend up over and to the rear of the truck bed,  
 1080 and provided the overhanging portion of the load is covered with  
 1081 protective fabric.

1082 (a) Straight trucks.—~~A~~ No straight truck may not exceed a  
 1083 length of 40 feet in extreme overall dimension, exclusive of  
 1084 safety and energy conservation devices approved by the  
 1085 department for use on vehicles using public roads. A straight  
 1086 truck may tow no more than one trailer, and the overall length  
 1087 of the truck-trailer combination may not exceed 68 feet ~~such~~  
 1088 ~~trailer may not exceed a length of 28 feet. However, such~~  
 1089 ~~trailer limitation does not apply if the overall length of the~~  
 1090 ~~truck-trailer combination is 65 feet or less, including the load~~  
 1091 thereon. Notwithstanding any other provisions of this section, a  
 1092 truck-trailer combination engaged in the transportation of

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1093 boats, or boat trailers whose design dictates a front-to-rear  
 1094 stacking method may ~~shall~~ not exceed the length limitations of  
 1095 this paragraph exclusive of the load; however, the load may  
 1096 extend up to an additional 6 feet beyond the rear of the  
 1097 trailer.

1098 (5) IMPLEMENTS OF HUSBANDRY AND FARM EQUIPMENT;  
 1099 AGRICULTURAL TRAILERS; FORESTRY EQUIPMENT; SAFETY REQUIREMENTS.—

1100 (a) Notwithstanding any other provisions of law, straight  
 1101 trucks, agricultural tractors, citrus harvesting equipment,  
 1102 citrus fruit loaders, and cotton module movers, not exceeding 50  
 1103 feet in length, or any combination of up to and including three  
 1104 implements of husbandry, including the towing power unit, and  
 1105 any single agricultural trailer with a load thereon or any  
 1106 agricultural implements attached to a towing power unit, or a  
 1107 self-propelled agricultural implement or an agricultural  
 1108 tractor, is authorized for the purpose of transporting peanuts,  
 1109 grains, soybeans, citrus, cotton, hay, straw, or other  
 1110 perishable farm products from their point of production to the  
 1111 first point of change of custody or of long-term storage, and  
 1112 for the purpose of returning to such point of production, or for  
 1113 the purpose of moving such tractors, movers, and implements from  
 1114 one point of agricultural production to another, by a person  
 1115 engaged in the production of any such product or custom hauler,  
 1116 if such vehicle or combination of vehicles otherwise complies  
 1117 with this section. The Department of Transportation may issue  
 1118 overlength permits for cotton module movers greater than 50 feet  
 1119 but not more than 55 feet in overall length. Such vehicles shall  
 1120 be operated in accordance with all safety requirements

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1121 prescribed by law and rules of the Department of Transportation.

1122 (c) The width and height limitations of this section do  
 1123 not apply to farming or agricultural equipment, whether self-  
 1124 propelled, pulled, or hauled, when temporarily operated during  
 1125 daylight hours upon a public road that is not a limited access  
 1126 facility as defined in s. 334.03(12) ~~s. 334.03(13)~~, and the  
 1127 width and height limitations may be exceeded by such equipment  
 1128 without a permit. To be eligible for this exemption, the  
 1129 equipment shall be operated within a radius of 50 miles of the  
 1130 real property owned, rented, or leased by the equipment owner.  
 1131 However, equipment being delivered by a dealer to a purchaser is  
 1132 not subject to the 50-mile limitation. Farming or agricultural  
 1133 equipment greater than 174 inches in width must have one warning  
 1134 lamp mounted on each side of the equipment to denote the width  
 1135 and must have a slow-moving vehicle sign. Warning lamps required  
 1136 by this paragraph must be visible from the front and rear of the  
 1137 vehicle and must be visible from a distance of at least 1,000  
 1138 feet.

1139 Section 14. Subsection (42) of section 320.01, Florida  
 1140 Statutes, is amended to read:

1141 320.01 Definitions, general.—As used in the Florida  
 1142 Statutes, except as otherwise provided, the term:

1143 (42) "Low-speed vehicle" means any four-wheeled ~~electric~~  
 1144 vehicle whose top speed is greater than 20 miles per hour but  
 1145 not greater than 25 miles per hour, including, but not limited  
 1146 to, neighborhood electric vehicles. Low-speed vehicles must  
 1147 comply with the safety standards in 49 C.F.R. s. 571.500 and s.  
 1148 316.2122.

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1149 Section 15. Section 332.08, Florida Statutes, is amended  
 1150 to read:

1151 332.08 Additional powers.—

1152 (1) In addition to the general powers in ss. 332.01-332.12  
 1153 conferred and without limitation thereof, a municipality which  
 1154 has established or may hereafter establish airports, restricted  
 1155 landing areas, or other air navigation facilities, or which has  
 1156 acquired or set apart or may hereafter acquire or set apart real  
 1157 property for such purposes, is hereby authorized:

1158 (a)~~(1)~~ To vest authority for the construction,  
 1159 enlargement, improvement, maintenance, equipment, operation, and  
 1160 regulation thereof in an officer, a board or body of such  
 1161 municipality by ordinance or resolution which shall prescribe  
 1162 the powers and duties of such officer, board or body. The  
 1163 expense of such construction, enlargement, improvement,  
 1164 maintenance, equipment, operation, and regulation shall be a  
 1165 responsibility of the municipality.

1166 (b) 1.~~(2)~~~~(a)~~ To adopt and amend all needful rules,  
 1167 regulations, and ordinances for the management, government, and  
 1168 use of any properties under its control, whether within or  
 1169 without the territorial limits of the municipality; to appoint  
 1170 airport guards or police, with full police powers; to fix by  
 1171 ordinance or resolution, as may be appropriate, penalties for  
 1172 the violation of such ~~said~~ rules, regulations, and ordinances,  
 1173 and enforce such ~~said~~ penalties in the same manner in which  
 1174 penalties prescribed by other rules, regulations, and ordinances  
 1175 of the municipality are enforced.

1176 2.~~(b)~~ ~~Provided,~~ Where a county operates one or more

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1177 airports, its regulations for the government thereof shall be by  
 1178 resolution of the board of county commissioners, ~~shall be~~  
 1179 recorded in the minutes of the board, and promulgated by posting  
 1180 a copy at the courthouse and at every such airport for 4  
 1181 consecutive weeks or by publication once a week in a newspaper  
 1182 published in the county for the same period. Such regulations  
 1183 shall be enforced as are the criminal laws. Violation thereof  
 1184 shall be a misdemeanor of the second degree, punishable as  
 1185 provided in s. 775.082 or s. 775.083.

1186 (c)~~(3)~~ To lease for a term not exceeding 30 years such  
 1187 airports or other air navigation facilities, or real property  
 1188 acquired or set apart for airport purposes, to private parties,  
 1189 any municipal or state government or the national government, or  
 1190 any department of either thereof, for operation; to lease or  
 1191 assign for a term not exceeding 30 years to private parties, any  
 1192 municipal or state government or the national government, or any  
 1193 department of either thereof, for operation or use consistent  
 1194 with the purposes of ss. 332.01-332.12, space, area,  
 1195 improvements, or equipment on such airports; to sell any part of  
 1196 such airports, other air navigation facilities, or real property  
 1197 to any municipal or state government, or the United States or  
 1198 any department or instrumentality thereof, for aeronautical  
 1199 purposes or purposes incidental thereto, and to confer the  
 1200 privileges of concessions of supplying upon its airports goods,  
 1201 commodities, things, services, and facilities; provided, that in  
 1202 each case in so doing the public is not deprived of its rightful  
 1203 equal and uniform use thereof.

1204 (d)~~(4)~~ To sell or lease any property, real or personal,

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1205 | acquired for airport purposes and belonging to the municipality,  
 1206 | which, in the judgment of its governing body, may not be  
 1207 | required for aeronautic purposes, in accordance with the laws of  
 1208 | this state, or the provisions of the charter of the  
 1209 | municipality, governing the sale or leasing of similar  
 1210 | municipally owned property.

1211 | (e)~~(5)~~ To exercise all powers necessarily incidental to  
 1212 | the exercise of the general and special powers herein granted,  
 1213 | and is specifically authorized to assess and shall assess  
 1214 | against and collect from the owner or operator of each and every  
 1215 | airplane using such airports a sufficient fee or service charge  
 1216 | to cover the cost of the service furnished airplanes using such  
 1217 | airports, including the liquidation of bonds or other  
 1218 | indebtedness for construction and improvements.

1219 | (2) Notwithstanding any other provision of this section, a  
 1220 | municipality participating in the Federal Aviation  
 1221 | Administration's Airport Privatization Pilot Program pursuant to  
 1222 | 49 U.S.C. s. 47134 may lease or sell an airport or other air  
 1223 | navigation facility or real property, together with improvements  
 1224 | and equipment, acquired or set apart for airport purposes to a  
 1225 | private party under such terms and conditions as negotiated by  
 1226 | the municipality. If state funds were provided to the  
 1227 | municipality pursuant to s. 332.007, the municipality must  
 1228 | obtain approval of the agreement from the Department of  
 1229 | Transportation, which is authorized to approve the agreement if  
 1230 | it determines the state's investment has been adequately  
 1231 | considered and protected consistent with the applicable  
 1232 | conditions specified in 49 U.S.C. s. 47134.

1233 Section 16. Subsections (11) through (37) of section  
 1234 334.03, Florida Statutes, are renumbered as subsections (10)  
 1235 through (36), respectively, and present subsections (10), (11),  
 1236 and (25) of that section are amended to read:

1237 334.03 Definitions.—When used in the Florida  
 1238 Transportation Code, the term:

1239 ~~(10) "Florida Intrastate Highway System" means a system of~~  
 1240 ~~limited access and controlled access facilities on the State~~  
 1241 ~~Highway System which have the capacity to provide high-speed and~~  
 1242 ~~high-volume traffic movements in an efficient and safe manner.~~

1243 (10) ~~(11)~~ "Functional classification" means the assignment  
 1244 of roads into systems according to the character of service they  
 1245 provide in relation to the total road network using procedures  
 1246 developed by the Federal Highway Administration. ~~Basic~~  
 1247 ~~functional categories include arterial roads, collector roads,~~  
 1248 ~~and local roads which may be subdivided into principal, major,~~  
 1249 ~~or minor levels. Those levels may be additionally divided into~~  
 1250 ~~rural and urban categories.~~

1251 (24) ~~(25)~~ "State Highway System" means ~~the following, which~~  
 1252 ~~shall be facilities to which access is regulated:~~

1253 ~~(a)~~ the interstate system and all other roads within the  
 1254 state which were under the jurisdiction of the state on June 10,  
 1255 1995, and roads constructed by an agency of the state for the  
 1256 State Highway System, plus roads transferred to the state's  
 1257 jurisdiction after that date by mutual consent with another  
 1258 governmental entity, but not including roads so transferred from  
 1259 the state's jurisdiction. These facilities shall be facilities  
 1260 to which access is regulated. †

1261 ~~(b) All rural arterial routes and their extensions into~~  
 1262 ~~and through urban areas;~~  
 1263 ~~(c) All urban principal arterial routes; and~~  
 1264 ~~(d) The urban minor arterial mileage on the existing State~~  
 1265 ~~Highway System as of July 1, 1987, plus additional mileage to~~  
 1266 ~~comply with the 2 percent requirement as described below.~~

1267  
 1268 ~~However, not less than 2 percent of the public road mileage of~~  
 1269 ~~each urbanized area on record as of June 30, 1986, shall be~~  
 1270 ~~included as minor arterials in the State Highway System.~~  
 1271 ~~Urbanized areas not meeting the foregoing minimum requirement~~  
 1272 ~~shall have transferred to the State Highway System additional~~  
 1273 ~~minor arterials of the highest significance in which case the~~  
 1274 ~~total minor arterials in the State Highway System from any~~  
 1275 ~~urbanized area shall not exceed 2.5 percent of that area's total~~  
 1276 ~~public urban road mileage.~~

1277 Section 17. Subsections (11), (13), and (26) of section  
 1278 334.044, Florida Statutes, are amended, and subsection (33) is  
 1279 added to that section, to read:

1280 334.044 Department; powers and duties.—The department  
 1281 shall have the following general powers and duties:

1282 (11) To establish a numbering system for public roads, and  
 1283 ~~to functionally classify such roads, and to assign~~  
 1284 ~~jurisdictional responsibility.~~

1285 (13) ~~To designate existing and to plan proposed~~  
 1286 ~~transportation facilities as part of the State Highway System,~~  
 1287 ~~and to construct, maintain, and operate such facilities.~~

1288 (26) To provide for the enhancement of environmental

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1289 benefits, including air and water quality; to prevent roadside  
 1290 erosion; to conserve the natural roadside growth and scenery;  
 1291 and to provide for the implementation and maintenance of  
 1292 roadside conservation, enhancement, and stabilization programs.  
 1293 No less than 1.5 percent of the amount contracted for  
 1294 construction projects that add capacity or provide significant  
 1295 enhancements to the existing system shall be allocated by the  
 1296 department for the purchase of plant materials. Department  
 1297 districts may not expend funds for landscaping in connection  
 1298 with any project that is limited to resurfacing existing lanes  
 1299 unless the expenditure has been approved by the department's  
 1300 secretary or the secretary's designee. ~~with,~~ To the greatest  
 1301 extent practical, a minimum of 50 percent of these funds shall  
 1302 be allocated for large plant materials and the remaining funds  
 1303 for other plant materials. All such plant materials shall be  
 1304 purchased from Florida commercial nursery stock in this state on  
 1305 a uniform competitive bid basis. The department will develop  
 1306 grades and standards for landscaping materials purchased through  
 1307 this process. To accomplish these activities, the department may  
 1308 contract with nonprofit organizations having the primary purpose  
 1309 of developing youth employment opportunities.

1310 (33) To develop, in coordination with its partners,  
 1311 freight mobility and trade plans to assist in making freight  
 1312 mobility investments that contribute to the economic growth of  
 1313 the state. Such plans should enhance the integration and  
 1314 connectivity of the transportation system across and between  
 1315 transportation modes throughout the state for people and  
 1316 freight. Freight issues and needs shall be given emphasis in all

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1317 appropriate transportation plans, including the Florida  
1318 Transportation Plan and the Strategic Intermodal System Plan.

1319 Section 18. Section 334.047, Florida Statutes, is amended  
1320 to read:

1321 334.047 Prohibition.—Notwithstanding any other provision  
1322 of law to the contrary, the Department of Transportation may not  
1323 establish a cap on the number of miles in the State Highway  
1324 System ~~or a maximum number of miles of urban principal arterial~~  
1325 ~~roads, as defined in s. 334.03, within a district or county.~~

1326 Section 19. Subsection (5) is added to section 335.074,  
1327 Florida Statutes, to read:

1328 335.074 Safety inspection of bridges.—

1329 (5) Upon receipt of an inspection report that recommends  
1330 reducing the weight, size, or speed limit on a bridge, the  
1331 governmental entity having maintenance responsibility for the  
1332 bridge must reduce the maximum limits for the bridge in  
1333 accordance with the inspection report and post the limits in  
1334 accordance with s. 316.555. The governmental entity must, within  
1335 30 days after receipt of an inspection report recommending lower  
1336 limits, notify the department that the limitations have been  
1337 implemented and the bridge has been posted accordingly. If the  
1338 required actions are not taken within 30 days after receipt of  
1339 an inspection report, the department shall post the bridge in  
1340 accordance with the recommendations in the inspection report.  
1341 All costs incurred by the department in connection with  
1342 providing notice of the bridge's limitations or restrictions  
1343 shall be assessed against and collected from the governmental  
1344 entity having maintenance responsibility for the bridge. If an

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1345 inspection report recommends closure of a bridge, the bridge  
 1346 shall be immediately closed. If the governmental entity does not  
 1347 close the bridge immediately upon receipt of an inspection  
 1348 report recommending closure, the department shall close the  
 1349 bridge. All costs incurred by the department in connection with  
 1350 the bridge closure shall be assessed against and collected from  
 1351 the governmental entity having maintenance responsibility for  
 1352 the bridge.

1353 Section 20. Subsections (1) and (2) of section 335.17,  
 1354 Florida Statutes, are amended to read:

1355 335.17 State highway construction; means of noise  
 1356 abatement.—

1357 (1) The department shall make use of noise-control methods  
 1358 as part of highway construction projects involving new location  
 1359 or capacity expansion ~~in the construction of all new state~~  
 1360 ~~highways~~, with particular emphasis on those highways located in  
 1361 or near urban-residential developments which abut such highway  
 1362 rights-of-way.

1363 (2) All highway projects by the department, regardless of  
 1364 funding source, shall be developed in conformity with federal  
 1365 standards for noise abatement as contained in 23 C.F.R. 772 as  
 1366 such regulations existed on July 13, 2011 ~~March 1, 1989~~. The  
 1367 department shall, at a minimum, comply with federal requirements  
 1368 in the following areas:

1369 (a) Analysis of traffic noise impacts and abatement  
 1370 measures;

1371 (b) Noise abatement;

1372 (c) Information for local officials;

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1373 (d) Traffic noise prediction; and

1374 (e) Construction noise.

1375 Section 21. Subsection (5) of section 336.021, Florida  
1376 Statutes, is amended to read:

1377 336.021 County transportation system; levy of ninth-cent  
1378 fuel tax on motor fuel and diesel fuel.—

1379 (5) All impositions of the tax shall be levied before  
1380 October ~~July~~ 1 of each year to be effective January 1 of the  
1381 following year. However, levies of the tax which were in effect  
1382 on July 1, 2002, and which expire on August 31 of any year may  
1383 be reimposed at the current authorized rate to be effective  
1384 September 1 of the year of expiration. All impositions shall be  
1385 required to end on December 31 of a year. A decision to rescind  
1386 the tax shall not take effect on any date other than December 31  
1387 and shall require a minimum of 60 days' notice to the department  
1388 of such decision.

1389 Section 22. Paragraphs (a) and (b) of subsection (1),  
1390 paragraph (a) of subsection (5), and subsection (7) of section  
1391 336.025, Florida Statutes, are amended to read:

1392 336.025 County transportation system; levy of local option  
1393 fuel tax on motor fuel and diesel fuel.—

1394 (1)(a) In addition to other taxes allowed by law, there  
1395 may be levied as provided in ss. 206.41(1)(e) and 206.87(1)(c) a  
1396 1-cent, 2-cent, 3-cent, 4-cent, 5-cent, or 6-cent local option  
1397 fuel tax upon every gallon of motor fuel and diesel fuel sold in  
1398 a county and taxed under the provisions of part I or part II of  
1399 chapter 206.

1400 1. All impositions and rate changes of the tax shall be

1401 levied before October ~~July~~ 1 to be effective January 1 of the  
 1402 following year for a period not to exceed 30 years, and the  
 1403 applicable method of distribution shall be established pursuant  
 1404 to subsection (3) or subsection (4). However, levies of the tax  
 1405 which were in effect on July 1, 2002, and which expire on August  
 1406 31 of any year may be reimposed at the current authorized rate  
 1407 effective September 1 of the year of expiration. Upon  
 1408 expiration, the tax may be releived provided that a  
 1409 redetermination of the method of distribution is made as  
 1410 provided in this section.

1411 2. County and municipal governments shall utilize moneys  
 1412 received pursuant to this paragraph only for transportation  
 1413 expenditures.

1414 3. Any tax levied pursuant to this paragraph may be  
 1415 extended on a majority vote of the governing body of the county.  
 1416 A redetermination of the method of distribution shall be  
 1417 established pursuant to subsection (3) or subsection (4), if,  
 1418 after July 1, 1986, the tax is extended or the tax rate changed,  
 1419 for the period of extension or for the additional tax.

1420 (b) In addition to other taxes allowed by law, there may  
 1421 be levied as provided in s. 206.41(1)(e) a 1-cent, 2-cent, 3-  
 1422 cent, 4-cent, or 5-cent local option fuel tax upon every gallon  
 1423 of motor fuel sold in a county and taxed under the provisions of  
 1424 part I of chapter 206. The tax shall be levied by an ordinance  
 1425 adopted by a majority plus one vote of the membership of the  
 1426 governing body of the county or by referendum.

1427 1. All impositions and rate changes of the tax shall be  
 1428 levied before October ~~July~~ 1, to be effective January 1 of the

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1429 following year. However, levies of the tax which were in effect  
1430 on July 1, 2002, and which expire on August 31 of any year may  
1431 be reimposed at the current authorized rate effective September  
1432 1 of the year of expiration.

1433 2. The county may, prior to levy of the tax, establish by  
1434 interlocal agreement with one or more municipalities located  
1435 therein, representing a majority of the population of the  
1436 incorporated area within the county, a distribution formula for  
1437 dividing the entire proceeds of the tax among county government  
1438 and all eligible municipalities within the county. If no  
1439 interlocal agreement is adopted before the effective date of the  
1440 tax, tax revenues shall be distributed pursuant to the  
1441 provisions of subsection (4). If no interlocal agreement exists,  
1442 a new interlocal agreement may be established prior to June 1 of  
1443 any year pursuant to this subparagraph. However, any interlocal  
1444 agreement agreed to under this subparagraph after the initial  
1445 levy of the tax or change in the tax rate authorized in this  
1446 section shall under no circumstances materially or adversely  
1447 affect the rights of holders of outstanding bonds which are  
1448 backed by taxes authorized by this paragraph, and the amounts  
1449 distributed to the county government and each municipality shall  
1450 not be reduced below the amount necessary for the payment of  
1451 principal and interest and reserves for principal and interest  
1452 as required under the covenants of any bond resolution  
1453 outstanding on the date of establishment of the new interlocal  
1454 agreement.

1455 3. County and municipal governments shall use moneys  
1456 received pursuant to this paragraph for transportation

1457 expenditures needed to meet the requirements of the capital  
 1458 improvements element of an adopted comprehensive plan or for  
 1459 expenditures needed to meet immediate local transportation  
 1460 problems and for other transportation-related expenditures that  
 1461 are critical for building comprehensive roadway networks by  
 1462 local governments. For purposes of this paragraph, expenditures  
 1463 for the construction of new roads, the reconstruction or  
 1464 resurfacing of existing paved roads, or the paving of existing  
 1465 graded roads shall be deemed to increase capacity and such  
 1466 projects shall be included in the capital improvements element  
 1467 of an adopted comprehensive plan. Expenditures for purposes of  
 1468 this paragraph shall not include routine maintenance of roads.

1469 (5) (a) By October ~~July~~ 1 of each year, the county shall  
 1470 notify the Department of Revenue of the rate of the taxes levied  
 1471 pursuant to paragraphs (1) (a) and (b), and of its decision to  
 1472 rescind or change the rate of a tax, if applicable, and shall  
 1473 provide the department with a certified copy of the interlocal  
 1474 agreement established under subparagraph (1) (b)2. or  
 1475 subparagraph (3) (a)1. with distribution proportions established  
 1476 by such agreement or pursuant to subsection (4), if applicable.  
 1477 A decision to rescind a tax may ~~shall~~ not take effect on any  
 1478 date other than December 31 and requires ~~shall require~~ a minimum  
 1479 of 60 days' notice to the Department of Revenue of such  
 1480 decision.

1481 (7) For the purposes of this section, "transportation  
 1482 expenditures" means expenditures by the local government from  
 1483 local or state shared revenue sources, excluding expenditures of  
 1484 bond proceeds, for the following programs:

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- 1485 (a) Public transportation operations and maintenance.
- 1486 (b) Roadway and right-of-way maintenance and equipment and  
 1487 structures used primarily for the storage and maintenance of  
 1488 such equipment.
- 1489 (c) Roadway and right-of-way drainage.
- 1490 (d) Street lighting installation, operation, maintenance,  
 1491 and repair.
- 1492 (e) Traffic signs, traffic engineering, signalization, and  
 1493 pavement markings, installation, operation, maintenance, and  
 1494 repair.
- 1495 (f) Bridge maintenance and operation.
- 1496 (g) Debt service and current expenditures for  
 1497 transportation capital projects in the foregoing program areas,  
 1498 including construction or reconstruction of roads and sidewalks.
- 1499 Section 23. Paragraph (a) of subsection (3) of section  
 1500 337.11, Florida Statutes, is amended to read:
- 1501 337.11 Contracting authority of department; bids;  
 1502 emergency repairs, supplemental agreements, and change orders;  
 1503 combined design and construction contracts; progress payments;  
 1504 records; requirements of vehicle registration.—
- 1505 (3) (a) On all construction contracts of \$250,000 or less,  
 1506 and any construction contract of less than \$500,000 for which  
 1507 the department has waived prequalification under s. 337.14, the  
 1508 department shall advertise for bids on the department's Internet  
 1509 website for ~~in a newspaper having general circulation in the~~  
 1510 ~~county where the proposed work is located. Publication shall be~~  
 1511 ~~at least once a week for no less than 2 consecutive weeks, and~~  
 1512 ~~the first publication shall be~~ no less than 14 consecutive days

1513 prior to the date on which bids are to be received.

1514 Section 24. Subsection (4) of section 337.111, Florida  
 1515 Statutes, is amended to read:

1516 337.111 Contracting for monuments and memorials to  
 1517 military veterans at rest areas.—The Department of  
 1518 Transportation is authorized to enter into contract with any  
 1519 not-for-profit group or organization that has been operating for  
 1520 not less than 2 years for the installation of monuments and  
 1521 memorials honoring Florida's military veterans at highway rest  
 1522 areas around the state pursuant to the provisions of this  
 1523 section.

1524 (4) The group or organization making the proposal shall  
 1525 provide an annual renewable ~~a 10-year~~ bond, an irrevocable  
 1526 letter of credit, or another form of security as approved by the  
 1527 department's comptroller, for the purpose of securing the cost  
 1528 of removal of the monument and any modifications made to the  
 1529 site as part of the placement of the monument should the  
 1530 Department of Transportation determine it necessary to remove or  
 1531 relocate the monument. Such removal or relocation shall be  
 1532 approved by the committee described in subsection (1). ~~Prior to~~  
 1533 ~~expiration, the bond shall be renewed for another 10-year period~~  
 1534 ~~if the memorial is to remain in place.~~

1535 Section 25. Subsection (1) of section 337.125, Florida  
 1536 Statutes, is amended to read:

1537 337.125 Socially and economically disadvantaged business  
 1538 enterprises; notice requirements.—

1539 (1) When contract goals are established, in order to  
 1540 document that a subcontract is with a certified socially and

1541 economically disadvantaged business enterprise, the prime  
 1542 contractor must either submit a disadvantaged business  
 1543 enterprise utilization form which has been signed by the  
 1544 socially and economically disadvantaged business enterprise and  
 1545 the prime contractor, or submit the written or oral quotation of  
 1546 the socially and economically disadvantaged business enterprise,  
 1547 and information contained in the quotation must be confirmed as  
 1548 determined by the department by rule.

1549 Section 26. Section 337.137, Florida Statutes, is  
 1550 repealed.

1551 Section 27. Section 337.139, Florida Statutes, is amended  
 1552 to read:

1553 337.139 Efforts to encourage awarding contracts to  
 1554 disadvantaged business enterprises.—In implementing chapter 90-  
 1555 136, Laws of Florida, the Department of Transportation shall  
 1556 institute procedures to encourage the awarding of contracts for  
 1557 professional services and construction to disadvantaged business  
 1558 enterprises. For the purposes of this section, the term  
 1559 "disadvantaged business enterprise" means a small business  
 1560 concern certified by the Department of Transportation to be  
 1561 owned and controlled by socially and economically disadvantaged  
 1562 individuals as defined by the Safe, Accountable, Flexible,  
 1563 Efficient Transportation Equity Act: A Legacy for Users  
 1564 (SAFETEA-LU) ~~Surface Transportation and Uniform Relocation Act~~  
 1565 ~~of 1987~~. The Department of Transportation shall develop and  
 1566 implement activities to encourage the participation of  
 1567 disadvantaged business enterprises in the contracting process.  
 1568 Such efforts may include:

1569 (1) Presolicitation or prebid meetings for the purpose of  
 1570 informing disadvantaged business enterprises of contracting  
 1571 opportunities.

1572 (2) Written notice to disadvantaged business enterprises  
 1573 of contract opportunities for commodities or contractual and  
 1574 construction services which the disadvantaged business provides.

1575 (3) Provision of adequate information to disadvantaged  
 1576 business enterprises about the plans, specifications, and  
 1577 requirements of contracts or the availability of jobs.

1578 (4) Breaking large contracts into several single-purpose  
 1579 contracts of a size which may be obtained by certified  
 1580 disadvantaged business enterprises.

1581 Section 28. Subsection (1) of section 337.14, Florida  
 1582 Statutes, is amended to read:

1583 337.14 Application for qualification; certificate of  
 1584 qualification; restrictions; request for hearing.—

1585 (1) Any person desiring to bid for the performance of any  
 1586 construction contract in excess of \$250,000 which the department  
 1587 proposes to let must first be certified by the department as  
 1588 qualified pursuant to this section and rules of the department.  
 1589 The rules of the department shall address the qualification of  
 1590 persons to bid on construction contracts in excess of \$250,000  
 1591 and shall include requirements with respect to the equipment,  
 1592 past record, experience, financial resources, and organizational  
 1593 personnel of the applicant necessary to perform the specific  
 1594 class of work for which the person seeks certification. The  
 1595 department may ~~is authorized to~~ limit the dollar amount of any  
 1596 contract upon which a person is qualified to bid or the

1597 aggregate total dollar volume of contracts such person is  
 1598 allowed to have under contract at any one time. Each applicant  
 1599 seeking qualification to bid on construction contracts in excess  
 1600 of \$250,000 shall furnish the department a statement under oath,  
 1601 on such forms as the department may prescribe, setting forth  
 1602 detailed information as required on the application. Each  
 1603 application for certification shall be accompanied by the latest  
 1604 annual financial statement of the applicant completed within the  
 1605 last 12 months. If the application or the annual financial  
 1606 statement shows the financial condition of the applicant more  
 1607 than 4 months prior to the date on which the application is  
 1608 received by the department, then an interim financial statement  
 1609 must be submitted and be accompanied by an updated application.  
 1610 The interim financial statement must cover the period from the  
 1611 end date of the annual statement and must show the financial  
 1612 condition of the applicant no more than 4 months prior to the  
 1613 date the interim financial statement is received by the  
 1614 department. However, upon request by the applicant, an  
 1615 application and accompanying annual or interim financial  
 1616 statement received by the department within 15 days after either  
 1617 4-month period under this subsection shall be considered timely.  
 1618 Each required annual or interim financial statement must be  
 1619 audited and accompanied by the opinion of a certified public  
 1620 accountant ~~or a public accountant approved by the department.~~ An  
 1621 applicant desiring to bid exclusively for the performance of  
 1622 construction contracts with proposed budget estimates of less  
 1623 than \$1 million may submit reviewed annual or reviewed interim  
 1624 financial statements prepared by a certified public accountant.

1625 The information required by this subsection is confidential and  
 1626 exempt from the provisions of s. 119.07(1). The department shall  
 1627 act upon the application for qualification within 30 days after  
 1628 the department determines that the application is complete. The  
 1629 department may waive the requirements of this subsection for  
 1630 projects having a contract price of \$500,000 or less if the  
 1631 department determines that the project is of a noncritical  
 1632 nature and the waiver will not endanger public health, safety,  
 1633 or property.

1634 Section 29. Section 337.403, Florida Statutes, is amended  
 1635 to read:

1636 337.403 Interference caused by relocation of utility;  
 1637 expenses.—

1638 (1) When a ~~Any utility heretofore or hereafter~~ placed  
 1639 upon, under, over, or along any public road or publicly owned  
 1640 rail corridor that is found by the authority to be unreasonably  
 1641 interfering in any way with the convenient, safe, or continuous  
 1642 use, or the maintenance, improvement, extension, or expansion,  
 1643 of such public road or publicly owned rail corridor, the utility  
 1644 owner shall, upon 30 days' written notice to the utility or its  
 1645 agent by the authority, initiate the work necessary to alleviate  
 1646 the interference be removed or relocated by such utility at its  
 1647 own expense except as provided in paragraphs (a)-(f). The work  
 1648 shall be completed within such time as stated in the notice or  
 1649 such time as agreed to by the authority and the utility owner.

1650 (a) If the relocation of utility facilities, as referred  
 1651 to in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.  
 1652 627 of the 84th Congress, is necessitated by the construction of

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1653 a project on the federal-aid interstate system, including  
1654 extensions thereof within urban areas, and the cost of the  
1655 project is eligible and approved for reimbursement by the  
1656 Federal Government to the extent of 90 percent or more under the  
1657 Federal Aid Highway Act, or any amendment thereof, then in that  
1658 event the utility owning or operating such facilities shall  
1659 perform any necessary work ~~relocate the facilities~~ upon notice  
1660 from ~~order of~~ the department, and the state shall pay the entire  
1661 expense properly attributable to such work ~~relocation~~ after  
1662 deducting therefrom any increase in the value of any ~~the~~ new  
1663 facility and any salvage value derived from any ~~the~~ old  
1664 facility.

1665 (b) When a joint agreement between the department and the  
1666 utility is executed for utility ~~improvement, relocation, or~~  
1667 ~~removal~~ work to be accomplished as part of a contract for  
1668 construction of a transportation facility, the department may  
1669 participate in those utility work ~~improvement, relocation, or~~  
1670 ~~removal~~ costs that exceed the department's official estimate of  
1671 the cost of the work by more than 10 percent. The amount of such  
1672 participation shall be limited to the difference between the  
1673 official estimate of all the work in the joint agreement plus 10  
1674 percent and the amount awarded for this work in the construction  
1675 contract for such work. The department may not participate in  
1676 any utility work ~~improvement, relocation, or removal~~ costs that  
1677 occur as a result of changes or additions during the course of  
1678 the contract.

1679 (c) When an agreement between the department and utility  
1680 is executed for utility ~~improvement, relocation, or removal~~ work

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1681 to be accomplished in advance of a contract for construction of  
1682 a transportation facility, the department may participate in the  
1683 cost of clearing and grubbing necessary to perform such work.

1684 (d) If the utility facility involved ~~being removed or~~  
1685 ~~relocated~~ was initially installed to exclusively serve the  
1686 department, its tenants, or both, the department shall bear the  
1687 costs of the utility work ~~removing or relocating that utility~~  
1688 ~~facility~~. However, the department is not responsible for bearing  
1689 the cost of utility work related to ~~removing or relocating~~ any  
1690 subsequent additions to that facility for the purpose of serving  
1691 others.

1692 (e) If, under an agreement between a utility and the  
1693 authority entered into after July 1, 2009, the utility conveys,  
1694 subordinates, or relinquishes a compensable property right to  
1695 the authority for the purpose of accommodating the acquisition  
1696 or use of the right-of-way by the authority, without the  
1697 agreement expressly addressing future responsibility for the  
1698 cost of necessary utility work ~~removing or relocating the~~  
1699 ~~utility~~, the authority shall bear the cost ~~of removal or~~  
1700 ~~relocation~~. This paragraph does not impair or restrict, and may  
1701 not be used to interpret, the terms of any such agreement  
1702 entered into before July 1, 2009.

1703 (f) If the utility is an electric facility being relocated  
1704 underground in order to enhance vehicular, bicycle, and  
1705 pedestrian safety and in which ownership of the electric  
1706 facility to be placed underground has been transferred from a  
1707 private to a public utility within the past 5 years, the  
1708 department shall incur all costs of the necessary utility work

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1709 ~~relocation.~~

1710 (2) If such utility work ~~removal or relocation~~ is  
 1711 incidental to work to be done on such road or publicly owned  
 1712 rail corridor, the notice shall be given at the same time the  
 1713 contract for the work is advertised for bids, or no less than 30  
 1714 days prior to the commencement of such work by the authority,  
 1715 whichever is greater.

1716 (3) Whenever the notice from ~~an order of~~ the authority  
 1717 requires such utility work ~~removal or change in the location of~~  
 1718 ~~any utility from the right-of-way of a public road or publicly~~  
 1719 ~~owned rail corridor,~~ and the owner thereof fails to perform the  
 1720 work ~~remove or change the same~~ at his or her own expense ~~to~~  
 1721 ~~conform to the order~~ within the time stated in the notice or  
 1722 such other time as agreed to by the authority and the utility  
 1723 owner, the authority shall proceed to cause the utility work to  
 1724 be performed ~~to be removed.~~ The expense thereby incurred shall  
 1725 be paid out of any money available therefor, and such expense  
 1726 shall, except as provided in subsection (1), be charged against  
 1727 the owner and levied and collected and paid into the fund from  
 1728 which the expense of such relocation was paid.

1729 Section 30. Subsection (1) of section 337.404, Florida  
 1730 Statutes, is amended to read:

1731 337.404 Removal or relocation of utility facilities;  
 1732 notice and order; court review.—

1733 (1) Whenever it becomes ~~shall become~~ necessary for the  
 1734 authority to perform utility work ~~remove or relocate any utility~~  
 1735 as provided in s. 337.403 ~~the preceding section,~~ the owner of  
 1736 the utility~~7~~ or the owner's chief agent~~7~~ shall be given notice

1737 that the authority will perform ~~of such work removal or~~  
 1738 ~~relocation~~ and, after the work is complete, given an order  
 1739 requiring the payment of the cost thereof, and a ~~shall be given~~  
 1740 reasonable time, which may ~~shall~~ not be less than 20 or ~~not~~ more  
 1741 than 30 days, in which to appear before the authority to contest  
 1742 the reasonableness of the order. Should the owner or the owner's  
 1743 representative not appear, the determination of the cost to the  
 1744 owner shall be final. Authorities considered agencies for the  
 1745 purposes of chapter 120 shall adjudicate removal or relocation  
 1746 of utilities pursuant to chapter 120.

1747 Section 31. Subsections (1), (4), and (5) of section  
 1748 337.408, Florida Statutes, are amended to read:

1749 337.408 Regulation of bus stops, benches, transit  
 1750 shelters, street light poles, waste disposal receptacles, and  
 1751 modular news racks within rights-of-way.—

1752 (1) Benches or transit shelters, including advertising  
 1753 displayed on benches or transit shelters, may be installed  
 1754 within the right-of-way limits of any municipal, county, or  
 1755 state road, except a limited access highway, provided that such  
 1756 benches or transit shelters are for the comfort or convenience  
 1757 of the general public or are at designated stops on official bus  
 1758 routes and provided that written authorization has been given to  
 1759 a qualified private supplier of such service by the municipal  
 1760 government within whose incorporated limits such benches or  
 1761 transit shelters are installed or by the county government  
 1762 within whose unincorporated limits such benches or transit  
 1763 shelters are installed. A municipality or county may authorize  
 1764 the installation, without public bid, of benches and transit

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1765 shelters together with advertising displayed thereon within the  
1766 right-of-way limits of such roads. All installations shall be in  
1767 compliance with all applicable laws and rules, including,  
1768 without limitation, the Americans with Disabilities Act.  
1769 Municipalities and counties shall indemnify, defend, and hold  
1770 harmless the department from any suits, actions, proceedings,  
1771 claims, losses, costs, charges, expenses, damages, liabilities,  
1772 attorney fees, and court costs relating to the installation,  
1773 removal, or relocation of such installations. Any contract for  
1774 the installation of benches or transit shelters or advertising  
1775 on benches or transit shelters which was entered into before  
1776 April 8, 1992, without public bidding is ratified and affirmed.  
1777 Such benches or transit shelters may not interfere with right-  
1778 of-way preservation and maintenance. Any bench or transit  
1779 shelter located on a sidewalk within the right-of-way limits of  
1780 any road on the State Highway System or the county road system  
1781 shall be located so as to leave at least 36 inches of clearance  
1782 for pedestrians and persons in wheelchairs. Such clearance shall  
1783 be measured in a direction perpendicular to the centerline of  
1784 the road.

1785 (4) The department has the authority to direct the  
1786 immediate relocation or removal of any bus stop, bench, transit  
1787 shelter, waste disposal receptacle, public pay telephone, or  
1788 modular news rack that endangers life or property or that is  
1789 otherwise not in compliance with applicable laws and rules,  
1790 except that transit bus benches that were placed in service  
1791 before April 1, 1992, are not required to comply with bench size  
1792 and advertising display size requirements established by the

1793 department before March 1, 1992. If a municipality or county  
 1794 fails to comply with the department's direction, the department  
 1795 shall remove the noncompliant installation, charge the cost of  
 1796 the removal to the municipality or county, and may deduct or  
 1797 offset such cost from any other funding available to the  
 1798 municipality or county from the department. ~~Any transit bus~~  
 1799 ~~bench that was in service before April 1, 1992, may be replaced~~  
 1800 ~~with a bus bench of the same size or smaller, if the bench is~~  
 1801 ~~damaged or destroyed or otherwise becomes unusable.~~ The  
 1802 department may adopt rules relating to the regulation of bench  
 1803 size and advertising display size requirements. If a  
 1804 municipality or county within which a bench is to be located has  
 1805 adopted an ordinance or other applicable regulation that  
 1806 establishes bench size or advertising display sign requirements  
 1807 different from requirements specified in department rule, the  
 1808 local government requirement applies within the respective  
 1809 municipality or county. Placement of any bench or advertising  
 1810 display on the National Highway System under a local ordinance  
 1811 or regulation adopted under this subsection is subject to  
 1812 approval of the Federal Highway Administration.

1813 (5) A bus stop, bench, transit shelter, waste disposal  
 1814 receptacle, public pay telephone, or modular news rack, or  
 1815 advertising thereon, may not be erected or placed on the right-  
 1816 of-way of any road in a manner that conflicts with the  
 1817 requirements of federal law, regulations, or safety standards,  
 1818 thereby causing the state or any political subdivision the loss  
 1819 of federal funds. Competition among persons seeking to provide  
 1820 bus stop, bench, transit shelter, waste disposal receptacle,

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1821 public pay telephone, or modular news rack services or  
1822 advertising on such benches, shelters, receptacles, public pay  
1823 telephone, or news racks may be regulated, restricted, or denied  
1824 by the appropriate local government entity consistent with this  
1825 section.

1826 Section 32. Chapter 338, Florida Statutes, is retitled  
1827 "LIMITED ACCESS AND TOLL FACILITIES."

1828 Section 33. Section 338.001, Florida Statutes, is  
1829 repealed.

1830 Section 34. Present subsections (1) through (6) of section  
1831 338.01, Florida Statutes, are renumbered as subsections (2)  
1832 through (7), respectively, and new subsections (1) and (8) are  
1833 added to that section to read:

1834 338.01 Authority to establish and regulate limited access  
1835 facilities.—

1836 (1) The department may establish limited access facilities  
1837 as provided in s. 335.02. The primary function of such limited  
1838 access facilities shall be to allow high-speed and high-volume  
1839 traffic movements within the state. Access to abutting land is  
1840 subordinate to this function, and such access must be prohibited  
1841 or highly regulated.

1842 (8) The department, or other governmental entity  
1843 responsible for the collection of tolls, may pursue the  
1844 collection of unpaid tolls and associated fees and other amounts  
1845 to which it is entitled by contracting with a private attorney  
1846 who is a member in good standing with The Florida Bar or a  
1847 collection agent who is registered and in good standing pursuant  
1848 to chapter 559. A collection fee in an amount that is reasonable

1849 within the collection industry, including any reasonable  
 1850 attorney fees, may be added to the delinquent amount collected  
 1851 by any attorney or collection agent retained by the department  
 1852 or other governmental entity. The requirements of s. 287.059 do  
 1853 not apply to private attorney services procured under this  
 1854 section.

1855 Section 35. Section 338.151, Florida Statutes, is created  
 1856 to read:

1857 338.151 Authority of the department to establish tolls on  
 1858 the State Highway System.—The department may establish tolls on  
 1859 new limited access facilities on the State Highway System, lanes  
 1860 added to existing limited access facilities on the State Highway  
 1861 System, new major bridges on the State Highway System over  
 1862 waterways, and replacements for existing major bridges on the  
 1863 State Highway System over waterways to pay, fully or partially,  
 1864 for the cost of such projects. Except for high-occupancy vehicle  
 1865 lanes, express lanes, the turnpike system, and as otherwise  
 1866 authorized by law, the department may not establish tolls on  
 1867 lanes of limited access facilities that exist on July 1, 2012,  
 1868 unless tolls were in effect for the lanes prior to that date.  
 1869 The authority provided in this section is in addition to the  
 1870 authority provided under the Florida Turnpike Enterprise Law and  
 1871 s. 338.166.

1872 Section 36. Subsection (1) of section 338.155, Florida  
 1873 Statutes, is amended to read:

1874 338.155 Payment of toll on toll facilities required;  
 1875 exemptions.—

1876 (1) A person may not ~~No persons are permitted to~~ use any

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1877 toll facility without payment of tolls, except employees of the  
 1878 agency operating the toll project when using the toll facility  
 1879 on official state business, state military personnel while on  
 1880 official military business, handicapped persons as provided in  
 1881 this section, persons exempt from toll payment by the  
 1882 authorizing resolution for bonds issued to finance the facility,  
 1883 and persons exempt on a temporary basis where use of such toll  
 1884 facility is required as a detour route. Any law enforcement  
 1885 officer operating a marked official vehicle is exempt from toll  
 1886 payment when on official law enforcement business. Any person  
 1887 operating a fire vehicle when on official business or a rescue  
 1888 vehicle when on official business is exempt from toll payment.  
 1889 Any person participating in the funeral procession of a law  
 1890 enforcement officer or firefighter killed in the line of duty is  
 1891 exempt from toll payment. The secretary~~,~~ or the secretary's  
 1892 designee~~,~~ may suspend the payment of tolls on a toll facility  
 1893 when necessary to assist in emergency evacuation. The failure to  
 1894 pay a prescribed toll constitutes a noncriminal traffic  
 1895 infraction, punishable as a moving violation as provided in  
 1896 ~~pursuant to~~ s. 318.18. The department may ~~is authorized to~~ adopt  
 1897 rules relating to the payment, collection, and enforcement of  
 1898 tolls, as authorized in chapters 316, 318, 320, 322, and 338,  
 1899 including, but not limited to, rules for the implementation of  
 1900 video or other image billing and variable pricing. With respect  
 1901 to toll facilities managed by the department, the revenues of  
 1902 which are not pledged to repayment of bonds, the department may  
 1903 by rule allow the use of such facilities by public transit  
 1904 vehicles or by vehicles participating in a funeral procession

1905 for an active-duty military service member without the payment  
 1906 of tolls.

1907 Section 37. Paragraph (c) is added to subsection (3) of  
 1908 section 338.161, Florida Statutes, to read:

1909 338.161 Authority of department or toll agencies to  
 1910 advertise and promote electronic toll collection; expanded uses  
 1911 of electronic toll collection system; studies authorized;  
 1912 authority of department to collect tolls, fares, and fees for  
 1913 private and public entities.-

1914 (3)

1915 (c) If the department finds that it can increase nontoll  
 1916 revenues or add convenience or other value for its customers,  
 1917 the department is authorized to enter into agreements with  
 1918 private or public entities for the department's use of its  
 1919 electronic toll collection and video billing systems to collect  
 1920 tolls, fares, administrative fees, and other applicable charges  
 1921 imposed in connection with transportation facilities of the  
 1922 private or public entities that become interoperable with the  
 1923 department's electronic toll collection system. The department  
 1924 may modify its rules regarding toll collection procedures and  
 1925 the imposition of administrative charges to be applicable to  
 1926 toll facilities that are not part of the turnpike system or  
 1927 otherwise owned by the department. This paragraph may not be  
 1928 construed to limit the authority of the department under any  
 1929 other provision of law or under any agreement entered into prior  
 1930 to July 1, 2012.

1931 Section 38. Subsections (1) and (3) of section 338.166,  
 1932 Florida Statutes, are amended to read:

1933 338.166 High-occupancy toll lanes or express lanes.-

1934 (1) Under s. 11, Art. VII of the State Constitution, the  
 1935 department may request the Division of Bond Finance to issue  
 1936 bonds secured by toll revenues collected on high-occupancy toll  
 1937 lanes or express lanes ~~located on Interstate 95 in Miami-Dade~~  
 1938 ~~and Broward Counties.~~

1939 (3) Any remaining toll revenue from the high-occupancy  
 1940 toll lanes or express lanes shall be used by the department for  
 1941 the construction, maintenance, or improvement of any road on the  
 1942 State Highway System within the county or counties in which the  
 1943 toll revenues were collected or to support express bus service  
 1944 on the facility where the toll revenues were collected.

1945 Section 39. Paragraph (a) of subsection (8) of section  
 1946 338.221, Florida Statutes, is amended to read:

1947 338.221 ~~Definitions of terms used in ss. 338.22-338.241.-~~  
 1948 As used in ss. 338.22-338.241, the following words and terms  
 1949 have the following meanings, unless the context indicates  
 1950 another or different meaning or intent:

1951 (8) "Economically feasible" means:

1952 (a) For a proposed turnpike project, that, as determined  
 1953 by the department before the issuance of revenue bonds for the  
 1954 project, the estimated net revenues of the proposed turnpike  
 1955 project, excluding feeder roads and turnpike improvements, will  
 1956 be sufficient to pay at least 50 percent of the annual debt  
 1957 service on the bonds associated with the project by the end of  
 1958 the 12th year of operation and to pay at least 100 percent of  
 1959 the debt service on the bonds by the end of the 30th ~~22nd~~ year  
 1960 of operation. In implementing this paragraph, up to 50 percent

1961 of the adopted work program costs of the project may be funded  
 1962 from turnpike revenues.

1963  
 1964 This subsection does not prohibit the pledging of revenues from  
 1965 the entire turnpike system to bonds issued to finance or  
 1966 refinance a turnpike project or group of turnpike projects.

1967 Section 40. Paragraphs (a) and (b) of subsection (1) of  
 1968 section 338.223, Florida Statutes, are amended to read:

1969 338.223 Proposed turnpike projects.—

1970 (1) (a) Any proposed project to be constructed or acquired  
 1971 as part of the turnpike system and any turnpike improvement  
 1972 shall be included in the tentative work program. A ~~No~~ proposed  
 1973 project or group of proposed projects may not ~~shall~~ be added to  
 1974 the turnpike system unless such project or projects are  
 1975 determined to be economically feasible and a statement of  
 1976 environmental feasibility has been completed for such project or  
 1977 projects and such projects are determined to be consistent, to  
 1978 the maximum extent feasible, with approved local government  
 1979 comprehensive plans of the local governments in which such  
 1980 projects are located. The department may authorize engineering  
 1981 studies, traffic studies, environmental studies, and other  
 1982 expert studies of the location, costs, economic feasibility, and  
 1983 practicality of proposed turnpike projects throughout the state  
 1984 and may proceed with the design phase of such projects. The  
 1985 department may ~~shall~~ not request legislative approval of a  
 1986 proposed turnpike project until the design phase of that project  
 1987 is at least 30 ~~60~~ percent complete. If a proposed project or  
 1988 group of proposed projects is found to be economically feasible,

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1989 consistent, to the maximum extent feasible, with approved local  
 1990 government comprehensive plans of the local governments in which  
 1991 such projects are located, and a favorable statement of  
 1992 environmental feasibility has been completed, the department,  
 1993 with the approval of the Legislature, shall, after the receipt  
 1994 of all necessary permits, construct, maintain, and operate such  
 1995 turnpike projects.

1996 (b) Any proposed turnpike project or improvement shall be  
 1997 developed in accordance with the Florida Transportation Plan and  
 1998 the work program pursuant to s. 339.135. Turnpike projects that  
 1999 add capacity, alter access, affect feeder roads, or affect the  
 2000 operation of the local transportation system shall be included  
 2001 in the transportation improvement plan of the affected  
 2002 metropolitan planning organization. If such turnpike project  
 2003 does not fall within the jurisdiction of a metropolitan planning  
 2004 organization, the department shall notify the affected county  
 2005 and provide for public hearings in accordance with s.  
 2006 339.155(5)(c) ~~s. 339.155(6)(c)~~.

2007 Section 41. Subsection (4) of section 338.227, Florida  
 2008 Statutes, is amended to read:

2009 338.227 Turnpike revenue bonds.—

2010 (4) The Department of Transportation and the Department of  
 2011 Management Services shall create and implement an outreach  
 2012 program designed to enhance the participation of minority  
 2013 persons and minority business enterprises in all contracts  
 2014 entered into by their respective departments for services  
 2015 related to the financing of department projects for the  
 2016 Strategic Intermodal System Plan developed pursuant to s. 339.64

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2017 ~~Florida Intrastate Highway System Plan.~~ These services shall  
 2018 include, but are not ~~be~~ limited to, bond counsel and bond  
 2019 underwriters.

2020 Section 42. Subsection (2) of section 338.2275, Florida  
 2021 Statutes, is amended to read:

2022 338.2275 Approved turnpike projects.—

2023 (2) The department may ~~is authorized to~~ use turnpike  
 2024 revenues, the State Transportation Trust Fund moneys allocated  
 2025 for turnpike projects pursuant to s. 339.65 ~~s. 338.001~~, federal  
 2026 funds, and bond proceeds, and shall use the most cost-efficient  
 2027 combination of such funds, in developing a financial plan for  
 2028 funding turnpike projects. The department must submit a report  
 2029 of the estimated cost for each ongoing turnpike project and for  
 2030 each planned project to the Legislature 14 days before the  
 2031 convening of the regular legislative session. Verification of  
 2032 economic feasibility and statements of environmental feasibility  
 2033 for individual turnpike projects must be based on the entire  
 2034 project as approved. Statements of environmental feasibility are  
 2035 not required for those projects listed in s. 12, chapter 90-136,  
 2036 Laws of Florida, for which the Project Development and  
 2037 Environmental Reports were completed by July 1, 1990. All  
 2038 required environmental permits must be obtained before the  
 2039 department may advertise for bids for contracts for the  
 2040 construction of any turnpike project.

2041 Section 43. Section 338.228, Florida Statutes, is amended  
 2042 to read:

2043 338.228 Bonds not debts or pledges of credit of state.—  
 2044 Turnpike revenue bonds issued under the provisions of ss.

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2045 338.22-338.241 are not debts of the state or pledges of the  
 2046 faith and credit of the state. Such bonds are payable  
 2047 exclusively from revenues pledged for their payment. All such  
 2048 bonds shall contain a statement on their face that the state is  
 2049 not obligated to pay the same or the interest thereon, except  
 2050 from the revenues pledged for their payment, and that the faith  
 2051 and credit of the state is not pledged to the payment of the  
 2052 principal or interest of such bonds. The issuance of turnpike  
 2053 revenue bonds under the provisions of ss. 338.22-338.241 does  
 2054 not directly, indirectly, or contingently obligate the state to  
 2055 levy or to pledge any form of taxation whatsoever, or to make  
 2056 any appropriation for their payment. Except as provided in ss.  
 2057 ~~338.001,~~ 338.223, ~~and~~ 338.2275, and 339.65, ~~no~~ state funds may  
 2058 not shall be used on any turnpike project or to pay the  
 2059 principal or interest of any bonds issued to finance or  
 2060 refinance any portion of the turnpike system, and all such bonds  
 2061 shall contain a statement on their face to this effect.

2062 Section 44. Paragraph (c) is added to subsection (3) of  
 2063 section 338.231, Florida Statutes, to read:

2064 338.231 Turnpike tolls, fixing; pledge of tolls and other  
 2065 revenues.—The department shall at all times fix, adjust, charge,  
 2066 and collect such tolls and amounts for the use of the turnpike  
 2067 system as are required in order to provide a fund sufficient  
 2068 with other revenues of the turnpike system to pay the cost of  
 2069 maintaining, improving, repairing, and operating such turnpike  
 2070 system; to pay the principal of and interest on all bonds issued  
 2071 to finance or refinance any portion of the turnpike system as  
 2072 the same become due and payable; and to create reserves for all

2073 such purposes.

2074 (3)

2075 (c) Notwithstanding any other law to the contrary, the

2076 department shall also assess an administrative fee of 25 cents

2077 per month as an account maintenance charge to be applied against

2078 any prepaid toll account of any kind which has remained inactive

2079 for a period of at least 24 months but not longer than 48

2080 months. As long as a zero or negative balance has not been

2081 reached, the 25-cent administrative fee shall be charged in each

2082 month of inactivity beginning the 25th month of inactivity and

2083 continuing through the 48th month. When the 25-cent

2084 administrative fee results in an account reaching a zero or

2085 negative balance, the department shall close the account. If a

2086 positive balance still remains in an account after the 48th

2087 month, the balance shall be presumed unclaimed and its

2088 disposition shall be handled by the Department of Financial

2089 Services in accordance with all applicable provisions of chapter

2090 717 relating to the disposition of unclaimed property, and the

2091 prepaid toll account shall be closed by the department.

2092 Section 45. Subsection (2) of section 338.234, Florida

2093 Statutes, is amended to read:

2094 338.234 Granting concessions or selling along the turnpike

2095 system; immunity from taxation.—

2096 (2) The effectuation of the authorized purposes of the

2097 Strategic Intermodal System, created under ss. 339.61-339.65,

2098 Florida Intrastate Highway System and Florida Turnpike

2099 Enterprise, created under this chapter, is for the benefit of

2100 the people of the state, for the increase of their commerce and

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2101 prosperity, and for the improvement of their health and living  
 2102 conditions; and, because the system and enterprise perform  
 2103 essential government functions in effectuating such purposes,  
 2104 neither the turnpike enterprise nor any nongovernment lessee or  
 2105 licensee renting, leasing, or licensing real property from the  
 2106 turnpike enterprise, pursuant to an agreement authorized by this  
 2107 section, are required to pay any commercial rental tax imposed  
 2108 under s. 212.031 on any capital improvements constructed,  
 2109 improved, acquired, installed, or used for such purposes.

2110 Section 46. Subsections (1), (2), and (3) of section  
 2111 339.0805, Florida Statutes, are amended to read:

2112 339.0805 Funds to be expended with certified disadvantaged  
 2113 business enterprises; ~~specified percentage to be expended;~~  
 2114 construction management development program; bond guarantee  
 2115 program.—It is the policy of the state to meaningfully assist  
 2116 socially and economically disadvantaged business enterprises  
 2117 through a program that will provide for the development of  
 2118 skills through construction and business management training, as  
 2119 well as by providing contracting opportunities and financial  
 2120 assistance in the form of bond guarantees, to primarily remedy  
 2121 the effects of past economic disparity.

2122 (1) (a) ~~Except to the extent that the head of the~~  
 2123 ~~department determines otherwise,~~ The department shall expend ~~not~~  
 2124 ~~less than 10 percent of~~ federal-aid highway funds as defined in  
 2125 49 C.F.R. part 26 s. 23.63(a) and state matching funds with  
 2126 small business concerns owned and controlled by socially and  
 2127 economically disadvantaged individuals as defined by the Safe,  
 2128 Accountable, Flexible, Efficient Transportation Equity Act: A

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2129 Legacy for Users (SAFETEA-LU) ~~Surface Transportation and Uniform~~  
 2130 ~~Relocation Assistance Act of 1987.~~

2131 (b) Upon a determination by the department of past and  
 2132 continuing discrimination in nonfederally funded projects on the  
 2133 basis of race, color, creed, national origin, or sex, the  
 2134 department may implement a program tailored to address specific  
 2135 findings of disparity. The program may include the establishment  
 2136 of annual goals for expending a percentage of state-administered  
 2137 highway funds with small business concerns. The department may  
 2138 utilize set-asides for small business concerns to assist in  
 2139 achieving goals established pursuant to this subsection. For the  
 2140 purpose of this subsection, the term "small business concern"  
 2141 means a business owned and controlled by socially and  
 2142 economically disadvantaged individuals as defined by the Safe,  
 2143 Accountable, Flexible, Efficient Transportation Equity Act: A  
 2144 Legacy for Users (SAFETEA-LU) ~~Surface Transportation and Uniform~~  
 2145 ~~Relocation Assistance Act of 1987.~~ The head of the department  
 2146 may elect to set goals only when significant disparity is  
 2147 documented. The findings of a disparity study shall be  
 2148 considered in determining the program goals for each group  
 2149 qualified to participate. ~~Such a study shall be conducted or~~  
 2150 ~~updated by the department or its designee at a minimum of every~~  
 2151 ~~5 years. The department shall adopt rules to implement this~~  
 2152 ~~subsection on or before October 1, 1993.~~

2153 (c) The department shall certify a socially and  
 2154 economically disadvantaged business enterprise, ~~which~~  
 2155 ~~certification shall be valid for 12 months, or as prescribed by~~  
 2156 49 C.F.R. part 26 ~~23~~. The department's initial application for

2157 certification for a socially and economically disadvantaged  
 2158 business enterprise shall require sufficient information to  
 2159 determine eligibility as a small business concern owned and  
 2160 controlled by a socially and economically disadvantaged  
 2161 individual. For continuing eligibility ~~recertification~~ of a  
 2162 disadvantaged business enterprise, the department may accept an  
 2163 affidavit, which meets department criteria as to form and  
 2164 content, certifying that the business remains qualified for  
 2165 certification in accordance with program requirements. A firm  
 2166 which does not fulfill all the department's criteria for  
 2167 certification may ~~shall~~ not be considered a disadvantaged  
 2168 business enterprise. An applicant who is denied certification  
 2169 may not reapply within 12 ~~6~~ months after issuance of the denial  
 2170 letter ~~or the final order, whichever is later~~. The application  
 2171 and financial information required by this section are  
 2172 confidential and exempt from s. 119.07(1).

2173 (2) The department shall remove ~~revoke~~ the certification  
 2174 of a disadvantaged business enterprise upon receipt of  
 2175 notification of any change in ownership which results in the  
 2176 disadvantaged individual or individuals used to qualify the  
 2177 business as a disadvantaged business enterprise, no longer  
 2178 owning at least 51 percent of the business enterprise. Such  
 2179 notification shall be made to the department by certified mail  
 2180 within 30 ~~10~~ days after the change in ownership, ~~and such~~  
 2181 ~~business shall be removed from the certified disadvantaged~~  
 2182 ~~business list until a new application is submitted and approved~~  
 2183 ~~by the department~~. Failure to notify the department of the  
 2184 change in the ownership which qualifies the business as a

2185 | disadvantaged business enterprise will also result in removal  
 2186 | ~~revocation~~ of certification and subject the business to the  
 2187 | provisions of s. 337.135. In addition, the department may, for  
 2188 | good cause, deny or remove ~~suspend~~ the certification of a  
 2189 | disadvantaged business enterprise. As used in this subsection,  
 2190 | the term "good cause" includes, but is not limited to, the  
 2191 | disadvantaged business enterprise:

2192 |       (a) No longer meeting the certification standards set  
 2193 | forth in department rules;

2194 |       (b) Making a false, deceptive, or fraudulent statement in  
 2195 | its application for certification or in any other information  
 2196 | submitted to the department;

2197 |       (c) Failing to maintain the records required by department  
 2198 | rules;

2199 |       (d) Failing to perform a commercially useful function on  
 2200 | projects for which the enterprise was used to satisfy contract  
 2201 | goals;

2202 |       (e) Failing to fulfill its contractual obligations with  
 2203 | contractors;

2204 |       (f) Failing to respond with a statement of interest to  
 2205 | requests for bid quotations from contractors for three  
 2206 | consecutive lettings;

2207 |       ~~(g) Subcontracting to others more than 49 percent of the~~  
 2208 | ~~amount of any single subcontract that was used by the prime~~  
 2209 | ~~contractor to meet a contract goal;~~

2210 |       (g) ~~(h)~~ Failing to provide notarized certification of  
 2211 | payments received on specific projects to the prime contractor  
 2212 | when required to do so by contract specifications;

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2213 (h)~~(i)~~ Failing to schedule an onsite review upon request  
 2214 of the department; or

2215 (i)~~(j)~~ Becoming insolvent or the subject of a bankruptcy  
 2216 proceeding.

2217 (3) The head of the department may ~~is authorized to~~ expend  
 2218 up to 6 percent of the funds specified in subsection (1) which  
 2219 are designated to be expended on small business firms owned and  
 2220 controlled by socially and economically disadvantaged  
 2221 individuals to conduct, by contract or otherwise, a construction  
 2222 management development program. Participation in the program  
 2223 will be limited to those firms which are certified under the  
 2224 provisions of subsection (1) by the department or the federal  
 2225 Small Business Administration or to any firm which meets the  
 2226 definition of a small business in 49 C.F.R. s. 26.65 ~~has annual~~  
 2227 ~~gross receipts not exceeding \$2 million averaged over a 3-year~~  
 2228 ~~period.~~ The program shall ~~will~~ consist of classroom instruction  
 2229 and on-the-job instruction. To the extent feasible, the  
 2230 registration fee shall be set to cover the cost of instruction  
 2231 and overhead. ~~No~~ Salary may not ~~will~~ be paid to any participant.

2232 Section 47. Paragraph (c) of subsection (4) and paragraph  
 2233 (e) of subsection (7) of section 339.135, Florida Statutes, are  
 2234 amended to read:

2235 339.135 Work program; legislative budget request;  
 2236 definitions; preparation, adoption, execution, and amendment.—

2237 (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.—

2238 (c)1. For purposes of this section, the board of county  
 2239 commissioners shall serve as the metropolitan planning  
 2240 organization in those counties which are not located in a

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2241 metropolitan planning organization and shall be involved in the  
2242 development of the district work program to the same extent as a  
2243 metropolitan planning organization.

2244 2. The district work program shall be developed  
2245 cooperatively from the outset with the various metropolitan  
2246 planning organizations of the state and include, to the maximum  
2247 extent feasible, the project priorities of metropolitan planning  
2248 organizations which have been submitted to the district by  
2249 October 1 of each year pursuant to s. 339.175(8)(b); however,  
2250 the department and a metropolitan planning organization may, in  
2251 writing, cooperatively agree to vary this submittal date. To  
2252 assist the metropolitan planning organizations in developing  
2253 their lists of project priorities, the district shall disclose  
2254 to each metropolitan planning organization any anticipated  
2255 changes in the allocation or programming of state and federal  
2256 funds which may affect the inclusion of metropolitan planning  
2257 organization project priorities in the district work program.

2258 3. Prior to submittal of the district work program to the  
2259 central office, the district shall provide the affected  
2260 metropolitan planning organization with written justification  
2261 for any project proposed to be rescheduled or deleted from the  
2262 district work program which project is part of the metropolitan  
2263 planning organization's transportation improvement program and  
2264 is contained in the last 4 years of the previous adopted work  
2265 program. By no later than 14 days after submittal of the  
2266 district work program to the central office, the affected  
2267 metropolitan planning organization may file an objection to such  
2268 rescheduling or deletion. When an objection is filed with the

2269 secretary, the rescheduling or deletion may ~~shall~~ not be  
 2270 included in the district work program unless the inclusion of  
 2271 such rescheduling or deletion is specifically approved by the  
 2272 secretary. The Florida Transportation Commission shall include  
 2273 such objections in its evaluation of the tentative work program  
 2274 only when the secretary has approved the rescheduling or  
 2275 deletion.

2276 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

2277 (e) The department may amend the adopted work program to  
 2278 transfer fixed capital outlay appropriations for projects within  
 2279 the same appropriations category or between appropriations  
 2280 categories, including the following amendments which shall be  
 2281 subject to the procedures in paragraph (f):

2282 1. Any amendment which deletes any project or project  
 2283 phase estimated to cost over \$150,000;

2284 2. Any amendment which adds a project estimated to cost  
 2285 over \$500,000 ~~\$150,000~~ in funds appropriated by the Legislature;

2286 3. Any amendment which advances or defers to another  
 2287 fiscal year, a right-of-way phase, a construction phase, or a  
 2288 public transportation project phase estimated to cost over \$1.5  
 2289 million ~~\$500,000~~ in funds appropriated by the Legislature,  
 2290 except an amendment advancing a phase by 1 year to the current  
 2291 fiscal year or deferring a phase for a period of 90 days or  
 2292 less; or

2293 4. Any amendment which advances or defers to another  
 2294 fiscal year, any preliminary engineering phase or design phase  
 2295 estimated to cost over \$500,000 ~~\$150,000~~ in funds appropriated  
 2296 by the Legislature, except an amendment advancing a phase by 1

2297 year to the current fiscal year or deferring a phase for a  
 2298 period of 90 days or less.

2299  
 2300 Beginning July 1, 2013, the department shall index the budget  
 2301 amendment threshold amounts established in this paragraph to the  
 2302 Consumer Price Index or similar inflation indicators. Threshold  
 2303 adjustments for inflation under this paragraph may be made no  
 2304 more frequently than once a year. Adjustments for inflation are  
 2305 subject to the notice and review procedures contained in s.  
 2306 216.177.

2307 Section 48. Section 339.155, Florida Statutes, is amended  
 2308 to read:

2309 339.155 Transportation planning.—

2310 (1) THE FLORIDA TRANSPORTATION PLAN.—The department shall  
 2311 ~~develop and annually update~~ a statewide transportation plan, to  
 2312 be known as the Florida Transportation Plan. The plan shall be  
 2313 designed so as to be easily read and understood by the general  
 2314 public. The plan shall consider the needs of the entire state  
 2315 transportation system and examine the use of all modes of  
 2316 transportation to effectively and efficiently meet such needs.  
 2317 The purpose of the Florida Transportation Plan is to establish  
 2318 and define the state's long-range transportation goals and  
 2319 objectives to be accomplished over a period of at least 20 years  
 2320 within the context of the State Comprehensive Plan, and any  
 2321 other statutory mandates and authorizations and based upon the  
 2322 prevailing principles of:

- 2323 (a) Preserving the existing transportation infrastructure.
- 2324 (b) Enhancing Florida's economic competitiveness.

2325 (c) Improving travel choices to ensure mobility.

2326 (d) Expanding the state's role as a hub for trade and  
 2327 investment.

2328 (2) SCOPE OF PLANNING PROCESS.—The department shall carry  
 2329 out a transportation planning process in conformance with s.  
 2330 334.046(1) and 23 U.S.C. s. 135. ~~which provides for~~  
 2331 ~~consideration of projects and strategies that will:~~

2332 ~~(a) Support the economic vitality of the United States,~~  
 2333 ~~Florida, and the metropolitan areas, especially by enabling~~  
 2334 ~~global competitiveness, productivity, and efficiency;~~

2335 ~~(b) Increase the safety and security of the transportation~~  
 2336 ~~system for motorized and nonmotorized users;~~

2337 ~~(c) Increase the accessibility and mobility options~~  
 2338 ~~available to people and for freight;~~

2339 ~~(d) Protect and enhance the environment, promote energy~~  
 2340 ~~conservation, and improve quality of life;~~

2341 ~~(e) Enhance the integration and connectivity of the~~  
 2342 ~~transportation system, across and between modes throughout~~  
 2343 ~~Florida, for people and freight;~~

2344 ~~(f) Promote efficient system management and operation; and~~

2345 ~~(g) Emphasize the preservation of the existing~~  
 2346 ~~transportation system.~~

2347 (3) FORMAT, SCHEDULE, AND REVIEW.—The Florida  
 2348 Transportation Plan shall be a unified, concise planning  
 2349 document that clearly defines the state's long-range  
 2350 transportation goals and objectives ~~and documents the~~  
 2351 ~~department's short-range objectives developed to further such~~  
 2352 ~~goals and objectives.~~ The plan shall:

2353           (a) Include a glossary that clearly and succinctly defines  
 2354 any and all phrases, words, or terms of art included in the  
 2355 plan, with which the general public may be unfamiliar, ~~and shall~~  
 2356 ~~consist of, at a minimum, the following components:~~

2357           (b) ~~(a) Document A long-range component documenting the~~  
 2358 ~~goals and long-term objectives necessary to implement the~~  
 2359 ~~results of the department's findings from its examination of the~~  
 2360 ~~criteria specified listed in subsection (2) and s. 334.046(1)~~  
 2361 ~~and 23 U.S.C. s. 135. The long-range component must~~

2362           (c) Be developed in cooperation with the metropolitan  
 2363 planning organizations and reconciled, to the maximum extent  
 2364 feasible, with the long-range plans developed by metropolitan  
 2365 planning organizations pursuant to s. 339.175. ~~The plan must~~  
 2366 ~~also~~

2367           (d) Be developed in consultation with affected local  
 2368 officials in nonmetropolitan areas and with any affected Indian  
 2369 tribal governments. ~~The plan must~~

2370           (e) Provide an examination of transportation issues likely  
 2371 to arise during at least a 20-year period. ~~The long-range~~  
 2372 ~~component shall~~

2373           (f) Be updated at least once every 5 years, or more often  
 2374 as necessary, to reflect substantive changes to federal or state  
 2375 law.

2376           ~~(b) A short-range component documenting the short-term~~  
 2377 ~~objectives and strategies necessary to implement the goals and~~  
 2378 ~~long-term objectives contained in the long-range component. The~~  
 2379 ~~short-range component must define the relationship between the~~  
 2380 ~~long-range goals and the short-range objectives, specify those~~

2381 ~~objectives against which the department's achievement of such~~  
 2382 ~~goals will be measured, and identify transportation strategies~~  
 2383 ~~necessary to efficiently achieve the goals and objectives in the~~  
 2384 ~~plan. It must provide a policy framework within which the~~  
 2385 ~~department's legislative budget request, the strategic~~  
 2386 ~~information resource management plan, and the work program are~~  
 2387 ~~developed. The short-range component shall serve as the~~  
 2388 ~~department's annual agency strategic plan pursuant to s.~~  
 2389 ~~186.021. The short-range component shall be developed consistent~~  
 2390 ~~with available and forecasted state and federal funds. The~~  
 2391 ~~short-range component shall also be submitted to the Florida~~  
 2392 ~~Transportation Commission.~~

2393 ~~(4) ANNUAL PERFORMANCE REPORT. The department shall~~  
 2394 ~~develop an annual performance report evaluating the operation of~~  
 2395 ~~the department for the preceding fiscal year. The report shall~~  
 2396 ~~also include a summary of the financial operations of the~~  
 2397 ~~department and shall annually evaluate how well the adopted work~~  
 2398 ~~program meets the short-term objectives contained in the short-~~  
 2399 ~~range component of the Florida Transportation Plan. This~~  
 2400 ~~performance report shall be submitted to the Florida~~  
 2401 ~~Transportation Commission and the legislative appropriations and~~  
 2402 ~~transportation committees.~~

2403 ~~(4)-(5) ADDITIONAL TRANSPORTATION PLANS.-~~

2404 (a) Upon request by local governmental entities, the  
 2405 department may in its discretion develop and design  
 2406 transportation corridors, arterial and collector streets,  
 2407 vehicular parking areas, and other support facilities which are  
 2408 consistent with the plans of the department for major

2409 transportation facilities. The department may render to local  
 2410 governmental entities or their planning agencies such technical  
 2411 assistance and services as are necessary so that local plans and  
 2412 facilities are coordinated with the plans and facilities of the  
 2413 department.

2414 (b) Each regional planning council, as provided for in s.  
 2415 186.504, or any successor agency thereto, shall develop, as an  
 2416 element of its strategic regional policy plan, transportation  
 2417 goals and policies. The transportation goals and policies must  
 2418 be prioritized to comply with the prevailing principles provided  
 2419 in subsection (1) ~~(2)~~ and s. 334.046(1). The transportation  
 2420 goals and policies shall be consistent, to the maximum extent  
 2421 feasible, with the goals and policies of the metropolitan  
 2422 planning organization and the Florida Transportation Plan. The  
 2423 transportation goals and policies of the regional planning  
 2424 council will be advisory only and shall be submitted to the  
 2425 department and any affected metropolitan planning organization  
 2426 for their consideration and comments. Metropolitan planning  
 2427 organization plans and other local transportation plans shall be  
 2428 developed consistent, to the maximum extent feasible, with the  
 2429 regional transportation goals and policies. The regional  
 2430 planning council shall review urbanized area transportation  
 2431 plans and any other planning products stipulated in s. 339.175  
 2432 and provide the department and respective metropolitan planning  
 2433 organizations with written recommendations, which the department  
 2434 and the metropolitan planning organizations shall take under  
 2435 advisement. Further, the regional planning councils shall  
 2436 directly assist local governments that ~~which~~ are not part of a

2437 metropolitan area transportation planning process in the  
2438 development of the transportation element of their comprehensive  
2439 plans as required by s. 163.3177.

2440 (c) Regional transportation plans may be developed in  
2441 regional transportation areas in accordance with an interlocal  
2442 agreement entered into pursuant to s. 163.01 by two or more  
2443 contiguous metropolitan planning organizations; one or more  
2444 metropolitan planning organizations and one or more contiguous  
2445 counties, none of which is a member of a metropolitan planning  
2446 organization; a multicounty regional transportation authority  
2447 created by or pursuant to law; two or more contiguous counties  
2448 that are not members of a metropolitan planning organization; or  
2449 metropolitan planning organizations comprised of three or more  
2450 counties.

2451 (d) The interlocal agreement must, at a minimum, identify  
2452 the entity that will coordinate the development of the regional  
2453 transportation plan; delineate the boundaries of the regional  
2454 transportation area; provide the duration of the agreement and  
2455 specify how the agreement may be terminated, modified, or  
2456 rescinded; describe the process by which the regional  
2457 transportation plan will be developed; and provide how members  
2458 of the entity will resolve disagreements regarding  
2459 interpretation of the interlocal agreement or disputes relating  
2460 to the development or content of the regional transportation  
2461 plan. Such interlocal agreement shall become effective upon its  
2462 recordation in the official public records of each county in the  
2463 regional transportation area.

2464 (e) The regional transportation plan developed pursuant to

2465 | this section must, at a minimum, identify regionally significant  
 2466 | transportation facilities located within a regional  
 2467 | transportation area and contain a prioritized list of regionally  
 2468 | significant projects. The projects shall be adopted into the  
 2469 | capital improvements schedule of the local government  
 2470 | comprehensive plan pursuant to s. 163.3177(3).

2471 |       (5)~~(6)~~ PROCEDURES FOR PUBLIC PARTICIPATION IN  
 2472 | TRANSPORTATION PLANNING.—

2473 |       (a) During the development of the ~~long-range component of~~  
 2474 | ~~the~~ Florida Transportation Plan and prior to substantive  
 2475 | revisions, the department shall provide citizens, affected  
 2476 | public agencies, representatives of transportation agency  
 2477 | employees, other affected employee representatives, private  
 2478 | providers of transportation, and other known interested parties  
 2479 | with an opportunity to comment on the proposed plan or  
 2480 | revisions. These opportunities shall include, at a minimum,  
 2481 | publishing a notice in the Florida Administrative Weekly and  
 2482 | within a newspaper of general circulation within the area of  
 2483 | each department district office.

2484 |       (b) During development of major transportation  
 2485 | improvements, such as those increasing the capacity of a  
 2486 | facility through the addition of new lanes or providing new  
 2487 | access to a limited or controlled access facility or  
 2488 | construction of a facility in a new location, the department  
 2489 | shall hold one or more hearings prior to the selection of the  
 2490 | facility to be provided; prior to the selection of the site or  
 2491 | corridor of the proposed facility; and prior to the selection of  
 2492 | and commitment to a specific design proposal for the proposed

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2493 facility. Such public hearings shall be conducted so as to  
 2494 provide an opportunity for effective participation by interested  
 2495 persons in the process of transportation planning and site and  
 2496 route selection and in the specific location and design of  
 2497 transportation facilities. The various factors involved in the  
 2498 decision or decisions and any alternative proposals shall be  
 2499 clearly presented so that the persons attending the hearing may  
 2500 present their views relating to the decision or decisions that  
 2501 ~~which~~ will be made.

2502 (c) Opportunity for design hearings:

2503 1. The department, prior to holding a design hearing,  
 2504 shall duly notify all affected property owners of record, as  
 2505 recorded in the property appraiser's office, by mail at least 20  
 2506 days prior to the date set for the hearing. The affected  
 2507 property owners shall be:

2508 a. Those whose property lies in whole or in part within  
 2509 300 feet on either side of the centerline of the proposed  
 2510 facility.

2511 b. Those who ~~whom~~ the department determines will be  
 2512 substantially affected environmentally, economically, socially,  
 2513 or safetywise.

2514 2. For each subsequent hearing, the department shall  
 2515 publish notice prior to the hearing date in a newspaper of  
 2516 general circulation for the area affected. These notices must be  
 2517 published twice, with the first notice appearing at least 15  
 2518 days, but no later than 30 days, before the hearing.

2519 3. A copy of the notice of opportunity for the hearing  
 2520 must be furnished to the United States Department of

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2521 Transportation and to the appropriate departments of the state  
 2522 government at the time of publication.

2523 4. The opportunity for another hearing shall be afforded  
 2524 in any case when proposed locations or designs are so changed  
 2525 from those presented in the notices specified above or at a  
 2526 hearing as to have a substantially different social, economic,  
 2527 or environmental effect.

2528 5. The opportunity for a hearing shall be afforded in each  
 2529 case in which the department is in doubt as to whether a hearing  
 2530 is required.

2531 Section 49. Paragraph (a) of subsection (2), paragraph (a)  
 2532 of subsection (4), and paragraph (b) of subsection (8) of  
 2533 section 339.175, Florida Statutes, are amended to read:

2534 339.175 Metropolitan planning organization.—

2535 (2) DESIGNATION.—

2536 (a)1. An M.P.O. shall be designated for each urbanized  
 2537 area of the state; however, this does not require that an  
 2538 individual M.P.O. be designated for each such area. Such  
 2539 designation shall be accomplished by agreement between the  
 2540 Governor and units of general-purpose local government  
 2541 representing at least 75 percent of the population of the  
 2542 urbanized area; however, the unit of general-purpose local  
 2543 government that represents the central city or cities within the  
 2544 M.P.O. jurisdiction, as defined by the United States Bureau of  
 2545 the Census, must be a party to such agreement.

2546 2. To the extent possible, only one M.P.O. shall be  
 2547 designated for each urbanized area or group of contiguous  
 2548 urbanized areas. More than one M.P.O. may be designated within

2549 an existing urbanized ~~metropolitan planning~~ area only if the  
 2550 Governor and the existing M.P.O. determine that the size and  
 2551 complexity of the existing urbanized ~~metropolitan planning~~ area  
 2552 makes the designation of more than one M.P.O. for the area  
 2553 appropriate.

2554  
 2555 Each M.P.O. required under this section must be fully operative  
 2556 no later than 6 months following its designation.

2557 (4) APPORTIONMENT.—

2558 (a) The Governor shall, with the agreement of the affected  
 2559 units of general-purpose local government as required by federal  
 2560 rules and regulations, apportion the membership on the  
 2561 applicable M.P.O. among the various governmental entities within  
 2562 the area. At the request of a majority of the affected units of  
 2563 general-purpose local government comprising an M.P.O., the  
 2564 Governor and a majority of units of general-purpose local  
 2565 government serving on an M.P.O. shall cooperatively agree upon  
 2566 and prescribe who may serve as an alternate member and a method  
 2567 for appointing alternate members who may vote at any M.P.O.  
 2568 meeting that an alternate member attends in place of a regular  
 2569 member. The method shall be set forth as a part of the  
 2570 interlocal agreement describing the M.P.O.'s membership or in  
 2571 the M.P.O.'s operating procedures and bylaws. The governmental  
 2572 entity so designated shall appoint the appropriate number of  
 2573 members to the M.P.O. from eligible officials. Representatives  
 2574 of the department shall serve as nonvoting advisers to ~~members~~  
 2575 ~~of~~ the M.P.O. governing board. Additional nonvoting advisers may  
 2576 be appointed by the M.P.O. as deemed necessary; however, to the

2577 maximum extent feasible, each M.P.O. shall seek to appoint  
 2578 nonvoting representatives of various multimodal forms of  
 2579 transportation not otherwise represented by voting members of  
 2580 the M.P.O. An M.P.O. shall appoint nonvoting advisers  
 2581 representing major military installations located within the  
 2582 jurisdictional boundaries of the M.P.O. upon the request of the  
 2583 aforesaid major military installations and subject to the  
 2584 agreement of the M.P.O. All nonvoting advisers may attend and  
 2585 participate fully in governing board meetings but may ~~shall~~ not  
 2586 ~~have a vote or and shall not~~ be members of the governing board.  
 2587 The Governor shall review the composition of the M.P.O.  
 2588 membership in conjunction with the decennial census as prepared  
 2589 by the United States Department of Commerce, Bureau of the  
 2590 Census, and reapportion it as necessary to comply with  
 2591 subsection (3).

2592 (8) TRANSPORTATION IMPROVEMENT PROGRAM.—Each M.P.O. shall,  
 2593 in cooperation with the state and affected public transportation  
 2594 operators, develop a transportation improvement program for the  
 2595 area within the jurisdiction of the M.P.O. In the development of  
 2596 the transportation improvement program, each M.P.O. must provide  
 2597 the public, affected public agencies, representatives of  
 2598 transportation agency employees, freight shippers, providers of  
 2599 freight transportation services, private providers of  
 2600 transportation, representatives of users of public transit, and  
 2601 other interested parties with a reasonable opportunity to  
 2602 comment on the proposed transportation improvement program.

2603 (b) Each M.P.O. annually shall prepare a list of project  
 2604 priorities and shall submit the list to the appropriate district

2605 of the department by October 1 of each year; however, the  
 2606 department and a metropolitan planning organization may, in  
 2607 writing, agree to vary this submittal date. Where more than one  
 2608 M.P.O. exists in an urbanized area, the M.P.O.'s shall  
 2609 coordinate in the development of regionally significant project  
 2610 priorities. The list of project priorities must be formally  
 2611 reviewed by the technical and citizens' advisory committees, and  
 2612 approved by the M.P.O. or M.P.O.'s, before it is transmitted to  
 2613 the district. The approved list of project priorities must be  
 2614 used by the district in developing the district work program and  
 2615 must be used by each ~~the~~ M.P.O. that approved the list in  
 2616 developing its transportation improvement program. The annual  
 2617 list of project priorities must be based upon project selection  
 2618 criteria that, at a minimum, consider the following:

- 2619 1. The approved M.P.O. long-range transportation plan;
- 2620 2. The Strategic Intermodal System Plan developed under s.  
 2621 339.64.
- 2622 3. The priorities developed pursuant to s. 339.2819(4).
- 2623 4. The results of the transportation management systems;
- 2624 and
- 2625 5. The M.P.O.'s public-involvement procedures.

2626 Section 50. Subsections (1), (2), (3), and (4) of section  
 2627 339.2819, Florida Statutes, are amended to read:

2628 339.2819 Transportation Regional Incentive Program.—

- 2629 (1) There is created within the Department of  
 2630 Transportation a Transportation Regional Incentive Program for  
 2631 the purpose of providing funds to improve regionally significant  
 2632 transportation facilities in regional transportation areas

2633 created pursuant to s. 339.155(4) ~~s. 339.155(5)~~.

2634 (2) The percentage of matching funds provided from the  
 2635 Transportation Regional Incentive Program shall be up to 50  
 2636 percent of project costs.

2637 (3) The department shall allocate funding available for  
 2638 the Transportation Regional Incentive Program to the districts  
 2639 based on a factor derived from equal parts of population and  
 2640 motor fuel collections for eligible counties in regional  
 2641 transportation areas created pursuant to s. 339.155(4) ~~s.~~  
 2642 ~~339.155(5)~~.

2643 (4) (a) Projects to be funded with Transportation Regional  
 2644 Incentive Program funds shall, at a minimum:

2645 1. ~~Support those transportation facilities that~~ Serve  
 2646 national, statewide, or regional functions and function as part  
 2647 of an integrated regional transportation system.

2648 2. Be identified in the capital improvements element of a  
 2649 comprehensive plan that has been determined to be in compliance  
 2650 with part II of chapter 163, after July 1, 2005. Further, the  
 2651 project shall be in compliance with local government  
 2652 comprehensive plan policies relative to corridor management.

2653 3. Be consistent with the Strategic Intermodal System Plan  
 2654 developed under s. 339.64.

2655 4. Have a commitment for local, regional, or private  
 2656 financial matching funds as a percentage of the overall project  
 2657 cost.

2658 (b) Projects funded under this section shall be included  
 2659 in the department's work program developed pursuant to s.  
 2660 339.135. The department may not program a project to be funded

2661 under this section unless the project meets the requirements of  
 2662 this section. ~~In allocating Transportation Regional Incentive~~  
 2663 ~~Program funds, priority shall be given to projects that:~~

2664 (c) The department shall give priority to projects that:

2665 1. Provide connectivity to the Strategic Intermodal System  
 2666 developed under s. 339.64.

2667 2. Support economic development and the movement of goods  
 2668 in rural areas of critical economic concern designated under s.  
 2669 288.0656(7).

2670 3. Are subject to a local ordinance that establishes  
 2671 corridor management techniques, including access management  
 2672 strategies, right-of-way acquisition and protection measures,  
 2673 appropriate land use strategies, zoning, and setback  
 2674 requirements for adjacent land uses.

2675 4. Improve connectivity between military installations and  
 2676 the Strategic Highway Network or the Strategic Rail Corridor  
 2677 Network.

2678 Section 51. Subsections (1) and (6) of section 339.62,  
 2679 Florida Statutes, are amended to read:

2680 339.62 System components.—The Strategic Intermodal System  
 2681 shall consist of appropriate components of:

2682 (1) Highway corridors ~~The Florida Intrastate Highway~~  
 2683 ~~System~~ established under s. 339.65 ~~s. 338.001~~.

2684 (6) Other existing or planned corridors that serve a  
 2685 statewide or interregional purpose.

2686 Section 52. Subsection (2) of section 339.63, Florida  
 2687 Statutes, is amended, and subsection (5) is added to that  
 2688 section, to read:

2689 339.63 System facilities designated; additions and  
 2690 deletions.—

2691 (2) The Strategic Intermodal System and the Emerging  
 2692 Strategic Intermodal System include five ~~four~~ different types of  
 2693 facilities that each form one component of an interconnected  
 2694 transportation system which types include:

2695 (a) Existing or planned hubs that are ports and terminals  
 2696 including airports, seaports, spaceports, passenger terminals,  
 2697 and rail terminals serving to move goods or people between  
 2698 Florida regions or between Florida and other markets in the  
 2699 United States and the rest of the world.

2700 (b) Existing or planned corridors that are highways, rail  
 2701 lines, waterways, and other exclusive-use facilities connecting  
 2702 major markets within Florida or between Florida and other states  
 2703 or nations.

2704 (c) Existing or planned intermodal connectors that are  
 2705 highways, rail lines, waterways or local public transit systems  
 2706 serving as connectors between the components listed in  
 2707 paragraphs (a) and (b).

2708 (d) Existing or planned military access facilities that  
 2709 are highways or rail lines linking Strategic Intermodal System  
 2710 corridors to the state's strategic military installations.

2711 (e)-(d) Existing or planned facilities that significantly  
 2712 improve the state's competitive position to compete for the  
 2713 movement of additional goods into and through this state.

2714 (5) (a) Upon the request to be added to the Strategic  
 2715 Intermodal System by a facility that meets the criteria and  
 2716 thresholds established in subsection (4) for a planned facility,

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2717 that meets the definition of an "intermodal logistics center" as  
2718 defined in s. 311.101(2), and that has been designated in the  
2719 comprehensive plan by the local government as an intermodal  
2720 logistics center or an equivalent planning term, the Secretary  
2721 of Transportation shall designate such planned facility as part  
2722 of the Strategic Intermodal System.

2723 (b) For a facility designated as an intermodal logistics  
2724 center pursuant to paragraph (a), a local government that  
2725 maintains a transportation concurrency system shall adopt a  
2726 waiver of transportation concurrency requirements for strategic  
2727 intermodal system facilities to accommodate all development at  
2728 the facility which occurs pursuant to a building permit issued  
2729 on or before December 31, 2017.

2730 Section 53. Section 339.64, Florida Statutes, is amended  
2731 to read:

2732 339.64 Strategic Intermodal System Plan.—

2733 (1) The department shall develop, in cooperation with  
2734 metropolitan planning organizations, regional planning councils,  
2735 local governments, ~~the Statewide Intermodal Transportation~~  
2736 ~~Advisory Council~~ and other transportation providers, a Strategic  
2737 Intermodal System Plan. The plan shall be consistent with the  
2738 Florida Transportation Plan developed pursuant to s. 339.155 and  
2739 shall be updated at least once every 5 years, subsequent to  
2740 updates of the Florida Transportation Plan.

2741 (2) In association with the continued development of the  
2742 Strategic Intermodal System Plan, the Florida Transportation  
2743 Commission, as part of its work program review process, shall  
2744 conduct an annual assessment of the progress that the department

2745 and its transportation partners have made in realizing the goals  
 2746 of economic development, improved mobility, and increased  
 2747 intermodal connectivity of the Strategic Intermodal System. The  
 2748 Florida Transportation Commission shall coordinate with the  
 2749 department, ~~the Statewide Intermodal Transportation Advisory~~  
 2750 ~~Council,~~ and other appropriate entities when developing this  
 2751 assessment. The Florida Transportation Commission shall deliver  
 2752 a report to the Governor and Legislature no later than 14 days  
 2753 after the regular session begins, with recommendations as  
 2754 necessary to fully implement the Strategic Intermodal System.

2755 (3) (a) During the development of updates to the Strategic  
 2756 Intermodal System Plan, the department shall provide  
 2757 metropolitan planning organizations, regional planning councils,  
 2758 local governments, transportation providers, affected public  
 2759 agencies, and citizens with an opportunity to participate in and  
 2760 comment on the development of the update.

2761 (b) The department also shall coordinate with federal,  
 2762 regional, and local partners the planning for the Strategic  
 2763 Highway Network and the Strategic Rail Corridor Network  
 2764 transportation facilities that either are included in the  
 2765 Strategic Intermodal System or that provide a direct connection  
 2766 between military installations and the Strategic Intermodal  
 2767 System. In addition, the department shall coordinate with  
 2768 regional and local partners to determine whether the roads ~~road~~  
 2769 and other transportation infrastructure that connect military  
 2770 installations to the Strategic Intermodal System, the Strategic  
 2771 Highway Network, or the Strategic Rail Corridor are ~~is~~  
 2772 regionally significant and should be included in the Strategic

2773 Intermodal System Plan.

2774 (4) The Strategic Intermodal System Plan shall include the  
2775 following:

2776 (a) A needs assessment.

2777 (b) A project prioritization process.

2778 (c) A map of facilities designated as Strategic Intermodal  
2779 System facilities; facilities that are emerging in importance  
2780 and that are likely to become part of the system in the future;  
2781 and planned facilities that will meet the established criteria.

2782 (d) A finance plan based on reasonable projections of  
2783 anticipated revenues, including both 10-year and at least 20-  
2784 year cost-feasible components.

2785 (e) An assessment of the impacts of proposed improvements  
2786 to Strategic Intermodal System corridors on military  
2787 installations that are either located directly on the Strategic  
2788 Intermodal System or located on the Strategic Highway Network or  
2789 Strategic Rail Corridor Network.

2790 ~~(5) STATEWIDE INTERMODAL TRANSPORTATION ADVISORY COUNCIL.~~

2791 ~~(a) The Statewide Intermodal Transportation Advisory  
2792 Council is created to advise and make recommendations to the  
2793 Legislature and the department on policies, planning, and  
2794 funding of intermodal transportation projects. The council's  
2795 responsibilities shall include:~~

2796 ~~1. Advising the department on the policies, planning, and  
2797 implementation of strategies related to intermodal  
2798 transportation.~~

2799 ~~2. Providing advice and recommendations to the Legislature  
2800 on funding for projects to move goods and people in the most~~

2801 ~~efficient and effective manner for the State of Florida.~~

2802 ~~(b) MEMBERSHIP. Members of the Statewide Intermodal~~

2803 ~~Transportation Advisory Council shall consist of the following:~~

2804 ~~1. Six intermodal industry representatives selected by the~~

2805 ~~Governor as follows:~~

2806 ~~a. One representative from an airport involved in the~~

2807 ~~movement of freight and people from their airport facility to~~

2808 ~~another transportation mode.~~

2809 ~~b. One individual representing a fixed-route, local-~~

2810 ~~government transit system.~~

2811 ~~c. One representative from an intercity bus company~~

2812 ~~providing regularly scheduled bus travel as determined by~~

2813 ~~federal regulations.~~

2814 ~~d. One representative from a spaceport.~~

2815 ~~e. One representative from intermodal trucking companies.~~

2816 ~~f. One representative having command responsibilities of a~~

2817 ~~major military installation.~~

2818 ~~2. Three intermodal industry representatives selected by~~

2819 ~~the President of the Senate as follows:~~

2820 ~~a. One representative from major-line railroads.~~

2821 ~~b. One representative from seaports listed in s. 311.09(1)~~

2822 ~~from the Atlantic Coast.~~

2823 ~~c. One representative from an airport involved in the~~

2824 ~~movement of freight and people from their airport facility to~~

2825 ~~another transportation mode.~~

2826 ~~3. Three intermodal industry representatives selected by~~

2827 ~~the Speaker of the House of Representatives as follows:~~

2828 ~~a. One representative from short-line railroads.~~

2829 ~~b. One representative from seaports listed in s. 311.09(1)~~  
 2830 ~~from the Gulf Coast.~~

2831 ~~e. One representative from intermodal trucking companies.~~  
 2832 ~~In no event may this representative be employed by the same~~  
 2833 ~~company that employs the intermodal trucking company~~  
 2834 ~~representative selected by the Governor.~~

2835 ~~(c) Initial appointments to the council must be made no~~  
 2836 ~~later than 30 days after the effective date of this section.~~

2837 ~~1. The initial appointments made by the President of the~~  
 2838 ~~Senate and the Speaker of the House of Representatives shall~~  
 2839 ~~serve terms concurrent with those of the respective appointing~~  
 2840 ~~officer. Beginning January 15, 2005, and for all subsequent~~  
 2841 ~~appointments, council members appointed by the President of the~~  
 2842 ~~Senate and the Speaker of the House of Representatives shall~~  
 2843 ~~serve 2-year terms, concurrent with the term of the respective~~  
 2844 ~~appointing officer.~~

2845 ~~2. The initial appointees, and all subsequent appointees,~~  
 2846 ~~made by the Governor shall serve 2-year terms.~~

2847 ~~3. Vacancies on the council shall be filled in the same~~  
 2848 ~~manner as the initial appointments.~~

2849 ~~(d) Each member of the council shall be allowed one vote.~~  
 2850 ~~The council shall select a chair from among its membership.~~  
 2851 ~~Meetings shall be held at the call of the chair, but not less~~  
 2852 ~~frequently than quarterly. The members of the council shall be~~  
 2853 ~~reimbursed for per diem and travel expenses as provided in s.~~  
 2854 ~~112.061.~~

2855 ~~(e) The department shall provide administrative staff~~  
 2856 ~~support and shall ensure that council meetings are~~

2857 ~~electronically recorded. Such recordings and all documents~~  
 2858 ~~received, prepared for, or used by the council in conducting its~~  
 2859 ~~business shall be preserved pursuant to chapters 119 and 257.~~

2860 Section 54. Section 339.65, Florida Statutes, is created  
 2861 to read:

2862 339.65 Strategic Intermodal System highway corridors.-

2863 (1) The department shall plan and develop Strategic  
 2864 Intermodal System highway corridors, including limited and  
 2865 controlled access facilities, allowing for high-speed and high-  
 2866 volume traffic movements within the state. The primary function  
 2867 of the corridors is to provide such traffic movements. Access to  
 2868 abutting land is subordinate to this function, and such access  
 2869 must be prohibited or highly regulated.

2870 (2) Strategic Intermodal System highway corridors shall  
 2871 include facilities from the following components of the State  
 2872 Highway System that meet the criteria adopted by the department  
 2873 pursuant to s. 339.63:

2874 (a) Interstate highways.

2875 (b) The Florida Turnpike System.

2876 (c) Interregional and intercity limited access facilities.

2877 (d) Existing interregional and intercity arterial highways  
 2878 previously upgraded or upgraded in the future to limited access  
 2879 or controlled access facility standards.

2880 (e) New limited access facilities necessary to complete a  
 2881 balanced statewide system.

2882 (3) The department shall adhere to the following policy  
 2883 guidelines in the development of Strategic Intermodal System  
 2884 highway corridors. The department shall:

2885 (a) Make capacity improvements to existing facilities  
2886 where feasible to minimize costs and environmental impacts.

2887 (b) Identify appropriate arterial highways in major  
2888 transportation corridors for inclusion in a program to bring  
2889 these facilities up to limited access or controlled access  
2890 facility standards.

2891 (c) Coordinate proposed projects with appropriate limited  
2892 access projects undertaken by expressway authorities and local  
2893 governmental entities.

2894 (d) Maximize the use of limited access facility standards  
2895 when constructing new arterial highways.

2896 (e) Identify appropriate new limited access highways for  
2897 inclusion as a part of the Florida Turnpike System.

2898 (f) To the maximum extent feasible, ensure that proposed  
2899 projects are consistent with approved local government  
2900 comprehensive plans of the local jurisdictions in which such  
2901 facilities are to be located and with the transportation  
2902 improvement program of any metropolitan planning organization  
2903 where such facilities are to be located.

2904 (4) The department shall develop and maintain a plan of  
2905 Strategic Intermodal System highway corridor projects that are  
2906 anticipated to be let to contract for construction within a time  
2907 period of at least 20 years. The plan shall also identify when  
2908 segments of the corridor will meet the standards and criteria  
2909 developed pursuant to subsection (5).

2910 (5) The department shall establish the standards and  
2911 criteria for the functional characteristics and design of  
2912 facilities proposed as part of Strategic Intermodal System

2913 highway corridors.

2914 (6) For the purposes of developing the proposed Strategic  
 2915 Intermodal System highway corridors, beginning in fiscal year  
 2916 2012-2013 and for each fiscal year thereafter, the minimum  
 2917 amount allocated shall be based on the fiscal year 2003-2004  
 2918 allocation of \$450 million adjusted annually by the change in  
 2919 the Consumer Price Index for the prior fiscal year compared to  
 2920 the Consumer Price Index for fiscal year 2003-2004.

2921 (7) Any project to be constructed as part of a Strategic  
 2922 Intermodal System highway corridor shall be included in the  
 2923 department's adopted work program. Any Strategic Intermodal  
 2924 System highway corridor projects that are added to or deleted  
 2925 from the previous adopted work program, or any modification to  
 2926 Strategic Intermodal System highway corridor projects contained  
 2927 in the previous adopted work program, shall be specifically  
 2928 identified and submitted as a separate part of the tentative  
 2929 work program.

2930 Section 55. Subsection (7) of section 341.301, Florida  
 2931 Statutes, is amended to read:

2932 341.301 Definitions; ss. 341.302-341.303.—As used in ss.  
 2933 341.302-341.303, the term:

2934 (7) "Limited covered accident" means:

2935 (a) A collision directly between the trains, locomotives,  
 2936 rail cars, or rail equipment of the department and the freight  
 2937 rail operator only, where the collision is caused by or arising  
 2938 from the willful misconduct of the freight rail operator or its  
 2939 subsidiaries, agents, licensees, employees, officers, or  
 2940 directors or where punitive damages or exemplary damages are

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2941 awarded due to the conduct of the freight rail operator or its  
 2942 subsidiaries, agents, licensees, employees, officers, or  
 2943 directors; or

2944 (b) A collision directly between the trains, locomotives,  
 2945 rail cars, or rail equipment of the department and National  
 2946 Railroad Passenger Corporation only, where the collision is  
 2947 caused by or arising from the willful misconduct of National  
 2948 Railroad Passenger Corporation or its subsidiaries, agents,  
 2949 licensees, employees, officers, or directors or where punitive  
 2950 damages or exemplary damages are awarded due to the conduct of  
 2951 National Railroad Passenger Corporation or its subsidiaries,  
 2952 agents, licensees, employees, officers, or directors.

2953 Section 56. Subsection (17) of section 341.302, Florida  
 2954 Statutes, is amended to read:

2955 341.302 Rail program; duties and responsibilities of the  
 2956 department.—The department, in conjunction with other  
 2957 governmental entities, including the rail enterprise and the  
 2958 private sector, shall develop and implement a rail program of  
 2959 statewide application designed to ensure the proper maintenance,  
 2960 safety, revitalization, and expansion of the rail system to  
 2961 assure its continued and increased availability to respond to  
 2962 statewide mobility needs. Within the resources provided pursuant  
 2963 to chapter 216, and as authorized under federal law, the  
 2964 department shall:

2965 (17) In conjunction with the acquisition, ownership,  
 2966 construction, operation, maintenance, and management of a rail  
 2967 corridor, have the authority to:

2968 (a) Assume obligations pursuant to the following:

2969        1.a. The department may assume the obligation by contract  
 2970 to forever protect, defend, indemnify, and hold harmless the  
 2971 freight rail operator, or its successors, from whom the  
 2972 department has acquired a real property interest in the rail  
 2973 corridor, and that freight rail operator's officers, agents, and  
 2974 employees, from and against any liability, cost, and expense,  
 2975 including, but not limited to, commuter rail passengers and rail  
 2976 corridor invitees in the rail corridor, regardless of whether  
 2977 the loss, damage, destruction, injury, or death giving rise to  
 2978 any such liability, cost, or expense is caused in whole or in  
 2979 part, and to whatever nature or degree, by the fault, failure,  
 2980 negligence, misconduct, nonfeasance, or misfeasance of such  
 2981 freight rail operator, its successors, or its officers, agents,  
 2982 and employees, or any other person or persons whomsoever; ~~or~~

2983        b. The department may assume the obligation by contract to  
 2984 forever protect, defend, indemnify, and hold harmless National  
 2985 Railroad Passenger Corporation, or its successors, and National  
 2986 Railroad Passenger Corporation's officers, agents, and  
 2987 employees, from and against any liability, cost, and expense,  
 2988 including, but not limited to, commuter rail passengers and rail  
 2989 corridor invitees in the rail corridor, regardless of whether  
 2990 the loss, damage, destruction, injury, or death giving rise to  
 2991 any such liability, cost, or expense is caused in whole or in  
 2992 part, and to whatever nature or degree, by the fault, failure,  
 2993 negligence, misconduct, nonfeasance, or misfeasance of National  
 2994 Railroad Passenger Corporation, its successors, or its officers,  
 2995 agents, and employees, or any other person or persons  
 2996 whomsoever.

2997            2. However, ~~Provided that~~ such assumption of liability of  
 2998 the department by contract as to either sub-subparagraph 1.a. or  
 2999 sub-subparagraph 1.b. may ~~shall~~ not in any instance exceed the  
 3000 following parameters of allocation of risk:

3001            a.1. The department may be solely responsible for any  
 3002 loss, injury, or damage to commuter rail passengers, or rail  
 3003 corridor invitees, or trespassers, regardless of circumstances  
 3004 or cause, subject to sub-subparagraph b. and subparagraphs 2.,  
 3005 3., 4., 5., and 6.

3006            b.(I)2. In the event of a limited covered accident, the  
 3007 authority of the department to protect, defend, and indemnify  
 3008 the freight operator for all liability, cost, and expense,  
 3009 including punitive or exemplary damages, in excess of the  
 3010 deductible or self-insurance retention fund established under  
 3011 paragraph (b) and actually in force at the time of the limited  
 3012 covered accident exists only if the freight operator agrees,  
 3013 with respect to the limited covered accident, to protect,  
 3014 defend, and indemnify the department for the amount of the  
 3015 deductible or self-insurance retention fund established under  
 3016 paragraph (b) and actually in force at the time of the limited  
 3017 covered accident.

3018            (II) In the event of a limited covered accident, the  
 3019 authority of the department to protect, defend, and indemnify  
 3020 National Railroad Passenger Corporation for all liability, cost,  
 3021 and expense, including punitive or exemplary damages, in excess  
 3022 of the deductible or self-insurance retention fund established  
 3023 under paragraph (b) and actually in force at the time of the  
 3024 limited covered accident exists only if National Railroad

3025 Passenger Corporation agrees, with respect to the limited  
 3026 covered accident, to protect, defend, and indemnify the  
 3027 department for the amount of the deductible or self-insurance  
 3028 retention fund established under paragraph (b) and actually in  
 3029 force at the time of the limited covered accident.

3030 3. When only one train is involved in an incident, the  
 3031 department may be solely responsible for any loss, injury, or  
 3032 damage if the train is a department train or other train  
 3033 pursuant to subparagraph 4., but only if;

3034 a. When an incident occurs with only a freight train  
 3035 involved, including incidents with trespassers or at grade  
 3036 crossings, the freight rail operator is solely responsible for  
 3037 any loss, injury, or damage, except for commuter rail passengers  
 3038 and rail corridor invitees; or

3039 b. When an incident occurs with only a National Railroad  
 3040 Passenger Corporation train involved, including incidents with  
 3041 trespassers or at grade crossings, National Railroad Passenger  
 3042 Corporation is solely responsible for any loss, injury, or  
 3043 damage, except for commuter rail passengers and rail corridor  
 3044 invitees.

3045 4. For the purposes of this subsection:τ

3046 a. Any train involved in an incident that is neither the  
 3047 department's train nor the freight rail operator's train,  
 3048 hereinafter referred to in this subsection as an "other train,"  
 3049 may be treated as a department train, solely for purposes of any  
 3050 allocation of liability between the department and the freight  
 3051 rail operator only, but only if the department and the freight  
 3052 rail operator share responsibility equally as to third parties

3053 outside the rail corridor who incur loss, injury, or damage as a  
 3054 result of any incident involving both a department train and a  
 3055 freight rail operator train, and the allocation as between the  
 3056 department and the freight rail operator, regardless of whether  
 3057 the other train is treated as a department train, shall remain  
 3058 one-half each as to third parties outside the rail corridor who  
 3059 incur loss, injury, or damage as a result of the incident. The  
 3060 involvement of any other train shall not alter the sharing of  
 3061 equal responsibility as to third parties outside the rail  
 3062 corridor who incur loss, injury, or damage as a result of the  
 3063 incident; or

3064 b. Any train involved in an incident that is neither the  
 3065 department's train nor the National Railroad Passenger  
 3066 Corporation's train, hereinafter referred to in this subsection  
 3067 as an "other train," may be treated as a department train,  
 3068 solely for purposes of any allocation of liability between the  
 3069 department and National Railroad Passenger Corporation only, but  
 3070 only if the department and National Railroad Passenger  
 3071 Corporation share responsibility equally as to third parties  
 3072 outside the rail corridor who incur loss, injury, or damage as a  
 3073 result of any incident involving both a department train and a  
 3074 National Railroad Passenger Corporation train, and the  
 3075 allocation as between the department and National Railroad  
 3076 Passenger Corporation, regardless of whether the other train is  
 3077 treated as a department train, shall remain one-half each as to  
 3078 third parties outside the rail corridor who incur loss, injury,  
 3079 or damage as a result of the incident. The involvement of any  
 3080 other train shall not alter the sharing of equal responsibility

3081 as to third parties outside the rail corridor who incur loss,  
 3082 injury, or damage as a result of the incident.

3083 5. When more than one train is involved in an incident:

3084 a. (I) If only a department train and freight rail  
 3085 operator's train, or only an other train as described in sub-  
 3086 subparagraph 4.a. ~~subparagraph 4.~~ and a freight rail operator's  
 3087 train, are involved in an incident, the department may be  
 3088 responsible for its property and all of its people, all commuter  
 3089 rail passengers, and rail corridor invitees, but only if the  
 3090 freight rail operator is responsible for its property and all of  
 3091 its people, and the department and the freight rail operator  
 3092 each share one-half responsibility as to trespassers or third  
 3093 parties outside the rail corridor who incur loss, injury, or  
 3094 damage as a result of the incident; or

3095 (II) If only a department train and a National Railroad  
 3096 Passenger Corporation train, or only an other train as described  
 3097 in sub-subparagraph 4.b. and a National Railroad Passenger  
 3098 Corporation train, are involved in an incident, the department  
 3099 may be responsible for its property and all of its people, all  
 3100 commuter rail passengers, and rail corridor invitees, but only  
 3101 if National Railroad Passenger Corporation is responsible for  
 3102 its property and all of its people, all National Railroad  
 3103 Passenger Corporation's rail property, and the department and  
 3104 National Railroad Passenger Corporation each share one-half  
 3105 responsibility as to trespassers or third parties outside the  
 3106 rail corridor who incur loss, injury, or damage as a result of  
 3107 the incident.

3108 b. (I) If a department train, a freight rail operator

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3109 train, and any other train are involved in an incident, the  
3110 allocation of liability between the department and the freight  
3111 rail operator, regardless of whether the other train is treated  
3112 as a department train, shall remain one-half each as to third  
3113 parties outside the rail corridor who incur loss, injury, or  
3114 damage as a result of the incident; the involvement of any other  
3115 train shall not alter the sharing of equal responsibility as to  
3116 third parties outside the rail corridor who incur loss, injury,  
3117 or damage as a result of the incident; and, if the owner,  
3118 operator, or insurer of the other train makes any payment to  
3119 injured third parties outside the rail corridor who incur loss,  
3120 injury, or damage as a result of the incident, the allocation of  
3121 credit between the department and the freight rail operator as  
3122 to such payment shall not in any case reduce the freight rail  
3123 operator's third-party-sharing allocation of one-half under this  
3124 paragraph to less than one-third of the total third party  
3125 liability; or

3126 (II) If a department train, a National Railroad Passenger  
3127 Corporation train, and any other train are involved in an  
3128 incident, the allocation of liability between the department and  
3129 National Railroad Passenger Corporation, regardless of whether  
3130 the other train is treated as a department train, shall remain  
3131 one-half each as to third parties outside the rail corridor who  
3132 incur loss, injury, or damage as a result of the incident; the  
3133 involvement of any other train shall not alter the sharing of  
3134 equal responsibility as to third parties outside the rail  
3135 corridor who incur loss, injury, or damage as a result of the  
3136 incident; and, if the owner, operator, or insurer of the other

3137 train makes any payment to injured third parties outside the  
 3138 rail corridor who incur loss, injury, or damage as a result of  
 3139 the incident, the allocation of credit between the department  
 3140 and National Railroad Passenger Corporation as to such payment  
 3141 shall not in any case reduce National Railroad Passenger  
 3142 Corporation's third-party-sharing allocation of one-half under  
 3143 this sub-subparagraph to less than one-third of the total third  
 3144 party liability.

3145         6. Any such contractual duty to protect, defend,  
 3146 indemnify, and hold harmless such a freight rail operator or  
 3147 National Railroad Passenger Corporation shall expressly include  
 3148 a specific cap on the amount of the contractual duty, which  
 3149 amount shall not exceed \$200 million without prior legislative  
 3150 approval, and the department to purchase liability insurance and  
 3151 establish a self-insurance retention fund in the amount of the  
 3152 specific cap established under this subparagraph, provided that:

3153         a. No such contractual duty shall in any case be effective  
 3154 nor otherwise extend the department's liability in scope and  
 3155 effect beyond the contractual liability insurance and self-  
 3156 insurance retention fund required pursuant to this paragraph;  
 3157 and

3158         b. The freight rail operator's compensation to the  
 3159 department for future use of the department's rail corridor  
 3160 shall include a monetary contribution to the cost of such  
 3161 liability coverage for the sole benefit of the freight rail  
 3162 operator. National Railroad Passenger Corporation's compensation  
 3163 to the department for future use of the department's rail  
 3164 corridor shall include a monetary contribution to the cost of

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3165 such liability coverage for the sole benefit of National  
3166 Railroad Passenger Corporation.

3167 (b) Purchase liability insurance, which amount shall not  
3168 exceed \$200 million, and establish a self-insurance retention  
3169 fund for the purpose of paying the deductible limit established  
3170 in the insurance policies it may obtain, including coverage for  
3171 the department, any freight rail operator as described in  
3172 paragraph (a), National Railroad Passenger Corporation, commuter  
3173 rail service providers, governmental entities, or any ancillary  
3174 development, which self-insurance retention fund or deductible  
3175 shall not exceed \$10 million. The insureds shall pay a  
3176 reasonable monetary contribution to the cost of such liability  
3177 coverage for the sole benefit of the insured. Such insurance and  
3178 self-insurance retention fund may provide coverage for all  
3179 damages, including, but not limited to, compensatory, special,  
3180 and exemplary, and be maintained to provide an adequate fund to  
3181 cover claims and liabilities for loss, injury, or damage arising  
3182 out of or connected with the ownership, operation, maintenance,  
3183 and management of a rail corridor.

3184 (c) Incur expenses for the purchase of advertisements,  
3185 marketing, and promotional items.

3186  
3187 Neither the assumption by contract to protect, defend,  
3188 indemnify, and hold harmless; the purchase of insurance; nor the  
3189 establishment of a self-insurance retention fund shall be deemed  
3190 to be a waiver of any defense of sovereign immunity for torts  
3191 nor deemed to increase the limits of the department's or the  
3192 governmental entity's liability for torts as provided in s.

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3193 768.28. The requirements of s. 287.022(1) shall not apply to the  
 3194 purchase of any insurance under this subsection. The provisions  
 3195 of this subsection shall apply and inure fully as to any other  
 3196 governmental entity providing commuter rail service and  
 3197 constructing, operating, maintaining, or managing a rail  
 3198 corridor on publicly owned right-of-way under contract by the  
 3199 governmental entity with the department or a governmental entity  
 3200 designated by the department. Notwithstanding any law to the  
 3201 contrary, procurement for the construction, operation,  
 3202 maintenance, and management of any rail corridor described in  
 3203 this subsection, whether by the department, a governmental  
 3204 entity under contract with the department, or a governmental  
 3205 entity designated by the department, shall be pursuant to s.  
 3206 287.057 and shall include, but not be limited to, criteria for  
 3207 the consideration of qualifications, technical aspects of the  
 3208 proposal, and price. Further, any such contract for design-build  
 3209 shall be procured pursuant to the criteria in s. 337.11(7).

3210 Section 57. Section 341.840, Florida Statutes, is amended  
 3211 to read:

3212 341.840 Tax exemption.—

3213 (1) The exercise of the powers granted under ss. 341.8201-  
 3214 341.842 ~~by this act~~ will be in all respects for the benefit of  
 3215 the people of this state, for the increase of their commerce,  
 3216 welfare, and prosperity, and for the improvement of their health  
 3217 and living conditions. The design, construction, operation,  
 3218 maintenance, and financing of a high-speed rail system by the  
 3219 enterprise authority, its agent, or the owner or lessee thereof,  
 3220 as herein authorized, constitutes the performance of an

3221 essential public function.

3222 (2) (a) For the purposes of this section, the term  
 3223 "enterprise authority" does not include agents of the enterprise  
 3224 authority other than contractors who qualify as such pursuant to  
 3225 subsection (7).

3226 (b) For the purposes of this section, any item or property  
 3227 that is within the definition of the term "associated  
 3228 development" in s. 341.8203(1) may ~~shall~~ not be considered ~~to be~~  
 3229 part of the high-speed rail system as defined in s.  
 3230 341.8203(3) ~~(6)~~.

3231 (3) (a) Purchases or leases of tangible personal property  
 3232 or real property by the enterprise authority, excluding agents  
 3233 of the enterprise authority, are exempt from taxes imposed by  
 3234 chapter 212 as provided in s. 212.08(6). Purchases or leases of  
 3235 tangible personal property that is incorporated into the high-  
 3236 speed rail system as a component part thereof, as determined by  
 3237 the enterprise authority, by agents of the enterprise authority  
 3238 or the owner of the high-speed rail system are exempt from sales  
 3239 or use taxes imposed by chapter 212. Leases, rentals, or  
 3240 licenses to use real property granted to agents of the  
 3241 enterprise authority or the owner of the high-speed rail system  
 3242 are exempt from taxes imposed by s. 212.031 if the real property  
 3243 becomes part of such system. The exemptions granted in this  
 3244 subsection do not apply to sales, leases, or licenses by the  
 3245 enterprise authority, agents of the authority, or the owner of  
 3246 the high-speed rail system.

3247 (b) The exemption granted in paragraph (a) to purchases or  
 3248 leases of tangible personal property by agents of the enterprise

3249 ~~authority~~ or by the owner of the high-speed rail system applies  
 3250 only to property that becomes a component part of such system.  
 3251 It does not apply to items, including, but not limited to,  
 3252 cranes, bulldozers, forklifts, other machinery and equipment,  
 3253 tools and supplies, or other items of tangible personal property  
 3254 used in the construction, operation, or maintenance of the high-  
 3255 speed rail system when such items are not incorporated into the  
 3256 high-speed rail system as a component part thereof.

3257 (4) Any bonds or other security, and all notes, mortgages,  
 3258 security agreements, letters of credit, or other instruments  
 3259 that arise out of or are given to secure the repayment of bonds  
 3260 or other security, issued by the enterprise authority, or on  
 3261 behalf of the enterprise authority, their transfer, and the  
 3262 income therefrom, including any profit made on the sale thereof,  
 3263 shall at all times be free from taxation of every kind by the  
 3264 state, the counties, and the municipalities and other political  
 3265 subdivisions in the state. This subsection, however, does not  
 3266 exempt from taxation or assessment the leasehold interest of a  
 3267 lessee in any project or any other property or interest owned by  
 3268 the lessee. The exemption granted by this subsection is not  
 3269 applicable to any tax imposed by chapter 220 on interest income  
 3270 or profits on the sale of debt obligations owned by  
 3271 corporations.

3272 (5) When property of the enterprise authority is leased to  
 3273 another person or entity, the property shall be exempt from ad  
 3274 valorem taxation only if the use by the lessee qualifies the  
 3275 property for exemption under s. 196.199.

3276 (6) A leasehold interest held by the enterprise authority

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3277 is not subject to intangible tax. However, if a leasehold  
3278 interest held by the enterprise authority is subleased to a  
3279 nongovernmental lessee, such subleasehold interest shall be  
3280 deemed to be an interest described in s. 199.023(1)(d), Florida  
3281 Statutes 2005, and is subject to the intangible tax.

3282 (7)(a) In order to be considered an agent of the  
3283 enterprise authority for purposes of the exemption from sales  
3284 and use tax granted by subsection (3) for tangible personal  
3285 property incorporated into the high-speed rail system, a  
3286 contractor of the enterprise authority that purchases or  
3287 fabricates such tangible personal property must be certified by  
3288 the enterprise authority as provided in this subsection.

3289 (b)1. A contractor must apply for a renewal of the  
3290 exemption not later than December 1 of each calendar year.

3291 2. A contractor must apply to the enterprise authority on  
3292 the application form adopted by the enterprise authority, which  
3293 shall develop the form in consultation with the Department of  
3294 Revenue.

3295 3. The enterprise authority shall review each submitted  
3296 application and determine whether it is complete. The enterprise  
3297 authority shall notify the applicant of any deficiencies in the  
3298 application within 30 days. Upon receipt of a completed  
3299 application, the enterprise authority shall evaluate the  
3300 application for exemption under this subsection and issue a  
3301 certification that the contractor is qualified to act as an  
3302 agent of the enterprise authority for purposes of this section  
3303 or a denial of such certification within 30 days. The enterprise  
3304 authority shall provide the Department of Revenue with a copy of

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3305 each certification issued upon approval of an application. Upon  
3306 receipt of a certification from the enterprise authority, the  
3307 Department of Revenue shall issue an exemption permit to the  
3308 contractor.

3309 (c)1. The contractor may extend a copy of its exemption  
3310 permit to its vendors in lieu of paying sales tax on purchases  
3311 of tangible personal property qualifying for exemption under  
3312 this section. Possession of a copy of the exemption permit  
3313 relieves the seller of the responsibility of collecting tax on  
3314 the sale, and the Department of Revenue shall look solely to the  
3315 contractor for recovery of tax upon a determination that the  
3316 contractor was not entitled to the exemption.

3317 2. The contractor may extend a copy of its exemption  
3318 permit to real property subcontractors supplying and installing  
3319 tangible personal property that is exempt under subsection (3).  
3320 Any such subcontractor may ~~is authorized to~~ extend a copy of the  
3321 permit to the subcontractor's vendors in order to purchase  
3322 qualifying tangible personal property tax-exempt. If the  
3323 subcontractor uses the exemption permit to purchase tangible  
3324 personal property that is determined not to qualify for  
3325 exemption under subsection (3), the Department of Revenue may  
3326 assess and collect any tax, penalties, and interest that are due  
3327 from either the contractor holding the exemption permit or the  
3328 subcontractor that extended the exemption permit to the seller.

3329 (d) Any contractor authorized to act as an agent of the  
3330 enterprise authority under this section shall maintain the  
3331 necessary books and records to document the exempt status of  
3332 purchases and fabrication costs made or incurred under the

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3333 permit. In addition, an authorized contractor extending its  
3334 exemption permit to its subcontractors shall maintain a copy of  
3335 the subcontractor's books, records, and invoices indicating all  
3336 purchases made by the subcontractor under the authorized  
3337 contractor's permit. If, in an audit conducted by the Department  
3338 of Revenue, it is determined that tangible personal property  
3339 purchased or fabricated claiming exemption under this section  
3340 does not meet the criteria for exemption, the amount of taxes  
3341 not paid at the time of purchase or fabrication shall be  
3342 immediately due and payable to the Department of Revenue,  
3343 together with the appropriate interest and penalty, computed  
3344 from the date of purchase, in the manner prescribed by chapter  
3345 212.

3346 (e) If a contractor fails to apply for a high-speed rail  
3347 system exemption permit, or if a contractor initially determined  
3348 by the enterprise authority to not qualify for exemption is  
3349 subsequently determined to be eligible, the contractor shall  
3350 receive the benefit of the exemption in this subsection through  
3351 a refund of previously paid taxes for transactions that  
3352 otherwise would have been exempt. A refund may not be made for  
3353 such taxes without the issuance of a certification by the  
3354 enterprise authority that the contractor was authorized to make  
3355 purchases tax-exempt and a determination by the Department of  
3356 Revenue that the purchases qualified for the exemption.

3357 (f) The enterprise authority may adopt rules governing the  
3358 application process for exemption of a contractor as an  
3359 authorized agent of the enterprise authority.

3360 (g) The Department of Revenue may adopt rules governing

3361 the issuance and form of high-speed rail system exemption  
 3362 permits, the audit of contractors and subcontractors using such  
 3363 permits, the recapture of taxes on nonqualified purchases, and  
 3364 the manner and form of refund applications.

3365 Section 58. Subsection (3) of section 343.52, Florida  
 3366 Statutes, is amended to read:

3367 343.52 Definitions.—As used in this part, the term:

3368 (3) "Area served" means Miami-Dade, Broward, and Palm  
 3369 Beach Counties. ~~However, this area may be expanded by mutual~~  
 3370 ~~consent of the authority and the board of county commissioners~~  
 3371 ~~representing the proposed expansion area.~~

3372 Section 59. Section 343.53, Florida Statutes, is amended  
 3373 to read:

3374 343.53 South Florida Regional Transportation Authority.—

3375 (1) There is created and established a body politic and  
 3376 corporate, an agency of the state, to be known as the "South  
 3377 Florida Regional Transportation Authority," hereinafter referred  
 3378 to as the "authority."

3379 (2) The governing board of the authority shall consist of  
 3380 12 ~~nine~~ voting members and 1 ex officio nonvoting member, as  
 3381 follows:

3382 (a) The county commissions of Miami-Dade, Broward, and  
 3383 Palm Beach Counties shall each elect a commissioner as that  
 3384 commission's representative on the board. The commissioner must  
 3385 be a member of the county commission when elected and for the  
 3386 full extent of his or her term.

3387 (b) The county commissions of Miami-Dade, Broward, and  
 3388 Palm Beach Counties shall each appoint a citizen member to the

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3389 board who is not a member of the county commission but who is a  
 3390 resident of the county from which he or she is appointed and a  
 3391 qualified elector of that county. Insofar as practicable, the  
 3392 citizen member shall represent the business and civic interests  
 3393 of the community.

3394 (c) The secretary of the Department of Transportation  
 3395 shall appoint one of the district secretaries, or his or her  
 3396 designee, for the districts within which the area served by the  
 3397 South Florida Regional Transportation Authority is located, who  
 3398 shall serve ex officio as a nonvoting member.

3399 ~~(d) If the authority's service area is expanded pursuant~~  
 3400 ~~to s. 343.54(5), the county containing the new service area~~  
 3401 ~~shall have three members appointed to the board as follows:~~

3402 ~~1. The county commission of the county shall elect a~~  
 3403 ~~commissioner as that commission's representative on the board.~~  
 3404 ~~The commissioner must be a member of the county commission when~~  
 3405 ~~elected and for the full extent of his or her term.~~

3406 ~~2. The county commission of the county shall appoint a~~  
 3407 ~~citizen member to the board who is not a member of the county~~  
 3408 ~~commission but who is a resident and a qualified elector of that~~  
 3409 ~~county. Insofar as is practicable, the citizen member shall~~  
 3410 ~~represent the business and civic interests of the community.~~

3411 ~~3. The Governor shall appoint a citizen member to the~~  
 3412 ~~board who is not a member of the county commission but who is a~~  
 3413 ~~resident and a qualified elector of that county.~~

3414 (d)(e) The Governor shall appoint six ~~two~~ members to the  
 3415 board who are residents and qualified electors in the area  
 3416 served by the authority ~~but who are not residents of the same~~

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3417 ~~county and also not residents of the county in which the~~  
3418 ~~district secretary who was appointed pursuant to paragraph (c)~~  
3419 ~~is a resident.~~

3420 (3) ~~(a)~~ Members of the governing board of the authority  
3421 shall be appointed to serve 4-year staggered terms, except that  
3422 the terms of the appointees of the Governor shall be concurrent.

3423 ~~(b) The terms of the board members currently serving on~~  
3424 ~~the authority that is being succeeded by this act shall expire~~  
3425 ~~July 30, 2003, at which time the terms of the members appointed~~  
3426 ~~pursuant to subsection (2) shall commence. The Governor shall~~  
3427 ~~make his or her appointments to the board within 30 days after~~  
3428 ~~July 30, 2003.~~

3429 (4) A vacancy during a term shall be filled by the  
3430 respective appointing authority in the same manner as the  
3431 original appointment and only for the balance of the unexpired  
3432 term.

3433 (5) The members of the authority shall serve without  
3434 compensation, but are entitled to reimbursement for travel  
3435 expenses actually incurred in their duties as provided by law.

3436 Section 60. Paragraph (h) of subsection (3) and subsection  
3437 (5) of section 343.54, Florida Statutes, are amended to read:

3438 343.54 Powers and duties.—

3439 (3) The authority may exercise all powers necessary,  
3440 appurtenant, convenient, or incidental to the carrying out of  
3441 the aforesaid purposes, including, but not limited to, the  
3442 following rights and powers:

3443 (h) To adopt bylaws for the regulation of the affairs and  
3444 the conduct of the business of the authority. The bylaws shall

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3445 provide for quorum and voting requirements, maintenance of  
3446 minutes and other official records, and preparation and adoption  
3447 of an annual budget. The bylaws shall require approval by at  
3448 least two-thirds of the authority board members before execution  
3449 of any agreement by the authority with a private entity or  
3450 consortia of private entities for the operation or maintenance  
3451 of any transit system or transit facility owned or operated by  
3452 the authority.

3453 ~~(5) The authority, by a resolution of its governing board,~~  
3454 ~~may expand its service area and enter into a partnership with~~  
3455 ~~any county that is contiguous to the service area of the~~  
3456 ~~authority. The board shall determine the conditions and terms of~~  
3457 ~~the partnership, except as provided herein. However, the~~  
3458 ~~authority may not expand its service area without the consent of~~  
3459 ~~the board of county commissioners representing the proposed~~  
3460 ~~expansion area, and a county may not be added to the service~~  
3461 ~~area except in the year that federal reauthorization legislation~~  
3462 ~~for transportation funds is enacted.~~

3463 Section 61. Paragraph (c) of subsection (4) of section  
3464 348.0003, Florida Statutes, is amended to read:

3465 348.0003 Expressway authority; formation; membership.—

3466 (4)

3467 (c) Members of each expressway authority, transportation  
3468 authority, bridge authority, or toll authority, created pursuant  
3469 to this chapter, chapter 343, ~~or chapter 349~~ or any other  
3470 general law, legislative enactment shall comply with the  
3471 applicable financial disclosure requirements of s. 8, Art. II of  
3472 the State Constitution. This paragraph does not subject any

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3473 | statutorily created authority, other than an expressway  
3474 | authority created under this part, to any other requirement of  
3475 | this part except the requirement of this paragraph.

3476 | Section 62. Subsection (3) of section 349.03, Florida  
3477 | Statutes, is amended to read:

3478 | 349.03 Jacksonville Transportation Authority.-

3479 | (3) (a) The terms of appointed members shall be for 4 years  
3480 | deemed to have commenced on June 1 of the year in which they are  
3481 | appointed. Each member shall hold office until a successor has  
3482 | been appointed and has qualified. A vacancy during a term shall  
3483 | be filled by the respective appointing authority only for the  
3484 | balance of the unexpired term. Any member appointed to the  
3485 | authority for two consecutive full terms shall not be eligible  
3486 | for appointment to the next succeeding term. One of the members  
3487 | so appointed shall be designated annually by the members as  
3488 | chair of the authority, one member shall be designated annually  
3489 | as the vice chair of the authority, one member shall be  
3490 | designated annually as the secretary of the authority, and one  
3491 | member shall be designated annually as the treasurer of the  
3492 | authority. The members of the authority shall not be entitled to  
3493 | compensation, but shall be reimbursed for travel expenses or  
3494 | other expenses actually incurred in their duties as provided by  
3495 | law. Four voting members of the authority shall constitute a  
3496 | quorum, and no resolution adopted by the authority shall become  
3497 | effective unless with the affirmative vote of at least four  
3498 | members. Members of the authority shall file as their mandatory  
3499 | financial disclosure a statement of financial interest with the  
3500 | Commission on Ethics as provided in s. 112.3145.

3501        (b) The authority shall employ an executive director, and  
 3502 the executive director may hire such staff, permanent or  
 3503 temporary, as he or she may determine and may organize the staff  
 3504 of the authority into such departments and units as he or she  
 3505 may determine. The executive director may appoint department  
 3506 directors, deputy directors, division chiefs, and staff  
 3507 assistants to the executive director, as he or she may  
 3508 determine. In so appointing the executive director, the  
 3509 authority may fix the compensation of such appointee, who shall  
 3510 serve at the pleasure of the authority. All employees of the  
 3511 authority shall be exempt from the provisions of part II of  
 3512 chapter 110. The authority may employ such financial advisers  
 3513 and consultants, technical experts, engineers, and agents and  
 3514 employees, permanent or temporary, as it may require and may fix  
 3515 the compensation and qualifications of such persons, firms, or  
 3516 corporations. The authority may delegate to one or more of its  
 3517 agents or employees such of its powers as it shall deem  
 3518 necessary to carry out the purposes of this chapter, subject  
 3519 always to the supervision and control of the governing body of  
 3520 the authority.

3521        Section 63. Subsection (8) is added to section 349.04,  
 3522 Florida Statutes, to read:

3523        349.04 Purposes and powers.—

3524        (8) The authority may conduct public meetings and  
 3525 workshops by means of communications media technology, as  
 3526 provided in s. 120.54(5). However, a resolution, rule, or formal  
 3527 action is not binding unless a quorum is physically present at  
 3528 the noticed meeting location, and only members physically

3529 present may vote on any item.

3530 Section 64. Subsection (6) is added to section 373.413,  
 3531 Florida Statutes, to read:

3532 373.413 Permits for construction or alteration.—

3533 (6) It is the intent of the Legislature that the governing  
 3534 board or department exercise flexibility in the permitting of  
 3535 stormwater management systems associated with the construction  
 3536 or alteration of systems serving state transportation projects  
 3537 and facilities. Because of the unique limitations of linear  
 3538 facilities, the governing board or department shall balance the  
 3539 expenditure of public funds for stormwater treatment for state  
 3540 transportation projects and facilities with the benefits to the  
 3541 public in providing the most cost-efficient and effective method  
 3542 of achieving the treatment objectives. In consideration thereof,  
 3543 the governing board or department shall allow alternatives to  
 3544 onsite treatment, including, but not limited to, regional  
 3545 stormwater treatment systems. The Department of Transportation  
 3546 is responsible for treating stormwater generated from state  
 3547 transportation projects but is not responsible for the abatement  
 3548 of pollutants and flows entering its stormwater management  
 3549 systems from offsite sources; however, this subsection does not  
 3550 prohibit the Department of Transportation from receiving and  
 3551 managing such pollutants and flows when cost-effective and  
 3552 prudent. Further, in association with right-of-way acquisition  
 3553 for state transportation projects, the Department of  
 3554 Transportation is responsible for providing stormwater treatment  
 3555 and attenuation for the acquired right-of-way but is not  
 3556 responsible for modifying permits for adjacent lands affected by

3557 right-of-way acquisition when it is not the permittee. The  
 3558 governing board or department may establish, by rule, specific  
 3559 criteria to implement the management and treatment alternatives  
 3560 and activities under this subsection.

3561 Section 65. Subsections (1) through (5) of section  
 3562 373.4137, Florida Statutes, are amended to read:

3563 373.4137 Mitigation requirements for specified  
 3564 transportation projects.—

3565 (1) The Legislature finds that environmental mitigation  
 3566 for the impact of transportation projects proposed by the  
 3567 Department of Transportation or a transportation authority  
 3568 established pursuant to chapter 348 or chapter 349 can be more  
 3569 effectively achieved by regional, long-range mitigation planning  
 3570 rather than on a project-by-project basis. It is the intent of  
 3571 the Legislature that mitigation to offset the adverse effects of  
 3572 these transportation projects be funded by the Department of  
 3573 Transportation and be carried out by the water management  
 3574 districts, including the use of mitigation banks and any other  
 3575 mitigation options that satisfy state and federal requirements  
 3576 ~~established pursuant to this part.~~

3577 (2) Environmental impact inventories for transportation  
 3578 projects proposed by the Department of Transportation or a  
 3579 transportation authority established pursuant to chapter 348 or  
 3580 chapter 349 shall be developed as follows:

3581 (a) By July 1 of each year, the Department of  
 3582 Transportation, or a transportation authority established  
 3583 pursuant to chapter 348 or chapter 349 which chooses to  
 3584 participate in this program, shall submit to the water

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3585 management districts a list ~~copy~~ of its projects in the adopted  
3586 work program and an environmental impact inventory of habitats  
3587 addressed in the rules adopted pursuant to this part and s. 404  
3588 of the Clean Water Act, 33 U.S.C. s. 1344, which may be impacted  
3589 by its plan of construction for transportation projects in the  
3590 next 3 years of the tentative work program. The Department of  
3591 Transportation or a transportation authority established  
3592 pursuant to chapter 348 or chapter 349 may also include in its  
3593 environmental impact inventory the habitat impacts of any future  
3594 transportation project. The Department of Transportation and  
3595 each transportation authority established pursuant to chapter  
3596 348 or chapter 349 may fund any mitigation activities for future  
3597 projects using current year funds.

3598 (b) The environmental impact inventory shall include a  
3599 description of these habitat impacts, including their location,  
3600 acreage, and type; state water quality classification of  
3601 impacted wetlands and other surface waters; any other state or  
3602 regional designations for these habitats; and a list ~~survey~~ of  
3603 threatened species, endangered species, and species of special  
3604 concern affected by the proposed project.

3605 (3) (a) To fund development and implementation of the  
3606 mitigation plan for the projected impacts identified in the  
3607 environmental impact inventory described in subsection (2), the  
3608 Department of Transportation shall identify funds quarterly in  
3609 an escrow account within the State Transportation Trust Fund for  
3610 the environmental mitigation phase of projects budgeted by the  
3611 Department of Transportation for the current fiscal year. The  
3612 escrow account shall be maintained by the Department of

3613 Transportation for the benefit of the water management  
 3614 districts. Any interest earnings from the escrow account shall  
 3615 remain with the Department of Transportation.

3616 (b) Each transportation authority established pursuant to  
 3617 chapter 348 or chapter 349 that chooses to participate in this  
 3618 program shall create an escrow account within its financial  
 3619 structure and deposit funds in the account to pay for the  
 3620 environmental mitigation phase of projects budgeted for the  
 3621 current fiscal year. The escrow account shall be maintained by  
 3622 the authority for the benefit of the water management districts.  
 3623 Any interest earnings from the escrow account shall remain with  
 3624 the authority.

3625 (c) Except for current mitigation projects in the  
 3626 monitoring and maintenance phase and except as allowed by  
 3627 paragraph (d), the water management districts may request a  
 3628 transfer of funds from an escrow account no sooner than 30 days  
 3629 prior to the date the funds are needed to pay for activities  
 3630 associated with development or implementation of the approved  
 3631 mitigation plan described in subsection (4) for the current  
 3632 fiscal year, including, but not limited to, design, engineering,  
 3633 production, and staff support. Actual conceptual plan  
 3634 preparation costs incurred before plan approval may be submitted  
 3635 to the Department of Transportation or the appropriate  
 3636 transportation authority each year with the plan. The conceptual  
 3637 plan preparation costs of each water management district shall  
 3638 ~~will~~ be paid from mitigation funds associated with the  
 3639 environmental impact inventory for the current year. The amount  
 3640 transferred to the escrow accounts each year by the Department

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3641 of Transportation and participating transportation authorities  
3642 established pursuant to chapter 348 or chapter 349 shall  
3643 correspond to a cost per acre of \$75,000 multiplied by the  
3644 projected acres of impact identified in the environmental impact  
3645 inventory described in subsection (2). However, the \$75,000 cost  
3646 per acre does not constitute an admission against interest by  
3647 the state or its subdivisions nor is the cost admissible as  
3648 evidence of full compensation for any property acquired by  
3649 eminent domain or through inverse condemnation. Each July 1, the  
3650 cost per acre shall be adjusted by the percentage change in the  
3651 average of the Consumer Price Index issued by the United States  
3652 Department of Labor for the most recent 12-month period ending  
3653 September 30, compared to the base year average, which is the  
3654 average for the 12-month period ending September 30, 1996. Each  
3655 quarter, the projected acreage of impact shall be reconciled  
3656 with the acreage of impact of projects as permitted, including  
3657 permit modifications, pursuant to this part and s. 404 of the  
3658 Clean Water Act, 33 U.S.C. s. 1344. The subject year's transfer  
3659 of funds shall be adjusted accordingly to reflect the acreage of  
3660 impacts as permitted. The Department of Transportation and  
3661 participating transportation authorities established pursuant to  
3662 chapter 348 or chapter 349 may ~~are authorized to~~ transfer such  
3663 funds from the escrow accounts to the water management districts  
3664 to carry out the mitigation programs. Environmental mitigation  
3665 funds that are identified for or maintained in an escrow account  
3666 for the benefit of a water management district may be released  
3667 if the associated transportation project is excluded in whole or  
3668 part from the mitigation plan. For a mitigation project that is

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3669 in the maintenance and monitoring phase, the water management  
3670 district may request and receive a one-time payment based on the  
3671 project's expected future maintenance and monitoring costs. Upon  
3672 disbursement of the final maintenance and monitoring payment,  
3673 the obligation of the Department of Transportation or the  
3674 participating transportation authority is satisfied, the water  
3675 management district has continuing responsibility for the  
3676 mitigation project, and the escrow account for the project  
3677 established by the Department of Transportation or the  
3678 participating transportation authority may be closed. Any  
3679 interest earned on these disbursed funds shall remain with the  
3680 water management district and must be used as authorized under  
3681 this section.

3682 (d) Beginning in the 2005-2006 fiscal year, each water  
3683 management district shall be paid a lump-sum amount of \$75,000  
3684 per acre, adjusted as provided under paragraph (c), for  
3685 federally funded transportation projects that are included on  
3686 the environmental impact inventory and that have an approved  
3687 mitigation plan. Beginning in the 2009-2010 fiscal year, each  
3688 water management district shall be paid a lump-sum amount of  
3689 \$75,000 per acre, adjusted as provided under paragraph (c), for  
3690 federally funded and nonfederally funded transportation projects  
3691 that have an approved mitigation plan. All mitigation costs,  
3692 including, but not limited to, the costs of preparing conceptual  
3693 plans and the costs of design, construction, staff support,  
3694 future maintenance, and monitoring the mitigated acres shall be  
3695 funded through these lump-sum amounts.

3696 (4) Before ~~Prior to~~ March 1 of each year, each water

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3697 management district, in consultation with the Department of  
3698 Environmental Protection, the United States Army Corps of  
3699 Engineers, the Department of Transportation, participating  
3700 transportation authorities established pursuant to chapter 348  
3701 or chapter 349, and other appropriate federal, state, and local  
3702 governments, and other interested parties, including entities  
3703 operating mitigation banks, shall develop a plan for the primary  
3704 purpose of complying with the mitigation requirements adopted  
3705 pursuant to this part and 33 U.S.C. s. 1344. In developing such  
3706 plans, the districts shall utilize sound ecosystem management  
3707 practices to address significant water resource needs and shall  
3708 focus on activities of the Department of Environmental  
3709 Protection and the water management districts, such as surface  
3710 water improvement and management (SWIM) projects and lands  
3711 identified for potential acquisition for preservation,  
3712 restoration or enhancement, and the control of invasive and  
3713 exotic plants in wetlands and other surface waters, to the  
3714 extent that such activities comply with the mitigation  
3715 requirements adopted under this part and 33 U.S.C. s. 1344. In  
3716 determining the activities to be included in such plans, the  
3717 districts shall also consider the purchase of credits from  
3718 public or private mitigation banks permitted under s. 373.4136  
3719 and associated federal authorization and shall include such  
3720 purchase as a part of the mitigation plan when such purchase  
3721 would offset the impact of the transportation project, provide  
3722 equal benefits to the water resources than other mitigation  
3723 options being considered, and provide the most cost-effective  
3724 mitigation option. The mitigation plan shall be submitted to the

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3725 water management district governing board, or its designee, for  
 3726 review and approval. At least 14 days prior to approval, the  
 3727 water management district shall provide a copy of the draft  
 3728 mitigation plan to any person who has requested a copy.

3729 (a) For each transportation project with a funding request  
 3730 for the next fiscal year, the mitigation plan must include a  
 3731 brief explanation of why a mitigation bank was or was not chosen  
 3732 as a mitigation option, including an estimation of identifiable  
 3733 costs of the mitigation bank and nonbank options to the extent  
 3734 practicable.

3735 (b) Specific projects may be excluded from the mitigation  
 3736 plan, in whole or in part, and are ~~shall not be~~ subject to this  
 3737 section upon the election agreement of the Department of  
 3738 Transportation, ~~or~~ a transportation authority if applicable, or  
 3739 ~~and the appropriate water management district that the inclusion~~  
 3740 ~~of such projects would hamper the efficiency or timeliness of~~  
 3741 ~~the mitigation planning and permitting process. The water~~  
 3742 ~~management district may choose to exclude a project in whole or~~  
 3743 ~~in part if the district is unable to identify mitigation that~~  
 3744 ~~would offset impacts of the project.~~

3745 (5) The water management district shall ensure ~~be~~  
 3746 ~~responsible for ensuring~~ that mitigation requirements pursuant  
 3747 to 33 U.S.C. s. 1344 are met for the impacts identified in the  
 3748 environmental impact inventory described in subsection (2), by  
 3749 implementation of the approved plan described in subsection (4)  
 3750 to the extent funding is provided by the Department of  
 3751 Transportation, or a transportation authority established  
 3752 pursuant to chapter 348 or chapter 349, if applicable. During

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3753 the federal permitting process, the water management district  
3754 may deviate from the approved mitigation plan in order to comply  
3755 with federal permitting requirements.

3756 Section 66. The Department of Transportation may seek  
3757 Federal Highway Administration approval of a tourist-oriented  
3758 commerce sign pilot program for small businesses, as defined in  
3759 s. 288.703, Florida Statutes, in rural areas of critical  
3760 economic concern, as defined by s. 288.0656(2)(d) and (e),  
3761 Florida Statutes. Upon Federal Highway Administration approval,  
3762 the department shall submit the pilot program for legislative  
3763 approval in the next regular legislative session.

3764 Section 67. There is established a pilot program for the  
3765 Palm Beach County school district to recognize its business  
3766 partners. The district may recognize its business partners by  
3767 publicly displaying such business partners' names on school  
3768 district property in the unincorporated areas of the county.  
3769 Project graduation and athletic sponsorships are examples of  
3770 appropriate recognition. The district shall make every effort to  
3771 display its business partners' names in a manner that is  
3772 consistent with the county standards for uniformity in size,  
3773 color, and placement of signs. If the provisions of this section  
3774 are inconsistent with county ordinances or regulations relating  
3775 to signs in the unincorporated areas of the county or  
3776 inconsistent with chapter 125 or chapter 166, Florida Statutes,  
3777 the provisions of this section prevail. The pilot program  
3778 expires June 30, 2014.

3779 Section 68. Subsection (7) of section 215.616, Florida  
3780 Statutes, is amended to read:

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3781 215.616 State bonds for federal aid highway construction.-  
 3782 ~~(7) Up to \$325 million in bonds may be issued for the~~  
 3783 ~~Mobility 2000 Initiative with emphasis on the Florida Intrastate~~  
 3784 ~~Highway System to advance projects in the most cost-effective~~  
 3785 ~~manner and to support emergency evacuation, improved access to~~  
 3786 ~~urban areas, or the enhancement of trade and economic growth~~  
 3787 ~~corridors of statewide and regional significance which promote~~  
 3788 ~~Florida's economic growth.~~

3789 Section 69. Subsection (3) of section 288.063, Florida  
 3790 Statutes, is amended to read:

3791 288.063 Contracts for transportation projects.-

3792 (3) With respect to any contract executed pursuant to this  
 3793 section, the term "transportation project" means a  
 3794 transportation facility as defined in s. 334.03(30) ~~s.~~  
 3795 ~~334.03(31)~~ which is necessary in the judgment of the department  
 3796 to facilitate the economic development and growth of the state.  
 3797 Such transportation projects shall be approved only as a  
 3798 consideration to attract new employment opportunities to the  
 3799 state or expand or retain employment in existing companies  
 3800 operating within the state, or to allow for the construction or  
 3801 expansion of a state or federal correctional facility in a  
 3802 county having ~~with~~ a population of 75,000 or less that creates  
 3803 new employment opportunities or expands or retains employment in  
 3804 the county. The department shall institute procedures to ensure  
 3805 that small and minority businesses have equal access to funding  
 3806 provided under this section. Funding for approved transportation  
 3807 projects may include any expenses, other than administrative  
 3808 costs and equipment purchases specified in the contract,

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3809 necessary for new, or improvement to existing, transportation  
 3810 facilities. Funds made available pursuant to this section may  
 3811 not be expended in connection with the relocation of a business  
 3812 from one community to another community in this state unless the  
 3813 department determines that without such relocation the business  
 3814 will move outside this state or determines that the business has  
 3815 a compelling economic rationale for the relocation which creates  
 3816 additional jobs. Subject to appropriation for projects under  
 3817 this section, any appropriation greater than \$10 million shall  
 3818 be allocated to each of the districts of the Department of  
 3819 Transportation to ensure equitable geographical distribution.  
 3820 Such allocated funds that remain uncommitted by the third  
 3821 quarter of the fiscal year shall be reallocated among the  
 3822 districts based on pending project requests.

3823 Section 70. Subsection (2) of section 311.22, Florida  
 3824 Statutes, is amended to read:

3825 311.22 Additional authorization for funding certain  
 3826 dredging projects.—

3827 (2) The council shall adopt rules for evaluating the  
 3828 projects that may be funded pursuant to this section. The rules  
 3829 must provide criteria for evaluating the economic benefit of the  
 3830 project. The rules must include the creation of an  
 3831 administrative review process by the council which is similar to  
 3832 the process described in s. 311.09(5)-(11) ~~s. 311.09(5)-(12)~~,  
 3833 and provide for a review by the Department of Transportation and  
 3834 the Department of Economic Opportunity of all projects submitted  
 3835 for funding under this section.

3836 Section 71. Section 316.2122, Florida Statutes, is amended

3837 to read:

3838           316.2122 Operation of a low-speed vehicle or mini truck on  
 3839 certain roadways.—The operation of a low-speed vehicle as  
 3840 defined in s. 320.01(42) or a mini truck as defined in s.  
 3841 320.01(45) on any road ~~as defined in s. 334.03(15) or (33)~~ is  
 3842 authorized with the following restrictions:

3843           (1) A low-speed vehicle or mini truck may be operated only  
 3844 on streets where the posted speed limit is 35 miles per hour or  
 3845 less. This does not prohibit a low-speed vehicle or mini truck  
 3846 from crossing a road or street at an intersection where the road  
 3847 or street has a posted speed limit of more than 35 miles per  
 3848 hour.

3849           (2) A low-speed vehicle must be equipped with headlamps,  
 3850 stop lamps, turn signal lamps, taillamps, reflex reflectors,  
 3851 parking brakes, rearview mirrors, windshields, seat belts, and  
 3852 vehicle identification numbers.

3853           (3) A low-speed vehicle or mini truck must be registered  
 3854 and insured in accordance with s. 320.02 and titled pursuant to  
 3855 chapter 319.

3856           (4) Any person operating a low-speed vehicle or mini truck  
 3857 must have in his or her possession a valid driver's license.

3858           (5) A county or municipality may prohibit the operation of  
 3859 low-speed vehicles or mini trucks on any road under its  
 3860 jurisdiction if the governing body of the county or municipality  
 3861 determines that such prohibition is necessary in the interest of  
 3862 safety.

3863           (6) The Department of Transportation may prohibit the  
 3864 operation of low-speed vehicles or mini trucks on any road under

3865 its jurisdiction if it determines that such prohibition is  
 3866 necessary in the interest of safety.

3867 Section 72. Section 318.12, Florida Statutes, is amended  
 3868 to read:

3869 318.12 Purpose.—It is the legislative intent in the  
 3870 adoption of this chapter to decriminalize certain violations of  
 3871 chapter 316, the Florida Uniform Traffic Control Law; chapter  
 3872 320, Motor Vehicle Licenses; chapter 322, Drivers' Licenses;  
 3873 chapter 338, Limited Access ~~Florida Intrastate Highway System~~  
 3874 and Toll Facilities; and chapter 1006, Support of Learning,  
 3875 thereby facilitating the implementation of a more uniform and  
 3876 expeditious system for the disposition of traffic infractions.

3877 Section 73. Subsections (3) and (4) of section 320.20,  
 3878 Florida Statutes, are amended to read:

3879 320.20 Disposition of license tax moneys.—The revenue  
 3880 derived from the registration of motor vehicles, including any  
 3881 delinquent fees and excluding those revenues collected and  
 3882 distributed under the provisions of s. 320.081, must be  
 3883 distributed monthly, as collected, as follows:

3884 (3) Notwithstanding any other provision of law except  
 3885 subsections (1) and (2), on July 1, 1996, and annually  
 3886 thereafter, \$15 million shall be deposited in the State  
 3887 Transportation Trust Fund solely for the purposes of funding the  
 3888 Florida Seaport Transportation and Economic Development Program  
 3889 as provided for in chapter 311. Such revenues shall be  
 3890 distributed on a 50-50 matching basis to any port listed in s.  
 3891 311.09(1) to be used for funding projects as described in s.  
 3892 311.07(3) (b). Such revenues may be assigned, pledged, or set

3893 | aside as a trust for the payment of principal or interest on  
 3894 | bonds, tax anticipation certificates, or any other form of  
 3895 | indebtedness issued by an individual port or appropriate local  
 3896 | government having jurisdiction thereof, or collectively by  
 3897 | interlocal agreement among any of the ports, or used to purchase  
 3898 | credit support to permit such borrowings. However, such debt  
 3899 | shall not constitute a general obligation of the State of  
 3900 | Florida. The state does hereby covenant with holders of such  
 3901 | revenue bonds or other instruments of indebtedness issued  
 3902 | hereunder that it will not repeal or impair or amend in any  
 3903 | manner which will materially and adversely affect the rights of  
 3904 | such holders so long as bonds authorized by this section are  
 3905 | outstanding. Any revenues which are not pledged to the repayment  
 3906 | of bonds as authorized by this section may be utilized for  
 3907 | purposes authorized under the Florida Seaport Transportation and  
 3908 | Economic Development Program. This revenue source is in addition  
 3909 | to any amounts provided for and appropriated in accordance with  
 3910 | s. 311.07. The Florida Seaport Transportation and Economic  
 3911 | Development Council shall approve distribution of funds to ports  
 3912 | for projects which have been approved pursuant to s. 311.09(5)-  
 3913 | (8) ~~s. 311.09(5)-(9)~~. The council and the Department of  
 3914 | Transportation may ~~are authorized to~~ perform such acts as are  
 3915 | required to facilitate and implement ~~the provisions of~~ this  
 3916 | subsection. To better enable the ports to cooperate to their  
 3917 | mutual advantage, the governing body of each port may exercise  
 3918 | powers provided to municipalities or counties in s. 163.01(7)(d)  
 3919 | subject to the provisions of chapter 311 and special acts, if  
 3920 | any, pertaining to a port. The use of funds provided pursuant to

3921 | this subsection are limited to eligible projects listed in this  
 3922 | subsection. Income derived from a project completed with the use  
 3923 | of program funds, beyond operating costs and debt service, shall  
 3924 | be restricted to further port capital improvements consistent  
 3925 | with maritime purposes and for no other purpose. Use of such  
 3926 | income for nonmaritime purposes is prohibited. ~~The provisions of~~  
 3927 | ~~s. 311.07(4) do not apply to any funds received pursuant to this~~  
 3928 | ~~subsection.~~ The revenues available under this subsection shall  
 3929 | not be pledged to the payment of any bonds other than the  
 3930 | Florida Ports Financing Commission Series 1996 and Series 1999  
 3931 | Bonds currently outstanding; provided, however, such revenues  
 3932 | may be pledged to secure payment of refunding bonds to refinance  
 3933 | the Florida Ports Financing Commission Series 1996 and Series  
 3934 | 1999 Bonds. No refunding bonds secured by revenues available  
 3935 | under this subsection may be issued with a final maturity later  
 3936 | than the final maturity of the Florida Ports Financing  
 3937 | Commission Series 1996 and Series 1999 Bonds or which provide  
 3938 | for higher debt service in any year than is currently payable on  
 3939 | such bonds. Any revenue bonds or other indebtedness issued after  
 3940 | July 1, 2000, other than refunding bonds shall be issued by the  
 3941 | Division of Bond Finance at the request of the Department of  
 3942 | Transportation pursuant to the State Bond Act.

3943 |       (4) Notwithstanding any other provision of law except  
 3944 | subsections (1), (2), and (3), on July 1, 1999, and annually  
 3945 | thereafter, \$10 million shall be deposited in the State  
 3946 | Transportation Trust Fund solely for the purposes of funding the  
 3947 | Florida Seaport Transportation and Economic Development Program  
 3948 | as provided in chapter 311 and for funding seaport intermodal

3949 | access projects of statewide significance as provided in s.  
 3950 | 341.053. Such revenues shall be distributed to any port listed  
 3951 | in s. 311.09(1), to be used for funding projects as follows:

3952 |       (a) For any seaport intermodal access projects that are  
 3953 | identified in the 1997-1998 Tentative Work Program of the  
 3954 | Department of Transportation, up to the amounts needed to offset  
 3955 | the funding requirements of this section.

3956 |       (b) For seaport intermodal access projects as described in  
 3957 | s. 341.053(5) that are identified in the 5-year Florida Seaport  
 3958 | Mission Plan as provided in s. 311.09(3). Funding for such  
 3959 | projects shall be on a matching basis as mutually determined by  
 3960 | the Florida Seaport Transportation and Economic Development  
 3961 | Council and the Department of Transportation, provided a minimum  
 3962 | of 25 percent of total project funds shall come from any port  
 3963 | funds, local funds, private funds, or specifically earmarked  
 3964 | federal funds.

3965 |       (c) On a 50-50 matching basis for projects as described in  
 3966 | s. 311.07(3)(b).

3967 |       (d) For seaport intermodal access projects that involve  
 3968 | the dredging or deepening of channels, turning basins, or  
 3969 | harbors; or the rehabilitation of wharves, docks, or similar  
 3970 | structures. Funding for such projects shall require a 25 percent  
 3971 | match of the funds received pursuant to this subsection.  
 3972 | Matching funds shall come from any port funds, federal funds,  
 3973 | local funds, or private funds.

3974 |  
 3975 | Such revenues may be assigned, pledged, or set aside as a trust  
 3976 | for the payment of principal or interest on bonds, tax

3977 anticipation certificates, or any other form of indebtedness  
 3978 issued by an individual port or appropriate local government  
 3979 having jurisdiction thereof, or collectively by interlocal  
 3980 agreement among any of the ports, or used to purchase credit  
 3981 support to permit such borrowings. However, such debt shall not  
 3982 constitute a general obligation of the state. This state does  
 3983 hereby covenant with holders of such revenue bonds or other  
 3984 instruments of indebtedness issued hereunder that it will not  
 3985 repeal or impair or amend this subsection in any manner which  
 3986 will materially and adversely affect the rights of holders so  
 3987 long as bonds authorized by this subsection are outstanding. Any  
 3988 revenues that are not pledged to the repayment of bonds as  
 3989 authorized by this section may be utilized for purposes  
 3990 authorized under the Florida Seaport Transportation and Economic  
 3991 Development Program. This revenue source is in addition to any  
 3992 amounts provided for and appropriated in accordance with s.  
 3993 311.07 and subsection (3). The Florida Seaport Transportation  
 3994 and Economic Development Council shall approve distribution of  
 3995 funds to ports for projects that have been approved pursuant to  
 3996 s. 311.09(5)-(8) ~~s. 311.09(5)-(9)~~, or for seaport intermodal  
 3997 access projects identified in the 5-year Florida Seaport Mission  
 3998 Plan as provided in s. 311.09(3) and mutually agreed upon by the  
 3999 Florida Seaport Transportation and Economic Development ~~FSTED~~  
 4000 Council and the Department of Transportation. All contracts for  
 4001 actual construction of projects authorized by this subsection  
 4002 must include a provision encouraging employment of participants  
 4003 in the welfare transition program. The goal for employment of  
 4004 participants in the welfare transition program is 25 percent of

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4005 all new employees employed specifically for the project, unless  
4006 the Department of Transportation and the Florida Seaport  
4007 Transportation and Economic Development Council demonstrate that  
4008 such a requirement would severely hamper the successful  
4009 completion of the project. In such an instance, Workforce  
4010 Florida, Inc., shall establish an appropriate percentage of  
4011 employees that must be participants in the welfare transition  
4012 program. The council and the Department of Transportation may  
4013 ~~are authorized to~~ perform such acts as are required to  
4014 facilitate and implement the provisions of this subsection. To  
4015 better enable the ports to cooperate to their mutual advantage,  
4016 the governing body of each port may exercise powers provided to  
4017 municipalities or counties in s. 163.01(7)(d) subject to the  
4018 provisions of chapter 311 and special acts, if any, pertaining  
4019 to a port. The use of funds provided pursuant to this subsection  
4020 is limited to eligible projects listed in this subsection. ~~The~~  
4021 ~~provisions of s. 311.07(4) do not apply to any funds received~~  
4022 ~~pursuant to this subsection.~~ The revenues available under this  
4023 subsection shall not be pledged to the payment of any bonds  
4024 other than the Florida Ports Financing Commission Series 1996  
4025 and Series 1999 Bonds currently outstanding; provided, however,  
4026 such revenues may be pledged to secure payment of refunding  
4027 bonds to refinance the Florida Ports Financing Commission Series  
4028 1996 and Series 1999 Bonds. No refunding bonds secured by  
4029 revenues available under this subsection may be issued with a  
4030 final maturity later than the final maturity of the Florida  
4031 Ports Financing Commission Series 1996 and Series 1999 Bonds or  
4032 which provide for higher debt service in any year than is

4033 currently payable on such bonds. Any revenue bonds or other  
 4034 indebtedness issued after July 1, 2000, other than refunding  
 4035 bonds shall be issued by the Division of Bond Finance at the  
 4036 request of the Department of Transportation pursuant to the  
 4037 State Bond Act.

4038 Section 74. Subsection (3) of section 335.02, Florida  
 4039 Statutes, is amended to read:

4040 335.02 Authority to designate transportation facilities  
 4041 and rights-of-way and establish lanes; procedure for  
 4042 redesignation and relocation; application of local regulations.-

4043 (3) The department may establish standards for lanes on  
 4044 the State Highway System, including the Strategic Intermodal  
 4045 System highway corridors ~~Florida Intrastate Highway System~~  
 4046 established pursuant to s. 339.65 ~~s. 338.001~~. In determining the  
 4047 number of lanes for any regional corridor or section of highway  
 4048 on the State Highway System to be funded by the department with  
 4049 state or federal funds, the department shall evaluate all  
 4050 alternatives and seek to achieve the highest degree of efficient  
 4051 mobility for corridor users. In conducting the analysis, the  
 4052 department must give consideration to the following factors  
 4053 consistent with sound engineering principles:

4054 (a) Overall economic importance of the corridor as a trade  
 4055 or tourism corridor.

4056 (b) Safety of corridor users, including the importance of  
 4057 the corridor for evacuation purposes.

4058 (c) Cost-effectiveness of alternative methods of  
 4059 increasing the mobility of corridor users.

4060 (d) Current and projected traffic volumes on the corridor.

- 4061 (e) Multimodal alternatives.
- 4062 (f) Use of intelligent transportation technology in
- 4063 increasing the efficiency of the corridor.
- 4064 (g) Compliance with state and federal policies related to
- 4065 clean air, environmental impacts, growth management, livable
- 4066 communities, and energy conservation.
- 4067 (h) Addition of special use lanes, such as exclusive truck
- 4068 lanes, high-occupancy-vehicle toll lanes, and exclusive
- 4069 interregional traffic lanes.
- 4070 (i) Availability and cost of rights-of-way, including
- 4071 associated costs, and the most effective use of existing rights-
- 4072 of-way.
- 4073 (j) Regional economic and transportation objectives, where
- 4074 articulated.
- 4075 (k) The future land use plan element of local government
- 4076 comprehensive plans, as appropriate, including designated urban
- 4077 infill and redevelopment areas.
- 4078 (l) The traffic circulation element, if applicable, of
- 4079 local government comprehensive plans, including designated
- 4080 transportation corridors and public transportation corridors.
- 4081 (m) The approved metropolitan planning organization's
- 4082 long-range transportation plan, as appropriate.
- 4083
- 4084 This subsection does not preclude a number of lanes in excess of
- 4085 10 lanes, but an additional factor that must be considered
- 4086 before the department may determine that the number of lanes
- 4087 should be more than 10 is the capacity to accommodate in the
- 4088 future alternative forms of transportation within existing or

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4089 potential rights-of-way.

4090 Section 75. Subsection (2) of section 338.222, Florida  
4091 Statutes, is amended to read:

4092 338.222 Department of Transportation sole governmental  
4093 entity to acquire, construct, or operate turnpike projects;  
4094 exception.—

4095 (2) The department may contract with any local  
4096 governmental entity as defined in s. 334.03(13) ~~s. 334.03(14)~~  
4097 for the design, right-of-way acquisition, or construction of any  
4098 turnpike project which the Legislature has approved. Local  
4099 governmental entities may negotiate with the department for the  
4100 design, right-of-way acquisition, and construction of any  
4101 section of the turnpike project within areas of their respective  
4102 jurisdictions or within counties with which they have interlocal  
4103 agreements.

4104 Section 76. Subsection (6) of section 339.285, Florida  
4105 Statutes, is amended to read:

4106 339.285 Enhanced Bridge Program for Sustainable  
4107 Transportation.—

4108 (6) Preference shall be given to bridge projects located  
4109 on corridors that connect to the Strategic Intermodal System,  
4110 created under s. 339.64, and that have been identified as  
4111 regionally significant in accordance with s. 339.155(4)(c), (d),  
4112 and (e) ~~s. 339.155(5)(c), (d), and (e)~~.

4113 Section 77. Subsection (2) of section 341.053, Florida  
4114 Statutes, is amended to read:

4115 341.053 Intermodal Development Program; administration;  
4116 eligible projects; limitations.—

4117 (2) In recognition of the department's role in the  
 4118 economic development of this state, the department shall develop  
 4119 a proposed intermodal development plan to connect Florida's  
 4120 airports, deepwater seaports, rail systems serving both  
 4121 passenger and freight, and major intermodal connectors to the  
 4122 Strategic Intermodal System highway corridors ~~Florida Intrastate~~  
 4123 ~~Highway System facilities~~ as the primary system for the movement  
 4124 of people and freight in this state in order to make the  
 4125 intermodal development plan a fully integrated and  
 4126 interconnected system. The intermodal development plan must:

4127 (a) Define and assess the state's freight intermodal  
 4128 network, including airports, seaports, rail lines and terminals,  
 4129 intercity bus lines and terminals, and connecting highways.

4130 (b) Prioritize statewide infrastructure investments,  
 4131 including the acceleration of current projects, which are found  
 4132 by the Freight Stakeholders Task Force to be priority projects  
 4133 for the efficient movement of people and freight.

4134 (c) Be developed in a manner that will assure maximum use  
 4135 of existing facilities and optimum integration and coordination  
 4136 of the various modes of transportation, including both  
 4137 government-owned and privately owned resources, in the most  
 4138 cost-effective manner possible.

4139 Section 78. Subsection (2) of section 341.8225, Florida  
 4140 Statutes, is amended to read:

4141 341.8225 Department of Transportation sole governmental  
 4142 entity to acquire, construct, or operate high-speed rail  
 4143 projects; exception.—

4144 (2) Local governmental entities, as defined in s.

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4145 334.03(13) ~~s. 334.03(14)~~, may negotiate with the department for  
 4146 the design, right-of-way acquisition, and construction of any  
 4147 component of the high-speed rail system within areas of their  
 4148 respective jurisdictions or within counties with which they have  
 4149 interlocal agreements.

4150 Section 79. Subsection (2) of section 403.7211, Florida  
 4151 Statutes, is amended to read:

4152 403.7211 Hazardous waste facilities managing hazardous  
 4153 wastes generated offsite; federal facilities managing hazardous  
 4154 waste.—

4155 (2) The department may ~~shall~~ not issue any permit under s.  
 4156 403.722 for the construction, initial operation, or substantial  
 4157 modification of a facility for the disposal, storage, or  
 4158 treatment of hazardous waste generated offsite which is proposed  
 4159 to be located in any of the following locations:

4160 (a) Any area where life-threatening concentrations of  
 4161 hazardous substances could accumulate at any residence or  
 4162 residential subdivision as the result of a catastrophic event at  
 4163 the proposed facility, unless each such residence or residential  
 4164 subdivision is served by at least one arterial road or urban  
 4165 minor arterial road, as determined under the procedures  
 4166 referenced in s. 334.03(10) ~~defined in s. 334.03~~, which provides  
 4167 safe and direct egress by land to an area where such life-  
 4168 threatening concentrations of hazardous substances could not  
 4169 accumulate in a catastrophic event. Egress by any road leading  
 4170 from any residence or residential subdivision to any point  
 4171 located within 1,000 yards of the proposed facility is unsafe  
 4172 for the purposes of this paragraph. In determining whether

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4173 egress proposed by the applicant is safe and direct, the  
 4174 department shall also consider, at a minimum, the following  
 4175 factors:

4176 1. Natural barriers such as water bodies, and whether any  
 4177 road in the proposed evacuation route is impaired by a natural  
 4178 barrier such as a water body.†

4179 2. Potential exposure during egress and potential  
 4180 increases in the duration of exposure.†

4181 3. Whether any road in a proposed evacuation route passes  
 4182 in close proximity to the facility.†~~and~~

4183 4. Whether any portion of the evacuation route is  
 4184 inherently directed toward the facility.

4185 (b) Any location within 1,500 yards of any hospital,  
 4186 prison, school, nursing home facility, day care facility,  
 4187 stadium, place of assembled worship, or any other similar site  
 4188 where individuals are routinely confined or assembled in such a  
 4189 manner that reasonable access to immediate evacuation is likely  
 4190 to be unavailable.†

4191 (c) Any location within 1,000 yards of any residence.†~~or~~

4192 (d) Any location which is inconsistent with rules adopted  
 4193 by the department under this part.

4194  
 4195 For the purposes of this subsection, all distances shall be  
 4196 measured from the outer limit of the active hazardous waste  
 4197 management area. "Substantial modification" includes: any  
 4198 physical change in, change in the operations of, or addition to  
 4199 a facility which could increase the potential offsite impact, or  
 4200 risk of impact, from a release at that facility; and any change

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4201 in permit conditions which is reasonably expected to lead to  
 4202 greater potential impacts or risks of impacts, from a release at  
 4203 that facility. "Substantial modification" does not include a  
 4204 change in operations, structures, or permit conditions which  
 4205 does not substantially increase either the potential impact  
 4206 from, or the risk of, a release. Physical or operational changes  
 4207 to a facility related solely to the management of nonhazardous  
 4208 waste at the facility is ~~shall~~ not ~~be~~ considered a substantial  
 4209 modification. The department shall, by rule, adopt criteria to  
 4210 determine whether a facility has been substantially modified.  
 4211 "Initial operation" means the initial commencement of operations  
 4212 at the facility.

4213 Section 80. Subsection (27) of section 479.01, Florida  
 4214 Statutes, is amended to read:

4215 479.01 Definitions.—As used in this chapter, the term:

4216 (27) "Urban area" has the same meaning as defined in s.  
 4217 334.03(31) ~~s. 334.03(32)~~.

4218 Section 81. Subsection (1) of section 479.07, Florida  
 4219 Statutes, is amended to read:

4220 479.07 Sign permits.—

4221 (1) Except as provided in ss. 479.105(1)(e) and 479.16, a  
 4222 person may not erect, operate, use, or maintain, or cause to be  
 4223 erected, operated, used, or maintained, any sign on the State  
 4224 Highway System outside an urban area, as defined in s.  
 4225 334.03(31) ~~s. 334.03(32)~~, or on any portion of the interstate or  
 4226 federal-aid primary highway system without first obtaining a  
 4227 permit for the sign from the department and paying the annual  
 4228 fee as provided in this section. As used in this section, the

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4229 term "on any portion of the State Highway System, interstate, or  
 4230 federal-aid primary system" means a sign located within the  
 4231 controlled area which is visible from any portion of the main-  
 4232 traveled way of such system.

4233 Section 82. Subsection (5) of section 479.261, Florida  
 4234 Statutes, is amended to read:

4235 479.261 Logo sign program.—

4236 (5) At a minimum, permit fees for businesses that  
 4237 participate in the program must be established in an amount  
 4238 sufficient to offset the total cost to the department for the  
 4239 program, including contract costs. The department shall provide  
 4240 the services in the most efficient and cost-effective manner  
 4241 through department staff or by contracting for some or all of  
 4242 the services. The department shall adopt rules that set  
 4243 reasonable rates based upon factors such as population, traffic  
 4244 volume, market demand, and costs for annual permit fees.  
 4245 However, annual permit fees for sign locations inside an urban  
 4246 area, as defined in s. 334.03(31) ~~s. 334.03(32)~~, may not exceed  
 4247 \$3,500, and annual permit fees for sign locations outside an  
 4248 urban area, as defined in s. 334.03(31) ~~s. 334.03(32)~~, may not  
 4249 exceed \$2,000. After recovering program costs, the proceeds from  
 4250 the annual permit fees shall be deposited into the State  
 4251 Transportation Trust Fund and used for transportation purposes.

4252 Section 83. This act shall take effect July 1, 2012.