

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

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

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

85 government; amending s. 311.14, F.S., relating to
86 seaport planning; directing the department to develop,
87 in coordination with certain partners, a Statewide
88 Seaport and Waterways System Plan consistent with the
89 goals of the Florida Transportation Plan; providing
90 requirements for the plan; removing provisions for the
91 Florida Seaport Transportation and Economic
92 Development Council to develop freight-mobility and
93 trade-corridor plans; removing provisions that require
94 the Office of the State Public Transportation
95 Administrator to integrate the Florida Transportation
96 Plan with certain other plans and programs; removing
97 provisions relating to the construction of seaport
98 freight-mobility projects; amending s. 316.003, F.S.;
99 revising the definition of the term "motor vehicle"
100 for purposes of the payment and collection of tolls on
101 toll facilities under specified provisions; amending
102 s. 316.091, F.S.; permitting the use of shoulders for
103 vehicular traffic under certain circumstances;
104 requiring notice of where vehicular traffic is
105 allowed; providing what may not be deemed as
106 authorization; requiring the department to establish a
107 pilot program to open certain limited access highways
108 and bridges to bicycles and other human-powered
109 vehicles; providing requirements for the pilot
110 program; providing a timeframe for implementation of
111 the program; authorizing the department to continue or
112 expand the program; requiring the department to report

113 findings and recommendations to the Governor and
114 Legislature by a certain date; amending s. 316.1001,
115 F.S.; revising requirements for mailing of citations
116 for failure to pay a toll; authorizing mailing by
117 certified mail in addition to first class mail;
118 providing that mailing of the citation to the address
119 of the registered motor vehicle owner constitutes
120 notification; removing a requirement for a return
121 receipt; amending s. 316.2068, F.S.; authorizing a
122 county or municipality to regulate the operation of
123 electric personal assistive mobility devices on any
124 road, street, sidewalk, or bicycle path under its
125 jurisdiction if the governing body of the county or
126 municipality determines that such regulation is
127 necessary in the interest of safety; amending s.
128 316.515, F.S.; revising provisions for the maximum
129 allowed length of straight truck-trailer combinations;
130 revising provisions for operation of implements of
131 husbandry and farm equipment on state roads;
132 authorizing the operation of citrus harvesting
133 equipment and citrus fruit loaders for certain
134 purposes; conforming a cross-reference; amending s.
135 320.01, F.S.; revising the definition of the term
136 "low-speed vehicle" to include vehicles that are not
137 electric powered; amending s. 332.08, F.S.;

138 authorizing a municipality participating in a federal
139 airport privatization pilot program to sell an airport
140 or other air navigation facility or certain real

141 property, improvements, and equipment; requiring
142 department approval of the agreement under certain
143 circumstances; providing criteria for department
144 approval; amending s. 334.03, F.S.; removing the
145 definition of the term "Florida Intrastate Highway
146 System" and revising the definitions of the terms
147 "functional classification" and "State Highway System"
148 for purposes of the Florida Transportation Code;
149 amending s. 334.044, F.S.; revising the powers and
150 duties of the department relating to jurisdictional
151 responsibility, designating facilities, and highway
152 landscaping; adding the duty to develop a Freight
153 Mobility and Trade Plan; requiring the plan to be
154 submitted to the Governor and Legislature; requiring
155 freight issues to be emphasized in transportation
156 plans; amending s. 334.047, F.S.; removing a provision
157 that prohibits the department from establishing a
158 maximum number of miles of urban principal arterial
159 roads; amending s. 335.074, F.S., relating to bridge
160 safety inspection reports; requiring the governmental
161 entity having maintenance responsibility for a bridge
162 to reduce the maximum weight, size, or speed limit for
163 the bridge or to close the bridge upon receipt of a
164 report recommending the reduction or closure;
165 requiring the entity to post the reduced limits and
166 notify the department; requiring the department to
167 post the reduced limits or to close the bridge under
168 certain circumstances; requiring costs associated with

169 the department posting the revised limits or closure
170 of the bridge to be assessed against and collected
171 from the governmental entity; amending s. 335.17,
172 F.S.; revising provisions relating to highway
173 construction noise abatement; amending s. 336.021,
174 F.S.; revising the date when imposition of the ninth-
175 cent fuel tax will be levied; amending s. 336.025,
176 F.S.; revising the date when impositions and rate
177 changes of the local option fuel tax shall be levied;
178 revising the definition of the term "transportation
179 expenditures" for purposes of specified provisions
180 that restrict the use of local option fuel tax funds
181 by counties and municipalities; amending s. 337.11,
182 F.S.; requiring the department to advertise certain
183 construction contracts for bids on the department's
184 Internet website; removing provisions for such
185 advertisement to be published in a newspaper; amending
186 s. 337.111, F.S.; providing additional forms of
187 security for the cost of removal of monuments or
188 memorials or modifications to an installation site at
189 highway rest areas; removing a provision requiring
190 renewal of a bond; amending s. 337.125, F.S.; revising
191 provisions relating to a prime contractor's submission
192 of a disadvantaged business enterprise utilization
193 form; repealing s. 337.137, F.S., relating to
194 subcontracting by socially and economically
195 disadvantaged business enterprises; amending s.
196 337.139, F.S.; providing an updated reference to

197 federal law as it relates to socially and economically
198 disadvantaged business enterprises; amending s.
199 337.14, F.S.; revising provisions for applications for
200 qualification to bid on department contracts; amending
201 s. 337.29, F.S.; authorizing transfers of right-of-way
202 between local governments by deed; amending ss.
203 337.403 and 337.404, F.S.; revising provisions for
204 alleviation of interference with a public road or
205 publicly owned rail corridor caused by a utility
206 facility; amending s. 337.408, F.S.; revising
207 provisions for certain facilities installed within the
208 right-of-way limits of roads on the State Highway
209 System; requiring counties and municipalities that
210 have authorized a bench or transit shelter to be
211 responsible for determining if the facility is
212 compliant with applicable laws and rules or remove the
213 bench or transit shelter; limiting liability of the
214 department; requiring a municipality or county that
215 authorizes a bench or transit shelter to be installed
216 to require the supplier or installer to indemnify the
217 department and annually certify that the requirement
218 has been met; requiring the removal of such facilities
219 under certain circumstances; authorizing the
220 department to direct a county or municipality to
221 remove or relocate a bus stop, bench, transit shelter,
222 waste disposal receptacle, public pay telephone, or
223 modular news rack that is not in compliance with
224 applicable laws or rules; removing a provision for the

225 replacement of an unusable transit bus bench that was
226 in service before a certain date; prohibiting
227 installation of a bus stop that conflicts with certain
228 laws and regulations resulting in a loss of federal
229 funds; authorizing the appropriate local government
230 entity to regulate or deny competition to provide a
231 bus stop; revising the title of ch. 338, F.S.;
232 repealing s. 338.001, F.S., relating to provisions for
233 the Florida Intrastate Highway System Plan; amending
234 s. 338.01, F.S.; clarifying provisions governing the
235 designation and function of limited access facilities;
236 authorizing the department or other governmental
237 entities collecting tolls to pursue collection of
238 unpaid tolls by contracting with a private attorney or
239 collection agency; authorizing a collection fee;
240 providing an exception to statutory requirements
241 related to private attorney services; creating s.
242 338.151, F.S.; authorizing the department to establish
243 tolls on certain transportation facilities to pay for
244 the cost of such project; prohibiting the department
245 from establishing tolls on certain lanes of limited
246 access facilities; providing an exception; providing
247 for application; amending s. 338.155, F.S.;
248 authorizing the department adopt rules to allow public
249 transit vehicles and certain military-service-related
250 funeral processions to use certain toll facilities
251 without payment of tolls; amending s. 338.161, F.S.;
252 authorizing the department to enter into agreements

253 | for the use of its electronic toll collection and
254 | video billing system; authorizing modification of its
255 | rules regarding toll collection and an administrative
256 | charge; providing for construction; amending s.
257 | 338.166, F.S.; revising a provision for issuance of
258 | bonds secured by toll revenues collected on high-
259 | occupancy toll lanes or express lanes; revising
260 | authorized uses of such toll revenues; providing
261 | restrictions on such use; amending s. 338.221, F.S.;
262 | revising the definition of the term "economically
263 | feasible" for purposes of proposed turnpike projects;
264 | amending s. 338.223, F.S.; revising provisions for
265 | department requests for legislative approval of
266 | proposed turnpike projects; conforming a cross-
267 | reference; amending s. 338.227, F.S.; conforming
268 | provisions to changes made by the act; directing the
269 | department and the Department of Management Services
270 | to create and implement a program designed to enhance
271 | participation of minority businesses in certain
272 | contracts related to the Strategic Intermodal System
273 | Plan; amending ss. 338.2275 and 338.228, F.S.,
274 | relating to turnpike projects; revising cross-
275 | references; amending s. 338.231, F.S.; providing that
276 | inactive prepaid toll accounts are unclaimed property;
277 | providing for disposition by the Department of
278 | Financial Services and closing of the account;
279 | amending s. 338.234, F.S.; revising provisions that
280 | exempt certain lessees from payment of commercial

281 rental tax; replacing a reference to the Florida
282 Intrastate Highway System with a reference to the
283 Strategic Intermodal System; amending s. 339.0805,
284 F.S.; revising requirements for expenditure of certain
285 funds with small business concerns owned and
286 controlled by socially and economically disadvantaged
287 individuals; revising a definition of the term "small
288 business concern"; removing provisions for a periodic
289 disparity study; deleting obsolete language; revising
290 provisions for certification as a socially and
291 economically disadvantaged business enterprise;
292 revising requirements that a disadvantaged business
293 enterprise notify the department of certain changes in
294 ownership; revising criteria for such a business
295 enterprise to participate in a construction management
296 development program; revising references to federal
297 law; amending s. 339.135, F.S.; revising provisions
298 for developing the department's tentative work
299 program; revising provisions for a list of project
300 priorities submitted by a metropolitan planning
301 organization; revising criteria for proposed amendment
302 to the department's adopted work program which
303 deletes, advances, or defers a project or project
304 phase; revising threshold amounts; directing the
305 department to index the budget amendment threshold
306 amounts to the rate of inflation; prohibiting such
307 adjustments more frequently than once a year;
308 subjecting such adjustments to specified notice and

309 review procedures; amending s. 339.155, F.S.; revising
310 provisions for the Florida Transportation Plan;
311 requiring the planning process to conform to specified
312 federal provisions; removing provisions for a long-
313 range component, short-range component, and a report;
314 amending s. 339.175, F.S.; providing that to the
315 extent possible only one metropolitan planning
316 organization be designated in a urbanized area;
317 providing that representatives of the department shall
318 serve as nonvoting advisers to a metropolitan planning
319 organization; authorizing the appointment of
320 additional nonvoting advisers; requiring M.P.O.'s to
321 coordinate in the development of regionally
322 significant project priorities; amending s. 339.2819,
323 F.S.; revising the state matching funds requirement
324 for the Transportation Regional Incentive Program;
325 conforming cross-references; requiring funded projects
326 to be in the department's work program; requiring a
327 project to meet the program's requirements prior to
328 being funded; amending s. 339.62, F.S.; removing the
329 Florida Intrastate Highway System from and adding
330 highway corridors to the list of components of the
331 Strategic Intermodal System; providing for other
332 corridors to be included in the system; amending s.
333 339.63, F.S.; adding military access facilities to the
334 types of facilities included in the Strategic
335 Intermodal System and the Emerging Strategic
336 Intermodal System which form components of an

337 | interconnected transportation system; providing that
338 | an intermodal logistics center meeting certain
339 | criteria shall be designated as part of the Strategic
340 | Intermodal System; providing for a waiver of
341 | transportation concurrency for such facility if it is
342 | located within a described area; amending s. 339.64,
343 | F.S.; deleting provisions creating the Statewide
344 | Intermodal Transportation Advisory Council; creating
345 | s. 339.65, F.S.; requiring the department to plan and
346 | develop for Strategic Intermodal System highway
347 | corridors to aid traffic movement around the state;
348 | providing for components of the corridors; requiring
349 | the department to follow specified policy guidelines
350 | when developing the corridors; directing the
351 | department to establish standards and criteria for
352 | functional design; providing for appropriations;
353 | requiring such highway corridor projects to be a part
354 | of the department's adopted work program; amending s.
355 | 341.301, F.S.; revising the definition of "limited
356 | coverage accident"; amending s. 341.302, F.S.;

357 | providing parameters within which the department may
358 | by contract indemnify against loss by National
359 | Railroad Passenger Corporation; authorizing the
360 | department to purchase liability insurance including
361 | coverage for the department, National Railroad
362 | Passenger Corporation, commuter rail service
363 | providers, governmental entities, or any ancillary
364 | development and establish a self-insurance retention

365 fund; limiting the amount of the insurance and self-
366 insurance retention fund; providing that the insureds
367 must make payments for the coverage; providing that
368 the insurance may provide coverage for all damages and
369 be maintained to provide a fund to cover liabilities
370 arising from rail corridor ownership and operations;
371 amending 341.840, F.S.; relating to the Florida Rail
372 Enterprise Act; revising obsolete references to the
373 Florida High-Speed Rail Authority; providing that
374 certain transactions made by or on behalf of the
375 enterprise are exempt from specified taxes; providing
376 for certain contractors to act as agents on behalf of
377 the enterprise for purposes of the tax exemption;
378 authorizing the department to adopt rules; amending s.
379 343.52, F.S.; revising the definition of the term
380 "area served" for purposes of provisions for the South
381 Florida Regional Transportation Authority; revising a
382 provision for expansion of the area; amending s.
383 343.53, F.S.; revising membership of and criteria for
384 appointment to the board of the South Florida Regional
385 Transportation Authority; amending s. 343.54, F.S.;
386 revising a provision authorizing the authority to
387 expand its service area; creating s. 347.215, F.S.;
388 providing for the operation of ferries by joint
389 agreement between public and private entities;
390 amending s. 348.0003, F.S.; revising financial
391 disclosure requirements for certain transportation
392 authorities; creating s. 348.7645, F.S.; requiring the

393 | Orlando-Orange County Expressway Authority to erect a
394 | sign under certain circumstances; providing for
395 | payment for the cost of the sign; amending s. 349.03,
396 | F.S.; providing for financial disclosure requirements
397 | for the Jacksonville Transportation Authority;
398 | amending s. 349.04, F.S.; providing that the
399 | Jacksonville Transportation Authority may conduct
400 | meetings and workshops using communications media
401 | technology; providing that certain actions may not be
402 | taken unless a quorum is present in person; providing
403 | that members must be physically present to vote on any
404 | item; amending s. 373.118, F.S.; requiring that the
405 | Department of Environmental Protection initiate
406 | rulemaking to adopt a general permit for stormwater
407 | management systems serving airside activities at
408 | airports; providing for statewide application of the
409 | general permit; providing for any water management
410 | district or delegated local government to administer
411 | the general permit; providing that the rules are not
412 | subject to any special rulemaking requirements
413 | relating to small business; amending s. 373.413, F.S.;
414 | providing legislative intent regarding flexibility in
415 | the permitting of stormwater management systems;
416 | requiring the cost of stormwater treatment for a
417 | transportation project to be balanced with benefits to
418 | the public; requiring that alternatives to onsite
419 | treatment be allowed; specifying responsibilities of
420 | the department relating to abatement of pollutants and

421 permits for adjacent lands impacted by right-of-way
422 acquisition; authorizing water management districts
423 and the Department of Environmental Protection to
424 adopt rules; amending s. 373.4136, F.S.; providing
425 that specified seaports are eligible to use mitigation
426 banks; amending s. 373.4137, F.S., relating to the
427 mitigation of environmental impact of transportation
428 projects proposed by the department or a
429 transportation authority; revising legislative intent;
430 revising provisions for development of environmental
431 impact inventories; providing for the release of
432 escrowed mitigation funds under certain circumstances;
433 specifying continuing responsibility for mitigation
434 projects; revising provisions for exclusion of
435 projects from a mitigation plan; repealing s. 479.28,
436 F.S., relating to the rest area information panel or
437 device program; authorizing the department to seek
438 Federal Highway Administration approval of a tourist-
439 oriented commerce sign pilot program; directing the
440 department to submit the approved pilot program for
441 legislative approval; establishing a pilot program for
442 the Palm Beach County school district to recognize its
443 business partners; providing for expiration of the
444 program; providing for a type two transfer of relevant
445 administrative rules relating to the redesignation of
446 the Pilotage Rate Review Board as the Pilotage Rate
447 Review Committee within the Board of Pilot
448 Commissioners and the transfer of matters pending

449 before the board at the time of the redesignation and
450 the Governor's appointment of the board pursuant to
451 ss. 5 and 6, ch. 2010-225, Laws of Florida; requiring
452 the Florida Transportation Commission to study the
453 potential costs savings of the department being the
454 operating agent for certain expressway authorities;
455 providing for certain related expenses to be paid by
456 the department; requiring a report to the Governor and
457 Legislature; providing that a challenge to a
458 consolidated environmental resource permit or
459 associated variance or any sovereign submerged lands
460 authorization proposed or issued by the Department of
461 Environmental Protection in connection with specified
462 deepwater ports is subject to specified summary
463 hearing provisions; requiring such proceedings to be
464 conducted within a certain timeframe; providing that
465 the administrative law judge's decision is a
466 recommended order and does not constitute final agency
467 action of the Department of Environmental Protection;
468 requiring the Department of Environmental Protection
469 to issue the final order within a certain timeframe;
470 providing applicability of specified provisions;
471 requiring the Pinellas Suncoast Transit Authority and
472 the Hillsborough Area Regional Transit Authority to
473 perform a study looking at possible efficiencies and
474 improvements; providing requirements for such study;
475 requiring the Tampa Bay Area Regional Transportation
476 Authority to assist and facilitate such study;

477 exempting communications equipment intended for
 478 railroad use in a designated federal railroad right-
 479 of-way from the Florida Building Code and any county
 480 or municipal code or fee; providing that such
 481 equipment is subject to review for compliance with
 482 applicable railroad regulations; authorizing private
 483 communications equipment not intended for railroad use
 484 to colocate upon an existing tower intended for
 485 railroad use within a designated federal railroad
 486 right-of of-way; requiring such colocated equipment to
 487 comply with the Florida Building Code; allowing
 488 colocation of communications equipment; authorizing
 489 colocation for public safety communications;
 490 prohibiting certain fees; amending ss. 215.616,
 491 288.063, 311.22, 316.2122, 318.12, 320.20, 335.02,
 492 338.222, 339.285, 341.053, 341.8225, 403.7211, 479.01,
 493 479.07, and 479.261, F.S., relating to bonds for
 494 federal aid highway construction, contracts for
 495 transportation projects, dredging projects, operation
 496 of low-speed vehicles or mini-trucks, traffic
 497 infractions, license tax distribution, standards for
 498 lanes, turnpike projects, the Enhanced Bridge Program
 499 for Sustainable Transportation, the Intermodal
 500 Development Program, high-speed rail projects,
 501 hazardous waste facilities, outdoor advertising, and
 502 the logo sign program, respectively; deleting obsolete
 503 language; revising references to conform to the
 504 incorporation of the Florida Intrastate Highway System

505 into the Strategic Intermodal System and to changes
 506 made by the act; providing effective dates.

507

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

509

510 Section 1. Paragraphs (a) and (b) of subsection (5) of
 511 section 20.23, Florida Statutes, are amended to read:

512 20.23 Department of Transportation.—There is created a
 513 Department of Transportation which shall be a decentralized
 514 agency.

515 (5) (a) The operations of the department shall be organized
 516 into seven districts, each headed by a district secretary, and a
 517 turnpike enterprise and a rail enterprise, each enterprise
 518 headed by an executive director. The district secretaries and
 519 the executive directors shall be registered professional
 520 engineers in accordance with the provisions of chapter 471 or
 521 the laws of another state, or, in lieu of professional engineer
 522 registration, a district secretary or executive director may
 523 hold an advanced degree in an appropriate related discipline,
 524 such as a Master of Business Administration. The headquarters of
 525 the districts shall be located in Polk, Columbia, Washington,
 526 Broward, Volusia, Miami-Dade, and Hillsborough Counties. The
 527 headquarters of the turnpike enterprise shall be located in
 528 Orange County. The headquarters of the rail enterprise shall be
 529 located in Leon County. In order to provide for efficient
 530 operations and to expedite the decisionmaking process, the
 531 department shall provide for maximum decentralization to the
 532 districts.

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

537 Section 2. Paragraph (c) of subsection (4) of section
 538 206.41, Florida Statutes, is amended to read:

539 206.41 State taxes imposed on motor fuel.-

540 (4)

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

546 2. For the purposes of this paragraph, "agricultural and
 547 aquacultural purposes" means motor fuel used in any tractor,
 548 vehicle, or other farm equipment which is used exclusively on a
 549 farm or for processing farm products on the farm, and no part of
 550 which fuel is used in any vehicle or equipment driven or
 551 operated upon the public highways of this state. This
 552 restriction does not apply to the movement of a farm vehicle, ~~or~~
 553 farm equipment, citrus harvesting equipment, or citrus fruit
 554 loaders between farms. The transporting of bees by water and the
 555 operating of equipment used in the apiary of a beekeeper shall
 556 be also deemed an agricultural purpose.

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

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

566 4. For the purposes of this paragraph, "commercial
 567 aviation purposes" means motor fuel used in the operation of
 568 aviation ground support vehicles or equipment, no part of which
 569 fuel is used in any vehicle or equipment driven or operated upon
 570 the public highways of this state.

571 Section 3. Chapter 311, Florida Statutes, is retitled
 572 "SEAPORT PROGRAMS AND FACILITIES."

573 Section 4. Section 311.07, Florida Statutes, is amended to
 574 read:

575 311.07 Florida seaport transportation and economic
 576 development funding.—

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

584 (2) A minimum of \$15 ~~\$8~~ million per year shall be made
 585 available from the State Transportation Trust Fund to fund the
 586 Florida Seaport Transportation and Economic Development Program.
 587 The Florida Seaport Transportation and Economic Development
 588 Council created in s. 311.09 shall develop guidelines for

589 project funding. Council staff, the Department of
590 Transportation, and the Department of Economic Opportunity shall
591 work in cooperation to review projects and allocate funds in
592 accordance with the schedule required for the Department of
593 Transportation to include these projects in the tentative work
594 program developed pursuant to s. 339.135(4).

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

611 (b) Projects eligible for funding by grants under the
612 program are limited to the following port facilities or port
613 transportation projects:

614 1. Transportation facilities within the jurisdiction of
615 the port.

616 2. The dredging or deepening of channels, turning basins,

617 or harbors.

618 3. The construction or rehabilitation of wharves, docks,
 619 structures, jetties, piers, storage facilities, cruise
 620 terminals, automated people mover systems, or any facilities
 621 necessary or useful in connection with any of the foregoing.

622 4. The acquisition of vessel tracking systems, container
 623 cranes, or other mechanized equipment used in the movement of
 624 cargo or passengers in international commerce.

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

626 6. The acquisition, improvement, enlargement, or extension
 627 of existing port facilities.

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

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

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

641 10. Construction or rehabilitation of port facilities as
 642 defined in s. 315.02, excluding any park or recreational
 643 facilities, in ports listed in s. 311.09(1) with operating
 644 revenues of \$5 million or less, provided that such projects

645 create economic development opportunities, capital improvements,
 646 and positive financial returns to such ports.

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

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

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

659 (4)~~(5)~~ Any port which receives funding under the program
 660 shall institute procedures to ensure that jobs created as a
 661 result of the state funding shall be subject to equal
 662 opportunity hiring practices in the manner provided in s.
 663 110.112.

664 (5)~~(6)~~ The Department of Transportation may ~~shall~~ subject
 665 any project that receives funds pursuant to this section and s.
 666 320.20 to a final audit. The department may adopt rules and
 667 perform such other acts as are necessary or convenient to ensure
 668 that the final audits are conducted and that any deficiency or
 669 questioned costs noted by the audit are resolved.

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

672 311.09 Florida Seaport Transportation and Economic

673 Development Council.—

674 (4) The council shall adopt rules for evaluating projects
 675 which may be funded under ss. 311.07 and 320.20. The rules shall
 676 provide criteria for evaluating the potential project,
 677 including, but not limited to, such factors as consistency with
 678 appropriate plans, economic benefit, readiness for construction,
 679 noncompetition with other Florida ports, and capacity within the
 680 seaport system ~~economic benefit of the project, measured by the~~
 681 ~~potential for the proposed project to maintain or increase cargo~~
 682 ~~flow, cruise passenger movement, international commerce, port~~
 683 ~~revenues, and the number of jobs for the port's local community.~~

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

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

701 ~~feasible, with such comprehensive plans and port master plans.~~
 702 (6)~~(7)~~ The Department of Transportation shall review the
 703 list of project applications ~~projects~~ approved by the council
 704 for consistency with the Florida Transportation Plan, the
 705 Statewide Seaport and Waterways System Plan, and the
 706 department's adopted work program. In evaluating the consistency
 707 of a project, the department shall assess the transportation
 708 impacts and economic benefits for each project ~~determine whether~~
 709 ~~the transportation impact of the proposed project is adequately~~
 710 ~~handled by existing state-owned transportation facilities or by~~
 711 ~~the construction of additional state-owned transportation~~
 712 ~~facilities as identified in the Florida Transportation Plan and~~
 713 ~~the department's adopted work program. In reviewing for~~
 714 ~~consistency a transportation facility project as defined in s.~~
 715 ~~334.03(31) which is not otherwise part of the department's work~~
 716 ~~program, the department shall evaluate whether the project is~~
 717 ~~needed to provide for projected movement of cargo or passengers~~
 718 ~~from the port to a state transportation facility or local road.~~
 719 ~~If the project is needed to provide for projected movement of~~
 720 ~~cargo or passengers, the project shall be approved for~~
 721 ~~consistency as a consideration to facilitate the economic~~
 722 ~~development and growth of the state in a timely manner. The~~
 723 Department of Transportation shall identify those projects which
 724 are inconsistent with the Florida Transportation Plan, the
 725 Statewide Seaport and Waterways System Plan, or ~~and~~ the adopted
 726 work program and shall notify the council of projects found to
 727 be inconsistent.

728 (7)~~(8)~~ The Department of Economic Opportunity shall review

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

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

750 ~~(9)(10)~~ The Department of Transportation shall include no
 751 less than \$15 million per year in its annual legislative budget
 752 request for the a Florida Seaport Transportation and Economic
 753 Development ~~grant~~ Program funded under s. 311.07 ~~for expenditure~~
 754 ~~of funds of not less than \$8 million per year~~. Such budget shall
 755 include funding for projects approved by the council which have
 756 been determined by each agency to be consistent ~~and which have~~

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

785 approved work program amendments.

786 (10)~~(11)~~ The council shall meet at the call of its
 787 chairperson, at the request of a majority of its membership, or
 788 at such times as may be prescribed in its bylaws. However, the
 789 council must meet at least semiannually. A majority of voting
 790 members of the council constitutes a quorum for the purpose of
 791 transacting the business of the council. All members of the
 792 council are voting members. A vote of the majority of the voting
 793 members present is sufficient for any action of the council,
 794 except that a member representing the Department of
 795 Transportation or the Department of Economic Opportunity may
 796 vote to overrule any action of the council approving a project
 797 pursuant to subsection (5). The bylaws of the council may
 798 require a greater vote for a particular action.

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

813 joint participation agreement for each council-approved project,
 814 and such payment is in addition to the matching funds required
 815 to be paid by the recipient port. Except as otherwise exempted
 816 by law, all moneys derived from the Florida Seaport
 817 Transportation and Economic Development Program shall be
 818 expended in accordance with the provisions of s. 287.057.
 819 Seaports subject to competitive negotiation requirements of a
 820 local governing body shall abide by the provisions of s.
 821 287.055.

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

832 Section 6. Section 311.10, Florida Statutes, is created to
 833 read:

834 311.10 Strategic Port Investment Initiative.-

835 (1) There is created the Strategic Port Investment
 836 Initiative within the Department of Transportation. Beginning in
 837 fiscal year 2012-2013, a minimum of \$35 million annually shall
 838 be made available from the State Transportation Trust Fund to
 839 fund the Strategic Port Investment Initiative. The Department of
 840 Transportation shall work with the deepwater ports listed in s.

841 311.09 to develop and maintain a priority list of strategic
842 investment projects. Project selection shall be based on
843 projects that meet the state's economic development goal of
844 becoming a hub for trade, logistics, and export-oriented
845 activities by:

846 (a) Providing important access and major on-port capacity
847 improvements;

848 (b) Providing capital improvements to strategically
849 position the state to maximize opportunities in international
850 trade, logistics, or the cruise industry;

851 (c) Achieving state goals of an integrated intermodal
852 transportation system; and

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

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

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

866 Section 7. Section 311.101, Florida Statutes, is created
867 to read:

868 311.101 Intermodal Logistics Center Infrastructure Support

869 Program.—

870 (1) There is created within the Department of
 871 Transportation the Intermodal Logistics Center Infrastructure
 872 Support Program. The purpose of the program is to provide funds
 873 for roads, rail facilities, or other means for the conveyance or
 874 shipment of goods through a seaport, thereby enabling the state
 875 to respond to private sector market demands and meet the state's
 876 economic development goal of becoming a hub for trade,
 877 logistics, and export-oriented activities. The department may
 878 provide funds to assist with local government projects or
 879 projects performed by private entities that meet the public
 880 purpose of enhancing transportation facilities for the
 881 conveyance or shipment of goods through a seaport to or from an
 882 intermodal logistics center.

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

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

895 (a) The ability of the project to serve a strategic state
 896 interest.

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

899 (c) The extent to which the project contributes to
900 economic activity, including job creation, increased wages, and
901 revenues.

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

904 (e) A commitment of a funding match.

905 (f) The amount of investment or commitments made by the
906 owner or developer of the existing or proposed facility.

907 (g) The extent to which the owner has commitments,
908 including memorandums of understanding or memorandums of
909 agreements, with private sector businesses planning to locate
910 operations at the intermodal logistics center.

911 (h) Demonstrated local financial support and commitment to
912 the project.

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

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

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

921 (7) Beginning in fiscal year 2012-2013, up to \$5 million
922 per year shall be made available from the State Transportation
923 Trust Fund for the program. The Department of Transportation
924 shall include projects proposed to be funded under this section

925 in the tentative work program developed pursuant so s.
 926 339.135(4).

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

929 Section 8. Section 311.106, Florida Statutes, is created
 930 to read:

931 311.106 Seaport stormwater permitting and mitigation.—A
 932 seaport listed in s. 403.021(9)(b) is authorized to provide for
 933 onsite or offsite stormwater treatment for water quality impacts
 934 caused by a proposed port activity that requires a permit and
 935 that causes or contributes to pollution from stormwater runoff.
 936 Offsite stormwater treatment may occur outside of the
 937 established boundaries of the port, but must be within the same
 938 drainage basin in which the port activity occurs. A port offsite
 939 stormwater treatment project must be constructed and maintained
 940 by the seaport or by the seaport in conjunction with an adjacent
 941 local government. In order to limit stormwater treatment from
 942 individual parcels within a port, a seaport may provide for a
 943 regional stormwater treatment facility that must be constructed
 944 and maintained by the seaport or by the seaport in conjunction
 945 with an adjacent local government.

946 Section 9. Section 311.14, Florida Statutes, is amended to
 947 read:

948 311.14 Seaport planning.—

949 (1) The Department of Transportation shall develop, in
 950 coordination with the ports listed in s. 311.09(1) and other
 951 partners, a Statewide Seaport and Waterways System Plan. This
 952 plan shall be consistent with the goals of the Florida

953 Transportation Plan developed pursuant to s. 339.155 and shall
 954 consider needs identified in individual port master plans and
 955 those from the seaport strategic plans required under this
 956 section. The plan will identify 5-year, 10-year, and 20-year
 957 needs for the seaport system and will include seaport, waterway,
 958 road, and rail projects that are needed to ensure the success of
 959 the transportation system as a whole in supporting state
 960 economic development goals ~~The Florida Seaport Transportation~~
 961 ~~and Economic Development Council, in cooperation with the Office~~
 962 ~~of the State Public Transportation Administrator within the~~
 963 ~~Department of Transportation, shall develop freight-mobility and~~
 964 ~~trade-corridor plans to assist in making freight-mobility~~
 965 ~~investments that contribute to the economic growth of the state.~~
 966 ~~Such plans should enhance the integration and connectivity of~~
 967 ~~the transportation system across and between transportation~~
 968 ~~modes throughout Florida for people and freight.~~

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

981 ~~freight-mobility projects.~~

982 (2)~~(3)~~ Each port shall develop a strategic plan with a 10-
 983 year horizon. Each plan must include the following:

984 (a) An economic development component that identifies
 985 targeted business opportunities for increasing business and
 986 attracting new business for which a particular facility has a
 987 strategic advantage over its competitors, identifies financial
 988 resources and other inducements to encourage growth of existing
 989 business and acquisition of new business, and provides a
 990 projected schedule for attainment of the plan's goals.

991 (b) An infrastructure development and improvement
 992 component that identifies all projected infrastructure
 993 improvements within the plan area which require improvement,
 994 expansion, or development in order for a port to attain a
 995 strategic advantage for competition with national and
 996 international competitors.

997 (c) A component that identifies all intermodal
 998 transportation facilities, including sea, air, rail, or road
 999 facilities, which are available or have potential, with
 1000 improvements, to be available for necessary national and
 1001 international commercial linkages and provides a plan for the
 1002 integration of port, airport, and railroad activities with
 1003 existing and planned transportation infrastructure.

1004 (d) A component that identifies physical, environmental,
 1005 and regulatory barriers to achievement of the plan's goals and
 1006 provides recommendations for overcoming those barriers.

1007 (e) An intergovernmental coordination component that
 1008 specifies modes and methods to coordinate plan goals and

1009 | missions with the missions of the Department of Transportation,
 1010 | other state agencies, and affected local, general-purpose
 1011 | governments.

1012 |
 1013 | To the extent feasible, the port strategic plan must be
 1014 | consistent with the local government comprehensive plans of the
 1015 | units of local government in which the port is located. Upon
 1016 | approval of a plan by the port's board, the plan shall be
 1017 | submitted to the Florida Seaport Transportation and Economic
 1018 | Development Council.

1019 | (3)~~(4)~~ The Florida Seaport Transportation and Economic
 1020 | Development Council shall review the strategic plans submitted
 1021 | by each port and prioritize strategic needs for inclusion in the
 1022 | Florida Seaport Mission Plan prepared pursuant to s. 311.09(3).

1023 | Section 10. Subsection (21) of section 316.003, Florida
 1024 | Statutes, is amended to read:

1025 | 316.003 Definitions.—The following words and phrases, when
 1026 | used in this chapter, shall have the meanings respectively
 1027 | ascribed to them in this section, except where the context
 1028 | otherwise requires:

1029 | (21) MOTOR VEHICLE.—Except when used in s. 316.1001, any
 1030 | self-propelled vehicle not operated upon rails or guideway, but
 1031 | not including any bicycle, motorized scooter, electric personal
 1032 | assistive mobility device, or moped. For purposes of s.
 1033 | 316.1001, "motor vehicle" has the same meaning as in s.
 1034 | 320.01(1)(a).

1035 | Section 11. Subsection (4) of section 316.091, Florida
 1036 | Statutes, is amended, subsection (5) is renumbered as subsection

1037 (7), and new subsections (5) and (6) are added to that section,
 1038 to read:

1039 316.091 Limited access facilities; interstate highways;
 1040 use restricted.—

1041 (4) No person shall operate a bicycle or other human-
 1042 powered vehicle on the roadway or along the shoulder of a
 1043 limited access highway, including bridges, unless official signs
 1044 and a designated, marked bicycle lane are present at the
 1045 entrance of the section of highway indicating that such use is
 1046 permitted pursuant to a pilot program of the Department of
 1047 Transportation ~~an interstate highway.~~

1048 (5) The Department of Transportation and expressway
 1049 authorities are authorized to designate use of shoulders of
 1050 limited access facilities and interstate highways under their
 1051 jurisdiction for such vehicular traffic determined to improve
 1052 safety, reliability, and transportation system efficiency.
 1053 Appropriate traffic signs or dynamic lane control signals shall
 1054 be erected along those portions of the facility affected to give
 1055 notice to the public of the action to be taken, clearly
 1056 indicating when the shoulder is open to designated vehicular
 1057 traffic. This section may not be deemed to authorize such
 1058 designation in violation of any federal law or any covenant
 1059 established in a resolution or trust indenture relating to the
 1060 issuance of turnpike bonds, expressway authority bonds, or other
 1061 bonds.

1062 (6) The Department of Transportation shall establish a 2-
 1063 year pilot program, in three separate urban areas, in which it
 1064 shall erect signs and designate marked bicycle lanes indicating

1065 highway approaches and bridge segments of limited access
 1066 highways as open to use by operators of bicycles and other
 1067 human-powered vehicles, under the following conditions:

1068 (a) The limited access highway approaches and bridge
 1069 segments chosen must cross a river, lake, bay, inlet, or surface
 1070 water where no street or highway crossing the water body is
 1071 available for use within 2 miles of the entrance to the limited
 1072 access facility measured along the shortest public right-of-way.

1073 (b) The Department of Transportation, with the concurrence
 1074 of the Federal Highway Administration on the interstate
 1075 facilities, shall establish the three highway approaches and
 1076 bridge segments for the pilot project by October 1, 2012. In
 1077 selecting the highway approaches and bridge segments, the
 1078 Department of Transportation shall consider, without limitation,
 1079 a minimum size of population in the urban area within 5 miles of
 1080 the highway approach and bridge segment, the lack of bicycle
 1081 access by other means, cost, safety, and operational impacts.

1082 (c) The Department of Transportation shall begin the pilot
 1083 program by erecting signs and designating marked bicycle lanes
 1084 indicating highway approaches and bridge segments of limited
 1085 access highways, as qualified by the conditions described in
 1086 this subsection, as open to use by operators of bicycles and
 1087 other human-powered vehicles no later than March 1, 2013.

1088 (d) The Department of Transportation shall conduct the
 1089 pilot program for a minimum of 2 years following the
 1090 implementation date.

1091 (e) The Department of Transportation shall submit a report
 1092 of its findings and recommendations from the pilot program to

1093 the Governor, the President of the Senate, and the Speaker of
 1094 the House of Representatives by September 1, 2015. The report
 1095 shall include, at a minimum, bicycle crash data occurring in the
 1096 designated segments of the pilot program, usage by operators of
 1097 bicycles and other human-powered vehicles, enforcement issues,
 1098 operational impacts, and the cost of the pilot program.

1099 Section 12. Paragraph (b) of subsection (2) of section
 1100 316.1001, Florida Statutes, is amended to read:

1101 316.1001 Payment of toll on toll facilities required;
 1102 penalties.—

1103 (2)

1104 (b) A citation issued under this subsection may be issued
 1105 by mailing the citation by first-class mail or by certified
 1106 mail, return receipt requested, to the address of the registered
 1107 owner of the motor vehicle involved in the violation. Mailing
 1108 Receipt of the citation to such address constitutes
 1109 notification. In the case of joint ownership of a motor vehicle,
 1110 the traffic citation must be mailed to the first name appearing
 1111 on the registration, unless the first name appearing on the
 1112 registration is a business organization, in which case the
 1113 second name appearing on the registration may be used. A
 1114 citation issued under this paragraph must be mailed to the
 1115 registered owner of the motor vehicle involved in the violation
 1116 within 14 days after the date of issuance of the citation. In
 1117 addition to the citation, notification must be sent to the
 1118 registered owner of the motor vehicle involved in the violation
 1119 specifying remedies available under ss. 318.14(12) and
 1120 318.18(7).

1121 Section 13. Subsection (5) of section 316.2068, Florida
 1122 Statutes, is amended to read:

1123 316.2068 Electric personal assistive mobility devices;
 1124 regulations.—

1125 (5) A county or municipality may regulate ~~prohibit~~ the
 1126 operation of electric personal assistive mobility devices on any
 1127 road, street, sidewalk, or bicycle path under its jurisdiction
 1128 if the governing body of the county or municipality determines
 1129 that regulation ~~such a prohibition~~ is necessary in the interest
 1130 of safety.

1131 Section 14. Paragraph (a) of subsection (3) and paragraphs
 1132 (a) and (c) of subsection (5) of section 316.515, Florida
 1133 Statutes, are amended to read:

1134 316.515 Maximum width, height, length.—

1135 (3) LENGTH LIMITATION.—Except as otherwise provided in
 1136 this section, length limitations apply solely to a semitrailer
 1137 or trailer, and not to a truck tractor or to the overall length
 1138 of a combination of vehicles. No combination of commercial motor
 1139 vehicles coupled together and operating on the public roads may
 1140 consist of more than one truck tractor and two trailing units.
 1141 Unless otherwise specifically provided for in this section, a
 1142 combination of vehicles not qualifying as commercial motor
 1143 vehicles may consist of no more than two units coupled together;
 1144 such nonqualifying combination of vehicles may not exceed a
 1145 total length of 65 feet, inclusive of the load carried thereon,
 1146 but exclusive of safety and energy conservation devices approved
 1147 by the department for use on vehicles using public roads.
 1148 Notwithstanding any other provision of this section, a truck

1149 tractor-semitrailer combination engaged in the transportation of
 1150 automobiles or boats may transport motor vehicles or boats on
 1151 part of the power unit; and, except as may otherwise be mandated
 1152 under federal law, an automobile or boat transporter semitrailer
 1153 may not exceed 50 feet in length, exclusive of the load;
 1154 however, the load may extend up to an additional 6 feet beyond
 1155 the rear of the trailer. The 50-foot length limitation does not
 1156 apply to non-stinger-steered automobile or boat transporters
 1157 that are 65 feet or less in overall length, exclusive of the
 1158 load carried thereon, or to stinger-steered automobile or boat
 1159 transporters that are 75 feet or less in overall length,
 1160 exclusive of the load carried thereon. For purposes of this
 1161 subsection, a "stinger-steered automobile or boat transporter"
 1162 is an automobile or boat transporter configured as a semitrailer
 1163 combination wherein the fifth wheel is located on a drop frame
 1164 located behind and below the rearmost axle of the power unit.
 1165 Notwithstanding paragraphs (a) and (b), any straight truck or
 1166 truck tractor-semitrailer combination engaged in the
 1167 transportation of horticultural trees may allow the load to
 1168 extend up to an additional 10 feet beyond the rear of the
 1169 vehicle, provided said trees are resting against a retaining bar
 1170 mounted above the truck bed so that the root balls of the trees
 1171 rest on the floor and to the front of the truck bed and the tops
 1172 of the trees extend up over and to the rear of the truck bed,
 1173 and provided the overhanging portion of the load is covered with
 1174 protective fabric.

1175 (a) Straight trucks.—~~A No~~ straight truck may not exceed a
 1176 length of 40 feet in extreme overall dimension, exclusive of

1177 safety and energy conservation devices approved by the
 1178 department for use on vehicles using public roads. A straight
 1179 truck may tow no more than one trailer, and the overall length
 1180 of the truck-trailer combination may not exceed 68 feet ~~such~~
 1181 ~~trailer may not exceed a length of 28 feet. However, such~~
 1182 ~~trailer limitation does not apply if the overall length of the~~
 1183 ~~truck-trailer combination is 65 feet or less, including the load~~
 1184 thereon. Notwithstanding any other provisions of this section, a
 1185 truck-trailer combination engaged in the transportation of
 1186 boats, or boat trailers whose design dictates a front-to-rear
 1187 stacking method may ~~shall~~ not exceed the length limitations of
 1188 this paragraph exclusive of the load; however, the load may
 1189 extend up to an additional 6 feet beyond the rear of the
 1190 trailer.

1191 (5) IMPLEMENTS OF HUSBANDRY AND FARM EQUIPMENT;
 1192 AGRICULTURAL TRAILERS; FORESTRY EQUIPMENT; SAFETY REQUIREMENTS.—

1193 (a) Notwithstanding any other provisions of law, straight
 1194 trucks, agricultural tractors, citrus harvesting equipment,
 1195 citrus fruit loaders, and cotton module movers, not exceeding 50
 1196 feet in length, or any combination of up to and including three
 1197 implements of husbandry, including the towing power unit, and
 1198 any single agricultural trailer with a load thereon or any
 1199 agricultural implements attached to a towing power unit, or a
 1200 self-propelled agricultural implement or an agricultural
 1201 tractor, is authorized for the purpose of transporting peanuts,
 1202 grains, soybeans, citrus, cotton, hay, straw, or other
 1203 perishable farm products from their point of production to the
 1204 first point of change of custody or of long-term storage, and

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1205 for the purpose of returning to such point of production, or for
 1206 the purpose of moving such tractors, movers, and implements from
 1207 one point of agricultural production to another, by a person
 1208 engaged in the production of any such product or custom hauler,
 1209 if such vehicle or combination of vehicles otherwise complies
 1210 with this section. The Department of Transportation may issue
 1211 overlength permits for cotton module movers greater than 50 feet
 1212 but not more than 55 feet in overall length. Such vehicles shall
 1213 be operated in accordance with all safety requirements
 1214 prescribed by law and rules of the Department of Transportation.

1215 (c) The width and height limitations of this section do
 1216 not apply to farming or agricultural equipment, whether self-
 1217 propelled, pulled, or hauled, when temporarily operated during
 1218 daylight hours upon a public road that is not a limited access
 1219 facility as defined in s. 334.03(12) ~~s. 334.03(13)~~, and the
 1220 width and height limitations may be exceeded by such equipment
 1221 without a permit. To be eligible for this exemption, the
 1222 equipment shall be operated within a radius of 50 miles of the
 1223 real property owned, rented, or leased by the equipment owner.
 1224 However, equipment being delivered by a dealer to a purchaser is
 1225 not subject to the 50-mile limitation. Farming or agricultural
 1226 equipment greater than 174 inches in width must have one warning
 1227 lamp mounted on each side of the equipment to denote the width
 1228 and must have a slow-moving vehicle sign. Warning lamps required
 1229 by this paragraph must be visible from the front and rear of the
 1230 vehicle and must be visible from a distance of at least 1,000
 1231 feet.

1232 Section 15. Subsection (42) of section 320.01, Florida

1233 Statutes, is amended to read:

1234 320.01 Definitions, general.—As used in the Florida
 1235 Statutes, except as otherwise provided, the term:

1236 (42) "Low-speed vehicle" means any four-wheeled ~~electric~~
 1237 vehicle whose top speed is greater than 20 miles per hour but
 1238 not greater than 25 miles per hour, including, but not limited
 1239 to, neighborhood electric vehicles. Low-speed vehicles must
 1240 comply with the safety standards in 49 C.F.R. s. 571.500 and s.
 1241 316.2122.

1242 Section 16. Section 332.08, Florida Statutes, is amended
 1243 to read:

1244 332.08 Additional powers.—

1245 (1) In addition to the general powers in ss. 332.01-332.12
 1246 conferred and without limitation thereof, a municipality which
 1247 has established or may hereafter establish airports, restricted
 1248 landing areas, or other air navigation facilities, or which has
 1249 acquired or set apart or may hereafter acquire or set apart real
 1250 property for such purposes, is hereby authorized:

1251 (a)~~(1)~~ To vest authority for the construction,
 1252 enlargement, improvement, maintenance, equipment, operation, and
 1253 regulation thereof in an officer, a board or body of such
 1254 municipality by ordinance or resolution which shall prescribe
 1255 the powers and duties of such officer, board or body. The
 1256 expense of such construction, enlargement, improvement,
 1257 maintenance, equipment, operation, and regulation shall be a
 1258 responsibility of the municipality.

1259 (b) 1.~~(2)~~~~(a)~~ To adopt and amend all needful rules,
 1260 regulations, and ordinances for the management, government, and

1261 use of any properties under its control, whether within or
 1262 without the territorial limits of the municipality; to appoint
 1263 airport guards or police, with full police powers; to fix by
 1264 ordinance or resolution, as may be appropriate, penalties for
 1265 the violation of such ~~said~~ rules, regulations, and ordinances,
 1266 and enforce such ~~said~~ penalties in the same manner in which
 1267 penalties prescribed by other rules, regulations, and ordinances
 1268 of the municipality are enforced.

1269 2. ~~(b) Provided,~~ Where a county operates one or more
 1270 airports, its regulations for the government thereof shall be by
 1271 resolution of the board of county commissioners, ~~shall be~~
 1272 recorded in the minutes of the board, and promulgated by posting
 1273 a copy at the courthouse and at every such airport for 4
 1274 consecutive weeks or by publication once a week in a newspaper
 1275 published in the county for the same period. Such regulations
 1276 shall be enforced as are the criminal laws. Violation thereof
 1277 shall be a misdemeanor of the second degree, punishable as
 1278 provided in s. 775.082 or s. 775.083.

1279 (c) ~~(3)~~ To lease for a term not exceeding 30 years such
 1280 airports or other air navigation facilities, or real property
 1281 acquired or set apart for airport purposes, to private parties,
 1282 any municipal or state government or the national government, or
 1283 any department of either thereof, for operation; to lease or
 1284 assign for a term not exceeding 30 years to private parties, any
 1285 municipal or state government or the national government, or any
 1286 department of either thereof, for operation or use consistent
 1287 with the purposes of ss. 332.01-332.12, space, area,
 1288 improvements, or equipment on such airports; to sell any part of

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1289 such airports, other air navigation facilities, or real property
 1290 to any municipal or state government, or the United States or
 1291 any department or instrumentality thereof, for aeronautical
 1292 purposes or purposes incidental thereto, and to confer the
 1293 privileges of concessions of supplying upon its airports goods,
 1294 commodities, things, services, and facilities; provided, that in
 1295 each case in so doing the public is not deprived of its rightful
 1296 equal and uniform use thereof.

1297 (d)~~(4)~~ To sell or lease any property, real or personal,
 1298 acquired for airport purposes and belonging to the municipality,
 1299 which, in the judgment of its governing body, may not be
 1300 required for aeronautic purposes, in accordance with the laws of
 1301 this state, or the provisions of the charter of the
 1302 municipality, governing the sale or leasing of similar
 1303 municipally owned property.

1304 (e)~~(5)~~ To exercise all powers necessarily incidental to
 1305 the exercise of the general and special powers herein granted,
 1306 and is specifically authorized to assess and shall assess
 1307 against and collect from the owner or operator of each and every
 1308 airplane using such airports a sufficient fee or service charge
 1309 to cover the cost of the service furnished airplanes using such
 1310 airports, including the liquidation of bonds or other
 1311 indebtedness for construction and improvements.

1312 (2) Notwithstanding any other provision of this section, a
 1313 municipality participating in the Federal Aviation
 1314 Administration's Airport Privatization Pilot Program pursuant to
 1315 49 U.S.C. s. 47134 may lease or sell an airport or other air
 1316 navigation facility or real property, together with improvements

1317 and equipment, acquired or set apart for airport purposes to a
 1318 private party under such terms and conditions as negotiated by
 1319 the municipality. If state funds were provided to the
 1320 municipality pursuant to s. 332.007, the municipality must
 1321 obtain approval of the agreement from the Department of
 1322 Transportation, which is authorized to approve the agreement if
 1323 it determines the state's investment has been adequately
 1324 considered and protected consistent with the applicable
 1325 conditions specified in 49 U.S.C. s. 47134.

1326 Section 17. Subsections (11) through (37) of section
 1327 334.03, Florida Statutes, are renumbered as subsections (10)
 1328 through (36), respectively, and present subsections (10), (11),
 1329 and (25) of that section are amended to read:

1330 334.03 Definitions.—When used in the Florida
 1331 Transportation Code, the term:

1332 ~~(10) "Florida Intrastate Highway System" means a system of~~
 1333 ~~limited access and controlled access facilities on the State~~
 1334 ~~Highway System which have the capacity to provide high-speed and~~
 1335 ~~high-volume traffic movements in an efficient and safe manner.~~

1336 (10)~~(11)~~ "Functional classification" means the assignment
 1337 of roads into systems according to the character of service they
 1338 provide in relation to the total road network using procedures
 1339 developed by the Federal Highway Administration. Basic
 1340 ~~functional categories include arterial roads, collector roads,~~
 1341 ~~and local roads which may be subdivided into principal, major,~~
 1342 ~~or minor levels. Those levels may be additionally divided into~~
 1343 ~~rural and urban categories.~~

1344 (24)~~(25)~~ "State Highway System" means ~~the following, which~~

1345 ~~shall be facilities to which access is regulated:~~
 1346 ~~(a) the interstate system and all other roads within the~~
 1347 ~~state which were under the jurisdiction of the state on June 10,~~
 1348 ~~1995, and roads constructed by an agency of the state for the~~
 1349 ~~State Highway System, plus roads transferred to the state's~~
 1350 ~~jurisdiction after that date by mutual consent with another~~
 1351 ~~governmental entity, but not including roads so transferred from~~
 1352 ~~the state's jurisdiction. These facilities shall be facilities~~
 1353 ~~to which access is regulated.~~
 1354 ~~(b) All rural arterial routes and their extensions into~~
 1355 ~~and through urban areas;~~
 1356 ~~(c) All urban principal arterial routes; and~~
 1357 ~~(d) The urban minor arterial mileage on the existing State~~
 1358 ~~Highway System as of July 1, 1987, plus additional mileage to~~
 1359 ~~comply with the 2-percent requirement as described below.~~
 1360
 1361 ~~However, not less than 2 percent of the public road mileage of~~
 1362 ~~each urbanized area on record as of June 30, 1986, shall be~~
 1363 ~~included as minor arterials in the State Highway System.~~
 1364 ~~Urbanized areas not meeting the foregoing minimum requirement~~
 1365 ~~shall have transferred to the State Highway System additional~~
 1366 ~~minor arterials of the highest significance in which case the~~
 1367 ~~total minor arterials in the State Highway System from any~~
 1368 ~~urbanized area shall not exceed 2.5 percent of that area's total~~
 1369 ~~public urban road mileage.~~
 1370 Section 18. Subsections (11), (13), and (26) of section
 1371 334.044, Florida Statutes, are amended, and subsection (33) is
 1372 added to that section, to read:

1373 334.044 Department; powers and duties.—The department
1374 shall have the following general powers and duties:

1375 (11) To establish a numbering system for public roads, and
1376 to functionally classify such roads, ~~and to assign~~
1377 ~~jurisdictional responsibility.~~

1378 (13) To ~~designate existing and to~~ plan proposed
1379 transportation facilities as part of the State Highway System,
1380 and to construct, maintain, and operate such facilities.

1381 (26) To provide for the enhancement of environmental
1382 benefits, including air and water quality; to prevent roadside
1383 erosion; to conserve the natural roadside growth and scenery;
1384 and to provide for the implementation and maintenance of
1385 roadside conservation, enhancement, and stabilization programs.
1386 No less than 1.5 percent of the amount contracted for
1387 construction projects that add capacity or provide significant
1388 enhancements to the existing system shall be allocated by the
1389 department for the purchase of plant materials. Department
1390 districts may not expend funds for landscaping in connection
1391 with any project that is limited to resurfacing existing lanes
1392 unless the expenditure has been approved by the department's
1393 secretary or the secretary's designee. ~~with,~~ To the greatest
1394 extent practical, a minimum of 50 percent of these funds shall
1395 be allocated for large plant materials and the remaining funds
1396 for other plant materials. All such plant materials shall be
1397 purchased from Florida commercial nursery stock in this state on
1398 a uniform competitive bid basis. The department will develop
1399 grades and standards for landscaping materials purchased through
1400 this process. To accomplish these activities, the department may

1401 contract with nonprofit organizations having the primary purpose
 1402 of developing youth employment opportunities.

1403 (33) To develop, in coordination with its partners and
 1404 stakeholders, a Freight Mobility and Trade Plan to assist in
 1405 making freight mobility investments that contribute to the
 1406 economic growth of the state. Such plan should enhance the
 1407 integration and connectivity of the transportation system across
 1408 and between transportation modes throughout the state. The
 1409 department shall deliver the Freight Mobility and Trade Plan to
 1410 the Governor, the President of the Senate, and the Speaker of
 1411 the House of Representatives by July 1, 2013. Freight issues and
 1412 needs shall also be given emphasis in all appropriate
 1413 transportation plans, including the Florida Transportation Plan
 1414 and the Strategic Intermodal System Plan.

1415 Section 19. Section 334.047, Florida Statutes, is amended
 1416 to read:

1417 334.047 Prohibition.—Notwithstanding any other provision
 1418 of law to the contrary, the Department of Transportation may not
 1419 establish a cap on the number of miles in the State Highway
 1420 System ~~or a maximum number of miles of urban principal arterial~~
 1421 ~~roads, as defined in s. 334.03, within a district or county.~~

1422 Section 20. Subsection (5) is added to section 335.074,
 1423 Florida Statutes, to read:

1424 335.074 Safety inspection of bridges.—

1425 (5) Upon receipt of an inspection report that recommends
 1426 reducing the weight, size, or speed limit on a bridge, the
 1427 governmental entity having maintenance responsibility for the
 1428 bridge must reduce the maximum limits for the bridge in

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1429 accordance with the inspection report and post the limits in
1430 accordance with s. 316.555. The governmental entity must, within
1431 30 days after receipt of an inspection report recommending lower
1432 limits, notify the department that the limitations have been
1433 implemented and the bridge has been posted accordingly. If the
1434 required actions are not taken within 30 days after receipt of
1435 an inspection report, the department shall post the bridge in
1436 accordance with the recommendations in the inspection report.
1437 All costs incurred by the department in connection with
1438 providing notice of the bridge's limitations or restrictions
1439 shall be assessed against and collected from the governmental
1440 entity having maintenance responsibility for the bridge. If an
1441 inspection report recommends closure of a bridge, the bridge
1442 shall be immediately closed. If the governmental entity does not
1443 close the bridge immediately upon receipt of an inspection
1444 report recommending closure, the department shall close the
1445 bridge. All costs incurred by the department in connection with
1446 the bridge closure shall be assessed against and collected from
1447 the governmental entity having maintenance responsibility for
1448 the bridge. Nothing in this subsection alters existing
1449 jurisdictional responsibilities for the operation and
1450 maintenance of bridges.

1451 Section 21. Subsections (1) and (2) of section 335.17,
1452 Florida Statutes, are amended to read:

1453 335.17 State highway construction; means of noise
1454 abatement.—

1455 (1) The department shall make use of noise-control methods
1456 as part of highway construction projects involving new location

1457 ~~or capacity expansion in the construction of all new state~~
 1458 ~~highways,~~ with particular emphasis on those highways located in
 1459 or near urban-residential developments which abut such highway
 1460 rights-of-way.

1461 (2) All highway projects by the department, regardless of
 1462 funding source, shall be developed in conformity with federal
 1463 standards for noise abatement as contained in 23 C.F.R. 772 as
 1464 such regulations existed on July 13, 2011 ~~March 1, 1989~~. The
 1465 department shall, at a minimum, comply with federal requirements
 1466 in the following areas:

- 1467 (a) Analysis of traffic noise impacts and abatement
- 1468 measures;
- 1469 (b) Noise abatement;
- 1470 (c) Information for local officials;
- 1471 (d) Traffic noise prediction; and
- 1472 (e) Construction noise.

1473 Section 22. Subsection (5) of section 336.021, Florida
 1474 Statutes, is amended to read:

1475 336.021 County transportation system; levy of ninth-cent
 1476 fuel tax on motor fuel and diesel fuel.—

1477 (5) All impositions of the tax shall be levied before
 1478 October ~~July~~ 1 of each year to be effective January 1 of the
 1479 following year. However, levies of the tax which were in effect
 1480 on July 1, 2002, and which expire on August 31 of any year may
 1481 be reimposed at the current authorized rate to be effective
 1482 September 1 of the year of expiration. All impositions shall be
 1483 required to end on December 31 of a year. A decision to rescind
 1484 the tax shall not take effect on any date other than December 31

1485 and shall require a minimum of 60 days' notice to the department
 1486 of such decision.

1487 Section 23. Paragraphs (a) and (b) of subsection (1),
 1488 paragraph (a) of subsection (5), and subsection (7) of section
 1489 336.025, Florida Statutes, are amended to read:

1490 336.025 County transportation system; levy of local option
 1491 fuel tax on motor fuel and diesel fuel.—

1492 (1)(a) In addition to other taxes allowed by law, there
 1493 may be levied as provided in ss. 206.41(1)(e) and 206.87(1)(c) a
 1494 1-cent, 2-cent, 3-cent, 4-cent, 5-cent, or 6-cent local option
 1495 fuel tax upon every gallon of motor fuel and diesel fuel sold in
 1496 a county and taxed under the provisions of part I or part II of
 1497 chapter 206.

1498 1. All impositions and rate changes of the tax shall be
 1499 levied before October ~~July~~ 1 to be effective January 1 of the
 1500 following year for a period not to exceed 30 years, and the
 1501 applicable method of distribution shall be established pursuant
 1502 to subsection (3) or subsection (4). However, levies of the tax
 1503 which were in effect on July 1, 2002, and which expire on August
 1504 31 of any year may be reimposed at the current authorized rate
 1505 effective September 1 of the year of expiration. Upon
 1506 expiration, the tax may be relieved provided that a
 1507 redetermination of the method of distribution is made as
 1508 provided in this section.

1509 2. County and municipal governments shall utilize moneys
 1510 received pursuant to this paragraph only for transportation
 1511 expenditures.

1512 3. Any tax levied pursuant to this paragraph may be

1513 extended on a majority vote of the governing body of the county.
 1514 A redetermination of the method of distribution shall be
 1515 established pursuant to subsection (3) or subsection (4), if,
 1516 after July 1, 1986, the tax is extended or the tax rate changed,
 1517 for the period of extension or for the additional tax.

1518 (b) In addition to other taxes allowed by law, there may
 1519 be levied as provided in s. 206.41(1)(e) a 1-cent, 2-cent, 3-
 1520 cent, 4-cent, or 5-cent local option fuel tax upon every gallon
 1521 of motor fuel sold in a county and taxed under the provisions of
 1522 part I of chapter 206. The tax shall be levied by an ordinance
 1523 adopted by a majority plus one vote of the membership of the
 1524 governing body of the county or by referendum.

1525 1. All impositions and rate changes of the tax shall be
 1526 levied before October ~~July~~ 1, to be effective January 1 of the
 1527 following year. However, levies of the tax which were in effect
 1528 on July 1, 2002, and which expire on August 31 of any year may
 1529 be reimposed at the current authorized rate effective September
 1530 1 of the year of expiration.

1531 2. The county may, prior to levy of the tax, establish by
 1532 interlocal agreement with one or more municipalities located
 1533 therein, representing a majority of the population of the
 1534 incorporated area within the county, a distribution formula for
 1535 dividing the entire proceeds of the tax among county government
 1536 and all eligible municipalities within the county. If no
 1537 interlocal agreement is adopted before the effective date of the
 1538 tax, tax revenues shall be distributed pursuant to the
 1539 provisions of subsection (4). If no interlocal agreement exists,
 1540 a new interlocal agreement may be established prior to June 1 of

1541 any year pursuant to this subparagraph. However, any interlocal
 1542 agreement agreed to under this subparagraph after the initial
 1543 levy of the tax or change in the tax rate authorized in this
 1544 section shall under no circumstances materially or adversely
 1545 affect the rights of holders of outstanding bonds which are
 1546 backed by taxes authorized by this paragraph, and the amounts
 1547 distributed to the county government and each municipality shall
 1548 not be reduced below the amount necessary for the payment of
 1549 principal and interest and reserves for principal and interest
 1550 as required under the covenants of any bond resolution
 1551 outstanding on the date of establishment of the new interlocal
 1552 agreement.

1553 3. County and municipal governments shall use moneys
 1554 received pursuant to this paragraph for transportation
 1555 expenditures needed to meet the requirements of the capital
 1556 improvements element of an adopted comprehensive plan or for
 1557 expenditures needed to meet immediate local transportation
 1558 problems and for other transportation-related expenditures that
 1559 are critical for building comprehensive roadway networks by
 1560 local governments. For purposes of this paragraph, expenditures
 1561 for the construction of new roads, the reconstruction or
 1562 resurfacing of existing paved roads, or the paving of existing
 1563 graded roads shall be deemed to increase capacity and such
 1564 projects shall be included in the capital improvements element
 1565 of an adopted comprehensive plan. Expenditures for purposes of
 1566 this paragraph shall not include routine maintenance of roads.

1567 (5) (a) By October ~~July~~ 1 of each year, the county shall
 1568 notify the Department of Revenue of the rate of the taxes levied

1569 pursuant to paragraphs (1)(a) and (b), and of its decision to
 1570 rescind or change the rate of a tax, if applicable, and shall
 1571 provide the department with a certified copy of the interlocal
 1572 agreement established under subparagraph (1)(b)2. or
 1573 subparagraph (3)(a)1. with distribution proportions established
 1574 by such agreement or pursuant to subsection (4), if applicable.
 1575 A decision to rescind a tax may ~~shall~~ not take effect on any
 1576 date other than December 31 and requires ~~shall require~~ a minimum
 1577 of 60 days' notice to the Department of Revenue of such
 1578 decision.

1579 (7) For the purposes of this section, "transportation
 1580 expenditures" means expenditures by the local government from
 1581 local or state shared revenue sources, excluding expenditures of
 1582 bond proceeds, for the following programs:

1583 (a) Public transportation operations and maintenance.

1584 (b) Roadway and right-of-way maintenance and equipment and
 1585 structures used primarily for the storage and maintenance of
 1586 such equipment.

1587 (c) Roadway and right-of-way drainage.

1588 (d) Street lighting installation, operation, maintenance,
 1589 and repair.

1590 (e) Traffic signs, traffic engineering, signalization, and
 1591 pavement markings, installation, operation, maintenance, and
 1592 repair.

1593 (f) Bridge maintenance and operation.

1594 (g) Debt service and current expenditures for
 1595 transportation capital projects in the foregoing program areas,
 1596 including construction or reconstruction of roads and sidewalks.

1597 Section 24. Effective January 1, 2015, paragraph (a) of
 1598 subsection (3) of section 337.11, Florida Statutes, is amended
 1599 to read:

1600 337.11 Contracting authority of department; bids;
 1601 emergency repairs, supplemental agreements, and change orders;
 1602 combined design and construction contracts; progress payments;
 1603 records; requirements of vehicle registration.—

1604 (3) (a) On all construction contracts of \$250,000 or less,
 1605 and any construction contract of less than \$500,000 for which
 1606 the department has waived prequalification under s. 337.14, the
 1607 department shall advertise for bids on the department's Internet
 1608 website for ~~in a newspaper having general circulation in the~~
 1609 ~~county where the proposed work is located. Publication shall be~~
 1610 ~~at least once a week for no less than 2 consecutive weeks, and~~
 1611 ~~the first publication shall be~~ no less than 14 consecutive days
 1612 prior to the date on which bids are to be received.

1613 Section 25. Subsection (4) of section 337.111, Florida
 1614 Statutes, is amended to read:

1615 337.111 Contracting for monuments and memorials to
 1616 military veterans at rest areas.—The Department of
 1617 Transportation is authorized to enter into contract with any
 1618 not-for-profit group or organization that has been operating for
 1619 not less than 2 years for the installation of monuments and
 1620 memorials honoring Florida's military veterans at highway rest
 1621 areas around the state pursuant to the provisions of this
 1622 section.

1623 (4) The group or organization making the proposal shall
 1624 provide an annual renewable ~~a 10-year~~ bond, an irrevocable

1625 letter of credit, or another form of security as approved by the
 1626 department's comptroller, for the purpose of securing the cost
 1627 of removal of the monument and any modifications made to the
 1628 site as part of the placement of the monument should the
 1629 Department of Transportation determine it necessary to remove or
 1630 relocate the monument. Such removal or relocation shall be
 1631 approved by the committee described in subsection (1). ~~Prior to~~
 1632 ~~expiration, the bond shall be renewed for another 10-year period~~
 1633 ~~if the memorial is to remain in place.~~

1634 Section 26. Subsection (1) of section 337.125, Florida
 1635 Statutes, is amended to read:

1636 337.125 Socially and economically disadvantaged business
 1637 enterprises; notice requirements.—

1638 (1) When contract goals are established, in order to
 1639 document that a subcontract is with a certified socially and
 1640 economically disadvantaged business enterprise, the prime
 1641 contractor must either submit a disadvantaged business
 1642 enterprise utilization form which has been signed by the
 1643 socially and economically disadvantaged business enterprise and
 1644 the prime contractor, or submit the written or oral quotation of
 1645 the socially and economically disadvantaged business enterprise,
 1646 and information contained in the quotation must be confirmed as
 1647 determined by the department by rule.

1648 Section 27. Section 337.137, Florida Statutes, is
 1649 repealed.

1650 Section 28. Section 337.139, Florida Statutes, is amended
 1651 to read:

1652 337.139 Efforts to encourage awarding contracts to

1653 | disadvantaged business enterprises.—In implementing chapter 90-
 1654 | 136, Laws of Florida, the Department of Transportation shall
 1655 | institute procedures to encourage the awarding of contracts for
 1656 | professional services and construction to disadvantaged business
 1657 | enterprises. For the purposes of this section, the term
 1658 | "disadvantaged business enterprise" means a small business
 1659 | concern certified by the Department of Transportation to be
 1660 | owned and controlled by socially and economically disadvantaged
 1661 | individuals as defined by the Safe, Accountable, Flexible,
 1662 | Efficient Transportation Equity Act: A Legacy for Users
 1663 | (SAFETEA-LU) ~~Surface Transportation and Uniform Relocation Act~~
 1664 | ~~of 1987~~. The Department of Transportation shall develop and
 1665 | implement activities to encourage the participation of
 1666 | disadvantaged business enterprises in the contracting process.
 1667 | Such efforts may include:

1668 | (1) Presolicitation or prebid meetings for the purpose of
 1669 | informing disadvantaged business enterprises of contracting
 1670 | opportunities.

1671 | (2) Written notice to disadvantaged business enterprises
 1672 | of contract opportunities for commodities or contractual and
 1673 | construction services which the disadvantaged business provides.

1674 | (3) Provision of adequate information to disadvantaged
 1675 | business enterprises about the plans, specifications, and
 1676 | requirements of contracts or the availability of jobs.

1677 | (4) Breaking large contracts into several single-purpose
 1678 | contracts of a size which may be obtained by certified
 1679 | disadvantaged business enterprises.

1680 | Section 29. Subsection (1) of section 337.14, Florida

1681 Statutes, is amended to read:

1682 337.14 Application for qualification; certificate of
 1683 qualification; restrictions; request for hearing.—

1684 (1) Any person desiring to bid for the performance of any
 1685 construction contract in excess of \$250,000 which the department
 1686 proposes to let must first be certified by the department as
 1687 qualified pursuant to this section and rules of the department.
 1688 The rules of the department shall address the qualification of
 1689 persons to bid on construction contracts in excess of \$250,000
 1690 and shall include requirements with respect to the equipment,
 1691 past record, experience, financial resources, and organizational
 1692 personnel of the applicant necessary to perform the specific
 1693 class of work for which the person seeks certification. The
 1694 department may ~~is authorized to~~ limit the dollar amount of any
 1695 contract upon which a person is qualified to bid or the
 1696 aggregate total dollar volume of contracts such person is
 1697 allowed to have under contract at any one time. Each applicant
 1698 seeking qualification to bid on construction contracts in excess
 1699 of \$250,000 shall furnish the department a statement under oath,
 1700 on such forms as the department may prescribe, setting forth
 1701 detailed information as required on the application. Each
 1702 application for certification shall be accompanied by the latest
 1703 annual financial statement of the applicant completed within the
 1704 last 12 months. If the application or the annual financial
 1705 statement shows the financial condition of the applicant more
 1706 than 4 months prior to the date on which the application is
 1707 received by the department, then an interim financial statement
 1708 must be submitted and be accompanied by an updated application.

1709 The interim financial statement must cover the period from the
 1710 end date of the annual statement and must show the financial
 1711 condition of the applicant no more than 4 months prior to the
 1712 date the interim financial statement is received by the
 1713 department. However, upon request by the applicant, an
 1714 application and accompanying annual or interim financial
 1715 statement received by the department within 15 days after either
 1716 4-month period under this subsection shall be considered timely.
 1717 Each required annual or interim financial statement must be
 1718 audited and accompanied by the opinion of a certified public
 1719 accountant ~~or a public accountant approved by the department.~~ An
 1720 applicant desiring to bid exclusively for the performance of
 1721 construction contracts with proposed budget estimates of less
 1722 than \$1 million may submit reviewed annual or reviewed interim
 1723 financial statements prepared by a certified public accountant.
 1724 The information required by this subsection is confidential and
 1725 exempt from the provisions of s. 119.07(1). The department shall
 1726 act upon the application for qualification within 30 days after
 1727 the department determines that the application is complete. The
 1728 department may waive the requirements of this subsection for
 1729 projects having a contract price of \$500,000 or less if the
 1730 department determines that the project is of a noncritical
 1731 nature and the waiver will not endanger public health, safety,
 1732 or property.

1733 Section 30. Subsection (3) of section 337.29, Florida
 1734 Statutes, is amended to read:

1735 337.29 Vesting of title to roads; liability for torts.—

1736 (3) Title to all roads transferred in accordance with ~~the~~

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1737 ~~provisions of~~ s. 335.0415 shall be in the governmental entity to
 1738 which such roads have been transferred, upon the recording of a
 1739 deed or a right-of-way map by the appropriate governmental
 1740 entity in the public land records of the county or counties in
 1741 which such rights-of-way are located. To the extent that
 1742 sovereign immunity has been waived, liability for torts shall be
 1743 in the governmental entity having operation and maintenance
 1744 responsibility as provided in s. 335.0415. Except as otherwise
 1745 provided by law, a municipality shall have the same
 1746 governmental, corporate, and proprietary powers with relation to
 1747 any public road or right-of-way within the municipality which
 1748 has been transferred to another governmental entity pursuant to
 1749 s. 335.0415 that the municipality has with relation to other
 1750 public roads and rights-of-way within the municipality.

1751 Section 31. Section 337.403, Florida Statutes, is amended
 1752 to read:

1753 337.403 Interference caused by ~~relocation of~~ utility;
 1754 expenses.—

1755 (1) When a ~~Any~~ utility ~~heretofore or hereafter~~ placed
 1756 upon, under, over, or along any public road or publicly owned
 1757 rail corridor ~~that~~ is found by the authority to be unreasonably
 1758 interfering in any way with the convenient, safe, or continuous
 1759 use, or the maintenance, improvement, extension, or expansion,
 1760 of such public road or publicly owned rail corridor, the utility
 1761 owner shall, upon 30 days' written notice to the utility or its
 1762 agent by the authority, initiate the work necessary to alleviate
 1763 the interference ~~be removed or relocated by such utility~~ at its
 1764 own expense except as provided in paragraphs (a)-(f). The work

1765 shall be completed within such time as stated in the notice or
 1766 such time as agreed to by the authority and the utility owner.

1767 (a) If the relocation of utility facilities, as referred
 1768 to in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.
 1769 627 of the 84th Congress, is necessitated by the construction of
 1770 a project on the federal-aid interstate system, including
 1771 extensions thereof within urban areas, and the cost of the
 1772 project is eligible and approved for reimbursement by the
 1773 Federal Government to the extent of 90 percent or more under the
 1774 Federal Aid Highway Act, or any amendment thereof, then in that
 1775 event the utility owning or operating such facilities shall
 1776 perform any necessary work ~~relocate the facilities~~ upon notice
 1777 from ~~order of~~ the department, and the state shall pay the entire
 1778 expense properly attributable to such work ~~relocation~~ after
 1779 deducting therefrom any increase in the value of any ~~the~~ new
 1780 facility and any salvage value derived from any ~~the~~ old
 1781 facility.

1782 (b) When a joint agreement between the department and the
 1783 utility is executed for utility ~~improvement, relocation, or~~
 1784 ~~removal~~ work to be accomplished as part of a contract for
 1785 construction of a transportation facility, the department may
 1786 participate in those utility work ~~improvement, relocation, or~~
 1787 ~~removal~~ costs that exceed the department's official estimate of
 1788 the cost of the work by more than 10 percent. The amount of such
 1789 participation shall be limited to the difference between the
 1790 official estimate of all the work in the joint agreement plus 10
 1791 percent and the amount awarded for this work in the construction
 1792 contract for such work. The department may not participate in

1793 any utility work ~~improvement, relocation, or removal~~ costs that
 1794 occur as a result of changes or additions during the course of
 1795 the contract.

1796 (c) When an agreement between the department and utility
 1797 is executed for utility ~~improvement, relocation, or removal~~ work
 1798 to be accomplished in advance of a contract for construction of
 1799 a transportation facility, the department may participate in the
 1800 cost of clearing and grubbing necessary to perform such work.

1801 (d) If the utility facility involved ~~being removed or~~
 1802 ~~relocated~~ was initially installed to exclusively serve the
 1803 department, its tenants, or both, the department shall bear the
 1804 costs of the utility work ~~removing or relocating that utility~~
 1805 ~~facility~~. However, the department is not responsible for bearing
 1806 the cost of utility work related to ~~removing or relocating~~ any
 1807 subsequent additions to that facility for the purpose of serving
 1808 others.

1809 (e) If, under an agreement between a utility and the
 1810 authority entered into after July 1, 2009, the utility conveys,
 1811 subordinates, or relinquishes a compensable property right to
 1812 the authority for the purpose of accommodating the acquisition
 1813 or use of the right-of-way by the authority, without the
 1814 agreement expressly addressing future responsibility for the
 1815 cost of necessary utility work ~~removing or relocating the~~
 1816 ~~utility~~, the authority shall bear the cost ~~of removal or~~
 1817 ~~relocation~~. This paragraph does not impair or restrict, and may
 1818 not be used to interpret, the terms of any such agreement
 1819 entered into before July 1, 2009.

1820 (f) If the utility is an electric facility being relocated

1821 | underground in order to enhance vehicular, bicycle, and
 1822 | pedestrian safety and in which ownership of the electric
 1823 | facility to be placed underground has been transferred from a
 1824 | private to a public utility within the past 5 years, the
 1825 | department shall incur all costs of the necessary utility work
 1826 | ~~relocation.~~

1827 | (2) If such utility work ~~removal or relocation~~ is
 1828 | incidental to work to be done on such road or publicly owned
 1829 | rail corridor, the notice shall be given at the same time the
 1830 | contract for the work is advertised for bids, or no less than 30
 1831 | days prior to the commencement of such work by the authority,
 1832 | whichever is greater.

1833 | (3) Whenever the notice from an order ~~of~~ the authority
 1834 | requires such utility work ~~removal or change in the location of~~
 1835 | ~~any utility from the right of way of a public road or publicly~~
 1836 | ~~owned rail corridor,~~ and the owner thereof fails to perform the
 1837 | work ~~remove or change the same~~ at his or her own expense ~~to~~
 1838 | ~~conform to the order~~ within the time stated in the notice or
 1839 | such other time as agreed to by the authority and the utility
 1840 | owner, the authority shall proceed to cause the utility work to
 1841 | be performed ~~to be removed.~~ The expense thereby incurred shall
 1842 | be paid out of any money available therefor, and such expense
 1843 | shall, except as provided in subsection (1), be charged against
 1844 | the owner and levied and collected and paid into the fund from
 1845 | which the expense of such relocation was paid.

1846 | Section 32. Subsection (1) of section 337.404, Florida
 1847 | Statutes, is amended to read:

1848 | 337.404 Removal or relocation of utility facilities;

1849 notice and order; court review.-

1850 (1) Whenever it becomes ~~shall become~~ necessary for the
 1851 authority to perform utility work ~~remove or relocate any utility~~
 1852 as provided in s. 337.403 ~~the preceding section~~, the owner of
 1853 the utility~~,~~ or the owner's chief agent~~,~~ shall be given notice
 1854 that the authority will perform ~~of such work removal or~~
 1855 relocation and, after the work is complete, given an order
 1856 requiring the payment of the cost thereof~~,~~ and a ~~shall be given~~
 1857 reasonable time, which may ~~shall~~ not be less than 20 or ~~not~~ more
 1858 than 30 days, in which to appear before the authority to contest
 1859 the reasonableness of the order. Should the owner or the owner's
 1860 representative not appear, the determination of the cost to the
 1861 owner shall be final. Authorities considered agencies for the
 1862 purposes of chapter 120 shall adjudicate removal or relocation
 1863 of utilities pursuant to chapter 120.

1864 Section 33. Subsections (1), (4), and (5) of section
 1865 337.408, Florida Statutes, are amended to read:

1866 337.408 Regulation of bus stops, benches, transit
 1867 shelters, street light poles, waste disposal receptacles, and
 1868 modular news racks within rights-of-way.-

1869 (1) Benches or transit shelters, including advertising
 1870 displayed on benches or transit shelters, may be installed
 1871 within the right-of-way limits of any municipal, county, or
 1872 state road, except a limited access highway, provided that such
 1873 benches or transit shelters are for the comfort or convenience
 1874 of the general public or are at designated stops on official bus
 1875 routes and provided that written authorization has been given to
 1876 a qualified private supplier of such service by the municipal

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1877 government within whose incorporated limits such benches or
1878 transit shelters are installed or by the county government
1879 within whose unincorporated limits such benches or transit
1880 shelters are installed. A municipality or county may authorize
1881 the installation, without public bid, of benches and transit
1882 shelters together with advertising displayed thereon within the
1883 right-of-way limits of such roads. All installations shall be in
1884 compliance with all applicable laws and rules, including,
1885 without limitation, the Americans with Disabilities Act.
1886 Municipalities and counties that authorize or have authorized a
1887 bench or transit shelter to be installed within the right-of-way
1888 limits of any road on the State Highway System shall be
1889 responsible for ensuring that the bench or transit shelter
1890 complies with all applicable laws and rules, including, without
1891 limitation, the Americans with Disabilities Act, or shall remove
1892 the bench or transit shelter. The department shall have no
1893 liability for any claims, losses, costs, charges, expenses,
1894 damages, liabilities, attorney fees, or court costs relating to
1895 the installation, removal, or relocation of any benches or
1896 transit shelters authorized by a municipality or county. On and
1897 after July 1, 2012, a municipality or county that authorizes a
1898 bench or transit shelter to be installed within the right-of-way
1899 limits of any road on the State Highway System must require the
1900 qualified private supplier, or any other person under contract
1901 to install the bench or transit shelter, to indemnify, defend,
1902 and hold harmless the department from any suits, actions,
1903 proceedings, claims, losses, costs, charges, expenses, damages,
1904 liabilities, attorney fees, and court costs relating to the

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

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1905 installation, removal, or relocation of such installations, and
 1906 shall annually certify to the department in a notarized signed
 1907 statement that this requirement has been met. The certification
 1908 shall include the name and address of each person responsible
 1909 for indemnifying the department for an authorized installation.
 1910 Municipalities and counties that have authorized the
 1911 installation of benches or transit shelters within the right-of-
 1912 way limits of any road on the State Highway System must remove
 1913 or relocate, or cause the removal or relocation of, the
 1914 installation at no cost to the department within 30 days after
 1915 written notice by the department that the installation is
 1916 unreasonably interfering in any way with the convenient, safe,
 1917 or continuous use of or the maintenance, improvement, extension,
 1918 or expansion of the State Highway System road. Any contract for
 1919 the installation of benches or transit shelters or advertising
 1920 on benches or transit shelters which was entered into before
 1921 April 8, 1992, without public bidding is ratified and affirmed.
 1922 Such benches or transit shelters may not interfere with right-
 1923 of-way preservation and maintenance. Any bench or transit
 1924 shelter located on a sidewalk within the right-of-way limits of
 1925 any road on the State Highway System or the county road system
 1926 shall be located so as to leave at least 36 inches of clearance
 1927 for pedestrians and persons in wheelchairs. Such clearance shall
 1928 be measured in a direction perpendicular to the centerline of
 1929 the road.

1930 (4) The department has the authority to direct the
 1931 immediate relocation or removal of any bus stop, bench, transit
 1932 shelter, waste disposal receptacle, public pay telephone, or

1933 modular news rack that endangers life or property or that is
 1934 otherwise not in compliance with applicable laws and rules,
 1935 except that transit bus benches that were placed in service
 1936 before April 1, 1992, are not required to comply with bench size
 1937 and advertising display size requirements established by the
 1938 department before March 1, 1992. ~~Any transit bus bench that was~~
 1939 ~~in service before April 1, 1992, may be replaced with a bus~~
 1940 ~~bench of the same size or smaller, if the bench is damaged or~~
 1941 ~~destroyed or otherwise becomes unusable.~~ The department may
 1942 adopt rules relating to the regulation of bench size and
 1943 advertising display size requirements. If a municipality or
 1944 county within which a bench is to be located has adopted an
 1945 ordinance or other applicable regulation that establishes bench
 1946 size or advertising display sign requirements different from
 1947 requirements specified in department rule, the local government
 1948 requirement applies within the respective municipality or
 1949 county. Placement of any bench or advertising display on the
 1950 National Highway System under a local ordinance or regulation
 1951 adopted under this subsection is subject to approval of the
 1952 Federal Highway Administration.

1953 (5) A bus stop, bench, transit shelter, waste disposal
 1954 receptacle, public pay telephone, or modular news rack, or
 1955 advertising thereon, may not be erected or placed on the right-
 1956 of-way of any road in a manner that conflicts with the
 1957 requirements of federal law, regulations, or safety standards,
 1958 thereby causing the state or any political subdivision the loss
 1959 of federal funds. Competition among persons seeking to provide
 1960 bus stop, bench, transit shelter, waste disposal receptacle,

1961 public pay telephone, or modular news rack services or
 1962 advertising on such benches, shelters, receptacles, public pay
 1963 telephone, or news racks may be regulated, restricted, or denied
 1964 by the appropriate local government entity consistent with this
 1965 section.

1966 Section 34. Chapter 338, Florida Statutes, is retitled
 1967 "LIMITED ACCESS AND TOLL FACILITIES."

1968 Section 35. Section 338.001, Florida Statutes, is
 1969 repealed.

1970 Section 36. Present subsections (1) through (6) of section
 1971 338.01, Florida Statutes, are renumbered as subsections (2)
 1972 through (7), respectively, and new subsections (1) and (8) are
 1973 added to that section to read:

1974 338.01 Authority to establish and regulate limited access
 1975 facilities.—

1976 (1) The department may establish limited access facilities
 1977 as provided in s. 335.02. The primary function of such limited
 1978 access facilities shall be to allow high-speed and high-volume
 1979 traffic movements within the state. Access to abutting land is
 1980 subordinate to this function, and such access must be prohibited
 1981 or highly regulated.

1982 (8) The department, or other governmental entity
 1983 responsible for the collection of tolls, may pursue the
 1984 collection of unpaid tolls and associated fees and other amounts
 1985 to which it is entitled by contracting with a private attorney
 1986 who is a member in good standing with The Florida Bar or a
 1987 collection agent who is registered and in good standing pursuant
 1988 to chapter 559. A collection fee in an amount that is reasonable

1989 within the collection industry, including any reasonable
 1990 attorney fees, may be added to the delinquent amount collected
 1991 by any attorney or collection agent retained by the department
 1992 or other governmental entity. The requirements of s. 287.059 do
 1993 not apply to private attorney services procured under this
 1994 section.

1995 Section 37. Section 338.151, Florida Statutes, is created
 1996 to read:

1997 338.151 Authority of the department to establish tolls on
 1998 the State Highway System.—Notwithstanding s. 338.165(8), the
 1999 department may establish tolls on new limited access facilities
 2000 on the State Highway System, lanes added to existing limited
 2001 access facilities on the State Highway System, new major bridges
 2002 on the State Highway System over waterways, and replacements for
 2003 existing major bridges on the State Highway System over
 2004 waterways to pay, fully or partially, for the cost of such
 2005 projects. Except for high-occupancy vehicle lanes, express
 2006 lanes, the turnpike system, and as otherwise authorized by law,
 2007 the department may not establish tolls on lanes of limited
 2008 access facilities that exist on July 1, 2012, unless tolls were
 2009 in effect for the lanes prior to that date. The authority
 2010 provided in this section is in addition to the authority
 2011 provided under the Florida Turnpike Enterprise Law and s.
 2012 338.166.

2013 Section 38. Subsection (1) of section 338.155, Florida
 2014 Statutes, is amended to read:

2015 338.155 Payment of toll on toll facilities required;
 2016 exemptions.—

2017 (1) A person may not ~~No persons are permitted to~~ use any
 2018 toll facility without payment of tolls, except employees of the
 2019 agency operating the toll project when using the toll facility
 2020 on official state business, state military personnel while on
 2021 official military business, handicapped persons as provided in
 2022 this section, persons exempt from toll payment by the
 2023 authorizing resolution for bonds issued to finance the facility,
 2024 and persons exempt on a temporary basis where use of such toll
 2025 facility is required as a detour route. Any law enforcement
 2026 officer operating a marked official vehicle is exempt from toll
 2027 payment when on official law enforcement business. Any person
 2028 operating a fire vehicle when on official business or a rescue
 2029 vehicle when on official business is exempt from toll payment.
 2030 Any person participating in the funeral procession of a law
 2031 enforcement officer or firefighter killed in the line of duty is
 2032 exempt from toll payment. The secretary~~7~~ or the secretary's
 2033 designee~~7~~ may suspend the payment of tolls on a toll facility
 2034 when necessary to assist in emergency evacuation. The failure to
 2035 pay a prescribed toll constitutes a noncriminal traffic
 2036 infraction, punishable as a moving violation as provided in
 2037 ~~pursuant to~~ s. 318.18. The department may ~~is authorized to~~ adopt
 2038 rules relating to the payment, collection, and enforcement of
 2039 tolls, as authorized in chapters 316, 318, 320, 322, and 338,
 2040 including, but not limited to, rules for the implementation of
 2041 video or other image billing and variable pricing. With respect
 2042 to toll facilities managed by the department, the revenues of
 2043 which are not pledged to repayment of bonds, the department may
 2044 by rule allow the use of such facilities by public transit

2045 vehicles or by vehicles participating in a funeral procession
 2046 for an active-duty military service member without the payment
 2047 of tolls.

2048 Section 39. Paragraph (c) is added to subsection (3) of
 2049 section 338.161, Florida Statutes, to read:

2050 338.161 Authority of department or toll agencies to
 2051 advertise and promote electronic toll collection; expanded uses
 2052 of electronic toll collection system; studies authorized;
 2053 authority of department to collect tolls, fares, and fees for
 2054 private and public entities.-

2055 (3)

2056 (c) If the department finds that it can increase nontoll
 2057 revenues or add convenience or other value for its customers,
 2058 the department is authorized to enter into agreements with
 2059 private or public entities for the department's use of its
 2060 electronic toll collection and video billing systems to collect
 2061 tolls, fares, administrative fees, and other applicable charges
 2062 imposed in connection with transportation facilities of the
 2063 private or public entities that become interoperable with the
 2064 department's electronic toll collection system. The department
 2065 may modify its rules regarding toll collection procedures and
 2066 the imposition of administrative charges to be applicable to
 2067 toll facilities that are not part of the turnpike system or
 2068 otherwise owned by the department. This paragraph may not be
 2069 construed to limit the authority of the department under any
 2070 other provision of law or under any agreement entered into prior
 2071 to July 1, 2012.

2072 Section 40. Section 338.166, Florida Statutes, is amended

2073 to read:

2074 338.166 High-occupancy toll lanes or express lanes.—

2075 (1) Under s. 11, Art. VII of the State Constitution, the
 2076 department may request the Division of Bond Finance to issue
 2077 bonds secured by toll revenues collected on high-occupancy toll
 2078 lanes or express lanes established on facilities owned by the
 2079 department located on Interstate 95 in Miami-Dade and Broward
 2080 Counties.

2081 (2) The department may continue to collect the toll on the
 2082 high-occupancy toll lanes or express lanes after the discharge
 2083 of any bond indebtedness related to such project. All tolls so
 2084 collected shall first be used to pay the annual cost of the
 2085 operation, maintenance, and improvement of the high-occupancy
 2086 toll lanes or express lanes project or associated transportation
 2087 system.

2088 (3) Any remaining toll revenue from the high-occupancy
 2089 toll lanes or express lanes shall be used by the department for
 2090 the construction, maintenance, or improvement of any road on the
 2091 State Highway System within the county or counties in which the
 2092 toll revenues were collected or to support express bus service
 2093 on the facility where the toll revenues were collected.

2094 (4) The department may implement variable rate tolls on
 2095 high-occupancy toll lanes or express lanes.

2096 (5) Except for high-occupancy toll lanes or express lanes,
 2097 tolls may not be charged for use of an interstate highway where
 2098 tolls were not charged as of July 1, 1997.

2099 (6) This section does not apply to the turnpike system as
 2100 defined under the Florida Turnpike Enterprise Law.

2101 Section 41. Paragraph (a) of subsection (8) of section
 2102 338.221, Florida Statutes, is amended to read:

2103 338.221 ~~Definitions of terms used in ss. 338.22-338.241.-~~

2104 As used in ss. 338.22-338.241, the following words and terms
 2105 have the following meanings, unless the context indicates
 2106 another or different meaning or intent:

2107 (8) "Economically feasible" means:

2108 (a) For a proposed turnpike project, that, as determined
 2109 by the department before the issuance of revenue bonds for the
 2110 project, the estimated net revenues of the proposed turnpike
 2111 project, excluding feeder roads and turnpike improvements, will
 2112 be sufficient to pay at least 50 percent of the annual debt
 2113 service on the bonds associated with the project by the end of
 2114 the 12th year of operation and to pay at least 100 percent of
 2115 the debt service on the bonds by the end of the 30th ~~22nd~~ year
 2116 of operation. In implementing this paragraph, up to 50 percent
 2117 of the adopted work program costs of the project may be funded
 2118 from turnpike revenues.

2119
 2120 This subsection does not prohibit the pledging of revenues from
 2121 the entire turnpike system to bonds issued to finance or
 2122 refinance a turnpike project or group of turnpike projects.

2123 Section 42. Paragraphs (a) and (b) of subsection (1) of
 2124 section 338.223, Florida Statutes, are amended to read:

2125 338.223 Proposed turnpike projects.-

2126 (1) (a) Any proposed project to be constructed or acquired
 2127 as part of the turnpike system and any turnpike improvement
 2128 shall be included in the tentative work program. A ~~No~~ proposed

2129 project or group of proposed projects may not ~~shall~~ be added to
 2130 the turnpike system unless such project or projects are
 2131 determined to be economically feasible and a statement of
 2132 environmental feasibility has been completed for such project or
 2133 projects and such projects are determined to be consistent, to
 2134 the maximum extent feasible, with approved local government
 2135 comprehensive plans of the local governments in which such
 2136 projects are located. The department may authorize engineering
 2137 studies, traffic studies, environmental studies, and other
 2138 expert studies of the location, costs, economic feasibility, and
 2139 practicality of proposed turnpike projects throughout the state
 2140 and may proceed with the design phase of such projects. The
 2141 department may ~~shall~~ not request legislative approval of a
 2142 proposed turnpike project until the design phase of that project
 2143 is at least 30 ~~60~~ percent complete. If a proposed project or
 2144 group of proposed projects is found to be economically feasible,
 2145 consistent, to the maximum extent feasible, with approved local
 2146 government comprehensive plans of the local governments in which
 2147 such projects are located, and a favorable statement of
 2148 environmental feasibility has been completed, the department,
 2149 with the approval of the Legislature, shall, after the receipt
 2150 of all necessary permits, construct, maintain, and operate such
 2151 turnpike projects.

2152 (b) Any proposed turnpike project or improvement shall be
 2153 developed in accordance with the Florida Transportation Plan and
 2154 the work program pursuant to s. 339.135. Turnpike projects that
 2155 add capacity, alter access, affect feeder roads, or affect the
 2156 operation of the local transportation system shall be included

2157 | in the transportation improvement plan of the affected
 2158 | metropolitan planning organization. If such turnpike project
 2159 | does not fall within the jurisdiction of a metropolitan planning
 2160 | organization, the department shall notify the affected county
 2161 | and provide for public hearings in accordance with s.
 2162 | 339.155(5)(c) ~~s. 339.155(6)(e)~~.

2163 | Section 43. Subsection (4) of section 338.227, Florida
 2164 | Statutes, is amended to read:

2165 | 338.227 Turnpike revenue bonds.—

2166 | (4) The Department of Transportation and the Department of
 2167 | Management Services shall create and implement an outreach
 2168 | program designed to enhance the participation of minority
 2169 | persons and minority business enterprises in all contracts
 2170 | entered into by their respective departments for services
 2171 | related to the financing of department projects for the
 2172 | Strategic Intermodal System Plan developed pursuant to s. 339.64
 2173 | ~~Florida Intrastate Highway System Plan~~. These services shall
 2174 | include, but are not ~~be~~ limited to, bond counsel and bond
 2175 | underwriters.

2176 | Section 44. Subsection (2) of section 338.2275, Florida
 2177 | Statutes, is amended to read:

2178 | 338.2275 Approved turnpike projects.—

2179 | (2) The department may ~~is authorized to~~ use turnpike
 2180 | revenues, the State Transportation Trust Fund moneys allocated
 2181 | for turnpike projects pursuant to s. 339.65 ~~s. 338.001~~, federal
 2182 | funds, and bond proceeds, and shall use the most cost-efficient
 2183 | combination of such funds, in developing a financial plan for
 2184 | funding turnpike projects. The department must submit a report

2185 of the estimated cost for each ongoing turnpike project and for
 2186 each planned project to the Legislature 14 days before the
 2187 convening of the regular legislative session. Verification of
 2188 economic feasibility and statements of environmental feasibility
 2189 for individual turnpike projects must be based on the entire
 2190 project as approved. Statements of environmental feasibility are
 2191 not required for those projects listed in s. 12, chapter 90-136,
 2192 Laws of Florida, for which the Project Development and
 2193 Environmental Reports were completed by July 1, 1990. All
 2194 required environmental permits must be obtained before the
 2195 department may advertise for bids for contracts for the
 2196 construction of any turnpike project.

2197 Section 45. Section 338.228, Florida Statutes, is amended
 2198 to read:

2199 338.228 Bonds not debts or pledges of credit of state.—
 2200 Turnpike revenue bonds issued under the provisions of ss.
 2201 338.22-338.241 are not debts of the state or pledges of the
 2202 faith and credit of the state. Such bonds are payable
 2203 exclusively from revenues pledged for their payment. All such
 2204 bonds shall contain a statement on their face that the state is
 2205 not obligated to pay the same or the interest thereon, except
 2206 from the revenues pledged for their payment, and that the faith
 2207 and credit of the state is not pledged to the payment of the
 2208 principal or interest of such bonds. The issuance of turnpike
 2209 revenue bonds under the provisions of ss. 338.22-338.241 does
 2210 not directly, indirectly, or contingently obligate the state to
 2211 levy or to pledge any form of taxation whatsoever, or to make
 2212 any appropriation for their payment. Except as provided in ss.

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2213 ~~338.001,~~ 338.223, ~~and~~ 338.2275, and 339.65, ~~no~~ state funds may
 2214 not shall be used on any turnpike project or to pay the
 2215 principal or interest of any bonds issued to finance or
 2216 refinance any portion of the turnpike system, and all such bonds
 2217 shall contain a statement on their face to this effect.

2218 Section 46. Paragraph (c) is added to subsection (3) of
 2219 section 338.231, Florida Statutes, to read:

2220 338.231 Turnpike tolls, fixing; pledge of tolls and other
 2221 revenues.—The department shall at all times fix, adjust, charge,
 2222 and collect such tolls and amounts for the use of the turnpike
 2223 system as are required in order to provide a fund sufficient
 2224 with other revenues of the turnpike system to pay the cost of
 2225 maintaining, improving, repairing, and operating such turnpike
 2226 system; to pay the principal of and interest on all bonds issued
 2227 to finance or refinance any portion of the turnpike system as
 2228 the same become due and payable; and to create reserves for all
 2229 such purposes.

2230 (3)

2231 (c) Notwithstanding any other provision of law to the
 2232 contrary, any prepaid toll account of any kind which has
 2233 remained inactive for 3 years shall be presumed unclaimed and
 2234 its disposition shall be handled by the Department of Financial
 2235 Services in accordance with all applicable provisions of chapter
 2236 717 relating to the disposition of unclaimed property, and the
 2237 prepaid toll account shall be closed by the department.

2238 Section 47. Subsection (2) of section 338.234, Florida
 2239 Statutes, is amended to read:

2240 338.234 Granting concessions or selling along the turnpike

2241 system; immunity from taxation.-

2242 (2) The effectuation of the authorized purposes of the
 2243 Strategic Intermodal System, created under ss. 339.61-339.65,
 2244 ~~Florida Intrastate Highway System~~ and Florida Turnpike
 2245 Enterprise, created under this chapter, is for the benefit of
 2246 the people of the state, for the increase of their commerce and
 2247 prosperity, and for the improvement of their health and living
 2248 conditions; and, because the system and enterprise perform
 2249 essential government functions in effectuating such purposes,
 2250 neither the turnpike enterprise nor any nongovernment lessee or
 2251 licensee renting, leasing, or licensing real property from the
 2252 turnpike enterprise, pursuant to an agreement authorized by this
 2253 section, are required to pay any commercial rental tax imposed
 2254 under s. 212.031 on any capital improvements constructed,
 2255 improved, acquired, installed, or used for such purposes.

2256 Section 48. Subsections (1), (2), and (3) of section
 2257 339.0805, Florida Statutes, are amended to read:

2258 339.0805 Funds to be expended with certified disadvantaged
 2259 business enterprises; ~~specified percentage to be expended;~~
 2260 construction management development program; bond guarantee
 2261 program.-It is the policy of the state to meaningfully assist
 2262 socially and economically disadvantaged business enterprises
 2263 through a program that will provide for the development of
 2264 skills through construction and business management training, as
 2265 well as by providing contracting opportunities and financial
 2266 assistance in the form of bond guarantees, to primarily remedy
 2267 the effects of past economic disparity.

2268 (1) (a) ~~Except to the extent that the head of the~~

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2269 ~~department determines otherwise,~~ The department shall expend ~~not~~
 2270 ~~less than 10 percent of~~ federal-aid highway funds as defined in
 2271 49 C.F.R. part 26 s. 23.63(a) and state matching funds with
 2272 small business concerns owned and controlled by socially and
 2273 economically disadvantaged individuals as defined by the Safe,
 2274 Accountable, Flexible, Efficient Transportation Equity Act: A
 2275 Legacy for Users (SAFETEA-LU) Surface Transportation and Uniform
 2276 Relocation Assistance Act of 1987.

2277 (b) Upon a determination by the department of past and
 2278 continuing discrimination in nonfederally funded projects on the
 2279 basis of race, color, creed, national origin, or sex, the
 2280 department may implement a program tailored to address specific
 2281 findings of disparity. The program may include the establishment
 2282 of annual goals for expending a percentage of state-administered
 2283 highway funds with small business concerns. The department may
 2284 utilize set-asides for small business concerns to assist in
 2285 achieving goals established pursuant to this subsection. For the
 2286 purpose of this subsection, the term "small business concern"
 2287 means a business owned and controlled by socially and
 2288 economically disadvantaged individuals as defined by the Safe,
 2289 Accountable, Flexible, Efficient Transportation Equity Act: A
 2290 Legacy for Users (SAFETEA-LU) Surface Transportation and Uniform
 2291 Relocation Assistance Act of 1987. The head of the department
 2292 may elect to set goals only when significant disparity is
 2293 documented. The findings of a disparity study shall be
 2294 considered in determining the program goals for each group
 2295 qualified to participate. ~~Such a study shall be conducted or~~
 2296 ~~updated by the department or its designee at a minimum of every~~

2297 ~~5 years. The department shall adopt rules to implement this~~
 2298 ~~subsection on or before October 1, 1993.~~

2299 (c) The department shall certify a socially and
 2300 economically disadvantaged business enterprise, ~~which~~
 2301 ~~certification shall be valid for 12 months, or as prescribed by~~
 2302 49 C.F.R. part 26 ~~23~~. The department's initial application for
 2303 certification for a socially and economically disadvantaged
 2304 business enterprise shall require sufficient information to
 2305 determine eligibility as a small business concern owned and
 2306 controlled by a socially and economically disadvantaged
 2307 individual. For continuing eligibility ~~recertification~~ of a
 2308 disadvantaged business enterprise, the department may accept an
 2309 affidavit, which meets department criteria as to form and
 2310 content, certifying that the business remains qualified for
 2311 certification in accordance with program requirements. A firm
 2312 which does not fulfill all the department's criteria for
 2313 certification may ~~shall~~ not be considered a disadvantaged
 2314 business enterprise. An applicant who is denied certification
 2315 may not reapply within 12 ~~6~~ months after issuance of the denial
 2316 letter ~~or the final order, whichever is later~~. The application
 2317 and financial information required by this section are
 2318 confidential and exempt from s. 119.07(1).

2319 (2) The department shall remove ~~revoke~~ the certification
 2320 of a disadvantaged business enterprise upon receipt of
 2321 notification of any change in ownership which results in the
 2322 disadvantaged individual or individuals used to qualify the
 2323 business as a disadvantaged business enterprise, no longer
 2324 owning at least 51 percent of the business enterprise. Such

2325 notification shall be made to the department by certified mail
 2326 within 30 ~~10~~ days after the change in ownership, ~~and such~~
 2327 ~~business shall be removed from the certified disadvantaged~~
 2328 ~~business list until a new application is submitted and approved~~
 2329 ~~by the department.~~ Failure to notify the department of the
 2330 change in the ownership which qualifies the business as a
 2331 disadvantaged business enterprise will also result in removal
 2332 ~~revocation~~ of certification and subject the business to the
 2333 provisions of s. 337.135. In addition, the department may, for
 2334 good cause, deny or remove ~~suspend~~ the certification of a
 2335 disadvantaged business enterprise. As used in this subsection,
 2336 the term "good cause" includes, but is not limited to, the
 2337 disadvantaged business enterprise:

2338 (a) No longer meeting the certification standards set
 2339 forth in department rules;

2340 (b) Making a false, deceptive, or fraudulent statement in
 2341 its application for certification or in any other information
 2342 submitted to the department;

2343 (c) Failing to maintain the records required by department
 2344 rules;

2345 (d) Failing to perform a commercially useful function on
 2346 projects for which the enterprise was used to satisfy contract
 2347 goals;

2348 (e) Failing to fulfill its contractual obligations with
 2349 contractors;

2350 (f) Failing to respond with a statement of interest to
 2351 requests for bid quotations from contractors for three
 2352 consecutive lettings;

2353 ~~(g) Subcontracting to others more than 49 percent of the~~
 2354 ~~amount of any single subcontract that was used by the prime~~
 2355 ~~contractor to meet a contract goal;~~

2356 (g) ~~(h)~~ Failing to provide notarized certification of
 2357 payments received on specific projects to the prime contractor
 2358 when required to do so by contract specifications;

2359 (h) ~~(i)~~ Failing to schedule an onsite review upon request
 2360 of the department; or

2361 (i) ~~(j)~~ Becoming insolvent or the subject of a bankruptcy
 2362 proceeding.

2363 (3) The head of the department may ~~is authorized to~~ expend
 2364 up to 6 percent of the funds specified in subsection (1) which
 2365 are designated to be expended on small business firms owned and
 2366 controlled by socially and economically disadvantaged
 2367 individuals to conduct, by contract or otherwise, a construction
 2368 management development program. Participation in the program
 2369 will be limited to those firms which are certified under the
 2370 provisions of subsection (1) by the department or the federal
 2371 Small Business Administration or to any firm which meets the
 2372 definition of a small business in 49 C.F.R. s. 26.65 ~~has annual~~
 2373 ~~gross receipts not exceeding \$2 million averaged over a 3-year~~
 2374 ~~period.~~ The program shall ~~will~~ consist of classroom instruction
 2375 and on-the-job instruction. To the extent feasible, the
 2376 registration fee shall be set to cover the cost of instruction
 2377 and overhead. ~~No~~ Salary may not ~~will~~ be paid to any participant.

2378 Section 49. Paragraph (c) of subsection (4) and paragraph
 2379 (e) of subsection (7) of section 339.135, Florida Statutes, are
 2380 amended to read:

2381 339.135 Work program; legislative budget request;
 2382 definitions; preparation, adoption, execution, and amendment.—

2383 (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.—

2384 (c)1. For purposes of this section, the board of county
 2385 commissioners shall serve as the metropolitan planning
 2386 organization in those counties which are not located in a
 2387 metropolitan planning organization and shall be involved in the
 2388 development of the district work program to the same extent as a
 2389 metropolitan planning organization.

2390 2. The district work program shall be developed
 2391 cooperatively from the outset with the various metropolitan
 2392 planning organizations of the state and include, to the maximum
 2393 extent feasible, the project priorities of metropolitan planning
 2394 organizations which have been submitted to the district by
 2395 October 1 of each year pursuant to s. 339.175(8)(b); however,
 2396 the department and a metropolitan planning organization may, in
 2397 writing, cooperatively agree to vary this submittal date. To
 2398 assist the metropolitan planning organizations in developing
 2399 their lists of project priorities, the district shall disclose
 2400 to each metropolitan planning organization any anticipated
 2401 changes in the allocation or programming of state and federal
 2402 funds which may affect the inclusion of metropolitan planning
 2403 organization project priorities in the district work program.

2404 3. Prior to submittal of the district work program to the
 2405 central office, the district shall provide the affected
 2406 metropolitan planning organization with written justification
 2407 for any project proposed to be rescheduled or deleted from the
 2408 district work program which project is part of the metropolitan

2409 | planning organization's transportation improvement program and
 2410 | is contained in the last 4 years of the previous adopted work
 2411 | program. By no later than 14 days after submittal of the
 2412 | district work program to the central office, the affected
 2413 | metropolitan planning organization may file an objection to such
 2414 | rescheduling or deletion. When an objection is filed with the
 2415 | secretary, the rescheduling or deletion may ~~shall~~ not be
 2416 | included in the district work program unless the inclusion of
 2417 | such rescheduling or deletion is specifically approved by the
 2418 | secretary. The Florida Transportation Commission shall include
 2419 | such objections in its evaluation of the tentative work program
 2420 | only when the secretary has approved the rescheduling or
 2421 | deletion.

2422 | (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

2423 | (e) The department may amend the adopted work program to
 2424 | transfer fixed capital outlay appropriations for projects within
 2425 | the same appropriations category or between appropriations
 2426 | categories, including the following amendments which shall be
 2427 | subject to the procedures in paragraph (f):

2428 | 1. Any amendment which deletes any project or project
 2429 | phase estimated to cost over \$150,000;

2430 | 2. Any amendment which adds a project estimated to cost
 2431 | over \$500,000 ~~\$150,000~~ in funds appropriated by the Legislature;

2432 | 3. Any amendment which advances or defers to another
 2433 | fiscal year, a right-of-way phase, a construction phase, or a
 2434 | public transportation project phase estimated to cost over \$1.5
 2435 | million ~~\$500,000~~ in funds appropriated by the Legislature,
 2436 | except an amendment advancing a phase by 1 year to the current

2437 fiscal year or deferring a phase for a period of 90 days or
 2438 less; or

2439 4. Any amendment which advances or defers to another
 2440 fiscal year, any preliminary engineering phase or design phase
 2441 estimated to cost over \$500,000 ~~\$150,000~~ in funds appropriated
 2442 by the Legislature, except an amendment advancing a phase by 1
 2443 year to the current fiscal year or deferring a phase for a
 2444 period of 90 days or less.

2445
 2446 Beginning July 1, 2013, the department shall index the budget
 2447 amendment threshold amounts established in this paragraph to the
 2448 Consumer Price Index or similar inflation indicators. Threshold
 2449 adjustments for inflation under this paragraph may be made no
 2450 more frequently than once a year. Adjustments for inflation are
 2451 subject to the notice and review procedures contained in s.
 2452 216.177.

2453 Section 50. Section 339.155, Florida Statutes, is amended
 2454 to read:

2455 339.155 Transportation planning.—

2456 (1) THE FLORIDA TRANSPORTATION PLAN.—The department shall
 2457 develop ~~and annually update~~ a statewide transportation plan, to
 2458 be known as the Florida Transportation Plan. The plan shall be
 2459 designed so as to be easily read and understood by the general
 2460 public. The plan shall consider the needs of the entire state
 2461 transportation system and examine the use of all modes of
 2462 transportation to effectively and efficiently meet such needs.
 2463 The purpose of the Florida Transportation Plan is to establish
 2464 and define the state's long-range transportation goals and

2465 objectives to be accomplished over a period of at least 20 years
 2466 within the context of the State Comprehensive Plan, and any
 2467 other statutory mandates and authorizations and based upon the
 2468 prevailing principles of:

- 2469 (a) Preserving the existing transportation infrastructure.
- 2470 (b) Enhancing Florida's economic competitiveness.
- 2471 (c) Improving travel choices to ensure mobility.
- 2472 (d) Expanding the state's role as a hub for trade and
 2473 investment.

2474 (2) SCOPE OF PLANNING PROCESS.—The department shall carry
 2475 out a transportation planning process in conformance with s.
 2476 334.046(1) and 23 U.S.C. s. 135. ~~which provides for~~
 2477 ~~consideration of projects and strategies that will:~~

- 2478 ~~(a) Support the economic vitality of the United States,~~
 2479 ~~Florida, and the metropolitan areas, especially by enabling~~
 2480 ~~global competitiveness, productivity, and efficiency;~~
- 2481 ~~(b) Increase the safety and security of the transportation~~
 2482 ~~system for motorized and nonmotorized users;~~
- 2483 ~~(c) Increase the accessibility and mobility options~~
 2484 ~~available to people and for freight;~~
- 2485 ~~(d) Protect and enhance the environment, promote energy~~
 2486 ~~conservation, and improve quality of life;~~
- 2487 ~~(e) Enhance the integration and connectivity of the~~
 2488 ~~transportation system, across and between modes throughout~~
 2489 ~~Florida, for people and freight;~~
- 2490 ~~(f) Promote efficient system management and operation; and~~
- 2491 ~~(g) Emphasize the preservation of the existing~~
 2492 ~~transportation system.~~

2493 (3) FORMAT, SCHEDULE, AND REVIEW.—The Florida
 2494 Transportation Plan shall be a unified, concise planning
 2495 document that clearly defines the state's long-range
 2496 transportation goals and objectives ~~and documents the~~
 2497 ~~department's short-range objectives developed to further such~~
 2498 ~~goals and objectives.~~ The plan shall:

2499 (a) Include a glossary that clearly and succinctly defines
 2500 any and all phrases, words, or terms of art included in the
 2501 plan, with which the general public may be unfamiliar, ~~and shall~~
 2502 ~~consist of, at a minimum, the following components:~~

2503 (b) ~~(a) Document A long-range component documenting the~~
 2504 ~~goals and long-term objectives necessary to implement the~~
 2505 ~~results of the department's findings from its examination of the~~
 2506 ~~criteria specified listed in subsection (2) and s. 334.046(1)~~
 2507 ~~and 23 U.S.C. s. 135. The long-range component must~~

2508 (c) Be developed in cooperation with the metropolitan
 2509 planning organizations and reconciled, to the maximum extent
 2510 feasible, with the long-range plans developed by metropolitan
 2511 planning organizations pursuant to s. 339.175. ~~The plan must~~
 2512 ~~also~~

2513 (d) Be developed in consultation with affected local
 2514 officials in nonmetropolitan areas and with any affected Indian
 2515 tribal governments. ~~The plan must~~

2516 (e) Provide an examination of transportation issues likely
 2517 to arise during at least a 20-year period. ~~The long-range~~
 2518 ~~component shall~~

2519 (f) Be updated at least once every 5 years, or more often
 2520 as necessary, to reflect substantive changes to federal or state

2521 law.

2522 ~~(b) A short-range component documenting the short-term~~
2523 ~~objectives and strategies necessary to implement the goals and~~
2524 ~~long-term objectives contained in the long-range component. The~~
2525 ~~short-range component must define the relationship between the~~
2526 ~~long-range goals and the short-range objectives, specify those~~
2527 ~~objectives against which the department's achievement of such~~
2528 ~~goals will be measured, and identify transportation strategies~~
2529 ~~necessary to efficiently achieve the goals and objectives in the~~
2530 ~~plan. It must provide a policy framework within which the~~
2531 ~~department's legislative budget request, the strategic~~
2532 ~~information resource management plan, and the work program are~~
2533 ~~developed. The short-range component shall serve as the~~
2534 ~~department's annual agency strategic plan pursuant to s.~~
2535 ~~186.021. The short-range component shall be developed consistent~~
2536 ~~with available and forecasted state and federal funds. The~~
2537 ~~short-range component shall also be submitted to the Florida~~
2538 ~~Transportation Commission.~~

2539 ~~(4) ANNUAL PERFORMANCE REPORT. The department shall~~
2540 ~~develop an annual performance report evaluating the operation of~~
2541 ~~the department for the preceding fiscal year. The report shall~~
2542 ~~also include a summary of the financial operations of the~~
2543 ~~department and shall annually evaluate how well the adopted work~~
2544 ~~program meets the short-term objectives contained in the short-~~
2545 ~~range component of the Florida Transportation Plan. This~~
2546 ~~performance report shall be submitted to the Florida~~
2547 ~~Transportation Commission and the legislative appropriations and~~
2548 ~~transportation committees.~~

2549 | (4)~~(5)~~ ADDITIONAL TRANSPORTATION PLANS.—

2550 | (a) Upon request by local governmental entities, the
 2551 | department may in its discretion develop and design
 2552 | transportation corridors, arterial and collector streets,
 2553 | vehicular parking areas, and other support facilities which are
 2554 | consistent with the plans of the department for major
 2555 | transportation facilities. The department may render to local
 2556 | governmental entities or their planning agencies such technical
 2557 | assistance and services as are necessary so that local plans and
 2558 | facilities are coordinated with the plans and facilities of the
 2559 | department.

2560 | (b) Each regional planning council, as provided for in s.
 2561 | 186.504, or any successor agency thereto, shall develop, as an
 2562 | element of its strategic regional policy plan, transportation
 2563 | goals and policies. The transportation goals and policies must
 2564 | be prioritized to comply with the prevailing principles provided
 2565 | in subsection (1)~~(2)~~ and s. 334.046(1). The transportation
 2566 | goals and policies shall be consistent, to the maximum extent
 2567 | feasible, with the goals and policies of the metropolitan
 2568 | planning organization and the Florida Transportation Plan. The
 2569 | transportation goals and policies of the regional planning
 2570 | council will be advisory only and shall be submitted to the
 2571 | department and any affected metropolitan planning organization
 2572 | for their consideration and comments. Metropolitan planning
 2573 | organization plans and other local transportation plans shall be
 2574 | developed consistent, to the maximum extent feasible, with the
 2575 | regional transportation goals and policies. The regional
 2576 | planning council shall review urbanized area transportation

2577 plans and any other planning products stipulated in s. 339.175
2578 and provide the department and respective metropolitan planning
2579 organizations with written recommendations, which the department
2580 and the metropolitan planning organizations shall take under
2581 advisement. Further, the regional planning councils shall
2582 directly assist local governments that ~~which~~ are not part of a
2583 metropolitan area transportation planning process in the
2584 development of the transportation element of their comprehensive
2585 plans as required by s. 163.3177.

2586 (c) Regional transportation plans may be developed in
2587 regional transportation areas in accordance with an interlocal
2588 agreement entered into pursuant to s. 163.01 by two or more
2589 contiguous metropolitan planning organizations; one or more
2590 metropolitan planning organizations and one or more contiguous
2591 counties, none of which is a member of a metropolitan planning
2592 organization; a multicounty regional transportation authority
2593 created by or pursuant to law; two or more contiguous counties
2594 that are not members of a metropolitan planning organization; or
2595 metropolitan planning organizations comprised of three or more
2596 counties.

2597 (d) The interlocal agreement must, at a minimum, identify
2598 the entity that will coordinate the development of the regional
2599 transportation plan; delineate the boundaries of the regional
2600 transportation area; provide the duration of the agreement and
2601 specify how the agreement may be terminated, modified, or
2602 rescinded; describe the process by which the regional
2603 transportation plan will be developed; and provide how members
2604 of the entity will resolve disagreements regarding

2605 interpretation of the interlocal agreement or disputes relating
 2606 to the development or content of the regional transportation
 2607 plan. Such interlocal agreement shall become effective upon its
 2608 recordation in the official public records of each county in the
 2609 regional transportation area.

2610 (e) The regional transportation plan developed pursuant to
 2611 this section must, at a minimum, identify regionally significant
 2612 transportation facilities located within a regional
 2613 transportation area and contain a prioritized list of regionally
 2614 significant projects. The projects shall be adopted into the
 2615 capital improvements schedule of the local government
 2616 comprehensive plan pursuant to s. 163.3177(3).

2617 (5)~~(6)~~ PROCEDURES FOR PUBLIC PARTICIPATION IN
 2618 TRANSPORTATION PLANNING.—

2619 (a) During the development of the ~~long range component of~~
 2620 ~~the~~ Florida Transportation Plan and prior to substantive
 2621 revisions, the department shall provide citizens, affected
 2622 public agencies, representatives of transportation agency
 2623 employees, other affected employee representatives, private
 2624 providers of transportation, and other known interested parties
 2625 with an opportunity to comment on the proposed plan or
 2626 revisions. These opportunities shall include, at a minimum,
 2627 publishing a notice in the Florida Administrative Weekly and
 2628 within a newspaper of general circulation within the area of
 2629 each department district office.

2630 (b) During development of major transportation
 2631 improvements, such as those increasing the capacity of a
 2632 facility through the addition of new lanes or providing new

2633 access to a limited or controlled access facility or
2634 construction of a facility in a new location, the department
2635 shall hold one or more hearings prior to the selection of the
2636 facility to be provided; prior to the selection of the site or
2637 corridor of the proposed facility; and prior to the selection of
2638 and commitment to a specific design proposal for the proposed
2639 facility. Such public hearings shall be conducted so as to
2640 provide an opportunity for effective participation by interested
2641 persons in the process of transportation planning and site and
2642 route selection and in the specific location and design of
2643 transportation facilities. The various factors involved in the
2644 decision or decisions and any alternative proposals shall be
2645 clearly presented so that the persons attending the hearing may
2646 present their views relating to the decision or decisions that
2647 ~~which~~ will be made.

2648 (c) Opportunity for design hearings:

2649 1. The department, prior to holding a design hearing,
2650 shall duly notify all affected property owners of record, as
2651 recorded in the property appraiser's office, by mail at least 20
2652 days prior to the date set for the hearing. The affected
2653 property owners shall be:

2654 a. Those whose property lies in whole or in part within
2655 300 feet on either side of the centerline of the proposed
2656 facility.

2657 b. Those who ~~whom~~ the department determines will be
2658 substantially affected environmentally, economically, socially,
2659 or safetywise.

2660 2. For each subsequent hearing, the department shall

2661 | publish notice prior to the hearing date in a newspaper of
 2662 | general circulation for the area affected. These notices must be
 2663 | published twice, with the first notice appearing at least 15
 2664 | days, but no later than 30 days, before the hearing.

2665 | 3. A copy of the notice of opportunity for the hearing
 2666 | must be furnished to the United States Department of
 2667 | Transportation and to the appropriate departments of the state
 2668 | government at the time of publication.

2669 | 4. The opportunity for another hearing shall be afforded
 2670 | in any case when proposed locations or designs are so changed
 2671 | from those presented in the notices specified above or at a
 2672 | hearing as to have a substantially different social, economic,
 2673 | or environmental effect.

2674 | 5. The opportunity for a hearing shall be afforded in each
 2675 | case in which the department is in doubt as to whether a hearing
 2676 | is required.

2677 | Section 51. Paragraph (a) of subsection (2), paragraph (a)
 2678 | of subsection (4), and paragraph (b) of subsection (8) of
 2679 | section 339.175, Florida Statutes, are amended to read:

2680 | 339.175 Metropolitan planning organization.—

2681 | (2) DESIGNATION.—

2682 | (a)1. An M.P.O. shall be designated for each urbanized
 2683 | area of the state; however, this does not require that an
 2684 | individual M.P.O. be designated for each such area. Such
 2685 | designation shall be accomplished by agreement between the
 2686 | Governor and units of general-purpose local government
 2687 | representing at least 75 percent of the population of the
 2688 | urbanized area; however, the unit of general-purpose local

2689 government that represents the central city or cities within the
 2690 M.P.O. jurisdiction, as defined by the United States Bureau of
 2691 the Census, must be a party to such agreement.

2692 2. To the extent possible, only one M.P.O. shall be
 2693 designated for each urbanized area or group of contiguous
 2694 urbanized areas. More than one M.P.O. may be designated within
 2695 an existing urbanized ~~metropolitan planning~~ area only if the
 2696 Governor and the existing M.P.O. determine that the size and
 2697 complexity of the existing urbanized ~~metropolitan planning~~ area
 2698 makes the designation of more than one M.P.O. for the area
 2699 appropriate.

2700
 2701 Each M.P.O. required under this section must be fully operative
 2702 no later than 6 months following its designation.

2703 (4) APPORTIONMENT.—

2704 (a) The Governor shall, with the agreement of the affected
 2705 units of general-purpose local government as required by federal
 2706 rules and regulations, apportion the membership on the
 2707 applicable M.P.O. among the various governmental entities within
 2708 the area. At the request of a majority of the affected units of
 2709 general-purpose local government comprising an M.P.O., the
 2710 Governor and a majority of units of general-purpose local
 2711 government serving on an M.P.O. shall cooperatively agree upon
 2712 and prescribe who may serve as an alternate member and a method
 2713 for appointing alternate members who may vote at any M.P.O.
 2714 meeting that an alternate member attends in place of a regular
 2715 member. The method shall be set forth as a part of the
 2716 interlocal agreement describing the M.P.O.'s membership or in

2717 the M.P.O.'s operating procedures and bylaws. The governmental
 2718 entity so designated shall appoint the appropriate number of
 2719 members to the M.P.O. from eligible officials. Representatives
 2720 of the department shall serve as nonvoting advisers to ~~members~~
 2721 ~~of~~ the M.P.O. governing board. Additional nonvoting advisers may
 2722 be appointed by the M.P.O. as deemed necessary; however, to the
 2723 maximum extent feasible, each M.P.O. shall seek to appoint
 2724 nonvoting representatives of various multimodal forms of
 2725 transportation not otherwise represented by voting members of
 2726 the M.P.O. An M.P.O. shall appoint nonvoting advisers
 2727 representing major military installations located within the
 2728 jurisdictional boundaries of the M.P.O. upon the request of the
 2729 aforesaid major military installations and subject to the
 2730 agreement of the M.P.O. All nonvoting advisers may attend and
 2731 participate fully in governing board meetings but may ~~shall~~ not
 2732 ~~have a vote or and shall not~~ be members of the governing board.
 2733 The Governor shall review the composition of the M.P.O.
 2734 membership in conjunction with the decennial census as prepared
 2735 by the United States Department of Commerce, Bureau of the
 2736 Census, and reapportion it as necessary to comply with
 2737 subsection (3).

2738 (8) TRANSPORTATION IMPROVEMENT PROGRAM.—Each M.P.O. shall,
 2739 in cooperation with the state and affected public transportation
 2740 operators, develop a transportation improvement program for the
 2741 area within the jurisdiction of the M.P.O. In the development of
 2742 the transportation improvement program, each M.P.O. must provide
 2743 the public, affected public agencies, representatives of
 2744 transportation agency employees, freight shippers, providers of

2745 freight transportation services, private providers of
 2746 transportation, representatives of users of public transit, and
 2747 other interested parties with a reasonable opportunity to
 2748 comment on the proposed transportation improvement program.

2749 (b) Each M.P.O. annually shall prepare a list of project
 2750 priorities and shall submit the list to the appropriate district
 2751 of the department by October 1 of each year; however, the
 2752 department and a metropolitan planning organization may, in
 2753 writing, agree to vary this submittal date. Where more than one
 2754 M.P.O. exists in an urbanized area, the M.P.O.'s shall
 2755 coordinate in the development of regionally significant project
 2756 priorities. The list of project priorities must be formally
 2757 reviewed by the technical and citizens' advisory committees, and
 2758 approved by the M.P.O., before it is transmitted to the
 2759 district. The approved list of project priorities must be used
 2760 by the district in developing the district work program and must
 2761 be used by the M.P.O. in developing its transportation
 2762 improvement program. The annual list of project priorities must
 2763 be based upon project selection criteria that, at a minimum,
 2764 consider the following:

- 2765 1. The approved M.P.O. long-range transportation plan;
- 2766 2. The Strategic Intermodal System Plan developed under s.
 2767 339.64.
- 2768 3. The priorities developed pursuant to s. 339.2819(4).
- 2769 4. The results of the transportation management systems;
- 2770 and
- 2771 5. The M.P.O.'s public-involvement procedures.
- 2772 Section 52. Subsections (1), (2), (3), and (4) of section

2773 | 339.2819, Florida Statutes, are amended to read:
 2774 | 339.2819 Transportation Regional Incentive Program.—
 2775 | (1) There is created within the Department of
 2776 | Transportation a Transportation Regional Incentive Program for
 2777 | the purpose of providing funds to improve regionally significant
 2778 | transportation facilities in regional transportation areas
 2779 | created pursuant to s. 339.155(4) ~~s. 339.155(5)~~.
 2780 | (2) The percentage of matching funds provided from the
 2781 | Transportation Regional Incentive Program shall be up to 50
 2782 | percent of project costs.
 2783 | (3) The department shall allocate funding available for
 2784 | the Transportation Regional Incentive Program to the districts
 2785 | based on a factor derived from equal parts of population and
 2786 | motor fuel collections for eligible counties in regional
 2787 | transportation areas created pursuant to s. 339.155(4) ~~s.~~
 2788 | ~~339.155(5)~~.
 2789 | (4) (a) Projects to be funded with Transportation Regional
 2790 | Incentive Program funds shall, at a minimum:
 2791 | 1. ~~Support those transportation facilities that~~ Serve
 2792 | national, statewide, or regional functions and function as part
 2793 | of an integrated regional transportation system.
 2794 | 2. Be identified in the capital improvements element of a
 2795 | comprehensive plan that has been determined to be in compliance
 2796 | with part II of chapter 163, after July 1, 2005. Further, the
 2797 | project shall be in compliance with local government
 2798 | comprehensive plan policies relative to corridor management.
 2799 | 3. Be consistent with the Strategic Intermodal System Plan
 2800 | developed under s. 339.64.

2801 4. Have a commitment for local, regional, or private
 2802 financial matching funds as a percentage of the overall project
 2803 cost.

2804 (b) Projects funded under this section shall be included
 2805 in the department's work program developed pursuant to s.
 2806 339.135. The department may not program a project to be funded
 2807 under this section unless the project meets the requirements of
 2808 this section. ~~In allocating Transportation Regional Incentive~~
 2809 ~~Program funds, priority shall be given to projects that:~~

2810 (c) The department shall give priority to projects that:

2811 1. Provide connectivity to the Strategic Intermodal System
 2812 developed under s. 339.64.

2813 2. Support economic development and the movement of goods
 2814 in rural areas of critical economic concern designated under s.
 2815 288.0656(7).

2816 3. Are subject to a local ordinance that establishes
 2817 corridor management techniques, including access management
 2818 strategies, right-of-way acquisition and protection measures,
 2819 appropriate land use strategies, zoning, and setback
 2820 requirements for adjacent land uses.

2821 4. Improve connectivity between military installations and
 2822 the Strategic Highway Network or the Strategic Rail Corridor
 2823 Network.

2824
 2825 The department shall also consider the extent to which local
 2826 matching funds are available to be committed to the project.

2827 Section 53. Subsections (1) and (6) of section 339.62,
 2828 Florida Statutes, are amended to read:

2829 | 339.62 System components.—The Strategic Intermodal System
2830 | shall consist of appropriate components of:

2831 | (1) Highway corridors ~~The Florida Intrastate Highway~~
2832 | ~~System~~ established under s. 339.65 ~~s. 338.001~~.

2833 | (6) Other existing or planned corridors that serve a
2834 | statewide or interregional purpose.

2835 | Section 54. Subsection (2) of section 339.63, Florida
2836 | Statutes, is amended, and subsection (5) is added to that
2837 | section, to read:

2838 | 339.63 System facilities designated; additions and
2839 | deletions.—

2840 | (2) The Strategic Intermodal System and the Emerging
2841 | Strategic Intermodal System include five ~~four~~ different types of
2842 | facilities that each form one component of an interconnected
2843 | transportation system which types include:

2844 | (a) Existing or planned hubs that are ports and terminals
2845 | including airports, seaports, spaceports, passenger terminals,
2846 | and rail terminals serving to move goods or people between
2847 | Florida regions or between Florida and other markets in the
2848 | United States and the rest of the world.

2849 | (b) Existing or planned corridors that are highways, rail
2850 | lines, waterways, and other exclusive-use facilities connecting
2851 | major markets within Florida or between Florida and other states
2852 | or nations.

2853 | (c) Existing or planned intermodal connectors that are
2854 | highways, rail lines, waterways or local public transit systems
2855 | serving as connectors between the components listed in
2856 | paragraphs (a) and (b).

2857 (d) Existing or planned military access facilities that
 2858 are highways or rail lines linking Strategic Intermodal System
 2859 corridors to the state's strategic military installations.

2860 (e) ~~(d)~~ Existing or planned facilities that significantly
 2861 improve the state's competitive position to compete for the
 2862 movement of additional goods into and through this state.

2863 (5) (a) The Secretary of Transportation shall designate a
 2864 planned facility as part of the Strategic Intermodal System upon
 2865 request of the facility if it meets the criteria and thresholds
 2866 established by the department pursuant to subsection (4), meets
 2867 the definition of an "intermodal logistics center" as defined in
 2868 s. 311.101(2), and has been designated in a local comprehensive
 2869 plan or local government development order as an intermodal
 2870 logistics center or an equivalent planning term.

2871 (b) A facility designated part of the Strategic Intermodal
 2872 System pursuant to paragraph (a) that is within the jurisdiction
 2873 of a local government that maintains a transportation
 2874 concurrency system shall receive a waiver of transportation
 2875 concurrency requirements applicable to Strategic Intermodal
 2876 System facilities in order to accommodate any development at the
 2877 facility which occurs pursuant to a building permit issued on or
 2878 before December 31, 2017, but only if such facility is located:

2879 1. Within an area designated pursuant to s. 288.0656(7) as
 2880 a rural area of critical economic concern;

2881 2. Within a rural enterprise zone as defined in s.
 2882 290.004(5); or

2883 3. Within 15 miles of the boundary of a rural area of
 2884 critical economic concern or a rural enterprise zone.

2885 Section 55. Section 339.64, Florida Statutes, is amended
 2886 to read:

2887 339.64 Strategic Intermodal System Plan.—

2888 (1) The department shall develop, in cooperation with
 2889 metropolitan planning organizations, regional planning councils,
 2890 local governments, ~~the Statewide Intermodal Transportation~~
 2891 ~~Advisory Council~~ and other transportation providers, a Strategic
 2892 Intermodal System Plan. The plan shall be consistent with the
 2893 Florida Transportation Plan developed pursuant to s. 339.155 and
 2894 shall be updated at least once every 5 years, subsequent to
 2895 updates of the Florida Transportation Plan.

2896 (2) In association with the continued development of the
 2897 Strategic Intermodal System Plan, the Florida Transportation
 2898 Commission, as part of its work program review process, shall
 2899 conduct an annual assessment of the progress that the department
 2900 and its transportation partners have made in realizing the goals
 2901 of economic development, improved mobility, and increased
 2902 intermodal connectivity of the Strategic Intermodal System. The
 2903 Florida Transportation Commission shall coordinate with the
 2904 department, ~~the Statewide Intermodal Transportation Advisory~~
 2905 ~~Council~~, and other appropriate entities when developing this
 2906 assessment. The Florida Transportation Commission shall deliver
 2907 a report to the Governor and Legislature no later than 14 days
 2908 after the regular session begins, with recommendations as
 2909 necessary to fully implement the Strategic Intermodal System.

2910 (3) (a) During the development of updates to the Strategic
 2911 Intermodal System Plan, the department shall provide
 2912 metropolitan planning organizations, regional planning councils,

2913 local governments, transportation providers, affected public
 2914 agencies, and citizens with an opportunity to participate in and
 2915 comment on the development of the update.

2916 (b) The department also shall coordinate with federal,
 2917 regional, and local partners the planning for the Strategic
 2918 Highway Network and the Strategic Rail Corridor Network
 2919 transportation facilities that either are included in the
 2920 Strategic Intermodal System or that provide a direct connection
 2921 between military installations and the Strategic Intermodal
 2922 System. In addition, the department shall coordinate with
 2923 regional and local partners to determine whether the roads ~~road~~
 2924 and other transportation infrastructure that connect military
 2925 installations to the Strategic Intermodal System, the Strategic
 2926 Highway Network, or the Strategic Rail Corridor are ~~is~~
 2927 regionally significant and should be included in the Strategic
 2928 Intermodal System Plan.

2929 (4) The Strategic Intermodal System Plan shall include the
 2930 following:

2931 (a) A needs assessment.

2932 (b) A project prioritization process.

2933 (c) A map of facilities designated as Strategic Intermodal
 2934 System facilities; facilities that are emerging in importance
 2935 and that ~~that~~ are likely to become part of the system in the future;
 2936 and planned facilities that will meet the established criteria.

2937 (d) A finance plan based on reasonable projections of
 2938 anticipated revenues, including both 10-year and at least 20-
 2939 year cost-feasible components.

2940 (e) An assessment of the impacts of proposed improvements

2941 to Strategic Intermodal System corridors on military
 2942 installations that are either located directly on the Strategic
 2943 Intermodal System or located on the Strategic Highway Network or
 2944 Strategic Rail Corridor Network.

2945 ~~(5) STATEWIDE INTERMODAL TRANSPORTATION ADVISORY COUNCIL.—~~

2946 ~~(a) The Statewide Intermodal Transportation Advisory~~
 2947 ~~Council is created to advise and make recommendations to the~~
 2948 ~~Legislature and the department on policies, planning, and~~
 2949 ~~funding of intermodal transportation projects. The council's~~
 2950 ~~responsibilities shall include:~~

2951 ~~1. Advising the department on the policies, planning, and~~
 2952 ~~implementation of strategies related to intermodal~~
 2953 ~~transportation.~~

2954 ~~2. Providing advice and recommendations to the Legislature~~
 2955 ~~on funding for projects to move goods and people in the most~~
 2956 ~~efficient and effective manner for the State of Florida.~~

2957 ~~(b) MEMBERSHIP. Members of the Statewide Intermodal~~
 2958 ~~Transportation Advisory Council shall consist of the following:~~

2959 ~~1. Six intermodal industry representatives selected by the~~
 2960 ~~Governor as follows:~~

2961 ~~a. One representative from an airport involved in the~~
 2962 ~~movement of freight and people from their airport facility to~~
 2963 ~~another transportation mode.~~

2964 ~~b. One individual representing a fixed-route, local-~~
 2965 ~~government transit system.~~

2966 ~~c. One representative from an intercity bus company~~
 2967 ~~providing regularly scheduled bus travel as determined by~~
 2968 ~~federal regulations.~~

2969 ~~d. One representative from a spaceport.~~

2970 ~~e. One representative from intermodal trucking companies.~~

2971 ~~f. One representative having command responsibilities of a~~

2972 ~~major military installation.~~

2973 ~~2. Three intermodal industry representatives selected by~~

2974 ~~the President of the Senate as follows:~~

2975 ~~a. One representative from major-line railroads.~~

2976 ~~b. One representative from seaports listed in s. 311.09(1)~~

2977 ~~from the Atlantic Coast.~~

2978 ~~e. One representative from an airport involved in the~~

2979 ~~movement of freight and people from their airport facility to~~

2980 ~~another transportation mode.~~

2981 ~~3. Three intermodal industry representatives selected by~~

2982 ~~the Speaker of the House of Representatives as follows:~~

2983 ~~a. One representative from short-line railroads.~~

2984 ~~b. One representative from seaports listed in s. 311.09(1)~~

2985 ~~from the Gulf Coast.~~

2986 ~~e. One representative from intermodal trucking companies.~~

2987 ~~In no event may this representative be employed by the same~~

2988 ~~company that employs the intermodal trucking company~~

2989 ~~representative selected by the Governor.~~

2990 ~~(c) Initial appointments to the council must be made no~~

2991 ~~later than 30 days after the effective date of this section.~~

2992 ~~1. The initial appointments made by the President of the~~

2993 ~~Senate and the Speaker of the House of Representatives shall~~

2994 ~~serve terms concurrent with those of the respective appointing~~

2995 ~~officer. Beginning January 15, 2005, and for all subsequent~~

2996 ~~appointments, council members appointed by the President of the~~

2997 ~~Senate and the Speaker of the House of Representatives shall~~
 2998 ~~serve 2-year terms, concurrent with the term of the respective~~
 2999 ~~appointing officer.~~

3000 ~~2. The initial appointees, and all subsequent appointees,~~
 3001 ~~made by the Governor shall serve 2-year terms.~~

3002 ~~3. Vacancies on the council shall be filled in the same~~
 3003 ~~manner as the initial appointments.~~

3004 ~~(d) Each member of the council shall be allowed one vote.~~
 3005 ~~The council shall select a chair from among its membership.~~
 3006 ~~Meetings shall be held at the call of the chair, but not less~~
 3007 ~~frequently than quarterly. The members of the council shall be~~
 3008 ~~reimbursed for per diem and travel expenses as provided in s.~~
 3009 ~~112.061.~~

3010 ~~(e) The department shall provide administrative staff~~
 3011 ~~support and shall ensure that council meetings are~~
 3012 ~~electronically recorded. Such recordings and all documents~~
 3013 ~~received, prepared for, or used by the council in conducting its~~
 3014 ~~business shall be preserved pursuant to chapters 119 and 257.~~

3015 Section 56. Section 339.65, Florida Statutes, is created
 3016 to read:

3017 339.65 Strategic Intermodal System highway corridors.—

3018 (1) The department shall plan and develop Strategic
 3019 Intermodal System highway corridors, including limited and
 3020 controlled access facilities, allowing for high-speed and high-
 3021 volume traffic movements within the state. The primary function
 3022 of the corridors is to provide such traffic movements. Access to
 3023 abutting land is subordinate to this function, and such access
 3024 must be prohibited or highly regulated.

3025 (2) Strategic Intermodal System highway corridors shall
 3026 include facilities from the following components of the State
 3027 Highway System that meet the criteria adopted by the department
 3028 pursuant to s. 339.63:

3029 (a) Interstate highways.

3030 (b) The Florida Turnpike System.

3031 (c) Interregional and intercity limited access facilities.

3032 (d) Existing interregional and intercity arterial highways
 3033 previously upgraded or upgraded in the future to limited access
 3034 or controlled access facility standards.

3035 (e) New limited access facilities necessary to complete a
 3036 balanced statewide system.

3037 (3) The department shall adhere to the following policy
 3038 guidelines in the development of Strategic Intermodal System
 3039 highway corridors. The department shall:

3040 (a) Make capacity improvements to existing facilities
 3041 where feasible to minimize costs and environmental impacts.

3042 (b) Identify appropriate arterial highways in major
 3043 transportation corridors for inclusion in a program to bring
 3044 these facilities up to limited access or controlled access
 3045 facility standards.

3046 (c) Coordinate proposed projects with appropriate limited
 3047 access projects undertaken by expressway authorities and local
 3048 governmental entities.

3049 (d) Maximize the use of limited access facility standards
 3050 when constructing new arterial highways.

3051 (e) Identify appropriate new limited access highways for
 3052 inclusion as a part of the Florida Turnpike System.

3053 (f) To the maximum extent feasible, ensure that proposed
3054 projects are consistent with approved local government
3055 comprehensive plans of the local jurisdictions in which such
3056 facilities are to be located and with the transportation
3057 improvement program of any metropolitan planning organization
3058 where such facilities are to be located.

3059 (4) The department shall develop and maintain a plan of
3060 Strategic Intermodal System highway corridor projects that are
3061 anticipated to be let to contract for construction within a time
3062 period of at least 20 years. The plan shall also identify when
3063 segments of the corridor will meet the standards and criteria
3064 developed pursuant to subsection (5).

3065 (5) The department shall establish the standards and
3066 criteria for the functional characteristics and design of
3067 facilities proposed as part of Strategic Intermodal System
3068 highway corridors.

3069 (6) For the purposes of developing the proposed Strategic
3070 Intermodal System highway corridors, beginning in fiscal year
3071 2012-2013 and for each fiscal year thereafter, the minimum
3072 amount allocated shall be based on the fiscal year 2003-2004
3073 allocation of \$450 million adjusted annually by the change in
3074 the Consumer Price Index for the prior fiscal year compared to
3075 the Consumer Price Index for fiscal year 2003-2004.

3076 (7) Any project to be constructed as part of a Strategic
3077 Intermodal System highway corridor shall be included in the
3078 department's adopted work program. Any Strategic Intermodal
3079 System highway corridor projects that are added to or deleted
3080 from the previous adopted work program, or any modification to

3081 Strategic Intermodal System highway corridor projects contained
 3082 in the previous adopted work program, shall be specifically
 3083 identified and submitted as a separate part of the tentative
 3084 work program.

3085 Section 57. Subsection (7) of section 341.301, Florida
 3086 Statutes, is amended to read:

3087 341.301 Definitions; ss. 341.302-341.303.—As used in ss.
 3088 341.302-341.303, the term:

3089 (7) "Limited covered accident" means:

3090 (a) A collision directly between the trains, locomotives,
 3091 rail cars, or rail equipment of the department and the freight
 3092 rail operator only, where the collision is caused by or arising
 3093 from the willful misconduct of the freight rail operator or its
 3094 subsidiaries, agents, licensees, employees, officers, or
 3095 directors or where punitive damages or exemplary damages are
 3096 awarded due to the conduct of the freight rail operator or its
 3097 subsidiaries, agents, licensees, employees, officers, or
 3098 directors; or

3099 (b) A collision directly between the trains, locomotives,
 3100 rail cars, or rail equipment of the department and National
 3101 Railroad Passenger Corporation only, where the collision is
 3102 caused by or arising from the willful misconduct of National
 3103 Railroad Passenger Corporation or its subsidiaries, agents,
 3104 licensees, employees, officers, or directors or where punitive
 3105 damages or exemplary damages are awarded due to the conduct of
 3106 National Railroad Passenger Corporation or its subsidiaries,
 3107 agents, licensees, employees, officers, or directors.

3108 Section 58. Subsection (17) of section 341.302, Florida

3109 Statutes, is amended to read:

3110 341.302 Rail program; duties and responsibilities of the
 3111 department.—The department, in conjunction with other
 3112 governmental entities, including the rail enterprise and the
 3113 private sector, shall develop and implement a rail program of
 3114 statewide application designed to ensure the proper maintenance,
 3115 safety, revitalization, and expansion of the rail system to
 3116 assure its continued and increased availability to respond to
 3117 statewide mobility needs. Within the resources provided pursuant
 3118 to chapter 216, and as authorized under federal law, the
 3119 department shall:

3120 (17) In conjunction with the acquisition, ownership,
 3121 construction, operation, maintenance, and management of a rail
 3122 corridor, have the authority to:

3123 (a) Assume obligations pursuant to the following:

3124 1.a. The department may assume the obligation by contract
 3125 to forever protect, defend, indemnify, and hold harmless the
 3126 freight rail operator, or its successors, from whom the
 3127 department has acquired a real property interest in the rail
 3128 corridor, and that freight rail operator's officers, agents, and
 3129 employees, from and against any liability, cost, and expense,
 3130 including, but not limited to, commuter rail passengers and rail
 3131 corridor invitees in the rail corridor, regardless of whether
 3132 the loss, damage, destruction, injury, or death giving rise to
 3133 any such liability, cost, or expense is caused in whole or in
 3134 part, and to whatever nature or degree, by the fault, failure,
 3135 negligence, misconduct, nonfeasance, or misfeasance of such
 3136 freight rail operator, its successors, or its officers, agents,

3137 and employees, or any other person or persons whomsoever; ~~or~~
 3138 b. The department may assume the obligation by contract to
 3139 forever protect, defend, indemnify, and hold harmless National
 3140 Railroad Passenger Corporation, or its successors, and National
 3141 Railroad Passenger Corporation's officers, agents, and
 3142 employees, from and against any liability, cost, and expense,
 3143 including, but not limited to, commuter rail passengers and rail
 3144 corridor invitees in the rail corridor, regardless of whether
 3145 the loss, damage, destruction, injury, or death giving rise to
 3146 any such liability, cost, or expense is caused in whole or in
 3147 part, and to whatever nature or degree, by the fault, failure,
 3148 negligence, misconduct, nonfeasance, or misfeasance of National
 3149 Railroad Passenger Corporation, its successors, or its officers,
 3150 agents, and employees, or any other person or persons
 3151 whomsoever.

3152 2. However, ~~Provided that~~ such assumption of liability of
 3153 the department by contract as to either sub-subparagraph 1.a. or
 3154 sub-subparagraph 1.b. may ~~shall~~ not in any instance exceed the
 3155 following parameters of allocation of risk:

3156 a.1. The department may be solely responsible for any
 3157 loss, injury, or damage to commuter rail passengers, or rail
 3158 corridor invitees, or trespassers, regardless of circumstances
 3159 or cause, subject to sub-subparagraph b. and subparagraphs 2.,
 3160 3., 4., 5., and 6.

3161 b.(I)2. In the event of a limited covered accident, the
 3162 authority of the department to protect, defend, and indemnify
 3163 the freight operator for all liability, cost, and expense,
 3164 including punitive or exemplary damages, in excess of the

3165 deductible or self-insurance retention fund established under
 3166 paragraph (b) and actually in force at the time of the limited
 3167 covered accident exists only if the freight operator agrees,
 3168 with respect to the limited covered accident, to protect,
 3169 defend, and indemnify the department for the amount of the
 3170 deductible or self-insurance retention fund established under
 3171 paragraph (b) and actually in force at the time of the limited
 3172 covered accident.

3173 (II) In the event of a limited covered accident, the
 3174 authority of the department to protect, defend, and indemnify
 3175 National Railroad Passenger Corporation for all liability, cost,
 3176 and expense, including punitive or exemplary damages, in excess
 3177 of the deductible or self-insurance retention fund established
 3178 under paragraph (b) and actually in force at the time of the
 3179 limited covered accident exists only if National Railroad
 3180 Passenger Corporation agrees, with respect to the limited
 3181 covered accident, to protect, defend, and indemnify the
 3182 department for the amount of the deductible or self-insurance
 3183 retention fund established under paragraph (b) and actually in
 3184 force at the time of the limited covered accident.

3185 3. When only one train is involved in an incident, the
 3186 department may be solely responsible for any loss, injury, or
 3187 damage if the train is a department train or other train
 3188 pursuant to subparagraph 4., but only if;

3189 a. When an incident occurs with only a freight train
 3190 involved, including incidents with trespassers or at grade
 3191 crossings, the freight rail operator is solely responsible for
 3192 any loss, injury, or damage, except for commuter rail passengers

3193 and rail corridor invitees; or

3194 b. When an incident occurs with only a National Railroad
 3195 Passenger Corporation train involved, including incidents with
 3196 trespassers or at grade crossings, National Railroad Passenger
 3197 Corporation is solely responsible for any loss, injury, or
 3198 damage, except for commuter rail passengers and rail corridor
 3199 invitees.

3200 4. For the purposes of this subsection: ~~r~~

3201 a. Any train involved in an incident that is neither the
 3202 department's train nor the freight rail operator's train,
 3203 hereinafter referred to in this subsection as an "other train,"
 3204 may be treated as a department train, solely for purposes of any
 3205 allocation of liability between the department and the freight
 3206 rail operator only, but only if the department and the freight
 3207 rail operator share responsibility equally as to third parties
 3208 outside the rail corridor who incur loss, injury, or damage as a
 3209 result of any incident involving both a department train and a
 3210 freight rail operator train, and the allocation as between the
 3211 department and the freight rail operator, regardless of whether
 3212 the other train is treated as a department train, shall remain
 3213 one-half each as to third parties outside the rail corridor who
 3214 incur loss, injury, or damage as a result of the incident. The
 3215 involvement of any other train shall not alter the sharing of
 3216 equal responsibility as to third parties outside the rail
 3217 corridor who incur loss, injury, or damage as a result of the
 3218 incident; or

3219 b. Any train involved in an incident that is neither the
 3220 department's train nor the National Railroad Passenger

3221 Corporation's train, hereinafter referred to in this subsection
 3222 as an "other train," may be treated as a department train,
 3223 solely for purposes of any allocation of liability between the
 3224 department and National Railroad Passenger Corporation only, but
 3225 only if the department and National Railroad Passenger
 3226 Corporation share responsibility equally as to third parties
 3227 outside the rail corridor who incur loss, injury, or damage as a
 3228 result of any incident involving both a department train and a
 3229 National Railroad Passenger Corporation train, and the
 3230 allocation as between the department and National Railroad
 3231 Passenger Corporation, regardless of whether the other train is
 3232 treated as a department train, shall remain one-half each as to
 3233 third parties outside the rail corridor who incur loss, injury,
 3234 or damage as a result of the incident. The involvement of any
 3235 other train shall not alter the sharing of equal responsibility
 3236 as to third parties outside the rail corridor who incur loss,
 3237 injury, or damage as a result of the incident.

3238 5. When more than one train is involved in an incident:
 3239 a. (I) If only a department train and freight rail
 3240 operator's train, or only an other train as described in sub-
 3241 subparagraph 4.a. ~~subparagraph 4.~~ and a freight rail operator's
 3242 train, are involved in an incident, the department may be
 3243 responsible for its property and all of its people, all commuter
 3244 rail passengers, and rail corridor invitees, but only if the
 3245 freight rail operator is responsible for its property and all of
 3246 its people, and the department and the freight rail operator
 3247 each share one-half responsibility as to trespassers or third
 3248 parties outside the rail corridor who incur loss, injury, or

3249 damage as a result of the incident; or
 3250 (II) If only a department train and a National Railroad
 3251 Passenger Corporation train, or only an other train as described
 3252 in sub-subparagraph 4.b. and a National Railroad Passenger
 3253 Corporation train, are involved in an incident, the department
 3254 may be responsible for its property and all of its people, all
 3255 commuter rail passengers, and rail corridor invitees, but only
 3256 if National Railroad Passenger Corporation is responsible for
 3257 its property and all of its people, all National Railroad
 3258 Passenger Corporation's rail passengers, and the department and
 3259 National Railroad Passenger Corporation each share one-half
 3260 responsibility as to trespassers or third parties outside the
 3261 rail corridor who incur loss, injury, or damage as a result of
 3262 the incident.

3263 b.(I) If a department train, a freight rail operator
 3264 train, and any other train are involved in an incident, the
 3265 allocation of liability between the department and the freight
 3266 rail operator, regardless of whether the other train is treated
 3267 as a department train, shall remain one-half each as to third
 3268 parties outside the rail corridor who incur loss, injury, or
 3269 damage as a result of the incident; the involvement of any other
 3270 train shall not alter the sharing of equal responsibility as to
 3271 third parties outside the rail corridor who incur loss, injury,
 3272 or damage as a result of the incident; and, if the owner,
 3273 operator, or insurer of the other train makes any payment to
 3274 injured third parties outside the rail corridor who incur loss,
 3275 injury, or damage as a result of the incident, the allocation of
 3276 credit between the department and the freight rail operator as

3277 to such payment shall not in any case reduce the freight rail
 3278 operator's third-party-sharing allocation of one-half under this
 3279 paragraph to less than one-third of the total third party
 3280 liability; or

3281 (II) If a department train, a National Railroad Passenger
 3282 Corporation train, and any other train are involved in an
 3283 incident, the allocation of liability between the department and
 3284 National Railroad Passenger Corporation, regardless of whether
 3285 the other train is treated as a department train, shall remain
 3286 one-half each as to third parties outside the rail corridor who
 3287 incur loss, injury, or damage as a result of the incident; the
 3288 involvement of any other train shall not alter the sharing of
 3289 equal responsibility as to third parties outside the rail
 3290 corridor who incur loss, injury, or damage as a result of the
 3291 incident; and, if the owner, operator, or insurer of the other
 3292 train makes any payment to injured third parties outside the
 3293 rail corridor who incur loss, injury, or damage as a result of
 3294 the incident, the allocation of credit between the department
 3295 and National Railroad Passenger Corporation as to such payment
 3296 shall not in any case reduce National Railroad Passenger
 3297 Corporation's third-party-sharing allocation of one-half under
 3298 this sub-subparagraph to less than one-third of the total third
 3299 party liability.

3300 6. Any such contractual duty to protect, defend,
 3301 indemnify, and hold harmless such a freight rail operator or
 3302 National Railroad Passenger Corporation shall expressly include
 3303 a specific cap on the amount of the contractual duty, which
 3304 amount shall not exceed \$200 million without prior legislative

3305 approval, and the department to purchase liability insurance and
 3306 establish a self-insurance retention fund in the amount of the
 3307 specific cap established under this subparagraph, provided that:

3308 a. No such contractual duty shall in any case be effective
 3309 nor otherwise extend the department's liability in scope and
 3310 effect beyond the contractual liability insurance and self-
 3311 insurance retention fund required pursuant to this paragraph;
 3312 and

3313 b. The freight rail operator's compensation to the
 3314 department for future use of the department's rail corridor
 3315 shall include a monetary contribution to the cost of such
 3316 liability coverage for the sole benefit of the freight rail
 3317 operator. National Railroad Passenger Corporation's compensation
 3318 to the department for future use of the department's rail
 3319 corridor shall include a monetary contribution to the cost of
 3320 such liability coverage for the sole benefit of National
 3321 Railroad Passenger Corporation.

3322 (b) Purchase liability insurance, which amount shall not
 3323 exceed \$200 million, and establish a self-insurance retention
 3324 fund for the purpose of paying the deductible limit established
 3325 in the insurance policies it may obtain, including coverage for
 3326 the department, any freight rail operator as described in
 3327 paragraph (a), National Railroad Passenger Corporation, commuter
 3328 rail service providers, governmental entities, or any ancillary
 3329 development, which self-insurance retention fund or deductible
 3330 shall not exceed \$10 million. The insureds shall pay a
 3331 reasonable monetary contribution to the cost of such liability
 3332 coverage for the sole benefit of the insured. Such insurance and

3333 self-insurance retention fund may provide coverage for all
 3334 damages, including, but not limited to, compensatory, special,
 3335 and exemplary, and be maintained to provide an adequate fund to
 3336 cover claims and liabilities for loss, injury, or damage arising
 3337 out of or connected with the ownership, operation, maintenance,
 3338 and management of a rail corridor.

3339 (c) Incur expenses for the purchase of advertisements,
 3340 marketing, and promotional items.

3341
 3342 Neither the assumption by contract to protect, defend,
 3343 indemnify, and hold harmless; the purchase of insurance; nor the
 3344 establishment of a self-insurance retention fund shall be deemed
 3345 to be a waiver of any defense of sovereign immunity for torts
 3346 nor deemed to increase the limits of the department's or the
 3347 governmental entity's liability for torts as provided in s.
 3348 768.28. The requirements of s. 287.022(1) shall not apply to the
 3349 purchase of any insurance under this subsection. The provisions
 3350 of this subsection shall apply and inure fully as to any other
 3351 governmental entity providing commuter rail service and
 3352 constructing, operating, maintaining, or managing a rail
 3353 corridor on publicly owned right-of-way under contract by the
 3354 governmental entity with the department or a governmental entity
 3355 designated by the department. Notwithstanding any law to the
 3356 contrary, procurement for the construction, operation,
 3357 maintenance, and management of any rail corridor described in
 3358 this subsection, whether by the department, a governmental
 3359 entity under contract with the department, or a governmental
 3360 entity designated by the department, shall be pursuant to s.

3361 287.057 and shall include, but not be limited to, criteria for
 3362 the consideration of qualifications, technical aspects of the
 3363 proposal, and price. Further, any such contract for design-build
 3364 shall be procured pursuant to the criteria in s. 337.11(7).

3365 Section 59. Section 341.840, Florida Statutes, is amended
 3366 to read:

3367 341.840 Tax exemption.—

3368 (1) The exercise of the powers granted under ss. 341.8201-
 3369 341.842 ~~by this act~~ will be in all respects for the benefit of
 3370 the people of this state, for the increase of their commerce,
 3371 welfare, and prosperity, and for the improvement of their health
 3372 and living conditions. The design, construction, operation,
 3373 maintenance, and financing of a high-speed rail system by the
 3374 enterprise authority, its agent, or the owner or lessee thereof,
 3375 as herein authorized, constitutes the performance of an
 3376 essential public function.

3377 (2) (a) For the purposes of this section, the term
 3378 "enterprise authority" does not include agents of the enterprise
 3379 authority other than contractors who qualify as such pursuant to
 3380 subsection (7).

3381 (b) For the purposes of this section, any item or property
 3382 that is within the definition of the term "associated
 3383 development" in s. 341.8203(1) may ~~shall~~ not be considered ~~to be~~
 3384 part of the high-speed rail system as defined in s.
 3385 341.8203(3) ~~(6)~~.

3386 (3) (a) Purchases or leases of tangible personal property
 3387 or real property by the enterprise authority, excluding agents
 3388 of the enterprise authority, are exempt from taxes imposed by

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3389 chapter 212 as provided in s. 212.08(6). Purchases or leases of
3390 tangible personal property that is incorporated into the high-
3391 speed rail system as a component part thereof, as determined by
3392 the enterprise authority, by agents of the enterprise authority
3393 or the owner of the high-speed rail system are exempt from sales
3394 or use taxes imposed by chapter 212. Leases, rentals, or
3395 licenses to use real property granted to agents of the
3396 enterprise authority or the owner of the high-speed rail system
3397 are exempt from taxes imposed by s. 212.031 if the real property
3398 becomes part of such system. The exemptions granted in this
3399 subsection do not apply to sales, leases, or licenses by the
3400 enterprise authority, agents of the authority, or the owner of
3401 the high-speed rail system.

3402 (b) The exemption granted in paragraph (a) to purchases or
3403 leases of tangible personal property by agents of the enterprise
3404 authority or by the owner of the high-speed rail system applies
3405 only to property that becomes a component part of such system.
3406 It does not apply to items, including, but not limited to,
3407 cranes, bulldozers, forklifts, other machinery and equipment,
3408 tools and supplies, or other items of tangible personal property
3409 used in the construction, operation, or maintenance of the high-
3410 speed rail system when such items are not incorporated into the
3411 high-speed rail system as a component part thereof.

3412 (4) Any bonds or other security, and all notes, mortgages,
3413 security agreements, letters of credit, or other instruments
3414 that arise out of or are given to secure the repayment of bonds
3415 or other security, issued by the enterprise authority, or on
3416 behalf of the enterprise authority, their transfer, and the

3417 income therefrom, including any profit made on the sale thereof,
3418 shall at all times be free from taxation of every kind by the
3419 state, the counties, and the municipalities and other political
3420 subdivisions in the state. This subsection, however, does not
3421 exempt from taxation or assessment the leasehold interest of a
3422 lessee in any project or any other property or interest owned by
3423 the lessee. The exemption granted by this subsection is not
3424 applicable to any tax imposed by chapter 220 on interest income
3425 or profits on the sale of debt obligations owned by
3426 corporations.

3427 (5) When property of the enterprise authority is leased to
3428 another person or entity, the property shall be exempt from ad
3429 valorem taxation only if the use by the lessee qualifies the
3430 property for exemption under s. 196.199.

3431 (6) A leasehold interest held by the enterprise authority
3432 is not subject to intangible tax. However, if a leasehold
3433 interest held by the enterprise authority is subleased to a
3434 nongovernmental lessee, such subleasehold interest shall be
3435 deemed to be an interest described in s. 199.023(1)(d), Florida
3436 Statutes 2005, and is subject to the intangible tax.

3437 (7)(a) In order to be considered an agent of the
3438 enterprise authority for purposes of the exemption from sales
3439 and use tax granted by subsection (3) for tangible personal
3440 property incorporated into the high-speed rail system, a
3441 contractor of the enterprise authority that purchases or
3442 fabricates such tangible personal property must be certified by
3443 the enterprise authority as provided in this subsection.

3444 (b)1. A contractor must apply for a renewal of the

3445 exemption not later than December 1 of each calendar year.

3446 2. A contractor must apply to the enterprise authority on
3447 the application form adopted by the enterprise authority, which
3448 shall develop the form in consultation with the Department of
3449 Revenue.

3450 3. The enterprise authority shall review each submitted
3451 application and determine whether it is complete. The enterprise
3452 authority shall notify the applicant of any deficiencies in the
3453 application within 30 days. Upon receipt of a completed
3454 application, the enterprise authority shall evaluate the
3455 application for exemption under this subsection and issue a
3456 certification that the contractor is qualified to act as an
3457 agent of the enterprise authority for purposes of this section
3458 or a denial of such certification within 30 days. The enterprise
3459 authority shall provide the Department of Revenue with a copy of
3460 each certification issued upon approval of an application. Upon
3461 receipt of a certification from the enterprise authority, the
3462 Department of Revenue shall issue an exemption permit to the
3463 contractor.

3464 (c)1. The contractor may extend a copy of its exemption
3465 permit to its vendors in lieu of paying sales tax on purchases
3466 of tangible personal property qualifying for exemption under
3467 this section. Possession of a copy of the exemption permit
3468 relieves the seller of the responsibility of collecting tax on
3469 the sale, and the Department of Revenue shall look solely to the
3470 contractor for recovery of tax upon a determination that the
3471 contractor was not entitled to the exemption.

3472 2. The contractor may extend a copy of its exemption

3473 permit to real property subcontractors supplying and installing
3474 tangible personal property that is exempt under subsection (3).
3475 Any such subcontractor may ~~is authorized to~~ extend a copy of the
3476 permit to the subcontractor's vendors in order to purchase
3477 qualifying tangible personal property tax-exempt. If the
3478 subcontractor uses the exemption permit to purchase tangible
3479 personal property that is determined not to qualify for
3480 exemption under subsection (3), the Department of Revenue may
3481 assess and collect any tax, penalties, and interest that are due
3482 from either the contractor holding the exemption permit or the
3483 subcontractor that extended the exemption permit to the seller.

3484 (d) Any contractor authorized to act as an agent of the
3485 enterprise authority under this section shall maintain the
3486 necessary books and records to document the exempt status of
3487 purchases and fabrication costs made or incurred under the
3488 permit. In addition, an authorized contractor extending its
3489 exemption permit to its subcontractors shall maintain a copy of
3490 the subcontractor's books, records, and invoices indicating all
3491 purchases made by the subcontractor under the authorized
3492 contractor's permit. If, in an audit conducted by the Department
3493 of Revenue, it is determined that tangible personal property
3494 purchased or fabricated claiming exemption under this section
3495 does not meet the criteria for exemption, the amount of taxes
3496 not paid at the time of purchase or fabrication shall be
3497 immediately due and payable to the Department of Revenue,
3498 together with the appropriate interest and penalty, computed
3499 from the date of purchase, in the manner prescribed by chapter
3500 212.

3501 (e) If a contractor fails to apply for a high-speed rail
 3502 system exemption permit, or if a contractor initially determined
 3503 by the enterprise authority to not qualify for exemption is
 3504 subsequently determined to be eligible, the contractor shall
 3505 receive the benefit of the exemption in this subsection through
 3506 a refund of previously paid taxes for transactions that
 3507 otherwise would have been exempt. A refund may not be made for
 3508 such taxes without the issuance of a certification by the
 3509 enterprise authority that the contractor was authorized to make
 3510 purchases tax-exempt and a determination by the Department of
 3511 Revenue that the purchases qualified for the exemption.

3512 (f) The enterprise authority may adopt rules governing the
 3513 application process for exemption of a contractor as an
 3514 authorized agent of the enterprise authority.

3515 (g) The Department of Revenue may adopt rules governing
 3516 the issuance and form of high-speed rail system exemption
 3517 permits, the audit of contractors and subcontractors using such
 3518 permits, the recapture of taxes on nonqualified purchases, and
 3519 the manner and form of refund applications.

3520 Section 60. Subsection (3) of section 343.52, Florida
 3521 Statutes, is amended to read:

3522 343.52 Definitions.—As used in this part, the term:

3523 (3) "Area served" means Miami-Dade, Broward, and Palm
 3524 Beach Counties. However, this area may be expanded by mutual
 3525 consent of the authority and the board of county commissioners
 3526 of Martin County, St. Lucie County, or Monroe County
 3527 representing the proposed expansion area. Expansion beyond
 3528 Martin County, St. Lucie County, or Monroe County must first be

3529 approved by the department and then by mutual consent of the
 3530 authority and the board of county commissioners representing the
 3531 proposed expansion area.

3532 Section 61. Section 343.53, Florida Statutes, is amended
 3533 to read:

3534 343.53 South Florida Regional Transportation Authority.—

3535 (1) There is created and established a body politic and
 3536 corporate, an agency of the state, to be known as the "South
 3537 Florida Regional Transportation Authority," hereinafter referred
 3538 to as the "authority."

3539 (2) The governing board of the authority shall consist of
 3540 11 ~~nine~~ voting members and 1 ex officio nonvoting member, as
 3541 follows:

3542 (a) The county commissions of Miami-Dade, Broward, and
 3543 Palm Beach Counties shall each elect a commissioner as that
 3544 commission's representative on the board. The commissioner must
 3545 be a member of the county commission when elected and for the
 3546 full extent of his or her term.

3547 (b) The county commissions of Miami-Dade, Broward, and
 3548 Palm Beach Counties shall each appoint a citizen member to the
 3549 board who is not a member of the county commission but who is a
 3550 resident of the county from which he or she is appointed and a
 3551 qualified elector of that county. Insofar as practicable, the
 3552 citizen member shall represent the business and civic interests
 3553 of the community.

3554 (c) The secretary of the Department of Transportation
 3555 shall appoint one of the district secretaries, or his or her
 3556 designee, for the districts within which the area served by the

3557 South Florida Regional Transportation Authority is located, who
 3558 shall serve ex officio as a nonvoting member.

3559 (d) If the authority's service area is expanded pursuant
 3560 to s. 343.54(5), the county containing the new service area
 3561 shall ~~have three members appointed to the board as follows:~~

3562 ~~1. The county commission of the county shall elect a~~
 3563 ~~commissioner as that commission's representative on the board.~~
 3564 ~~The commissioner must be a member of the county commission when~~
 3565 ~~elected and for the full extent of his or her term.~~

3566 ~~2. The county commission of the county shall appoint a~~
 3567 ~~citizen member to the board who is not a member of the county~~
 3568 ~~commission but who is a resident and a qualified elector of that~~
 3569 ~~county. Insofar as is practicable, the citizen member shall~~
 3570 ~~represent the business and civic interests of the community.~~

3571 ~~3.~~ The Governor shall appoint a citizen member to the
 3572 board who is not a member of the county commission but who is a
 3573 resident and a qualified elector of that county.

3574 (e) The Governor shall appoint five ~~two~~ members to the
 3575 board who are residents and qualified electors in the area
 3576 served by the authority ~~but who are not residents of the same~~
 3577 ~~county and also not residents of the county in which the~~
 3578 ~~district secretary who was appointed pursuant to paragraph (c)~~
 3579 ~~is a resident.~~

3580 (3) ~~(a)~~ Members of the governing board of the authority
 3581 shall be appointed to serve 4-year staggered terms, except that
 3582 the terms of the appointees of the Governor shall be concurrent.

3583 ~~(b) The terms of the board members currently serving on~~
 3584 ~~the authority that is being succeeded by this act shall expire~~

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3585 ~~July 30, 2003, at which time the terms of the members appointed~~
 3586 ~~pursuant to subsection (2) shall commence. The Governor shall~~
 3587 ~~make his or her appointments to the board within 30 days after~~
 3588 ~~July 30, 2003.~~

3589 (4) A vacancy during a term shall be filled by the
 3590 respective appointing authority in the same manner as the
 3591 original appointment and only for the balance of the unexpired
 3592 term.

3593 (5) The members of the authority shall serve without
 3594 compensation, but are entitled to reimbursement for travel
 3595 expenses actually incurred in their duties as provided by law.

3596 Section 62. Subsection (5) of section 343.54, Florida
 3597 Statutes, is amended to read:

3598 343.54 Powers and duties.—

3599 (5) The authority, by a resolution of its governing board,
 3600 may expand its service area into Martin, St. Lucie, or Monroe
 3601 Counties ~~and enter into a partnership with any county that is~~
 3602 ~~contiguous to the service area of the authority.~~ The board shall
 3603 determine the conditions and terms of the partnership, except as
 3604 provided herein. However, the authority may not expand its
 3605 service area without the consent of the board of county
 3606 commissioners representing the proposed expansion area, and a
 3607 county may not be added to the service area except in the year
 3608 that federal reauthorization legislation for transportation
 3609 funds is enacted. Expansion beyond Martin County, St. Lucie
 3610 County, or Monroe County must first be approved by the
 3611 department.

3612 Section 63. Section 347.215, Florida Statutes, is created

3613 to read:

3614 347.215 Operation of ferries by joint agreement between
 3615 public and private entities.—The county commission of any county
 3616 that has granted a license to operate a ferry in the county may
 3617 authorize the operation of such ferry by a single party or
 3618 multiple parties under a joint agreement between the appropriate
 3619 public entities and one or more private corporations conducting
 3620 business in the state.

3621 Section 64. Paragraph (c) of subsection (4) of section
 3622 348.0003, Florida Statutes, is amended to read:

3623 348.0003 Expressway authority; formation; membership.—
 3624 (4)

3625 (c) Members of each expressway authority, transportation
 3626 authority, bridge authority, or toll authority, created pursuant
 3627 to this chapter, chapter 343, ~~or chapter 349~~ or any other
 3628 general law, legislative enactment shall comply with the
 3629 applicable financial disclosure requirements of s. 8, Art. II of
 3630 the State Constitution. This paragraph does not subject any
 3631 statutorily created authority, other than an expressway
 3632 authority created under this part, to any other requirement of
 3633 this part except the requirement of this paragraph.

3634 Section 65. Section 348.7645, Florida Statutes, is created
 3635 to read:

3636 348.7645 Exit sign to university.—Notwithstanding any
 3637 provision of law to the contrary, the authority, upon request by
 3638 a university described in this section, shall erect signage at
 3639 the most convenient, existing exit directing traffic to a
 3640 university with at least 6,000 full-time students which is

3641 located within 5 miles of a roadway operated by the authority.
 3642 Any such university shall pay to the authority the actual costs
 3643 of any signage erected.

3644 Section 66. Subsection (3) of section 349.03, Florida
 3645 Statutes, is amended to read:

3646 349.03 Jacksonville Transportation Authority.—

3647 (3) (a) The terms of appointed members shall be for 4 years
 3648 deemed to have commenced on June 1 of the year in which they are
 3649 appointed. Each member shall hold office until a successor has
 3650 been appointed and has qualified. A vacancy during a term shall
 3651 be filled by the respective appointing authority only for the
 3652 balance of the unexpired term. Any member appointed to the
 3653 authority for two consecutive full terms shall not be eligible
 3654 for appointment to the next succeeding term. One of the members
 3655 so appointed shall be designated annually by the members as
 3656 chair of the authority, one member shall be designated annually
 3657 as the vice chair of the authority, one member shall be
 3658 designated annually as the secretary of the authority, and one
 3659 member shall be designated annually as the treasurer of the
 3660 authority. The members of the authority shall not be entitled to
 3661 compensation, but shall be reimbursed for travel expenses or
 3662 other expenses actually incurred in their duties as provided by
 3663 law. Four voting members of the authority shall constitute a
 3664 quorum, and no resolution adopted by the authority shall become
 3665 effective unless with the affirmative vote of at least four
 3666 members. Members of the authority shall file as their mandatory
 3667 financial disclosure a statement of financial interest with the
 3668 Commission on Ethics as provided in s. 112.3145.

3669 **(b)** The authority shall employ an executive director, and
 3670 the executive director may hire such staff, permanent or
 3671 temporary, as he or she may determine and may organize the staff
 3672 of the authority into such departments and units as he or she
 3673 may determine. The executive director may appoint department
 3674 directors, deputy directors, division chiefs, and staff
 3675 assistants to the executive director, as he or she may
 3676 determine. In so appointing the executive director, the
 3677 authority may fix the compensation of such appointee, who shall
 3678 serve at the pleasure of the authority. All employees of the
 3679 authority shall be exempt from the provisions of part II of
 3680 chapter 110. The authority may employ such financial advisers
 3681 and consultants, technical experts, engineers, and agents and
 3682 employees, permanent or temporary, as it may require and may fix
 3683 the compensation and qualifications of such persons, firms, or
 3684 corporations. The authority may delegate to one or more of its
 3685 agents or employees such of its powers as it shall deem
 3686 necessary to carry out the purposes of this chapter, subject
 3687 always to the supervision and control of the governing body of
 3688 the authority.

3689 Section 67. Subsection (8) is added to section 349.04,
 3690 Florida Statutes, to read:

3691 349.04 Purposes and powers.—

3692 **(8) The authority may conduct public meetings and**
 3693 **workshops by means of communications media technology, as**
 3694 **provided in s. 120.54(5). However, a resolution, rule, or formal**
 3695 **action is not binding unless a quorum is physically present at**
 3696 **the noticed meeting location, and only members physically**

3697 present may vote on any item.

3698 Section 68. Subsection (6) is added to section 373.118,
3699 Florida Statutes, to read:

3700 373.118 General permits; delegation.—

3701 (6) By July 1, 2012, the department shall initiate
3702 rulemaking to adopt a general permit for stormwater management
3703 systems serving airside activities at airports. The general
3704 permit applies statewide and shall be administered by any water
3705 management district or any delegated local government pursuant
3706 to the operating agreements applicable to part IV, with no
3707 additional rulemaking required. Such rules are not subject to
3708 any special rulemaking requirements related to small business.

3709 Section 69. Subsection (6) is added to section 373.413,
3710 Florida Statutes, to read:

3711 373.413 Permits for construction or alteration.—

3712 (6) It is the intent of the Legislature that the governing
3713 board or department exercise flexibility in the permitting of
3714 stormwater management systems associated with the construction
3715 or alteration of systems serving state transportation projects
3716 and facilities. Because of the unique limitations of linear
3717 facilities, the governing board or department shall balance the
3718 expenditure of public funds for stormwater treatment for state
3719 transportation projects and facilities with the benefits to the
3720 public in providing the most cost-efficient and effective method
3721 of achieving the treatment objectives. In consideration thereof,
3722 the governing board or department shall allow alternatives to
3723 onsite treatment, including, but not limited to, regional
3724 stormwater treatment systems. The Department of Transportation

3725 is responsible for treating stormwater generated from state
 3726 transportation projects but is not responsible for the abatement
 3727 of pollutants and flows entering its stormwater management
 3728 systems from offsite sources; however, this subsection does not
 3729 prohibit the Department of Transportation from receiving and
 3730 managing such pollutants and flows when cost effective and
 3731 prudent. Further, in association with right-of-way acquisition
 3732 for state transportation projects, the Department of
 3733 Transportation is responsible for providing stormwater treatment
 3734 and attenuation for the acquired right-of-way but is not
 3735 responsible for modifying permits for adjacent lands affected by
 3736 right-of-way acquisition when it is not the permittee. The
 3737 governing board or department may establish, by rule, specific
 3738 criteria to implement the management and treatment alternatives
 3739 and activities under this subsection.

3740 Section 70. Paragraph (d) of subsection (6) of section
 3741 373.4136, Florida Statutes, is amended to read:

3742 373.4136 Establishment and operation of mitigation banks.—

3743 (6) MITIGATION SERVICE AREA.—The department or water
 3744 management district shall establish a mitigation service area
 3745 for each mitigation bank permit. The department or water
 3746 management district shall notify and consider comments received
 3747 on the proposed mitigation service area from each local
 3748 government within the proposed mitigation service area. Except
 3749 as provided herein, mitigation credits may be withdrawn and used
 3750 only to offset adverse impacts in the mitigation service area.
 3751 The boundaries of the mitigation service area shall depend upon
 3752 the geographic area where the mitigation bank could reasonably

3753 | be expected to offset adverse impacts. Mitigation service areas
 3754 | may overlap, and mitigation service areas for two or more
 3755 | mitigation banks may be approved for a regional watershed.

3756 | (d) If the requirements in s. 373.414(1)(b) and (8) are
 3757 | met, the following projects or activities regulated under this
 3758 | part shall be eligible to use a mitigation bank, regardless of
 3759 | whether they are located within the mitigation service area:

3760 | 1. Projects with adverse impacts partially located within
 3761 | the mitigation service area.

3762 | 2. Linear projects, such as roadways, transmission lines,
 3763 | distribution lines, pipelines, ~~or~~ railways, or seaports listed
 3764 | in s. 403.021(9)(b).

3765 | 3. Projects with total adverse impacts of less than 1 acre
 3766 | in size.

3767 | Section 71. Subsections (1) through (5) of section
 3768 | 373.4137, Florida Statutes, are amended to read:

3769 | 373.4137 Mitigation requirements for specified
 3770 | transportation projects.—

3771 | (1) The Legislature finds that environmental mitigation
 3772 | for the impact of transportation projects proposed by the
 3773 | Department of Transportation or a transportation authority
 3774 | established pursuant to chapter 348 or chapter 349 can be more
 3775 | effectively achieved by regional, long-range mitigation planning
 3776 | rather than on a project-by-project basis. It is the intent of
 3777 | the Legislature that mitigation to offset the adverse effects of
 3778 | these transportation projects be funded by the Department of
 3779 | Transportation and be carried out by the water management
 3780 | districts, including the use of mitigation banks and any other

3781 mitigation options that satisfy state and federal requirements
3782 ~~established pursuant to this part.~~

3783 (2) Environmental impact inventories for transportation
3784 projects proposed by the Department of Transportation or a
3785 transportation authority established pursuant to chapter 348 or
3786 chapter 349 shall be developed as follows:

3787 (a) By July 1 of each year, the Department of
3788 Transportation, or a transportation authority established
3789 pursuant to chapter 348 or chapter 349 which chooses to
3790 participate in this program, shall submit to the water
3791 management districts a list ~~copy~~ of its projects in the adopted
3792 work program and an environmental impact inventory of habitats
3793 addressed in the rules adopted pursuant to this part and s. 404
3794 of the Clean Water Act, 33 U.S.C. s. 1344, which may be impacted
3795 by its plan of construction for transportation projects in the
3796 next 3 years of the tentative work program. The Department of
3797 Transportation or a transportation authority established
3798 pursuant to chapter 348 or chapter 349 may also include in its
3799 environmental impact inventory the habitat impacts of any future
3800 transportation project. The Department of Transportation and
3801 each transportation authority established pursuant to chapter
3802 348 or chapter 349 may fund any mitigation activities for future
3803 projects using current year funds.

3804 (b) The environmental impact inventory shall include a
3805 description of these habitat impacts, including their location,
3806 acreage, and type; state water quality classification of
3807 impacted wetlands and other surface waters; any other state or
3808 regional designations for these habitats; and a list ~~survey~~ of

3809 | threatened species, endangered species, and species of special
 3810 | concern affected by the proposed project.

3811 | (3) (a) To fund development and implementation of the
 3812 | mitigation plan for the projected impacts identified in the
 3813 | environmental impact inventory described in subsection (2), the
 3814 | Department of Transportation shall identify funds quarterly in
 3815 | an escrow account within the State Transportation Trust Fund for
 3816 | the environmental mitigation phase of projects budgeted by the
 3817 | Department of Transportation for the current fiscal year. The
 3818 | escrow account shall be maintained by the Department of
 3819 | Transportation for the benefit of the water management
 3820 | districts. Any interest earnings from the escrow account shall
 3821 | remain with the Department of Transportation.

3822 | (b) Each transportation authority established pursuant to
 3823 | chapter 348 or chapter 349 that chooses to participate in this
 3824 | program shall create an escrow account within its financial
 3825 | structure and deposit funds in the account to pay for the
 3826 | environmental mitigation phase of projects budgeted for the
 3827 | current fiscal year. The escrow account shall be maintained by
 3828 | the authority for the benefit of the water management districts.
 3829 | Any interest earnings from the escrow account shall remain with
 3830 | the authority.

3831 | (c) Except for current mitigation projects in the
 3832 | monitoring and maintenance phase and except as allowed by
 3833 | paragraph (d), the water management districts may request a
 3834 | transfer of funds from an escrow account no sooner than 30 days
 3835 | prior to the date the funds are needed to pay for activities
 3836 | associated with development or implementation of the approved

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3837 mitigation plan described in subsection (4) for the current
3838 fiscal year, including, but not limited to, design, engineering,
3839 production, and staff support. Actual conceptual plan
3840 preparation costs incurred before plan approval may be submitted
3841 to the Department of Transportation or the appropriate
3842 transportation authority each year with the plan. The conceptual
3843 plan preparation costs of each water management district shall
3844 ~~will~~ be paid from mitigation funds associated with the
3845 environmental impact inventory for the current year. The amount
3846 transferred to the escrow accounts each year by the Department
3847 of Transportation and participating transportation authorities
3848 established pursuant to chapter 348 or chapter 349 shall
3849 correspond to a cost per acre of \$75,000 multiplied by the
3850 projected acres of impact identified in the environmental impact
3851 inventory described in subsection (2). However, the \$75,000 cost
3852 per acre does not constitute an admission against interest by
3853 the state or its subdivisions nor is the cost admissible as
3854 evidence of full compensation for any property acquired by
3855 eminent domain or through inverse condemnation. Each July 1, the
3856 cost per acre shall be adjusted by the percentage change in the
3857 average of the Consumer Price Index issued by the United States
3858 Department of Labor for the most recent 12-month period ending
3859 September 30, compared to the base year average, which is the
3860 average for the 12-month period ending September 30, 1996. Each
3861 quarter, the projected acreage of impact shall be reconciled
3862 with the acreage of impact of projects as permitted, including
3863 permit modifications, pursuant to this part and s. 404 of the
3864 Clean Water Act, 33 U.S.C. s. 1344. The subject year's transfer

3865 of funds shall be adjusted accordingly to reflect the acreage of
 3866 impacts as permitted. The Department of Transportation and
 3867 participating transportation authorities established pursuant to
 3868 chapter 348 or chapter 349 may ~~are authorized to~~ transfer such
 3869 funds from the escrow accounts to the water management districts
 3870 to carry out the mitigation programs. Environmental mitigation
 3871 funds that are identified for or maintained in an escrow account
 3872 for the benefit of a water management district may be released
 3873 if the associated transportation project is excluded in whole or
 3874 part from the mitigation plan. For a mitigation project that is
 3875 in the maintenance and monitoring phase, the water management
 3876 district may request and receive a one-time payment based on the
 3877 project's expected future maintenance and monitoring costs. Upon
 3878 disbursement of the final maintenance and monitoring payment,
 3879 the obligation of the Department of Transportation or the
 3880 participating transportation authority is satisfied, the water
 3881 management district has continuing responsibility for the
 3882 mitigation project, and the escrow account for the project
 3883 established by the Department of Transportation or the
 3884 participating transportation authority may be closed. Any
 3885 interest earned on these disbursed funds shall remain with the
 3886 water management district and must be used as authorized under
 3887 this section.

3888 (d) Beginning in the 2005-2006 fiscal year, each water
 3889 management district shall be paid a lump-sum amount of \$75,000
 3890 per acre, adjusted as provided under paragraph (c), for
 3891 federally funded transportation projects that are included on
 3892 the environmental impact inventory and that have an approved

3893 mitigation plan. Beginning in the 2009-2010 fiscal year, each
 3894 water management district shall be paid a lump-sum amount of
 3895 \$75,000 per acre, adjusted as provided under paragraph (c), for
 3896 federally funded and nonfederally funded transportation projects
 3897 that have an approved mitigation plan. All mitigation costs,
 3898 including, but not limited to, the costs of preparing conceptual
 3899 plans and the costs of design, construction, staff support,
 3900 future maintenance, and monitoring the mitigated acres shall be
 3901 funded through these lump-sum amounts.

3902 (4) Before ~~Prior to~~ March 1 of each year, each water
 3903 management district, in consultation with the Department of
 3904 Environmental Protection, the United States Army Corps of
 3905 Engineers, the Department of Transportation, participating
 3906 transportation authorities established pursuant to chapter 348
 3907 or chapter 349, and other appropriate federal, state, and local
 3908 governments, and other interested parties, including entities
 3909 operating mitigation banks, shall develop a plan for the primary
 3910 purpose of complying with the mitigation requirements adopted
 3911 pursuant to this part and 33 U.S.C. s. 1344. In developing such
 3912 plans, the districts shall utilize sound ecosystem management
 3913 practices to address significant water resource needs and shall
 3914 focus on activities of the Department of Environmental
 3915 Protection and the water management districts, such as surface
 3916 water improvement and management (SWIM) projects and lands
 3917 identified for potential acquisition for preservation,
 3918 restoration or enhancement, and the control of invasive and
 3919 exotic plants in wetlands and other surface waters, to the
 3920 extent that such activities comply with the mitigation

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3921 requirements adopted under this part and 33 U.S.C. s. 1344. In
3922 determining the activities to be included in such plans, the
3923 districts shall also consider the purchase of credits from
3924 public or private mitigation banks permitted under s. 373.4136
3925 and associated federal authorization and shall include such
3926 purchase as a part of the mitigation plan when such purchase
3927 would offset the impact of the transportation project, provide
3928 equal benefits to the water resources than other mitigation
3929 options being considered, and provide the most cost-effective
3930 mitigation option. The mitigation plan shall be submitted to the
3931 water management district governing board, or its designee, for
3932 review and approval. At least 14 days prior to approval, the
3933 water management district shall provide a copy of the draft
3934 mitigation plan to any person who has requested a copy.

3935 (a) For each transportation project with a funding request
3936 for the next fiscal year, the mitigation plan must include a
3937 brief explanation of why a mitigation bank was or was not chosen
3938 as a mitigation option, including an estimation of identifiable
3939 costs of the mitigation bank and nonbank options to the extent
3940 practicable.

3941 (b) Specific projects may be excluded from the mitigation
3942 plan, in whole or in part, and are ~~shall~~ not ~~be~~ subject to this
3943 section upon the election agreement of the Department of
3944 Transportation, ~~or~~ a transportation authority if applicable, or
3945 ~~and~~ the appropriate water management district ~~that the inclusion~~
3946 ~~of such projects would hamper the efficiency or timeliness of~~
3947 ~~the mitigation planning and permitting process. The water~~
3948 ~~management district may choose to exclude a project in whole or~~

3949 ~~in part if the district is unable to identify mitigation that~~
 3950 ~~would offset impacts of the project.~~

3951 (5) The water management district shall ensure ~~be~~
 3952 ~~responsible for ensuring~~ that mitigation requirements pursuant
 3953 to 33 U.S.C. s. 1344 are met for the impacts identified in the
 3954 environmental impact inventory described in subsection (2), by
 3955 implementation of the approved plan described in subsection (4)
 3956 to the extent funding is provided by the Department of
 3957 Transportation, or a transportation authority established
 3958 pursuant to chapter 348 or chapter 349, if applicable. During
 3959 the federal permitting process, the water management district
 3960 may deviate from the approved mitigation plan in order to comply
 3961 with federal permitting requirements.

3962 Section 72. Section 479.28, Florida Statutes, is repealed.

3963 Section 73. The Department of Transportation may seek
 3964 Federal Highway Administration approval of a tourist-oriented
 3965 commerce sign pilot program for small businesses, as defined in
 3966 s. 288.703, Florida Statutes, in rural areas of critical
 3967 economic concern, as defined by s. 288.0656(2)(d) and (e),
 3968 Florida Statutes. Upon Federal Highway Administration approval,
 3969 the department shall submit the pilot program for legislative
 3970 approval in the next regular legislative session.

3971 Section 74. There is established a pilot program for the
 3972 Palm Beach County school district to recognize its business
 3973 partners. The district may recognize its business partners by
 3974 publicly displaying such business partners' names on school
 3975 district property in the unincorporated areas of the county.
 3976 Project graduation and athletic sponsorships are examples of

3977 appropriate recognition. The district shall make every effort to
 3978 display its business partners' names in a manner that is
 3979 consistent with the county standards for uniformity in size,
 3980 color, and placement of signs. If the provisions of this section
 3981 are inconsistent with county ordinances or regulations relating
 3982 to signs in the unincorporated areas of the county or
 3983 inconsistent with chapter 125 or chapter 166, Florida Statutes,
 3984 the provisions of this section prevail. The pilot program
 3985 expires June 30, 2014.

3986 Section 75. The provisions contained in ss. 5 and 6, ch.
 3987 2010-225, Laws of Florida, shall be effected through a type two
 3988 transfer of the relevant administrative rules, pursuant to s.
 3989 20.06(2), Florida Statutes.

3990 Section 76. The Florida Transportation Commission shall
 3991 conduct a study of the potential for cost savings that might be
 3992 realized through increased efficiencies through the sharing of
 3993 resources for the accomplishment of design, construction, and
 3994 maintenance activities by or on behalf of expressway authorities
 3995 in the state. The commission may retain such experts as are
 3996 reasonably necessary to complete the study, and the department
 3997 shall pay the expenses of such experts. The commission shall
 3998 complete the study and provide a written report of its findings
 3999 and conclusions to the Governor, the President of the Senate,
 4000 the Speaker of the House of Representatives, and the chairs of
 4001 each of the appropriations committees of the Legislature by
 4002 December 31, 2012. In conducting the study, the commission shall
 4003 seek input from the existing expressway authorities.

4004 Section 77. Notwithstanding s. 120.569, s. 120.57, or s.

4005 373.427, Florida Statutes, or any other provision of law to the
 4006 contrary, a challenge to a consolidated environmental resource
 4007 permit or any associated variance or any sovereign submerged
 4008 lands authorization proposed or issued by the Department of
 4009 Environmental Protection in connection with the state's
 4010 deepwater ports, as listed in s. 403.021(9), Florida Statutes,
 4011 shall be conducted pursuant to the summary hearing provisions of
 4012 s. 120.574, Florida Statutes; however, the summary proceeding
 4013 shall be conducted within 30 days after a party files a motion
 4014 for a summary hearing, regardless of whether the parties agree
 4015 to the summary proceeding, and the administrative law judge's
 4016 decision shall be in the form of a recommended order and does
 4017 not constitute final agency action of the department. The
 4018 Department of Environmental Protection shall issue the final
 4019 order within 45 working days after receipt of the administrative
 4020 law judge's recommended order. The summary hearing provisions of
 4021 this section apply to pending administrative proceedings;
 4022 however, s. 120.574(1)(b) and (d) and (2)(a)3. and 5., Florida
 4023 Statutes, do not apply to pending administrative proceedings.
 4024 This section shall take effect upon this act becoming a law.

4025 Section 78. It is the intent of the Legislature to
 4026 encourage and facilitate a review by the Pinellas Suncoast
 4027 Transit Authority and the Hillsborough Area Regional Transit
 4028 Authority in order to search for possible improvements in
 4029 regional transit connectivity and implementation of operational
 4030 efficiencies and service enhancements that are consistent with
 4031 the regional approach to transit identified in the Tampa Bay
 4032 Area Regional Transportation Authority's Regional Transportation

4033 Master Plan. The Legislature finds that such improvements and
4034 efficiencies can best be achieved through a joint review,
4035 evaluation, and recommendations, if appropriate, by the Pinellas
4036 Suncoast Transit Authority and the Hillsborough Area Regional
4037 Transit Authority.

4038 (1) The governing bodies or a designated subcommittee of
4039 both the Pinellas Suncoast Transit Authority and the
4040 Hillsborough Area Regional Transit Authority shall hold a joint
4041 meeting within 30 days after July 1, 2012, and as often as
4042 deemed necessary thereafter, in order to search for, and, if
4043 discovered, identify opportunities for greater efficiency and
4044 service improvements. The elements to be reviewed must include:

4045 (a) Governance structure, including governing board
4046 membership, terms, responsibilities, officers, powers, duties,
4047 and responsibilities;

4048 (b) Funding options, if any;

4049 (c) Facilities ownership and management;

4050 (d) Current financial obligations and resources; and

4051 (e) Any actions that could be taken that are consistent
4052 with the Tampa Bay Area Regional Transportation Authority's
4053 master plan.

4054 (2) If the review reveals possible efficiencies and
4055 service improvements are available, the Pinellas Suncoast
4056 Transit Authority and the Hillsborough Area Regional Transit
4057 Authority shall jointly submit to the President of the Senate
4058 and the Speaker of the House of Representatives by February 1,
4059 2013, a report on the elements described in this section. If
4060 appropriate, the report must include proposed legislation to

4061 implement each recommendation and, if appropriate based on the
 4062 review, specific recommendations concerning the reorganization
 4063 of each agency, the organizational merger of both agencies, or
 4064 the consolidation of functions within and between each agency.

4065 (3) The Tampa Bay Area Regional Transportation Authority
 4066 shall assist and facilitate the Pinellas Suncoast Transit
 4067 Authority and the Hillsborough Area Regional Transit Authority
 4068 in carrying out the purposes of this section. The Tampa Bay Area
 4069 Regional Transportation Authority shall provide technical
 4070 assistance and information regarding its master plan, make
 4071 recommendations for achieving consistency and improved regional
 4072 connectivity if discovered, and provide support to the Pinellas
 4073 Suncoast Transit Authority and the Hillsborough Area Regional
 4074 Transit Authority in the preparation of any joint report and
 4075 recommendations to the Legislature.

4076 Section 79. (1) Notwithstanding any other provision of
 4077 law to the contrary, any communications equipment or cellular
 4078 communications tower intended for railroad use that is located
 4079 or will be constructed within a designated federal railroad
 4080 right-of-way corridor is exempt from the Florida Building Code
 4081 and any county or municipal code or fee, but is subject to
 4082 review by the Florida Department of Transportation Rail Office
 4083 for compliance with all applicable railroad regulations.

4084 (2) Any private communications equipment not intended for
 4085 railroad use that may colocate upon an existing communications
 4086 equipment or cellular communications tower intended for railroad
 4087 use within a designated federal railroad right-of-way must
 4088 comply with the Florida Building Code.

4089 (3) A railroad may offer a municipality or local
 4090 government use of a communications equipment or cellular
 4091 communications tower intended for railroad use within a
 4092 designated federal railroad right-of-way for emergency or public
 4093 safety communications.

4094 (4) A railroad may not charge or collect any fee regarding
 4095 colocation or use authorized under subsections (2) and (3).

4096 Section 80. Subsection (7) of section 215.616, Florida
 4097 Statutes, is amended to read:

4098 215.616 State bonds for federal aid highway construction.-

4099 ~~(7) Up to \$325 million in bonds may be issued for the~~
 4100 ~~Mobility 2000 Initiative with emphasis on the Florida Intrastate~~
 4101 ~~Highway System to advance projects in the most cost-effective~~
 4102 ~~manner and to support emergency evacuation, improved access to~~
 4103 ~~urban areas, or the enhancement of trade and economic growth~~
 4104 ~~corridors of statewide and regional significance which promote~~
 4105 ~~Florida's economic growth.~~

4106 Section 81. Subsection (3) of section 288.063, Florida
 4107 Statutes, is amended to read:

4108 288.063 Contracts for transportation projects.-

4109 (3) With respect to any contract executed pursuant to this
 4110 section, the term "transportation project" means a
 4111 transportation facility as defined in s. 334.03(30) ~~s.~~
 4112 ~~334.03(31)~~ which is necessary in the judgment of the department
 4113 to facilitate the economic development and growth of the state.
 4114 Such transportation projects shall be approved only as a
 4115 consideration to attract new employment opportunities to the
 4116 state or expand or retain employment in existing companies

4117 | operating within the state, or to allow for the construction or
 4118 | expansion of a state or federal correctional facility in a
 4119 | county having ~~with~~ a population of 75,000 or less that creates
 4120 | new employment opportunities or expands or retains employment in
 4121 | the county. The department shall institute procedures to ensure
 4122 | that small and minority businesses have equal access to funding
 4123 | provided under this section. Funding for approved transportation
 4124 | projects may include any expenses, other than administrative
 4125 | costs and equipment purchases specified in the contract,
 4126 | necessary for new, or improvement to existing, transportation
 4127 | facilities. Funds made available pursuant to this section may
 4128 | not be expended in connection with the relocation of a business
 4129 | from one community to another community in this state unless the
 4130 | department determines that without such relocation the business
 4131 | will move outside this state or determines that the business has
 4132 | a compelling economic rationale for the relocation which creates
 4133 | additional jobs. Subject to appropriation for projects under
 4134 | this section, any appropriation greater than \$10 million shall
 4135 | be allocated to each of the districts of the Department of
 4136 | Transportation to ensure equitable geographical distribution.
 4137 | Such allocated funds that remain uncommitted by the third
 4138 | quarter of the fiscal year shall be reallocated among the
 4139 | districts based on pending project requests.

4140 | Section 82. Subsection (2) of section 311.22, Florida
 4141 | Statutes, is amended to read:

4142 | 311.22 Additional authorization for funding certain
 4143 | dredging projects.—

4144 | (2) The council shall adopt rules for evaluating the

4145 projects that may be funded pursuant to this section. The rules
 4146 must provide criteria for evaluating the economic benefit of the
 4147 project. The rules must include the creation of an
 4148 administrative review process by the council which is similar to
 4149 the process described in s. 311.09(5)-(11) ~~s. 311.09(5)-(12)~~,
 4150 and provide for a review by the Department of Transportation and
 4151 the Department of Economic Opportunity of all projects submitted
 4152 for funding under this section.

4153 Section 83. Section 316.2122, Florida Statutes, is amended
 4154 to read:

4155 316.2122 Operation of a low-speed vehicle or mini truck on
 4156 certain roadways.—The operation of a low-speed vehicle as
 4157 defined in s. 320.01(42) or a mini truck as defined in s.
 4158 320.01(45) on any road ~~as defined in s. 334.03(15) or (33)~~ is
 4159 authorized with the following restrictions:

4160 (1) A low-speed vehicle or mini truck may be operated only
 4161 on streets where the posted speed limit is 35 miles per hour or
 4162 less. This does not prohibit a low-speed vehicle or mini truck
 4163 from crossing a road or street at an intersection where the road
 4164 or street has a posted speed limit of more than 35 miles per
 4165 hour.

4166 (2) A low-speed vehicle must be equipped with headlamps,
 4167 stop lamps, turn signal lamps, taillamps, reflex reflectors,
 4168 parking brakes, rearview mirrors, windshields, seat belts, and
 4169 vehicle identification numbers.

4170 (3) A low-speed vehicle or mini truck must be registered
 4171 and insured in accordance with s. 320.02 and titled pursuant to
 4172 chapter 319.

4173 (4) Any person operating a low-speed vehicle or mini truck
 4174 must have in his or her possession a valid driver's license.

4175 (5) A county or municipality may prohibit the operation of
 4176 low-speed vehicles or mini trucks on any road under its
 4177 jurisdiction if the governing body of the county or municipality
 4178 determines that such prohibition is necessary in the interest of
 4179 safety.

4180 (6) The Department of Transportation may prohibit the
 4181 operation of low-speed vehicles or mini trucks on any road under
 4182 its jurisdiction if it determines that such prohibition is
 4183 necessary in the interest of safety.

4184 Section 84. Section 318.12, Florida Statutes, is amended
 4185 to read:

4186 318.12 Purpose.—It is the legislative intent in the
 4187 adoption of this chapter to decriminalize certain violations of
 4188 chapter 316, the Florida Uniform Traffic Control Law; chapter
 4189 320, Motor Vehicle Licenses; chapter 322, Drivers' Licenses;
 4190 chapter 338, Limited Access Florida Intrastate Highway System
 4191 and Toll Facilities; and chapter 1006, Support of Learning,
 4192 thereby facilitating the implementation of a more uniform and
 4193 expeditious system for the disposition of traffic infractions.

4194 Section 85. Subsections (3) and (4) of section 320.20,
 4195 Florida Statutes, are amended to read:

4196 320.20 Disposition of license tax moneys.—The revenue
 4197 derived from the registration of motor vehicles, including any
 4198 delinquent fees and excluding those revenues collected and
 4199 distributed under the provisions of s. 320.081, must be
 4200 distributed monthly, as collected, as follows:

4201 (3) Notwithstanding any other provision of law except
4202 subsections (1) and (2), on July 1, 1996, and annually
4203 thereafter, \$15 million shall be deposited in the State
4204 Transportation Trust Fund solely for the purposes of funding the
4205 Florida Seaport Transportation and Economic Development Program
4206 as provided for in chapter 311. Such revenues shall be
4207 distributed on a 50-50 matching basis to any port listed in s.
4208 311.09(1) to be used for funding projects as described in s.
4209 311.07(3) (b). Such revenues may be assigned, pledged, or set
4210 aside as a trust for the payment of principal or interest on
4211 bonds, tax anticipation certificates, or any other form of
4212 indebtedness issued by an individual port or appropriate local
4213 government having jurisdiction thereof, or collectively by
4214 interlocal agreement among any of the ports, or used to purchase
4215 credit support to permit such borrowings. However, such debt
4216 shall not constitute a general obligation of the State of
4217 Florida. The state does hereby covenant with holders of such
4218 revenue bonds or other instruments of indebtedness issued
4219 hereunder that it will not repeal or impair or amend in any
4220 manner which will materially and adversely affect the rights of
4221 such holders so long as bonds authorized by this section are
4222 outstanding. Any revenues which are not pledged to the repayment
4223 of bonds as authorized by this section may be utilized for
4224 purposes authorized under the Florida Seaport Transportation and
4225 Economic Development Program. This revenue source is in addition
4226 to any amounts provided for and appropriated in accordance with
4227 s. 311.07. The Florida Seaport Transportation and Economic
4228 Development Council shall approve distribution of funds to ports

4229 for projects which have been approved pursuant to s. 311.09(5)-
 4230 (8) ~~s. 311.09(5)-(9)~~. The council and the Department of
 4231 Transportation may ~~are authorized to~~ perform such acts as are
 4232 required to facilitate and implement ~~the provisions of~~ this
 4233 subsection. To better enable the ports to cooperate to their
 4234 mutual advantage, the governing body of each port may exercise
 4235 powers provided to municipalities or counties in s. 163.01(7)(d)
 4236 subject to the provisions of chapter 311 and special acts, if
 4237 any, pertaining to a port. The use of funds provided pursuant to
 4238 this subsection are limited to eligible projects listed in this
 4239 subsection. Income derived from a project completed with the use
 4240 of program funds, beyond operating costs and debt service, shall
 4241 be restricted to further port capital improvements consistent
 4242 with maritime purposes and for no other purpose. Use of such
 4243 income for nonmaritime purposes is prohibited. ~~The provisions of~~
 4244 ~~s. 311.07(4) do not apply to any funds received pursuant to this~~
 4245 ~~subsection.~~ The revenues available under this subsection shall
 4246 not be pledged to the payment of any bonds other than the
 4247 Florida Ports Financing Commission Series 1996 and Series 1999
 4248 Bonds currently outstanding; provided, however, such revenues
 4249 may be pledged to secure payment of refunding bonds to refinance
 4250 the Florida Ports Financing Commission Series 1996 and Series
 4251 1999 Bonds. No refunding bonds secured by revenues available
 4252 under this subsection may be issued with a final maturity later
 4253 than the final maturity of the Florida Ports Financing
 4254 Commission Series 1996 and Series 1999 Bonds or which provide
 4255 for higher debt service in any year than is currently payable on
 4256 such bonds. Any revenue bonds or other indebtedness issued after

4257 July 1, 2000, other than refunding bonds shall be issued by the
 4258 Division of Bond Finance at the request of the Department of
 4259 Transportation pursuant to the State Bond Act.

4260 (4) Notwithstanding any other provision of law except
 4261 subsections (1), (2), and (3), on July 1, 1999, and annually
 4262 thereafter, \$10 million shall be deposited in the State
 4263 Transportation Trust Fund solely for the purposes of funding the
 4264 Florida Seaport Transportation and Economic Development Program
 4265 as provided in chapter 311 and for funding seaport intermodal
 4266 access projects of statewide significance as provided in s.
 4267 341.053. Such revenues shall be distributed to any port listed
 4268 in s. 311.09(1), to be used for funding projects as follows:

4269 (a) For any seaport intermodal access projects that are
 4270 identified in the 1997-1998 Tentative Work Program of the
 4271 Department of Transportation, up to the amounts needed to offset
 4272 the funding requirements of this section.

4273 (b) For seaport intermodal access projects as described in
 4274 s. 341.053(5) that are identified in the 5-year Florida Seaport
 4275 Mission Plan as provided in s. 311.09(3). Funding for such
 4276 projects shall be on a matching basis as mutually determined by
 4277 the Florida Seaport Transportation and Economic Development
 4278 Council and the Department of Transportation, provided a minimum
 4279 of 25 percent of total project funds shall come from any port
 4280 funds, local funds, private funds, or specifically earmarked
 4281 federal funds.

4282 (c) On a 50-50 matching basis for projects as described in
 4283 s. 311.07(3)(b).

4284 (d) For seaport intermodal access projects that involve

4285 the dredging or deepening of channels, turning basins, or
 4286 harbors; or the rehabilitation of wharves, docks, or similar
 4287 structures. Funding for such projects shall require a 25 percent
 4288 match of the funds received pursuant to this subsection.
 4289 Matching funds shall come from any port funds, federal funds,
 4290 local funds, or private funds.

4291
 4292 Such revenues may be assigned, pledged, or set aside as a trust
 4293 for the payment of principal or interest on bonds, tax
 4294 anticipation certificates, or any other form of indebtedness
 4295 issued by an individual port or appropriate local government
 4296 having jurisdiction thereof, or collectively by interlocal
 4297 agreement among any of the ports, or used to purchase credit
 4298 support to permit such borrowings. However, such debt shall not
 4299 constitute a general obligation of the state. This state does
 4300 hereby covenant with holders of such revenue bonds or other
 4301 instruments of indebtedness issued hereunder that it will not
 4302 repeal or impair or amend this subsection in any manner which
 4303 will materially and adversely affect the rights of holders so
 4304 long as bonds authorized by this subsection are outstanding. Any
 4305 revenues that are not pledged to the repayment of bonds as
 4306 authorized by this section may be utilized for purposes
 4307 authorized under the Florida Seaport Transportation and Economic
 4308 Development Program. This revenue source is in addition to any
 4309 amounts provided for and appropriated in accordance with s.
 4310 311.07 and subsection (3). The Florida Seaport Transportation
 4311 and Economic Development Council shall approve distribution of
 4312 funds to ports for projects that have been approved pursuant to

4313 s. 311.09(5)-(8) ~~s. 311.09(5)-(9)~~, or for seaport intermodal
 4314 access projects identified in the 5-year Florida Seaport Mission
 4315 Plan as provided in s. 311.09(3) and mutually agreed upon by the
 4316 Florida Seaport Transportation and Economic Development FSTED
 4317 Council and the Department of Transportation. All contracts for
 4318 actual construction of projects authorized by this subsection
 4319 must include a provision encouraging employment of participants
 4320 in the welfare transition program. The goal for employment of
 4321 participants in the welfare transition program is 25 percent of
 4322 all new employees employed specifically for the project, unless
 4323 the Department of Transportation and the Florida Seaport
 4324 Transportation and Economic Development Council demonstrate that
 4325 such a requirement would severely hamper the successful
 4326 completion of the project. In such an instance, Workforce
 4327 Florida, Inc., shall establish an appropriate percentage of
 4328 employees that must be participants in the welfare transition
 4329 program. The council and the Department of Transportation may
 4330 ~~are authorized to~~ perform such acts as are required to
 4331 facilitate and implement the provisions of this subsection. To
 4332 better enable the ports to cooperate to their mutual advantage,
 4333 the governing body of each port may exercise powers provided to
 4334 municipalities or counties in s. 163.01(7)(d) subject to the
 4335 provisions of chapter 311 and special acts, if any, pertaining
 4336 to a port. The use of funds provided pursuant to this subsection
 4337 is limited to eligible projects listed in this subsection. ~~The~~
 4338 ~~provisions of s. 311.07(4) do not apply to any funds received~~
 4339 ~~pursuant to this subsection.~~ The revenues available under this
 4340 subsection shall not be pledged to the payment of any bonds

4341 other than the Florida Ports Financing Commission Series 1996
 4342 and Series 1999 Bonds currently outstanding; provided, however,
 4343 such revenues may be pledged to secure payment of refunding
 4344 bonds to refinance the Florida Ports Financing Commission Series
 4345 1996 and Series 1999 Bonds. No refunding bonds secured by
 4346 revenues available under this subsection may be issued with a
 4347 final maturity later than the final maturity of the Florida
 4348 Ports Financing Commission Series 1996 and Series 1999 Bonds or
 4349 which provide for higher debt service in any year than is
 4350 currently payable on such bonds. Any revenue bonds or other
 4351 indebtedness issued after July 1, 2000, other than refunding
 4352 bonds shall be issued by the Division of Bond Finance at the
 4353 request of the Department of Transportation pursuant to the
 4354 State Bond Act.

4355 Section 86. Subsection (3) of section 335.02, Florida
 4356 Statutes, is amended to read:

4357 335.02 Authority to designate transportation facilities
 4358 and rights-of-way and establish lanes; procedure for
 4359 redesignation and relocation; application of local regulations.-

4360 (3) The department may establish standards for lanes on
 4361 the State Highway System, including the Strategic Intermodal
 4362 System highway corridors ~~Florida Intrastate Highway System~~
 4363 established pursuant to s. 339.65 ~~s. 338.001~~. In determining the
 4364 number of lanes for any regional corridor or section of highway
 4365 on the State Highway System to be funded by the department with
 4366 state or federal funds, the department shall evaluate all
 4367 alternatives and seek to achieve the highest degree of efficient
 4368 mobility for corridor users. In conducting the analysis, the

4369 department must give consideration to the following factors
 4370 consistent with sound engineering principles:

4371 (a) Overall economic importance of the corridor as a trade
 4372 or tourism corridor.

4373 (b) Safety of corridor users, including the importance of
 4374 the corridor for evacuation purposes.

4375 (c) Cost-effectiveness of alternative methods of
 4376 increasing the mobility of corridor users.

4377 (d) Current and projected traffic volumes on the corridor.

4378 (e) Multimodal alternatives.

4379 (f) Use of intelligent transportation technology in
 4380 increasing the efficiency of the corridor.

4381 (g) Compliance with state and federal policies related to
 4382 clean air, environmental impacts, growth management, livable
 4383 communities, and energy conservation.

4384 (h) Addition of special use lanes, such as exclusive truck
 4385 lanes, high-occupancy-vehicle toll lanes, and exclusive
 4386 interregional traffic lanes.

4387 (i) Availability and cost of rights-of-way, including
 4388 associated costs, and the most effective use of existing rights-
 4389 of-way.

4390 (j) Regional economic and transportation objectives, where
 4391 articulated.

4392 (k) The future land use plan element of local government
 4393 comprehensive plans, as appropriate, including designated urban
 4394 infill and redevelopment areas.

4395 (l) The traffic circulation element, if applicable, of
 4396 local government comprehensive plans, including designated

4397 transportation corridors and public transportation corridors.

4398 (m) The approved metropolitan planning organization's
 4399 long-range transportation plan, as appropriate.

4400
 4401 This subsection does not preclude a number of lanes in excess of
 4402 10 lanes, but an additional factor that must be considered
 4403 before the department may determine that the number of lanes
 4404 should be more than 10 is the capacity to accommodate in the
 4405 future alternative forms of transportation within existing or
 4406 potential rights-of-way.

4407 Section 87. Subsection (2) of section 338.222, Florida
 4408 Statutes, is amended to read:

4409 338.222 Department of Transportation sole governmental
 4410 entity to acquire, construct, or operate turnpike projects;
 4411 exception.—

4412 (2) The department may contract with any local
 4413 governmental entity as defined in s. 334.03(13) ~~s. 334.03(14)~~
 4414 for the design, right-of-way acquisition, or construction of any
 4415 turnpike project which the Legislature has approved. Local
 4416 governmental entities may negotiate with the department for the
 4417 design, right-of-way acquisition, and construction of any
 4418 section of the turnpike project within areas of their respective
 4419 jurisdictions or within counties with which they have interlocal
 4420 agreements.

4421 Section 88. Subsection (6) of section 339.285, Florida
 4422 Statutes, is amended to read:

4423 339.285 Enhanced Bridge Program for Sustainable
 4424 Transportation.—

4425 (6) Preference shall be given to bridge projects located
 4426 on corridors that connect to the Strategic Intermodal System,
 4427 created under s. 339.64, and that have been identified as
 4428 regionally significant in accordance with s. 339.155(4)(c), (d),
 4429 and (e) ~~s. 339.155(5)(c), (d), and (e)~~.

4430 Section 89. Subsection (2) of section 341.053, Florida
 4431 Statutes, is amended to read:

4432 341.053 Intermodal Development Program; administration;
 4433 eligible projects; limitations.—

4434 (2) In recognition of the department's role in the
 4435 economic development of this state, the department shall develop
 4436 a proposed intermodal development plan to connect Florida's
 4437 airports, deepwater seaports, rail systems serving both
 4438 passenger and freight, and major intermodal connectors to the
 4439 Strategic Intermodal System highway corridors ~~Florida Intrastate~~
 4440 ~~Highway System facilities~~ as the primary system for the movement
 4441 of people and freight in this state in order to make the
 4442 intermodal development plan a fully integrated and
 4443 interconnected system. The intermodal development plan must:

4444 (a) Define and assess the state's freight intermodal
 4445 network, including airports, seaports, rail lines and terminals,
 4446 intercity bus lines and terminals, and connecting highways.

4447 (b) Prioritize statewide infrastructure investments,
 4448 including the acceleration of current projects, which are found
 4449 by the Freight Stakeholders Task Force to be priority projects
 4450 for the efficient movement of people and freight.

4451 (c) Be developed in a manner that will assure maximum use
 4452 of existing facilities and optimum integration and coordination

4453 of the various modes of transportation, including both
 4454 government-owned and privately owned resources, in the most
 4455 cost-effective manner possible.

4456 Section 90. Subsection (2) of section 341.8225, Florida
 4457 Statutes, is amended to read:

4458 341.8225 Department of Transportation sole governmental
 4459 entity to acquire, construct, or operate high-speed rail
 4460 projects; exception.—

4461 (2) Local governmental entities, as defined in s.
 4462 334.03(13) ~~s. 334.03(14)~~, may negotiate with the department for
 4463 the design, right-of-way acquisition, and construction of any
 4464 component of the high-speed rail system within areas of their
 4465 respective jurisdictions or within counties with which they have
 4466 interlocal agreements.

4467 Section 91. Subsection (2) of section 403.7211, Florida
 4468 Statutes, is amended to read:

4469 403.7211 Hazardous waste facilities managing hazardous
 4470 wastes generated offsite; federal facilities managing hazardous
 4471 waste.—

4472 (2) The department may ~~shall~~ not issue any permit under s.
 4473 403.722 for the construction, initial operation, or substantial
 4474 modification of a facility for the disposal, storage, or
 4475 treatment of hazardous waste generated offsite which is proposed
 4476 to be located in any of the following locations:

4477 (a) Any area where life-threatening concentrations of
 4478 hazardous substances could accumulate at any residence or
 4479 residential subdivision as the result of a catastrophic event at
 4480 the proposed facility, unless each such residence or residential

4481 subdivision is served by at least one arterial road or urban
 4482 minor arterial road, as determined under the procedures
 4483 referenced in s. 334.03(10) ~~defined in s. 334.03~~, which provides
 4484 safe and direct egress by land to an area where such life-
 4485 threatening concentrations of hazardous substances could not
 4486 accumulate in a catastrophic event. Egress by any road leading
 4487 from any residence or residential subdivision to any point
 4488 located within 1,000 yards of the proposed facility is unsafe
 4489 for the purposes of this paragraph. In determining whether
 4490 egress proposed by the applicant is safe and direct, the
 4491 department shall also consider, at a minimum, the following
 4492 factors:

4493 1. Natural barriers such as water bodies, and whether any
 4494 road in the proposed evacuation route is impaired by a natural
 4495 barrier such as a water body.†

4496 2. Potential exposure during egress and potential
 4497 increases in the duration of exposure.†

4498 3. Whether any road in a proposed evacuation route passes
 4499 in close proximity to the facility.† ~~and~~

4500 4. Whether any portion of the evacuation route is
 4501 inherently directed toward the facility.

4502 (b) Any location within 1,500 yards of any hospital,
 4503 prison, school, nursing home facility, day care facility,
 4504 stadium, place of assembled worship, or any other similar site
 4505 where individuals are routinely confined or assembled in such a
 4506 manner that reasonable access to immediate evacuation is likely
 4507 to be unavailable.†

4508 (c) Any location within 1,000 yards of any residence.† ~~or~~

4509 (d) Any location which is inconsistent with rules adopted
 4510 by the department under this part.

4511
 4512 For the purposes of this subsection, all distances shall be
 4513 measured from the outer limit of the active hazardous waste
 4514 management area. "Substantial modification" includes: any
 4515 physical change in, change in the operations of, or addition to
 4516 a facility which could increase the potential offsite impact, or
 4517 risk of impact, from a release at that facility; and any change
 4518 in permit conditions which is reasonably expected to lead to
 4519 greater potential impacts or risks of impacts, from a release at
 4520 that facility. "Substantial modification" does not include a
 4521 change in operations, structures, or permit conditions which
 4522 does not substantially increase either the potential impact
 4523 from, or the risk of, a release. Physical or operational changes
 4524 to a facility related solely to the management of nonhazardous
 4525 waste at the facility is ~~shall~~ not be considered a substantial
 4526 modification. The department shall, by rule, adopt criteria to
 4527 determine whether a facility has been substantially modified.
 4528 "Initial operation" means the initial commencement of operations
 4529 at the facility.

4530 Section 92. Subsection (27) of section 479.01, Florida
 4531 Statutes, is amended to read:

4532 479.01 Definitions.—As used in this chapter, the term:

4533 (27) "Urban area" has the same meaning as defined in s.
 4534 334.03(31) ~~s. 334.03(32)~~.

4535 Section 93. Subsection (1) of section 479.07, Florida
 4536 Statutes, is amended to read:

4537 479.07 Sign permits.—

4538 (1) Except as provided in ss. 479.105(1)(e) and 479.16, a
 4539 person may not erect, operate, use, or maintain, or cause to be
 4540 erected, operated, used, or maintained, any sign on the State
 4541 Highway System outside an urban area, as defined in s.
 4542 334.03(31) ~~s. 334.03(32)~~, or on any portion of the interstate or
 4543 federal-aid primary highway system without first obtaining a
 4544 permit for the sign from the department and paying the annual
 4545 fee as provided in this section. As used in this section, the
 4546 term "on any portion of the State Highway System, interstate, or
 4547 federal-aid primary system" means a sign located within the
 4548 controlled area which is visible from any portion of the main-
 4549 traveled way of such system.

4550 Section 94. Subsection (5) of section 479.261, Florida
 4551 Statutes, is amended to read:

4552 479.261 Logo sign program.—

4553 (5) At a minimum, permit fees for businesses that
 4554 participate in the program must be established in an amount
 4555 sufficient to offset the total cost to the department for the
 4556 program, including contract costs. The department shall provide
 4557 the services in the most efficient and cost-effective manner
 4558 through department staff or by contracting for some or all of
 4559 the services. The department shall adopt rules that set
 4560 reasonable rates based upon factors such as population, traffic
 4561 volume, market demand, and costs for annual permit fees.
 4562 However, annual permit fees for sign locations inside an urban
 4563 area, as defined in s. 334.03(31) ~~s. 334.03(32)~~, may not exceed
 4564 \$3,500, and annual permit fees for sign locations outside an

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4565 urban area, as defined in s. 334.03(31) ~~s. 334.03(32)~~, may not
4566 exceed \$2,000. After recovering program costs, the proceeds from
4567 the annual permit fees shall be deposited into the State
4568 Transportation Trust Fund and used for transportation purposes.
4569 Section 95. Except as otherwise expressly provided in this
4570 act, this act shall take effect July 1, 2012.