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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/28/2012	.	
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	.	

The Committee on Budget (Bogdanoff) recommended the following:

Senate Amendment (with title amendment)

Delete lines 921 - 949
and insert:
transportation facilities that serve intermodal logistics
centers that facilitate the conveyance or shipment of goods
through a seaport to or from an intermodal logistics center.

(1) For the purposes of this section, "intermodal logistics
center," including, but not limited to, an "inland port," means
a facility or group of facilities serving as a point of
intermodal transfer of freight in a specific area physically
separated from a seaport where activities relating to transport,
logistics, goods distribution, consolidation, or value-added



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14 activities are carried out and whose activities and services are
15 designed to support or be supported by conveyance or shipping
16 through one or more seaports, listed in s. 311.09.

17 (2) The department must consider, but is not limited to,
18 the following criteria when evaluating projects for Intermodal
19 Logistics Center Infrastructure Support Program assistance:

20 (a) The ability of the project to serve a strategic state
21 interest.

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

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

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

28 (e) A commitment of a funding match.

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

31 (g) The extent to which the owner has commitments,
32 including memorandums of understanding or memorandums of
33 agreements, with private sector businesses planning to locate
34 operations at the intermodal logistics center.

35
36 Delete lines 1596 - 1604
37 and insert:

38 (33) To develop, in coordination with its partners and
39 stakeholders, a Freight Mobility and Trade Plan to assist in
40 making freight mobility investments that contribute to the
41 economic growth of the state. Such plan should enhance the
42 integration and connectivity of the transportation system across



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43 and between transportation modes throughout the state. The
44 department shall deliver the Freight Mobility and Trade Plan to
45 the Governor and Legislature by July 1, 2013. Freight issues and
46 needs shall also be given emphasis in all appropriate
47 transportation plans, including the Florida Transportation Plan
48 and the Strategic Intermodal System Plan.

49
50 Delete line 1688

51 and insert:

52 the bridge. Nothing herein shall be construed as altering
53 existing jurisdictional responsibilities for the operation and
54 maintenance of bridges.

55
56 Delete lines 1829 - 1843.

57
58 Delete line 2367

59 and insert:

60 lanes or express lanes established on facilities owned by the
61 department located on Interstate 95 in Miami Dade

62
63 Delete line 3247

64 and insert:

65 3. Within 15 miles of the boundary of a rural area of

66
67 Delete lines 3473 - 3627

68 and insert:

69 Section 64. Section 341.840, Florida Statutes, is amended
70 to read:

71 341.840 Tax exemption.-



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72 (1) The exercise of the powers granted under ss. 341.8201-
73 341.842 ~~by this act~~ will be in all respects for the benefit of
74 the people of this state, for the increase of their commerce,
75 welfare, and prosperity, and for the improvement of their health
76 and living conditions. The design, construction, operation,
77 maintenance, and financing of a high-speed rail system by the
78 enterprise authority, its agent, or the owner or lessee thereof,
79 as herein authorized, constitutes the performance of an
80 essential public function.

81 (2) (a) For the purposes of this section, the term
82 "enterprise authority" does not include agents of the enterprise
83 authority other than contractors who qualify as such pursuant to
84 subsection (7).

85 (b) For the purposes of this section, any item or property
86 that is within the definition of the term "associated
87 development" in s. 341.8203(1) may ~~shall~~ not be considered ~~to be~~
88 part of the high-speed rail system as defined in s.
89 341.8203(3) ~~(6)~~.

90 (3) (a) Purchases or leases of tangible personal property or
91 real property by the enterprise authority, excluding agents of
92 the enterprise authority, are exempt from taxes imposed by
93 chapter 212 as provided in s. 212.08(6). Purchases or leases of
94 tangible personal property that is incorporated into the high-
95 speed rail system as a component part thereof, as determined by
96 the enterprise authority, by agents of the enterprise authority
97 or the owner of the high-speed rail system are exempt from sales
98 or use taxes imposed by chapter 212. Leases, rentals, or
99 licenses to use real property granted to agents of the
100 enterprise authority or the owner of the high-speed rail system



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101 are exempt from taxes imposed by s. 212.031 if the real property
102 becomes part of such system. The exemptions granted in this
103 subsection do not apply to sales, leases, or licenses by the
104 enterprise authority, agents of the authority, or the owner of
105 the high-speed rail system.

106 (b) The exemption granted in paragraph (a) to purchases or
107 leases of tangible personal property by agents of the enterprise
108 authority or by the owner of the high-speed rail system applies
109 only to property that becomes a component part of such system.
110 It does not apply to items, including, but not limited to,
111 cranes, bulldozers, forklifts, other machinery and equipment,
112 tools and supplies, or other items of tangible personal property
113 used in the construction, operation, or maintenance of the high-
114 speed rail system when such items are not incorporated into the
115 high-speed rail system as a component part thereof.

116 (4) Any bonds or other security, and all notes, mortgages,
117 security agreements, letters of credit, or other instruments
118 that arise out of or are given to secure the repayment of bonds
119 or other security, issued by the enterprise authority, or on
120 behalf of the enterprise authority, their transfer, and the
121 income therefrom, including any profit made on the sale thereof,
122 shall at all times be free from taxation of every kind by the
123 state, the counties, and the municipalities and other political
124 subdivisions in the state. This subsection, however, does not
125 exempt from taxation or assessment the leasehold interest of a
126 lessee in any project or any other property or interest owned by
127 the lessee. The exemption granted by this subsection is not
128 applicable to any tax imposed by chapter 220 on interest income
129 or profits on the sale of debt obligations owned by



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130 corporations.

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

135 (6) A leasehold interest held by the enterprise authority
136 is not subject to intangible tax. However, if a leasehold
137 interest held by the enterprise authority is subleased to a
138 nongovernmental lessee, such subleasehold interest shall be
139 deemed to be an interest described in s. 199.023(1)(d), Florida
140 Statutes 2005, and is subject to the intangible tax.

141 (7) (a) In order to be considered an agent of the enterprise
142 authority for purposes of the exemption from sales and use tax
143 granted by subsection (3) for tangible personal property
144 incorporated into the high-speed rail system, a contractor of
145 the enterprise authority that purchases or fabricates such
146 tangible personal property must be certified by the enterprise
147 authority as provided in this subsection.

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

150 2. A contractor must apply to the enterprise authority on
151 the application form adopted by the enterprise authority, which
152 shall develop the form in consultation with the Department of
153 Revenue.

154 3. The enterprise authority shall review each submitted
155 application and determine whether it is complete. The enterprise
156 authority shall notify the applicant of any deficiencies in the
157 application within 30 days. Upon receipt of a completed
158 application, the enterprise authority shall evaluate the



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159 application for exemption under this subsection and issue a
160 certification that the contractor is qualified to act as an
161 agent of the enterprise authority for purposes of this section
162 or a denial of such certification within 30 days. The enterprise
163 authority shall provide the Department of Revenue with a copy of
164 each certification issued upon approval of an application. Upon
165 receipt of a certification from the enterprise authority, the
166 Department of Revenue shall issue an exemption permit to the
167 contractor.

168 (c)1. The contractor may extend a copy of its exemption
169 permit to its vendors in lieu of paying sales tax on purchases
170 of tangible personal property qualifying for exemption under
171 this section. Possession of a copy of the exemption permit
172 relieves the seller of the responsibility of collecting tax on
173 the sale, and the Department of Revenue shall look solely to the
174 contractor for recovery of tax upon a determination that the
175 contractor was not entitled to the exemption.

176 2. The contractor may extend a copy of its exemption permit
177 to real property subcontractors supplying and installing
178 tangible personal property that is exempt under subsection (3).
179 Any such subcontractor may ~~is authorized to~~ extend a copy of the
180 permit to the subcontractor's vendors in order to purchase
181 qualifying tangible personal property tax-exempt. If the
182 subcontractor uses the exemption permit to purchase tangible
183 personal property that is determined not to qualify for
184 exemption under subsection (3), the Department of Revenue may
185 assess and collect any tax, penalties, and interest that are due
186 from either the contractor holding the exemption permit or the
187 subcontractor that extended the exemption permit to the seller.



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188 (d) Any contractor authorized to act as an agent of the
189 enterprise authority under this section shall maintain the
190 necessary books and records to document the exempt status of
191 purchases and fabrication costs made or incurred under the
192 permit. In addition, an authorized contractor extending its
193 exemption permit to its subcontractors shall maintain a copy of
194 the subcontractor's books, records, and invoices indicating all
195 purchases made by the subcontractor under the authorized
196 contractor's permit. If, in an audit conducted by the Department
197 of Revenue, it is determined that tangible personal property
198 purchased or fabricated claiming exemption under this section
199 does not meet the criteria for exemption, the amount of taxes
200 not paid at the time of purchase or fabrication shall be
201 immediately due and payable to the Department of Revenue,
202 together with the appropriate interest and penalty, computed
203 from the date of purchase, in the manner prescribed by chapter
204 212.

205 (e) If a contractor fails to apply for a high-speed rail
206 system exemption permit, or if a contractor initially determined
207 by the enterprise authority to not qualify for exemption is
208 subsequently determined to be eligible, the contractor shall
209 receive the benefit of the exemption in this subsection through
210 a refund of previously paid taxes for transactions that
211 otherwise would have been exempt. A refund may not be made for
212 such taxes without the issuance of a certification by the
213 enterprise authority that the contractor was authorized to make
214 purchases tax-exempt and a determination by the Department of
215 Revenue that the purchases qualified for the exemption.

216 (f) The enterprise authority may adopt rules governing the



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217 application process for exemption of a contractor as an
218 authorized agent of the enterprise authority.

219 (g) The Department of Revenue may adopt rules governing the
220 issuance and form of high-speed rail system exemption permits,
221 the audit of contractors and subcontractors using such permits,
222 the recapture of taxes on nonqualified purchases, and the manner
223 and form of refund applications.

224

225 Delete lines 3628 - 3644

226 and insert:

227 Section 65. Subsection (3) of section 343.52, Florida
228 Statutes, is amended to read:

229 343.52 Definitions.—As used in this part, the term:

230 (3) "Area served" means Miami-Dade, Broward, and Palm Beach
231 Counties. However, this area may be expanded by mutual consent
232 of the authority and the board of county commissioners of
233 Martin, St. Lucie, or Monroe Counties ~~representing the proposed~~
234 ~~expansion area.~~ The department shall approve expansion into any
235 additional counties.

236 Section 66. Section 343.53, Florida Statutes, is amended to
237 read:

238 343.53 South Florida Regional Transportation Authority.—

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

243 (2) The governing board of the authority shall consist of
244 11 ~~nine~~ voting members and 1 ex officio nonvoting member, as
245 follows:



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

251 (b) The county commissions of Miami-Dade, Broward, and Palm
252 Beach Counties shall each appoint a citizen member to the board
253 who is not a member of the county commission but who is a
254 resident of the county from which he or she is appointed and a
255 qualified elector of that county. Insofar as practicable, the
256 citizen member shall represent the business and civic interests
257 of the community.

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

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

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

270 ~~2. The county commission of the county shall appoint a~~
271 ~~citizen member to the board who is not a member of the county~~
272 ~~commission but who is a resident and a qualified elector of that~~
273 ~~county. Insofar as is practicable, the citizen member shall~~
274 ~~represent the business and civic interests of the community.~~



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275 3. The Governor shall appoint a citizen member to the board
276 who is not a member of the county commission but who is a
277 resident and a qualified elector of that county.

278 ~~(d)~~~~(e)~~ The Governor shall appoint five ~~two~~ members to the
279 board who are residents and qualified electors in the area
280 served by the authority but who are not residents of the same
281 county and also not residents of the county in which the
282 district secretary who was appointed pursuant to paragraph (c)
283 is a resident.

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

287 ~~(b) The terms of the board members currently serving on the~~
288 ~~authority that is being succeeded by this act shall expire July~~
289 ~~30, 2003, at which time the terms of the members appointed~~
290 ~~pursuant to subsection (2) shall commence. The Governor shall~~
291 ~~make his or her appointments to the board within 30 days after~~
292 ~~July 30, 2003.~~

293 (4) A vacancy during a term shall be filled by the
294 respective appointing authority in the same manner as the
295 original appointment and only for the balance of the unexpired
296 term.

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

300 Section 67. Subsection (5) of section 343.54, Florida
301 Statutes, is amended to read:

302 343.54 Powers and duties.—

303 (5) The authority, by a resolution of its governing board,



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304 may expand its service area into Martin, St. Lucie, or Monroe
305 Counties and ~~enter into a partnership with any county that is~~
306 ~~contiguous to the service area of the authority.~~ The board shall
307 determine the conditions and terms of the partnership, except as
308 provided herein. However, the authority may not expand its
309 service area without the consent of the board of county
310 commissioners representing the proposed expansion area, and a
311 county may not be added to the service area except in the year
312 that federal reauthorization legislation for transportation
313 funds is enacted. The department shall approve the expansion
314 into any additional counties.

315
316 Delete line 4334
317 and insert:
318 120.54(5). However, a resolution, rule, or formal action is not
319 binding unless a quorum is physically present at the noticed
320 meeting location, and only members physically present may vote
321 on any item.

322
323 Between lines 4673 and 4674
324 insert:
325 Section 101. Subsection (7) of section 215.616, Florida
326 Statutes, is amended to read:
327 215.616 State bonds for federal aid highway construction.-
328 ~~(7) Up to \$325 million in bonds may be issued for the~~
329 ~~Mobility 2000 Initiative with emphasis on the Florida Intrastate~~
330 ~~Highway System to advance projects in the most cost-effective~~
331 ~~manner and to support emergency evacuation, improved access to~~
332 ~~urban areas, or the enhancement of trade and economic growth~~



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333 ~~corridors of statewide and regional significance which promote~~
334 ~~Florida's economic growth.~~

335 Section 102. Subsection (3) of section 288.063, Florida
336 Statutes, is amended to read:

337 288.063 Contracts for transportation projects.—

338 (3) With respect to any contract executed pursuant to this
339 section, the term "transportation project" means a
340 transportation facility as defined in s. 334.03(30) ~~s.~~
341 ~~334.03(31)~~ which is necessary in the judgment of the department
342 to facilitate the economic development and growth of the state.
343 Such transportation projects shall be approved only as a
344 consideration to attract new employment opportunities to the
345 state or expand or retain employment in existing companies
346 operating within the state, or to allow for the construction or
347 expansion of a state or federal correctional facility in a
348 county having ~~with~~ a population of 75,000 or less that creates
349 new employment opportunities or expands or retains employment in
350 the county. The department shall institute procedures to ensure
351 that small and minority businesses have equal access to funding
352 provided under this section. Funding for approved transportation
353 projects may include any expenses, other than administrative
354 costs and equipment purchases specified in the contract,
355 necessary for new, or improvement to existing, transportation
356 facilities. Funds made available pursuant to this section may
357 not be expended in connection with the relocation of a business
358 from one community to another community in this state unless the
359 department determines that without such relocation the business
360 will move outside this state or determines that the business has
361 a compelling economic rationale for the relocation which creates



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362 additional jobs. Subject to appropriation for projects under
363 this section, any appropriation greater than \$10 million shall
364 be allocated to each of the districts of the Department of
365 Transportation to ensure equitable geographical distribution.
366 Such allocated funds that remain uncommitted by the third
367 quarter of the fiscal year shall be reallocated among the
368 districts based on pending project requests.

369 Section 103. Subsection (2) of section 338.222, Florida
370 Statutes, is amended to read:

371 338.222 Department of Transportation sole governmental
372 entity to acquire, construct, or operate turnpike projects;
373 exception.—

374 (2) The department may contract with any local governmental
375 entity as defined in s. 334.03(13) ~~s. 334.03(14)~~ for the design,
376 right-of-way acquisition, or construction of any turnpike
377 project which the Legislature has approved. Local governmental
378 entities may negotiate with the department for the design,
379 right-of-way acquisition, and construction of any section of the
380 turnpike project within areas of their respective jurisdictions
381 or within counties with which they have interlocal agreements.

382 Section 104. Subsection (2) of section 341.8225, Florida
383 Statutes, is amended to read:

384 341.8225 Department of Transportation sole governmental
385 entity to acquire, construct, or operate high-speed rail
386 projects; exception.—

387 (2) Local governmental entities, as defined in s.
388 334.03(13) ~~s. 334.03(14)~~, may negotiate with the department for
389 the design, right-of-way acquisition, and construction of any
390 component of the high-speed rail system within areas of their



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391 respective jurisdictions or within counties with which they have
392 interlocal agreements.

393 Section 105. Subsection (27) of section 479.01, Florida
394 Statutes, is amended to read:

395 479.01 Definitions.—As used in this chapter, the term:

396 (27) "Urban area" has the same meaning as defined in s.
397 334.03(31) ~~s. 334.03(32)~~.

398 Section 106. Subsection (1) of section 479.07, Florida
399 Statutes, is amended to read:

400 479.07 Sign permits.—

401 (1) Except as provided in ss. 479.105(1)(e) and 479.16, a
402 person may not erect, operate, use, or maintain, or cause to be
403 erected, operated, used, or maintained, any sign on the State
404 Highway System outside an urban area, as defined in s.
405 334.03(31) ~~s. 334.03(32)~~, or on any portion of the interstate or
406 federal-aid primary highway system without first obtaining a
407 permit for the sign from the department and paying the annual
408 fee as provided in this section. As used in this section, the
409 term "on any portion of the State Highway System, interstate, or
410 federal-aid primary system" means a sign located within the
411 controlled area which is visible from any portion of the main-
412 traveled way of such system.

413 Section 107. Subsection (5) of section 479.261, Florida
414 Statutes, is amended to read:

415 479.261 Logo sign program.—

416 (5) At a minimum, permit fees for businesses that
417 participate in the program must be established in an amount
418 sufficient to offset the total cost to the department for the
419 program, including contract costs. The department shall provide



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420 the services in the most efficient and cost-effective manner
421 through department staff or by contracting for some or all of
422 the services. The department shall adopt rules that set
423 reasonable rates based upon factors such as population, traffic
424 volume, market demand, and costs for annual permit fees.
425 However, annual permit fees for sign locations inside an urban
426 area, as defined in s. 334.03(31) ~~s. 334.03(32)~~, may not exceed
427 \$3,500, and annual permit fees for sign locations outside an
428 urban area, as defined in s. 334.03(31) ~~s. 334.03(32)~~, may not
429 exceed \$2,000. After recovering program costs, the proceeds from
430 the annual permit fees shall be deposited into the State
431 Transportation Trust Fund and used for transportation purposes.

432
433
434 ===== T I T L E A M E N D M E N T =====

435 And the title is amended as follows:

436 Delete lines 286 - 288

437 and insert:

438 references to the "enterprise"; amending s. 343.52,
439 F.S.; revising the definition of the term "area
440 served" for purposes of provisions for the South
441 Florida Regional Transportation Authority; revising a
442 provision for expansion of the area; amending s.
443 343.53, F.S.; revising the number of members of and
444 criteria for appointment to the board of the South
445 Florida Regional Transportation Authority; amending s.
446 343.54, F.S.; revising a provision authorizing the
447 authority to expand its service area; transferring
448 control of the Mid-Bay Bridge



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449 Between lines 462 and 463
450 insert:
451 amending ss. 215.616, 288.063, 338.222, 341.8225,
452 479.01, 479.07, and 479.261, F.S., relating to
453 contracts for transportation projects, turnpike
454 projects, high-speed rail projects, outdoor
455 advertising, and the logo sign program, respectively;
456 deleting obsolete language; revising references to
457 conform to the incorporation of the Florida Intrastate
458 Highway System into the Strategic Intermodal System
459 and to changes made by the act;