



395644

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/03/2012	.	
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The Committee on Transportation (Latvala) recommended the following:

Senate Amendment (with directory and title amendments)

Delete lines 289 - 295
and insert:

Section 1. Paragraphs (a) and (b) of subsection (5) of section 20.23, Florida Statutes, are amended, and subsection (7) is added to that section, to read:

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

(5) (a) The operations of the department shall be organized into seven districts, each headed by a district secretary, and a



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13 turnpike enterprise and a rail enterprise, each enterprise
14 headed by an executive director. The district secretaries and
15 the executive directors must ~~shall~~ be registered professional
16 engineers in accordance with ~~the provisions of~~ chapter 471 or
17 the laws of another state or, in lieu of professional engineer
18 registration, a district secretary or executive director may
19 hold an advanced degree in an appropriate related discipline,
20 such as a Master of Business Administration. The headquarters of
21 the districts shall be located in Polk, Columbia, Washington,
22 Broward, Volusia, Miami-Dade, and Hillsborough Counties. The
23 headquarters of the turnpike enterprise shall be located in
24 Orange County. The headquarters of the rail enterprise shall be
25 located in Leon County. In order to provide for efficient
26 operations and to expedite the decisionmaking process, the
27 department shall provide for maximum decentralization to the
28 districts.

29

30 Delete line 729

31 and insert:

32 center," means a facility or group of facilities, including an
33 inland port, serving as a

34

35 Delete line 893

36 and insert:

37 (5) The Department of Transportation and expressway
38 authorities may designate the use of shoulders of limited access
39 facilities and interstate highways under their jurisdiction for
40 vehicular traffic determined to improve safety, reliability, and
41 transportation system efficiency. Appropriate traffic signs or



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42 dynamic lane control signals shall be erected along the affected
43 portions of the facility or highway in order to give notice to
44 the public of the action to be taken and to clearly indicate
45 when the shoulder is open to designated vehicular traffic. Such
46 designation is not allowed if it would violate any federal law
47 or covenant established in a resolution or trust indenture
48 relating to the issuance of turnpike bonds, expressway authority
49 bonds, or other bonds.

50 (6) The Department of Transportation shall establish a 2-
51

52 Between lines 1273 and 1274

53 insert:

54 Section 21. Subsection (6) is added to section 332.08,
55 Florida Statutes, to read:

56 332.08 Additional powers.—In addition to the general powers
57 in ss. 332.01-332.12 conferred and without limitation thereof, a
58 municipality which has established or may hereafter establish
59 airports, restricted landing areas, or other air navigation
60 facilities, or which has acquired or set apart or may hereafter
61 acquire or set apart real property for such purposes, is hereby
62 authorized:

63 (6) Notwithstanding the provisions of this section, and if
64 participating in the Federal Aviation Administration's pilot
65 program on the private ownership of airports pursuant to 49
66 U.S.C. s. 47134, to lease or sell an airport or other air
67 navigation facility or real property, together with improvements
68 and equipment, acquired or set apart for airport purposes to a
69 private party under the terms and conditions negotiated by the
70 municipality. If state funds were provided to the municipality



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71 pursuant to s. 332.007, the municipality must obtain the
72 Department of Transportation's approval of the agreement. The
73 department may approve the agreement if it determines that the
74 state's investment has been adequately considered and protected
75 in accordance with the applicable conditions specified in 49
76 U.S.C. s. 47134.

77
78 Between lines 1586 and 1587

79 insert:

80 (7) For the purposes of this section, "transportation
81 expenditures" means expenditures by the local government from
82 local or state shared revenue sources, excluding expenditures of
83 bond proceeds, for the following programs:

84 (d) Street lighting installation, operation, maintenance,
85 and repair.

86 (e) Traffic signs, traffic engineering, signalization, ~~and~~
87 pavement markings, installation, operation, maintenance, and
88 repair.

89
90 Between lines 2007 and 2008

91 insert:

92 (8) The department, or other governmental entity
93 responsible for the collection of tolls, may pursue the
94 collection of unpaid tolls and associated fees and other amounts
95 to which it is entitled by contracting with a private attorney
96 who is a member in good standing with The Florida Bar, or a
97 collection agent who is registered and in good standing pursuant
98 to chapter 559. A collection fee in an amount that is reasonable
99 within the collection industry, including any reasonable



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100 attorney fee, may be added to the delinquent amount collected by
101 the attorney or collection agent. The requirements of s. 287.059
102 do not apply to private attorney services procured under this
103 section.
104

105 Between lines 2057 and 2058

106 insert:

107 Section 43. Section 338.161, Florida Statutes, is amended
108 to read:

109 338.161 ~~Authority of department or toll agencies to~~
110 ~~advertise and promote electronic toll collection;~~ Expanded uses
111 of electronic toll collection system; ~~studies authorized.-~~

112 (1) The department may ~~is authorized to~~ incur expenses for
113 paid advertising, marketing, and promotion of toll facilities
114 and electronic toll collection products and services. Promotions
115 may include discounts and free products.

116 (2) The department may ~~is authorized to~~ receive funds from
117 advertising placed on electronic toll collection products and
118 promotional materials to defray the costs of products and
119 services.

120 (3) ~~(a)~~ The department or any toll agency created by statute
121 may incur expenses to advertise or promote its electronic toll
122 collection system to consumers on or off the turnpike or toll
123 system.

124 ~~(4) (b)~~ If the department or ~~any~~ toll agency created by
125 statute finds that it can increase nontoll revenues or add
126 convenience or other value for its customers, the department or
127 toll agency may enter into agreements with a ~~any~~ private or
128 public entity allowing the use of its electronic toll collection



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129 system to pay parking fees for vehicles equipped with a
130 transponder or similar device. The department or toll agency may
131 initiate feasibility studies of other ~~additional~~ future uses of
132 its electronic toll collection system and make recommendations
133 to the Legislature to authorize such uses.

134 (5) If the department finds that it can increase nontoll
135 revenues or add convenience or other value for its customers,
136 the department may enter into agreements with private or public
137 entities to use the electronic toll collection and video billing
138 systems of such entities to collect tolls, fares, administrative
139 fees, and other charges resulting from connection with the
140 transportation facilities of the entities which will become
141 interoperable with the department's electronic toll collection
142 system. The department may modify its rules regarding toll
143 collection procedures and the imposition of administrative
144 charges for toll facilities that are not part of the turnpike
145 system or otherwise owned by the department. This subsection
146 does not limit the authority of the department under any other
147 provision of law or under any agreement entered into before July
148 1, 2012.

149
150 Delete lines 2714 - 2717
151 and insert:

152 Section 54. Paragraph (a) of subsection (2), paragraph (a)
153 of subsection (4), and paragraph (b) of subsection (8) of
154 section 339.175, Florida Statutes, are amended to read:

155 339.175 Metropolitan planning organization.—

156 (2) DESIGNATION.—

157 (a)1. An M.P.O. shall be designated for each urbanized area



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158 of the state; however, ~~this does not require that~~ an individual
159 M.P.O. does not have to be designated for each such area. Such
160 designation shall be accomplished by agreement between the
161 Governor and units of general-purpose local government
162 representing at least 75 percent of the population of the
163 urbanized area; however, the unit of general-purpose local
164 government that represents the central municipality ~~city or~~
165 ~~cities~~ within the M.P.O. jurisdiction, as defined by the United
166 States Bureau of the Census, must be a party to such agreement.

167 2. To the extent possible, only one M.P.O. shall be
168 designated for each urbanized area or group of contiguous
169 urbanized areas. More than one M.P.O. may be designated within
170 an existing urbanized ~~metropolitan planning~~ area only if the
171 Governor and the existing M.P.O. determine that the size and
172 complexity of the existing urbanized ~~metropolitan planning~~ area
173 makes the designation of more than one M.P.O. for the area
174 appropriate.

175
176 Each M.P.O. required under this section must be fully operative
177 no later than 6 months following its designation.

178
179 Delete lines 2768 - 2774

180 and insert:

181 writing, agree to vary this submittal date. If more than one
182 M.P.O. exists within an urbanized area, the M.P.O.s must
183 coordinate in the development of regionally significant project
184 priorities. The list of project priorities must be formally

185
186 Between lines 2807 and 2808



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187 insert:

188 (4) (a) Projects to be funded with Transportation Regional
189 Incentive Program funds ~~shall~~, at a minimum, must:

190 1. ~~Support those transportation facilities that~~ Serve
191 national, statewide, or regional functions and function as part
192 of an integrated regional transportation system.

193 2. Be identified in the capital improvements element of a
194 comprehensive plan that has been determined to be in compliance
195 with part II of chapter 163, after July 1, 2005. ~~Further~~, The
196 project must also ~~shall~~ be in compliance with local government
197 comprehensive plan policies relative to corridor management.

198 3. Be consistent with the Strategic Intermodal System Plan
199 developed under s. 339.64.

200 4. Have a commitment for local, regional, or private
201 financial matching funds as a percentage of the overall project
202 cost.

203 (b) Projects funded under this section must be included in
204 the department's work program developed pursuant to s. 339.135.
205 In identifying projects to be funded with allocating
206 Transportation Regional Incentive Program funds, the department
207 must ensure that such projects meet the requirements of this
208 section and give priority ~~shall be given~~ to projects that:

209 1. Provide connectivity to the Strategic Intermodal System
210 developed under s. 339.64.

211 2. Support economic development and the movement of goods
212 in rural areas of critical economic concern designated under s.
213 288.0656(7).

214 3. Are subject to a local ordinance that establishes
215 corridor management techniques, including access management



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216 strategies, right-of-way acquisition and protection measures,
217 appropriate land use strategies, zoning, and setback
218 requirements for adjacent land uses.

219 4. Improve connectivity between military installations and
220 the Strategic Highway Network or the Strategic Rail Corridor
221 Network.

222
223 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

224 And the directory clause is amended as follows:

225 Delete lines 872 - 873

226 and insert:

227 Section 14. Subsections (1) through (4) of section 316.091,
228 Florida Statutes, are amended, present subsection (5) of that
229 section is renumbered as subsection (7), and new subsections (5)
230 and (6) are added to that section, to read:

231
232 Delete line 1998

233 and insert:

234 through (7), respectively, and new subsection (2) and subsection
235 (8) are added to

236
237 Delete line 2790

238 and insert:

239 Section 55. Subsections (1), (2), (3), and (4) of section

240
241 ===== T I T L E A M E N D M E N T =====

242 And the title is amended as follows:

243 Delete line 3

244 and insert:



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245 amending s. 20.23, F.S.; providing that the district
246 secretaries and the executive directors of the
247 Department of Transportation may be registered
248 professional engineers in accordance with the laws of
249 another state; deleting obsolete provisions;

250
251 Delete line 73

252 and insert:

253 a human-operated vehicle on a limited access highway;
254 authorizing the department and expressway authorities
255 to designate the use of shoulders of limited access
256 facilities and interstate highways for vehicular
257 traffic under certain conditions;

258
259 Delete line 89

260 and insert:

261 by the act; amending s. 332.08, F.S.; authorizing a
262 municipality participating in the Federal Aviation
263 Administration's pilot program on the private
264 ownership of airports to lease or sell airport
265 property to a private party; providing for department
266 approval under certain conditions; reordering and
267 amending s. 334.03, F.S.;

268
269 Delete lines 113 - 114

270 and insert:

271 s. 336.021, F.S.; revising the date for levying
272 certain fuel taxes; amending s. 336.025, F.S.;

273 revising the date for levying certain fuel taxes;



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274 specifying certain transportation program
275 expenditures; amending s. 337.11, F.S.;

276
277 Delete line 160

278 and insert:

279 department; authorizing the department or other
280 governmental entity to retain an attorney or
281 collection agent to collect unpaid tolls and add the
282 cost of such services to the amount collected;
283 creating s. 338.151, F.S.; authorizing the

284
285 Delete line 166

286 and insert:

287 certain circumstances; amending s. 338.161, F.S.;
288 authorizing the department to enter in agreements with
289 other entities for the use of the public or private
290 toll facilities under certain circumstances;
291 authorizing the department to modify its rules
292 regarding toll collection procedures and the
293 imposition of administrative charges for certain toll
294 facilities; amending s. 338.166, F.S.;

295
296 Delete lines 207 - 217

297 and insert:

298 reporting requirements; amending s. 339.175, F.S.;
299 revising provisions relating to the designation of
300 metropolitan planning organizations for urbanized
301 areas; revising provisions relating to representatives
302 of the department who serve as nonvoting advisers to



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303 such organization; requiring metropolitan planning
304 organizations in urbanized areas containing more than
305 one organization to coordinate in the development of
306 regionally significant project priorities; amending s.
307 339.2819, F.S.; conforming cross-references; revising
308 the state matching funds requirement for the
309 Transportation Regional Incentive Program; requiring
310 projects funded under the program to be included in
311 the department's work program; amending s. 339.285,
312 F.S.; conforming a