

By Senator Latvala

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1 A bill to be entitled
2 An act relating to the Department of Transportation;
3 amending s. 20.23, F.S.; deleting obsolete provisions;
4 authorizing the department to maintain training
5 programs for employees; authorizing incremental
6 increases to base salary for successful completion of
7 training phases; amending s. 206.41, F.S.; revising
8 the definition of the term "agricultural and
9 aquacultural purposes" for the purpose of obtaining a
10 refund of the state motor fuel tax; amending s.
11 282.0041, F.S.; revising the definition of the term
12 "agency" under part I of ch. 282, F.S., to exclude the
13 Office of Toll Operations of the Florida Turnpike
14 Enterprise; amending s. 282.0055, F.S.; exempting the
15 Office of Toll Operations and the Florida Turnpike
16 Enterprise from state information technology
17 management efforts; amending s. 282.201, F.S.;
18 removing the department's toll offices from the
19 schedule for consolidating agency data centers during
20 the 2014-2015 fiscal year; providing a directive to
21 the Division of Statutory Revision; amending s.
22 311.07, F.S.; increasing funding for the Florida
23 Seaport Transportation and Economic Development
24 Program; requiring the program's council to develop
25 guidelines for program funding; revising the list of
26 projects eligible for program funding; deleting a cap
27 on distribution of program funds to eligible ports;
28 amending s. 311.09, F.S.; revising the rule criteria
29 for evaluating a potential Florida Seaport

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30 Transportation and Economic Development Council
31 project; deleting provisions relating to project
32 review by the Department of Community Affairs;
33 requiring projects to be consistent with the Statewide
34 Seaport and Waterways System Plan; revising the
35 criteria used by the Departments of Transportation and
36 Economic Opportunity to review project applications
37 approved by the council; 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 grant program; creating s. 311.10, F.S.;
42 establishing the Strategic Port Investment Initiative
43 within the department; providing annual funding from
44 the State Transportation Trust Fund; directing the
45 department to work with deepwater ports to develop and
46 maintain a specified priority list of strategic
47 investment projects; providing project selection
48 criteria; requiring the department to schedule a
49 publicly noticed workshop with the Department of
50 Economic Opportunity and the deepwater ports to review
51 proposed projects; directing the department to include
52 seaport projects proposed for funding in the tentative
53 work program; excluding project funding from the
54 requirement that a minimum of 15 percent of state
55 revenues deposited into the State Transportation Fund
56 be committed to specified public transportation
57 projects; creating s. 311.101, F.S.; establishing the
58 Intermodal Logistics Center Infrastructure Support

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59 Program within the department to fund projects
60 conveying or shipping goods through a seaport;
61 defining the term "intermodal logistics center";
62 providing project criteria; providing for funding;
63 authorizing the department to adopt rules; amending s.
64 311.14, F.S.; directing the department to develop a
65 Statewide Seaport and Waterways System Plan; deleting
66 provisions relating to the development and integration
67 of freight mobility and trade corridor plans; amending
68 s. 311.22, F.S.; conforming a cross-reference;
69 amending s. 316.003, F.S.; revising the definition of
70 the term "motor vehicle" for purposes of the payment
71 of tolls; amending s. 316.091, F.S.; revising
72 provisions relating to prohibitions against operating
73 a human-operated vehicle on a limited access highway;
74 requiring the department to establish a pilot program
75 to open certain limited access highways and bridges to
76 bicycles and other human-powered vehicles; providing
77 requirements for the program; requiring a report;
78 amending s. 316.1001, F.S.; revising provisions
79 relating to mailing citations for failing to pay a
80 toll; amending s. 316.2122, F.S.; deleting a cross-
81 reference; amending s. 316.515, F.S.; revising
82 provisions related to the maximum allowed length of
83 straight truck-trailer combinations; revising
84 provisions relating to farm equipment; amending s.
85 318.12, F.S.; conforming provisions to changes made by
86 the act; amending s. 320.01, F.S.; revising the
87 definition of the term "low-speed vehicle"; amending

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88 s. 320.20, F.S.; conforming provisions to changes made
89 by the act; reordering and amending s. 334.03, F.S.;
90 revising definitions for purposes of the Florida
91 Transportation Code; amending s. 334.044, F.S.;
92 revising the powers and duties of the department
93 relating to jurisdictional responsibility, the
94 designation of facilities, and highway landscaping,
95 and adding a duty to develop freight mobility and
96 trade plans; amending s. 334.047, F.S.; deleting a
97 prohibition preventing the department from
98 establishing a maximum number of miles of urban
99 principal arterial roads; amending s. 335.02, F.S.;
100 revising references to conform to the incorporation of
101 the Florida Intrastate Highway System into the
102 Strategic Intermodal System; amending s. 335.074,
103 F.S.; requiring the governmental entity having
104 maintenance responsibility for a bridge to reduce the
105 maximum limits for the bridge in accordance with a
106 bridge inspection report and post such limits as
107 specified; requiring the governmental entity to
108 immediately close a bridge if recommended in the
109 report; amending s. 335.17, F.S., relating to highway
110 construction noise abatement; clarifying project
111 eligibility provisions governing noise abatement;
112 updating a reference to a federal regulation; amending
113 ss. 336.021 and 336.025, F.S.; revising the date for
114 levying certain fuel taxes; amending s. 337.11, F.S.;
115 revising the department's advertising requirements for
116 bids on certain construction contracts; amending s.

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117 337.111, F.S.; providing additional forms of security
118 for the cost of removing or modifying monuments or
119 memorials at highway rest areas; amending s. 337.125,
120 F.S.; revising provisions relating to the submission
121 of information documenting that a subcontract is with
122 a disadvantaged business enterprise; repealing s.
123 337.137, F.S., relating to subcontract limitations by
124 socially and economically disadvantaged business
125 enterprises; amending s. 337.139, F.S.; updating a
126 reference to federal law as it relates to encouraging
127 the award of contracts to socially and economically
128 disadvantaged business enterprises; amending s.
129 337.14, F.S.; specifying when an application for
130 qualification to bid on a department contract is
131 timely; authorizing certain applicants to submit
132 reviewed annual or reviewed interim financial
133 statements accompanied by the opinion of a certified
134 public accountant; amending ss. 337.403 and 337.404,
135 F.S.; clarifying provisions relating to responsibility
136 for the work and costs for alleviating interference on
137 a public road or publicly owned rail corridor caused
138 by a utility facility; requiring the utility owner to
139 initiate and complete the work necessary within a
140 certain time period; providing for notice to the
141 utility; revising provisions for payment of costs;
142 revising provisions for completion of work when the
143 utility owner does not perform the work; amending s.
144 337.408, F.S.; revising provisions for certain
145 facilities installed within the right-of-way limits of

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146 a road; requiring counties and municipalities to
147 indemnify the department from certain claims relating
148 to the installation, removal, or relocation of a
149 noncompliant bench or shelter; authorizing the
150 department to remove or relocate a noncompliant
151 installation and charge the cost to the county or
152 municipality; removing a provision for the replacement
153 of an unusable transit bus bench that was in service
154 before a certain date; providing a directive to the
155 Division of Statutory Revision; repealing s. 338.001,
156 F.S., relating to the Florida Intrastate Highway
157 System Plan; amending s. 338.01, F.S.; clarifying
158 provisions governing the designation and function of
159 limited access facilities established by the
160 department; creating s. 338.151, F.S.; authorizing the
161 department to establish tolls on certain
162 transportation facilities to pay for the cost of such
163 project; amending s. 338.155, F.S.; authorizing the
164 department to allow the use of certain toll facilities
165 by certain vehicles without paying the tolls under
166 certain circumstances; amending s. 338.166, F.S.;
167 removing a location restriction on the issuing of
168 bonds secured by toll revenues; restricting the use of
169 remaining tolls revenues to the county or counties in
170 which the revenues were collected or to support
171 express bus service on the facility where the toll
172 revenues were collected; amending s. 338.221, F.S.;
173 revising the definition of the term "economically
174 feasible" for purposes of proposed turnpike projects;

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175 amending s. 338.223, F.S.; revising a provision
176 relating to department requests for legislative
177 approval of proposed turnpike projects; conforming a
178 cross-reference; amending s. 338.227, F.S.; replacing
179 a reference to the Florida Intrastate Highway System
180 Plan with a reference to the Strategic Intermodal
181 System Plan; amending ss. 338.2275 and 338.228, F.S.;
182 conforming cross-references; amending s. 338.231,
183 F.S.; authorizing the department to assess an
184 administrative fee as an account maintenance charge
185 for inactive prepaid toll accounts; amending s.
186 338.234, F.S.; replacing a reference to the Florida
187 Intrastate Highway System with a reference to the
188 Strategic Intermodal System; amending s. 339.0805,
189 F.S.; revising provisions relating to the
190 certification of socially and economically
191 disadvantaged individuals; deleting provisions
192 requiring a periodic disparity study; deleting
193 obsolete provisions; revising the timeframe for
194 notifying the department of any change in ownership of
195 a qualifying individual or individuals; conforming
196 provisions to changes made by the act; updating
197 references to federal law; amending s. 339.135, F.S.;
198 providing a cross-reference; revising threshold
199 amounts for the review of amendments to the
200 department's adopted work program; directing the
201 department to index the budget amendment threshold
202 amounts as specified; amending s. 339.155, F.S.;
203 providing a cross-reference to federally required

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204 transportation planning factors; clarifying and
205 revising provisions relating to the Florida
206 Transportation Plan; deleting duplicative performance
207 reporting requirements; amending s. 339.175, F.S.;
208 revising provisions relating to representatives of the
209 department who serve as nonvoting advisers to a
210 metropolitan planning organization; requiring
211 metropolitan planning organizations in urbanized areas
212 containing more than one metropolitan planning
213 organization to adopt a single list of project
214 priorities; amending s. 339.2819, F.S.; conforming
215 cross-references; revising the state matching funds
216 requirement for the Transportation Regional Incentive
217 Program; amending s. 339.285, F.S.; conforming a
218 cross-reference; amending s. 339.62, F.S.; replacing a
219 reference to the Florida Intrastate Highway System
220 with a reference to highway corridors; revising the
221 facility component types; amending s. 339.63, F.S.;
222 adding military access facilities to the types of
223 facilities included in the Strategic Intermodal System
224 and the Emerging Strategic Intermodal System; amending
225 s. 339.64, F.S.; deleting provisions creating the
226 Statewide Intermodal Transportation Advisory Council;
227 creating s. 339.65, F.S.; requiring the department to
228 plan and develop Strategic Intermodal System highway
229 corridors to aid traffic movement; specifying
230 components of the system; requiring the department to
231 follow specified policy guidelines when developing the
232 corridors; requiring the department to develop a plan

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233 for corridor projects; specifying an appropriation
234 amount for developing the corridor; requiring
235 strategic highway projects to be a part of the
236 department's adopted work program; amending s.
237 341.053, F.S.; replacing a reference to the Florida
238 Intrastate Highway System with a reference to the
239 Strategic Intermodal System; amending s. 341.840,
240 F.S., relating to tax exemptions in connection with
241 the high-speed rail system; replacing obsolete
242 references to the "authority" with references to the
243 "department"; amending s. 343.52, F.S.; revising the
244 definition of the term "area served" to remove the
245 authority of the South Florida Regional Transportation
246 Authority to expand the area; amending s. 343.53,
247 F.S.; revising the membership of the board of the
248 authority; amending s. 349.04, F.S.; authorizing the
249 Jacksonville Transportation Authority to conduct
250 public meetings and workshops by means of media
251 technology; amending s. 373.413, F.S.; providing
252 legislative intent regarding flexibility in permitting
253 stormwater management systems serving state
254 transportation projects; requiring the cost of
255 stormwater treatment for a transportation project to
256 be balanced with benefits to the public; absolving the
257 department of responsibility for the abatement of
258 pollutants entering its stormwater facilities from
259 offsite sources and from updating permits for adjacent
260 lands impacted by right-of-way acquisition;
261 authorizing the water management districts and the

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262 Department of Environmental Protection to adopt rules;
263 amending s. 373.4137, F.S.; revising mitigation
264 requirements for transportation projects to include
265 other mitigation options; providing for the release of
266 escrowed mitigation funds under certain circumstances;
267 clarifying responsibility for mitigation projects as
268 specified; providing for the exclusion of projects
269 from a mitigation plan upon the election of one or
270 more agencies; amending s. 403.7211, F.S.; conforming
271 provisions to changes made by the act; repealing s.
272 479.28, F.S., relating to a rest area information or
273 device program within the department; authorizing the
274 department to seek Federal Highway Administration
275 approval of a tourist-oriented commerce sign pilot
276 program and submit the approved program for
277 legislative approval; providing for a review by the
278 Pinellas Suncoast Transit Authority and the
279 Hillsborough Area Regional Transit Authority to
280 consider and identify opportunities and greater
281 efficiency and service improvements for increasing
282 connectivity between each authority; requiring a
283 report to the Legislature; requiring the Tampa Bay
284 Area Regional Transportation Authority to provide
285 assistance; providing an effective date.

286

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

288

289 Section 1. Paragraph (b) of subsection (5) of section
290 20.23, Florida Statutes, is amended, and subsection (7) is added

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291 to that section, to read:

292 20.23 Department of Transportation.—There is created a
293 Department of Transportation which shall be a decentralized
294 agency.

295 (5)

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

300 (7) The department may maintain training programs for
301 department employees and prospective employees in order to
302 provide:

303 (a) Broad practical expertise in the field of
304 transportation engineering leading to licensure as a
305 professional engineer for those employees who are graduates from
306 an approved engineering curriculum of 4 years or more in a
307 school, college, or university approved by the Board of
308 Professional Engineers.

309 (b) Broad practical experience and enhanced knowledge in
310 the areas of right-of-way acquisition, right-of-way property
311 management, real estate appraisal, and business valuation.

312
313 The training programs may provide for incremental increases to
314 base salary for all employees enrolled in the programs who
315 successfully complete training phases.

316
317 Section 2. Paragraph (c) of subsection (4) of section
318 206.41, Florida Statutes, is amended to read:

319 206.41 State taxes imposed on motor fuel.—

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320 (4)

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

326 2. As used in ~~For the purposes of~~ this paragraph, the term
327 "agricultural and aquacultural purposes" means motor fuel used
328 in any tractor, vehicle, or other farm equipment that ~~which~~ is
329 used exclusively on a farm or for processing farm products on
330 the farm, and no part of which fuel is used in any vehicle or
331 equipment driven or operated upon the public highways of this
332 state. This restriction does not apply to the movement of a farm
333 vehicle, ~~or~~ farm equipment, citrus harvesting equipment, or
334 citrus fruit loaders between farms. The transporting of bees by
335 water and the operating of equipment used in the apiary of a
336 beekeeper are ~~shall be~~ also deemed an agricultural purpose.

337 3. As used in ~~For the purposes of~~ this paragraph, the term
338 "commercial fishing and aquacultural purposes" means motor fuel
339 used in the operation of boats, vessels, or equipment used
340 exclusively for the taking of fish, crayfish, oysters, shrimp,
341 or sponges from salt or fresh waters under the jurisdiction of
342 the state for resale to the public, and no part of which fuel is
343 used in any vehicle or equipment driven or operated upon the
344 highways of this state; however, the term does not ~~may in no way~~
345 ~~be construed to~~ include fuel used for sport or pleasure fishing.

346 4. As used in ~~For the purposes of~~ this paragraph, the term
347 "commercial aviation purposes" means motor fuel used in the
348 operation of aviation ground support vehicles or equipment, no

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349 part of which fuel is used in any vehicle or equipment driven or
350 operated upon the public highways of this state.

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

353 282.0041 Definitions.—As used in this chapter, the term:

354 (1) "Agency" has the same meaning as in s. 216.011(1)(qq),
355 except that for purposes of this chapter, "agency" does not
356 include university boards of trustees, ~~or~~ state universities, or
357 the Office of Toll Operations of the Florida Turnpike
358 Enterprise.

359 Section 4. Section 282.0055, Florida Statutes, is amended
360 to read:

361 282.0055 Assignment of information technology.—In order to
362 ensure the most effective and efficient use of the state's
363 information technology and information technology resources and
364 notwithstanding any other provisions of law ~~to the contrary,~~
365 policies for the design, planning, project management, and
366 implementation of enterprise information technology services is
367 ~~shall be~~ the responsibility of the Agency for Enterprise
368 Information Technology for executive branch agencies created or
369 authorized by law in statute to perform legislatively delegated
370 functions. The supervision, design, delivery, and management of
371 agency information technology remains ~~shall remain~~ within the
372 responsibility and control of the individual state agency.
373 Notwithstanding any other provision of law, information
374 technology used in the Department of Transportation's Office of
375 Toll Operations or the Florida Turnpike Enterprise is exempt
376 from this part.

377 Section 5. Paragraph (h) of subsection (4) of section

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378 282.201, Florida Statutes, is amended to read:

379 282.201 State data center system; agency duties and
380 limitations.—A state data center system that includes all
381 primary data centers, other nonprimary data centers, and
382 computing facilities, and that provides an enterprise
383 information technology service as defined in s. 282.0041, is
384 established.

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

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

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

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

393 3. The Department of Military Affairs' Camp Blanding Joint
394 Training Center in Starke.

395 4. The Department of Community Affairs' Camp Blanding
396 Emergency Operations Center in Starke.

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

399 6. The Department of Education's disaster recovery site at
400 Santa Fe College.

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

403 8. The Fish and Wildlife Conservation Commission's Fish and
404 Wildlife Research Institute in St. Petersburg.

405 9. The Department of Children and Family Services' Suncoast
406 Data Center in Tampa.

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407 10. The Department of Children and Family Services' Florida
408 State Hospital in Chattahoochee.

409 Section 6. The Division of Statutory Revision is requested
410 to rename chapter 311, Florida Statutes, as "Seaport Facilities
411 and Programs."

412 Section 7. Section 311.07, Florida Statutes, is amended to
413 read:

414 311.07 Florida seaport transportation and economic
415 development funding.—

416 (1) There is created the Florida Seaport Transportation and
417 Economic Development (FSTED) Program within the Department of
418 Transportation to finance port transportation or port facilities
419 projects that will improve the movement and intermodal
420 transportation of cargo or passengers in commerce and trade and
421 ~~that will~~ support the interests, purposes, and requirements of
422 all ports listed in s. 311.09(1) located in this state.

423 (2) A minimum of \$15 ~~\$8~~ million per year shall be made
424 available from the State Transportation Trust Fund to fund the
425 FSTED Florida Seaport Transportation and Economic Development
426 Program. The Florida Seaport Transportation and Economic
427 Development Council created in s. 311.09 shall develop
428 guidelines for the use of project funding. Council staff, the
429 Department of Transportation, and the Department of Economic
430 Opportunity shall work cooperatively to review projects and
431 allocate funds in accordance with the schedule for including
432 projects in the Department of Transportation's tentative work
433 program developed pursuant to s. 339.135(4).

434 (3) (a) FSTED Program funds shall be used to fund approved
435 projects on a 50-50 matching basis with a ~~any of the~~ deepwater

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436 port ports, as listed in s. 311.09(1) ~~403.021(9)(b)~~, which is
437 governed by a public body or ~~any~~ other deepwater port ~~which is~~
438 governed by a public body and which comply ~~complies~~ with the
439 water quality provisions of s. 403.061, the comprehensive master
440 plan requirements of s. 163.3178(2)(k), and the local financial
441 management and reporting provisions of part III of chapter 218.
442 However, program funds used to fund projects that involve the
443 rehabilitation of wharves, docks, berths, bulkheads, or similar
444 structures ~~shall~~ require a 25-percent match of funds. Program
445 funds also may be used by the Seaport Transportation and
446 Economic Development Council for data and analysis to ~~develop~~
447 ~~trade data information products which will~~ assist the state's
448 ~~Florida's~~ seaports and international trade.

449 (b) Projects eligible for funding by grants under the
450 program are limited to the following port facilities or port
451 transportation projects:

452 1. Transportation facilities within the jurisdiction of the
453 port.

454 2. The dredging or deepening of channels, turning basins,
455 or harbors.

456 3. The construction or rehabilitation of wharves, docks,
457 structures, jetties, piers, storage facilities, cruise
458 terminals, automated people mover systems, or any facilities
459 necessary or useful in connection with any of the foregoing.

460 4. The acquisition of vessel tracking systems, container
461 cranes, or other mechanized equipment used in the movement of
462 cargo or passengers in international commerce.

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

464 6. The acquisition, improvement, enlargement, or extension

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465 of existing port facilities.

466 7. Environmental protection projects that ~~which~~ are
467 necessary because of requirements imposed by a state agency as a
468 condition of a permit or other form of state approval; ~~which~~ are
469 necessary for environmental mitigation required as a condition
470 of a state, federal, or local environmental permit; ~~which~~ are
471 necessary for the acquisition of spoil disposal sites and
472 improvements to existing and future spoil sites; or ~~which~~ result
473 from the funding of eligible projects listed in this paragraph.

474 8. Transportation facilities as defined in s. 334.03~~(31)~~
475 which are not otherwise part of the Department of
476 Transportation's adopted work program.

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

479 10. Construction or rehabilitation of port facilities as
480 defined in s. 315.02, excluding any park or recreational
481 facilities, in ports listed in s. 311.09(1) which have with
482 operating revenues of \$5 million or less, if ~~provided that~~ such
483 projects create economic development opportunities, capital
484 improvements, and positive financial returns to such ports.

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

487 (c) To be eligible for consideration by the council
488 pursuant to this section, a project must be consistent with the
489 port comprehensive master plan that ~~which~~ is incorporated as
490 part of the approved local government comprehensive plan ~~as~~
491 required by s. 163.3178(2)(k) or other provisions of the
492 Community Planning Act, part II of chapter 163.

493 ~~(4) A port eligible for matching funds under the program~~

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494 ~~may receive a distribution of not more than \$7 million during~~
495 ~~any 1 calendar year and a distribution of not more than \$30~~
496 ~~million during any 5 calendar year period.~~

497 ~~(4)-(5)~~ Any port that ~~which~~ receives funding under the
498 program must ~~shall~~ institute procedures to ensure that jobs
499 created as a result of the state funding are ~~shall be~~ subject to
500 equal opportunity hiring practices in the manner provided in s.
501 110.112.

502 ~~(5)-(6)~~ The Department of Transportation may ~~shall~~ subject
503 any project that receives funds pursuant to this section and s.
504 320.20 to a final audit. The department may adopt rules and
505 perform such other acts as are necessary or convenient to ensure
506 that the final audits are conducted and that any deficiency or
507 questioned costs noted by the audit are resolved.

508 Section 8. Subsections (1) and (4) through (13) of section
509 311.09, Florida Statutes, are amended to read:

510 311.09 Florida Seaport Transportation and Economic
511 Development Council.—

512 (1) The Florida Seaport Transportation and Economic
513 Development (FSTED) Council is created within the Department of
514 Transportation. The council consists of the following 17 ~~18~~
515 members: the port director, or the port director's designee, of
516 each of the ports of Jacksonville, Port Canaveral, Port Citrus,
517 Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee,
518 St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key
519 West, and Fernandina; the secretary of the Department of
520 Transportation or his or her designee; and the director of the
521 Department of Economic Opportunity or his or her designee.

522 (4) The council shall adopt rules for evaluating projects

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523 ~~that~~ which may be funded under ss. 311.07 and 320.20. The rules
524 must ~~shall~~ provide criteria for evaluating the potential
525 project, including, but not limited to, consistency with
526 appropriate plans, economic benefit, readiness for construction,
527 noncompetition with other Florida ports, and capacity within the
528 seaport system ~~economic benefit of the project, measured by the~~
529 ~~potential for the proposed project to maintain or increase cargo~~
530 ~~flow, cruise passenger movement, international commerce, port~~
531 ~~revenues, and the number of jobs for the port's local community.~~

532 (5) The council shall review and approve or disapprove each
533 project eligible to be funded pursuant to the FSTED ~~Florida~~
534 ~~Seaport Transportation and Economic Development~~ Program. The
535 council shall annually submit to the Secretary of Transportation
536 and the executive director of the Department of Economic
537 Opportunity, or his or her designee, a list of projects that
538 ~~which~~ have been approved by the council. The list must ~~shall~~
539 specify the recommended funding level for each project; and, if
540 staged implementation of the project is appropriate, the funding
541 requirements for each stage must ~~shall~~ be specified.

542 ~~(6) The Department of Community Affairs shall review the~~
543 ~~list of projects approved by the council to determine~~
544 ~~consistency with approved local government comprehensive plans~~
545 ~~of the units of local government in which the port is located~~
546 ~~and consistency with the port master plan. The Department of~~
547 ~~Community Affairs shall identify and notify the council of those~~
548 ~~projects which are not consistent, to the maximum extent~~
549 ~~feasible, with such comprehensive plans and port master plans.~~

550 ~~(6)~~ ~~(7)~~ The Department of Transportation shall review the
551 list of project applications ~~projects~~ approved by the council

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552 for consistency with the Florida Transportation Plan, the
553 Statewide Seaport and Waterways System Plan, and the
554 department's adopted work program. In evaluating the consistency
555 of a project, the department shall assess the transportation
556 impacts and economic benefits for each project ~~determine whether~~
557 ~~the transportation impact of the proposed project is adequately~~
558 ~~handled by existing state-owned transportation facilities or by~~
559 ~~the construction of additional state-owned transportation~~
560 ~~facilities as identified in the Florida Transportation Plan and~~
561 ~~the department's adopted work program. In reviewing for~~
562 ~~consistency a transportation facility project as defined in s.~~
563 ~~334.03(31) which is not otherwise part of the department's work~~
564 ~~program, the department shall evaluate whether the project is~~
565 ~~needed to provide for projected movement of cargo or passengers~~
566 ~~from the port to a state transportation facility or local road.~~
567 ~~If the project is needed to provide for projected movement of~~
568 ~~cargo or passengers, the project shall be approved for~~
569 ~~consistency as a consideration to facilitate the economic~~
570 ~~development and growth of the state in a timely manner. The~~
571 Department of Transportation shall identify those projects that
572 ~~which~~ are inconsistent with the Florida Transportation Plan, the
573 Statewide Seaport and Waterways System Plan, or ~~and~~ the adopted
574 work program and ~~shall~~ notify the council of projects found to
575 be inconsistent.

576 (7)~~(8)~~ The Department of Economic Opportunity shall review
577 the list of project applications ~~projects~~ approved by the
578 council to evaluate the economic benefit of the project and to
579 determine whether the project is consistent with the Florida
580 Seaport Mission Plan and with state economic development goals

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581 and policies. The Department of Economic Opportunity shall
582 evaluate the proposed project's consistency with state,
583 regional, and local plans, as appropriate, and ~~review~~ the
584 economic benefits of each project based upon the rules adopted
585 pursuant to subsection (4). The Department of Economic
586 Opportunity shall identify those projects that ~~which~~ it has
587 determined do not offer an economic benefit to the state, are
588 not consistent with an appropriate plan, or are not consistent
589 with the Florida Seaport Mission Plan or state economic
590 development goals and policies and ~~shall~~ notify the council of
591 its findings.

592 ~~(8)-(9)~~ The council shall review the findings of the
593 Department of Economic Opportunity and the Department of
594 Transportation. Projects found to be inconsistent under
595 subsection pursuant to subsections (6) or subsection~~7~~ (7), or
596 ~~and (8) and projects which have been~~ determined not to offer an
597 economic benefit to the state, may ~~pursuant to subsection (8)~~
598 ~~shall~~ not be included in the list of projects to be funded.

599 ~~(9)-(10)~~ The Department of Transportation shall include at
600 least \$15 million per year in its annual legislative budget
601 request for the FSTED a Florida Seaport Transportation and
602 Economic Development grant program funded under s. 311.07 ~~for~~
603 ~~expenditure of funds of not less than \$8 million per year.~~ Such
604 budget must ~~shall~~ include funding for projects approved by the
605 council which have been determined by each agency to be
606 consistent ~~and which have been determined by the Department of~~
607 ~~Economic Opportunity to be economically beneficial.~~ The
608 department shall include the specific approved FSTED seaport
609 projects to be funded under s. 311.07 ~~this section~~ during the

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610 ensuing fiscal year in the tentative work program developed
611 pursuant to s. 339.135(4). The total amount of funding to be
612 allocated to FSTED ~~seaport~~ projects under s. 311.07 during the
613 successive 4 fiscal years must ~~shall~~ also be included in the
614 tentative work program developed pursuant to s. 339.135(4). The
615 council may submit to the department a list of approved projects
616 that could be made production-ready within the next 2 years. The
617 list shall be submitted by the department as part of the needs
618 and project list prepared pursuant to s. 339.135(2)(b). However,
619 the department shall, upon written request of the ~~Florida~~
620 ~~Seaport Transportation and Economic Development~~ council, submit
621 work program amendments pursuant to s. 339.135(7) to the
622 Governor within 10 days after the later of the date the request
623 is received by the department or the effective date of the
624 amendment, termination, or closure of the applicable funding
625 agreement between the department and the affected seaport, as
626 required to release the funds from the existing commitment.
627 Notwithstanding s. 339.135(7)(c), any work program amendment to
628 transfer prior year funds from one approved seaport project to
629 another seaport project is subject to ~~the procedures in~~ s.
630 339.135(7)(d). Notwithstanding any other provision of law ~~to the~~
631 ~~contrary~~, the department may transfer unexpended budget between
632 the seaport projects ~~as~~ identified in the approved work program
633 amendments.

634 (10) ~~(11)~~ The council shall meet at the call of its
635 chairperson, at the request of a majority of its membership, or
636 at such times as may be prescribed in its bylaws. However, the
637 council must meet at least semiannually. A majority of voting
638 members of the council constitutes a quorum for the purpose of

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639 transacting the business of the council. All members of the
640 council are voting members. A vote of the majority of the voting
641 members present is sufficient for any action of the council,
642 except that a member representing the Department of
643 Transportation or the Department of Economic Opportunity may
644 vote to overrule any action of the council approving a project
645 pursuant to subsection (5). The bylaws of the council may
646 require a greater vote for a particular action.

647 (11) ~~(12)~~ Members of the council shall serve without
648 compensation but are entitled to ~~receive~~ reimbursement for per
649 diem and travel expenses as provided in s. 112.061. The council
650 may elect to provide ~~an~~ administrative staff to provide services
651 to the council on matters relating to the FSTED ~~Florida Seaport~~
652 ~~Transportation and Economic Development~~ Program and the council.
653 The cost for such administrative services shall be paid by all
654 ports that receive funding from the FSTED ~~Florida Seaport~~
655 ~~Transportation and Economic Development~~ Program, based upon a
656 pro rata formula measured by each recipient's share of the funds
657 ~~as~~ compared to the total funds disbursed to all recipients
658 during the year. The share of costs for administrative services
659 shall be paid in its total amount by the recipient port upon
660 execution by the port and the Department of Transportation of a
661 joint participation agreement for each council-approved project,
662 and such payment is in addition to the matching funds required
663 to be paid by the recipient port. Except as otherwise exempted
664 by law, all moneys derived from the FSTED ~~Florida Seaport~~
665 ~~Transportation and Economic Development~~ Program shall be
666 expended in accordance with ~~the provisions of~~ s. 287.057.
667 Seaports subject to the competitive negotiation requirements of

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668 a local governing body must ~~shall~~ abide by the ~~provisions of~~ s.
669 287.055.

670 (12) ~~(13)~~ Until July 1, 2014, Citrus County may apply for a
671 grant through the ~~Florida Seaport Transportation and Economic~~
672 ~~Development~~ council to perform a feasibility study regarding the
673 establishment of a port in Citrus County. The council shall
674 evaluate such application pursuant to subsections (5)-(8) ~~(5)-~~
675 ~~(9)~~ and, if approved, the Department of Transportation shall
676 include the feasibility study in its budget request pursuant to
677 subsection (9) ~~(10)~~. If the study determines that a port in
678 Citrus County is not feasible, the membership of Port Citrus on
679 the council shall terminate.

680 Section 9. Section 311.10, Florida Statutes, is created to
681 read:

682 311.10 Strategic Port Investment Initiative.-

683 (1) The Strategic Port Investment Initiative is created
684 within the Department of Transportation. Beginning in the 2012-
685 2013 fiscal year, a minimum of \$35 million per year shall be
686 made available from the State Transportation Trust Fund to fund
687 the initiative. The Department of Transportation shall work with
688 the deepwater ports listed in s. 311.09 to develop and maintain
689 a priority list of strategic investment projects. Project
690 selection shall be based on projects that meet the state's
691 economic development goal of becoming a hub for trade,
692 logistics, and export-oriented activities by:

693 (a) Providing important access and major on-port capacity
694 improvements;

695 (b) Providing capital improvements to strategically
696 position the state to maximize opportunities in international

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697 trade, logistics, or the cruise industry;

698 (c) Achieving the state goals of an integrated intermodal
699 transportation system; and

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

702 (2) Before making final project allocations, the Department
703 of Transportation shall schedule a publicly noticed workshop
704 with the Department of Economic Opportunity and the deepwater
705 ports listed in s. 311.09(1) to review the proposed projects.
706 After considering all comments received, the Department of
707 Transportation shall finalize a prioritized list of potential
708 projects.

709 (3) To the maximum extent feasible, the Department of
710 Transportation shall include the seaport projects proposed to be
711 funded under this section in the tentative work program
712 developed pursuant to s. 339.135(4).

713 Section 10. Section 311.101, Florida Statutes, is created
714 to read:

715 311.101 Intermodal Logistics Center Infrastructure Support
716 Program.—The Intermodal Logistics Center Infrastructure Support
717 Program is created within the Department of Transportation. The
718 purpose of the program is to provide funds for roads, rail
719 facilities, or other means for conveying or shipping goods
720 through a seaport, thereby enabling the state to respond to
721 private sector market demands and meet the state's economic
722 development goal of becoming a hub for trade, logistics, and
723 export-oriented activities. The department may provide funds to
724 assist with local government projects or projects performed by
725 private entities which meet the public purpose of enhancing

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726 transportation facilities that convey or ship goods through a
727 seaport.

728 (1) As used in this section, the term "intermodal logistics
729 center" means a facility or group of facilities serving as a
730 point for the intermodal transfer of freight, located in a
731 specified area physically separated from a seaport, and where
732 activities relating to transport, logistics, goods distribution,
733 consolidation, or value-added activities are carried out and
734 whose activities and services are designed to support or be
735 supported by one or more seaports listed in s. 311.09(1).

736 (2) The department must consider, but is not limited to,
737 the following criteria when evaluating projects for program
738 assistance:

739 (a) The ability of the project to serve a strategic state
740 interest.

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

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

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

747 (e) A commitment of matching funds.

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

750 (g) The extent to which the owner has commitments,
751 including memoranda of understanding or memoranda agreements,
752 with private sector businesses planning to locate operations at
753 the inland port.

754 (h) A demonstration of local financial support and

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755 commitment to the project.

756 (3) The department shall coordinate and consult with the
757 Department of Economic Opportunity in the selection of projects
758 to be funded by the program.

759 (4) The department may administer contracts on behalf of
760 the entity selected to receive funding for a project.

761 (5) The department may provide up to 50 percent of project
762 costs for eligible projects.

763 (6) Beginning in the 2012-2013 fiscal year, up to \$5
764 million per year shall be made available for the program from
765 the State Transportation Trust Fund. The department shall
766 include projects proposed to be funded under this section in the
767 tentative work program developed pursuant to s. 339.135(4).

768 (7) The department may adopt rules to administer this
769 section.

770 Section 11. Section 311.14, Florida Statutes, is amended to
771 read:

772 311.14 Seaport planning.—

773 (1) The Department of Transportation, in coordination with
774 the ports listed in s. 311.09(1) and other partners, shall
775 develop a Statewide Seaport and Waterways System Plan. The plan
776 must be consistent with the goals of the Florida Transportation
777 Plan developed pursuant to s. 339.155 and must consider the
778 needs identified in individual port master plans, as well as
779 those from the seaport strategic plans required under this
780 section. The plan must identify 5-, 10-, and 20-year needs for
781 the seaport system and include seaport, waterway, road, and rail
782 projects that are needed to ensure the success of the
783 transportation system as a whole in supporting state economic

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784 development goals.

785 ~~(1) The Florida Seaport Transportation and Economic~~
786 ~~Development Council, in cooperation with the Office of the State~~
787 ~~Public Transportation Administrator within the Department of~~
788 ~~Transportation, shall develop freight-mobility and trade-~~
789 ~~corridor plans to assist in making freight-mobility investments~~
790 ~~that contribute to the economic growth of the state. Such plans~~
791 ~~should enhance the integration and connectivity of the~~
792 ~~transportation system across and between transportation modes~~
793 ~~throughout Florida for people and freight.~~

794 ~~(2) The Office of the State Public Transportation~~
795 ~~Administrator shall act to integrate freight-mobility and trade-~~
796 ~~corridor plans into the Florida Transportation Plan developed~~
797 ~~pursuant to s. 339.155 and into the plans and programs of~~
798 ~~metropolitan planning organizations as provided in s. 339.175.~~
799 ~~The office may also provide assistance in expediting the~~
800 ~~transportation permitting process relating to the construction~~
801 ~~of seaport freight-mobility projects located outside the~~
802 ~~physical borders of seaports. The Department of Transportation~~
803 ~~may contract, as provided in s. 334.044, with any port listed in~~
804 ~~s. 311.09(1) or any such other statutorily authorized seaport~~
805 ~~entity to act as an agent in the construction of seaport~~
806 ~~freight-mobility projects.~~

807 (2)(3) Each port shall develop a strategic plan that has
808 with a 10-year horizon. Each plan must include ~~the following~~:

809 (a) An economic development component that identifies
810 targeted business opportunities for increasing business and
811 attracting new business for which a particular facility has a
812 strategic advantage over its competitors, identifies financial

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813 resources and other inducements to encourage growth of existing
814 business and acquisition of new business, and provides a
815 projected schedule for attainment of the plan's goals.

816 (b) An infrastructure development and improvement component
817 that identifies all projected infrastructure improvements within
818 the plan area which require improvement, expansion, or
819 development in order for a port to attain a strategic
820 competitive advantage over ~~for competition with~~ national and
821 international competitors.

822 (c) A component that identifies all intermodal
823 transportation facilities, including sea, air, rail, or road
824 facilities, which are available or have potential, with
825 improvements, to be available for necessary national and
826 international commercial linkages and provides a plan for the
827 integration of port, airport, and railroad activities with
828 existing and planned transportation infrastructure.

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

832 (e) An intergovernmental coordination component that
833 specifies modes and methods to coordinate plan goals and
834 missions with the missions of the Department of Transportation,
835 other state agencies, and affected local, general-purpose
836 governments.

837

838 To the extent feasible, the port strategic plan must be
839 consistent with the local government comprehensive plans of the
840 units of local government in which the port is located.

841 (3) Upon approval of a plan by the port's board, the plan

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842 shall be submitted to the Florida Seaport Transportation and
843 Economic Development Council.

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

848 Section 12. Subsection (2) of section 311.22, Florida
849 Statutes, is amended to read:

850 311.22 Additional authorization for funding certain
851 dredging projects.—

852 (2) The council shall adopt rules for evaluating the
853 projects that may be funded pursuant to this section. The rules
854 must provide criteria for evaluating the economic benefit of the
855 project. The rules must include the creation of an
856 administrative review process by the council which is similar to
857 the process described in s. 311.09(5)-(11) ~~311.09(5)-(12)~~, and
858 provide for a review by the Department of Transportation and the
859 Department of Economic Opportunity of all projects submitted for
860 funding under this section.

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

863 316.003 Definitions.—The following words and phrases, when
864 used in this chapter, shall have the meanings respectively
865 ascribed to them in this section, except where the context
866 otherwise requires:

867 (21) MOTOR VEHICLE.—Any self-propelled vehicle not operated
868 upon rails or guideway, but not including any bicycle, motorized
869 scooter, electric personal assistive mobility device, or moped.
870 However, as used in s. 316.1001, the term "motor vehicle" has

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871 the same meaning as provided in s. 320.01.

872 Section 14. Subsections (1) through (4) of section 316.091,
873 Florida Statutes, are amended to read:

874 316.091 Limited access facilities; interstate highways; use
875 restricted.—

876 (1) A ~~No~~ person may not ~~shall~~ drive a vehicle onto or from
877 any limited access roadway except at such entrances and exits as
878 are established by public authority.

879 (2) Except as provided herein, a ~~no~~ person may not ~~shall~~
880 operate upon a limited access facility a ~~any~~ bicycle, motor-
881 driven cycle, animal-drawn vehicle, or any other vehicle that,
882 ~~which~~ by its design or condition, is incompatible with the safe
883 and expedient movement of traffic.

884 (3) A ~~No~~ person may not ~~shall~~ ride an ~~any~~ animal on ~~upon~~
885 any portion of a limited access facility.

886 (4) A ~~No~~ person may not ~~shall~~ operate a bicycle or other
887 human-powered vehicle on the roadway or along the shoulder of a
888 limited access highway, including bridges, unless official signs
889 and a designated marked bicycle lane are present at the entrance
890 of the section of highway indicating that such use is permitted
891 pursuant to a pilot program of the Department of Transportation
892 an interstate highway.

893 (5) The Department of Transportation shall establish a 2-
894 year pilot program in three urban areas in which it shall erect
895 signs and designate marked bicycle lanes indicating highway
896 approaches and bridge segments of limited access highways as
897 open to use by operators of bicycles and other human-powered
898 vehicles, under the following conditions:

899 (a) The limited access highway approaches and bridge

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900 segments chosen must cross a river, lake, bay, inlet, or surface
901 water where no street or highway crossing the water body is
902 available for use within 2 miles of the entrance to the limited
903 access facility as measured along the shortest public right-of-
904 way.

905 (b) The department, with the concurrence of the Federal
906 Highway Administration if interstate facilities are involved,
907 shall establish the three highway approaches and bridge segments
908 for the pilot project by October 1, 2012. In selecting the
909 highway approaches and bridge segments, the department shall
910 consider, without limitation, the minimum acceptable population
911 size in the urban area within 5 miles of the highway approach
912 and bridge segment, the lack of bicycle access by other means,
913 cost, safety, and operational impacts.

914 (c) The department shall begin the pilot program by
915 erecting signs and designating marked bicycle lanes indicating
916 highway approaches and bridge segments of limited access
917 highways, as qualified by the conditions described in this
918 subsection, as open to use by operators of bicycles and other
919 human-powered vehicles by January 1, 2013.

920 (d) The department shall conduct the pilot program for a
921 minimum of 2 years following the implementation date. The
922 department may continue to provide bicycle access on the highway
923 approaches and bridge segments chosen for the pilot program or
924 initiate bicycle access on other limited access facilities after
925 the end of the program.

926 (e) The department shall submit a report of its findings
927 and recommendations from the pilot program to the Governor, the
928 President of the Senate, and the Speaker of the House of

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929 Representatives by September 1, 2015. The report, at a minimum,
930 must include data on bicycle crashes occurring in the designated
931 segments of the pilot program, usage by operators of bicycles
932 and other human-powered vehicles, enforcement issues,
933 operational impacts, and the cost of the pilot program.

934 Section 15. Paragraph (b) of subsection (2) of section
935 316.1001, Florida Statutes, is amended to read:

936 316.1001 Payment of toll on toll facilities required;
937 penalties.—

938 (2)

939 (b) A citation issued under this subsection may be issued
940 by mailing the citation by first-class mail or certified mail,
941 ~~return receipt requested,~~ to the address of the registered owner
942 of the motor vehicle involved in the violation. Mailing Receipt
943 ~~of the citation to the address of the registered owner~~
944 constitutes notification. In the case of joint ownership of a
945 motor vehicle, the traffic citation must be mailed to the first
946 name appearing on the registration, unless the first name
947 appearing on the registration is a business organization, in
948 which case the second name appearing on the registration may be
949 used. ~~The A citation issued under this paragraph~~ must be mailed
950 ~~to the registered owner of the motor vehicle involved in the~~
951 ~~violation~~ within 14 days after the date of issuance ~~of the~~
952 ~~citation. In addition to the citation,~~ Notification must also be
953 sent to the registered owner of the motor vehicle involved in
954 the violation specifying remedies available under ss. 318.14(12)
955 and 318.18(7).

956 Section 16. Section 316.2122, Florida Statutes, is amended
957 to read:

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958 316.2122 Operation of a low-speed vehicle or mini truck on
959 certain roadways. ~~The operation of~~ A low-speed vehicle as
960 defined in s. 320.01(42) or a mini truck as defined in s.
961 320.01(45) may operate on any road ~~as defined in s. 334.03(15)~~
962 ~~or (33) is authorized~~ with the following restrictions:

963 (1) A low-speed vehicle or mini truck may be operated only
964 on streets where the posted speed limit is 35 miles per hour or
965 less. This does not prohibit a low-speed vehicle or mini truck
966 from crossing a road or street at an intersection where the road
967 or street has a posted speed limit of more than 35 miles per
968 hour.

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

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

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

979 (5) A county or municipality may prohibit the operation of
980 low-speed vehicles or mini trucks on any road under its
981 jurisdiction if the governing body of the county or municipality
982 determines that such prohibition is necessary in the interest of
983 safety.

984 (6) The Department of Transportation may prohibit the
985 operation of low-speed vehicles or mini trucks on any road under
986 its jurisdiction if it determines that such prohibition is

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987 necessary in the interest of safety.

988 Section 17. Paragraph (a) of subsection (3) and paragraphs
989 (a) and (c) of subsection (5) of section 316.515, Florida
990 Statutes, are amended to read:

991 316.515 Maximum width, height, length.—

992 (3) LENGTH LIMITATION.—Except as otherwise provided in this
993 section, length limitations apply solely to a semitrailer or
994 trailer, and not to a truck tractor or to the overall length of
995 a combination of vehicles. No combination of commercial motor
996 vehicles coupled together and operating on the public roads may
997 consist of more than one truck tractor and two trailing units.
998 Unless otherwise specifically provided for in this section, a
999 combination of vehicles not qualifying as commercial motor
1000 vehicles may consist of no more than two units coupled together;
1001 such nonqualifying combination of vehicles may not exceed a
1002 total length of 65 feet, inclusive of the load carried thereon,
1003 but exclusive of safety and energy conservation devices approved
1004 by the department for use on vehicles using public roads.
1005 Notwithstanding any other provision of this section, a truck
1006 tractor-semitrailer combination engaged in the transportation of
1007 automobiles or boats may transport motor vehicles or boats on
1008 part of the power unit; and, except as may otherwise be mandated
1009 under federal law, an automobile or boat transporter semitrailer
1010 may not exceed 50 feet in length, exclusive of the load;
1011 however, the load may extend up to an additional 6 feet beyond
1012 the rear of the trailer. The 50-foot length limitation does not
1013 apply to non-stinger-steered automobile or boat transporters
1014 that are 65 feet or less in overall length, exclusive of the
1015 load carried thereon, or to stinger-steered automobile or boat

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1016 transporters that are 75 feet or less in overall length,
1017 exclusive of the load carried thereon. For purposes of this
1018 subsection, a "stinger-steered automobile or boat transporter"
1019 is an automobile or boat transporter configured as a semitrailer
1020 combination wherein the fifth wheel is located on a drop frame
1021 located behind and below the rearmost axle of the power unit.
1022 Notwithstanding paragraphs (a) and (b), any straight truck or
1023 truck tractor-semitrailer combination engaged in the
1024 transportation of horticultural trees may allow the load to
1025 extend up to an additional 10 feet beyond the rear of the
1026 vehicle, provided said trees are resting against a retaining bar
1027 mounted above the truck bed so that the root balls of the trees
1028 rest on the floor and to the front of the truck bed and the tops
1029 of the trees extend up over and to the rear of the truck bed,
1030 and provided the overhanging portion of the load is covered with
1031 protective fabric.

1032 (a) *Straight trucks.*—~~A No~~ straight truck may not exceed a
1033 length of 40 feet in extreme overall dimension, exclusive of
1034 safety and energy conservation devices approved by the
1035 department for use on vehicles using public roads. A straight
1036 truck may tow no more than one trailer, and the overall length
1037 of the truck-trailer combination may not exceed 68 feet ~~such~~
1038 ~~trailer may not exceed a length of 28 feet. However, such~~
1039 ~~trailer limitation does not apply if the overall length of the~~
1040 ~~truck-trailer combination is 65 feet or less, including the load~~
1041 thereon. Notwithstanding any other provisions of this section, a
1042 truck-trailer combination engaged in the transportation of
1043 boats, or boat trailers whose design dictates a front-to-rear
1044 stacking method may ~~shall~~ not exceed the length limitations of

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1045 this paragraph exclusive of the load; however, the load may
1046 extend up to an additional 6 feet beyond the rear of the
1047 trailer.

1048 (5) IMPLEMENTS OF HUSBANDRY AND FARM EQUIPMENT;
1049 AGRICULTURAL TRAILERS; FORESTRY EQUIPMENT; SAFETY REQUIREMENTS.—

1050 (a) Notwithstanding any other provisions of law, straight
1051 trucks, agricultural tractors, citrus fruit loaders, citrus
1052 harvesting equipment, and cotton module movers, not exceeding 50
1053 feet in length, or any combination of up to and including three
1054 implements of husbandry, including the towing power unit, and
1055 any single agricultural trailer that has ~~with~~ a load thereon or
1056 any agricultural implements attached to a towing power unit, or
1057 a self-propelled agricultural implement or an agricultural
1058 tractor, may transport ~~is authorized for the purpose of~~
1059 ~~transporting~~ peanuts, grains, soybeans, cotton, hay, straw, or
1060 other perishable farm products from their point of production to
1061 the first point of change of custody or of long-term storage,
1062 and return ~~for the purpose of returning~~ to such point of
1063 production, or move ~~for the purpose of moving~~ such tractors,
1064 movers, and implements from one point of agricultural production
1065 to another, by a person engaged in the production of any such
1066 product or custom hauler, if such vehicle or combination of
1067 vehicles otherwise complies with this section. The Department of
1068 Transportation may issue overlength permits for cotton module
1069 movers greater than 50 feet but not more than 55 feet in overall
1070 length. Such vehicles must ~~shall~~ be operated in accordance with
1071 all safety requirements prescribed by law and rules of the
1072 Department of Transportation.

1073 (c) The width and height limitations of this section do not

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1074 apply to farming or agricultural equipment, whether self-
1075 propelled, pulled, or hauled, ~~if when~~ temporarily operated
1076 during daylight hours upon a public road that is not a limited
1077 access facility as defined in s. 334.03(13), and the width and
1078 height limitations may be exceeded by such equipment without a
1079 permit. To be eligible for this exemption, the equipment must
1080 ~~shall~~ be operated within a radius of 50 miles of the real
1081 property owned, rented, or leased by the equipment owner.
1082 However, equipment being delivered by a dealer to a purchaser is
1083 not subject to the 50-mile limitation. Farming or agricultural
1084 equipment greater than 174 inches in width must have one warning
1085 lamp mounted on each side of the equipment to denote the width
1086 and must have a slow-moving vehicle sign. Warning lamps required
1087 by this paragraph must be visible from the front and rear of the
1088 vehicle and must be visible from a distance of at least 1,000
1089 feet.

1090 Section 18. Section 318.12, Florida Statutes, is amended to
1091 read:

1092 318.12 Purpose. ~~It is the legislative intent~~ In the
1093 adoption of this chapter, it is the Legislature's intent to
1094 decriminalize certain violations of chapter 316, the Florida
1095 Uniform Traffic Control Law; chapter 320, Motor Vehicle
1096 Licenses; chapter 322, Drivers' Licenses; chapter 338, Limited
1097 Access Florida Intrastate Highway System and Toll Facilities;
1098 and chapter 1006, Support of Learning, thereby facilitating the
1099 implementation of a more uniform and expeditious system for the
1100 disposition of traffic infractions.

1101 Section 19. Subsection (42) of section 320.01, Florida
1102 Statutes, is amended to read:

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1103 320.01 Definitions, general.—As used in the Florida
1104 Statutes, except as otherwise provided, the term:

1105 (42) “Low-speed vehicle” means any four-wheeled ~~electric~~
1106 vehicle whose top speed is greater than 20 miles per hour but
1107 not greater than 25 miles per hour, including, but not limited
1108 to, neighborhood electric vehicles. Low-speed vehicles must
1109 comply with the safety standards in 49 C.F.R. s. 571.500 and s.
1110 316.2122.

1111 Section 20. Subsections (3) and (4) of section 320.20,
1112 Florida Statutes, are amended to read:

1113 320.20 Disposition of license tax moneys.—The revenue
1114 derived from the registration of motor vehicles, including any
1115 delinquent fees and excluding those revenues collected and
1116 distributed under the provisions of s. 320.081, must be
1117 distributed monthly, as collected, as follows:

1118 (3) Notwithstanding any other provision of law except
1119 subsections (1) and (2), ~~on July 1, 1996, and annually~~
1120 ~~thereafter,~~ \$15 million shall be deposited annually into ~~in~~ the
1121 State Transportation Trust Fund solely for the purposes of
1122 funding the Florida Seaport Transportation and Economic
1123 Development Program as provided ~~for~~ in chapter 311. Such
1124 revenues shall be distributed on a 50-50 matching basis to any
1125 port listed in s. 311.09(1) to be used for funding projects as
1126 described in s. 311.07(3)(b). Such revenues may be assigned,
1127 pledged, or set aside as a trust for the payment of principal or
1128 interest on bonds, tax anticipation certificates, or any other
1129 form of indebtedness issued by an individual port or appropriate
1130 local government having jurisdiction thereof, or collectively by
1131 interlocal agreement among any of the ports, or used to purchase

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1132 credit support to permit such borrowings. However, such debt is
1133 ~~shall not constitute~~ a general obligation of the state ~~of~~
1134 ~~Florida~~. The state covenants ~~does hereby covenant~~ with holders
1135 of such revenue bonds or other instruments of indebtedness
1136 issued ~~hereunder~~ that it will not repeal or impair or amend in
1137 any manner that ~~which~~ will materially and adversely affect the
1138 rights of such holders so long as bonds authorized by this
1139 section are outstanding. Any revenues that ~~which~~ are not pledged
1140 to the repayment of bonds ~~as~~ authorized by this section may be
1141 used ~~utilized~~ for purposes authorized under the Florida Seaport
1142 Transportation and Economic Development Program. This revenue
1143 source is in addition to any amounts provided ~~for~~ and
1144 appropriated in accordance with s. 311.07. The Florida Seaport
1145 Transportation and Economic Development Council shall approve
1146 the distribution of funds to ports for projects that ~~which~~ have
1147 been approved pursuant to s. 311.09(5)-(8) ~~311.09(5)-(9)~~. The
1148 council and the Department of Transportation may ~~are authorized~~
1149 ~~to~~ perform ~~such~~ acts ~~as are~~ required to facilitate and implement
1150 the provisions of this subsection. To better enable the ports to
1151 cooperate to their mutual advantage, the governing body of each
1152 port may exercise powers provided to municipalities or counties
1153 in s. 163.01(7)(d) subject to ~~the provisions of~~ chapter 311 and
1154 special acts, if any, pertaining to a port. The use of funds
1155 provided pursuant to this subsection are limited to eligible
1156 projects listed in this subsection. Income derived from a
1157 project completed with the use of program funds, beyond
1158 operating costs and debt service, is ~~shall be~~ restricted solely
1159 to further port capital improvements consistent with maritime
1160 purposes ~~and for no other purpose~~. Use of such income for

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1161 nonmaritime purposes is prohibited. ~~The provisions of s.~~
1162 ~~311.07(4) do not apply to any funds received pursuant to this~~
1163 ~~subsection.~~ The revenues available under this subsection may
1164 ~~shall~~ not be pledged to the payment of any bonds other than the
1165 Florida Ports Financing Commission Series 1996 and Series 1999
1166 Bonds currently outstanding; ~~provided,~~ however, such revenues
1167 may be pledged to secure payment of refunding bonds to refinance
1168 the Florida Ports Financing Commission Series 1996 and Series
1169 1999 Bonds. ~~No~~ Refunding bonds secured by revenues available
1170 under this subsection may not be issued with a final maturity
1171 later than the final maturity of the Florida Ports Financing
1172 Commission Series 1996 and Series 1999 Bonds or which provide
1173 for higher debt service in any year than is currently payable on
1174 such bonds. Any revenue bonds or other indebtedness issued after
1175 July 1, 2000, other than refunding bonds shall be issued by the
1176 Division of Bond Finance at the request of the Department of
1177 Transportation pursuant to the State Bond Act.

1178 (4) Notwithstanding any other provision of law except
1179 subsections (1), (2), and (3), ~~on July 1, 1999, and annually~~
1180 ~~thereafter,~~ \$10 million shall be deposited annually into ~~in~~ the
1181 State Transportation Trust Fund solely for the purposes of
1182 funding the Florida Seaport Transportation and Economic
1183 Development Program as provided in chapter 311 and for funding
1184 seaport intermodal access projects of statewide significance as
1185 provided in s. 341.053. Such revenues shall be distributed to
1186 any port listed in s. 311.09(1), to be used for funding projects
1187 as follows:

1188 (a) For any seaport intermodal access projects that are
1189 identified in the 1997-1998 Tentative Work Program of the

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1190 Department of Transportation, up to the amounts needed to offset
1191 the funding requirements of this section.

1192 (b) For seaport intermodal access projects as described in
1193 s. 341.053(5) which ~~that~~ are identified in the 5-year Florida
1194 Seaport Mission Plan as provided in s. 311.09(3). Funding for
1195 such projects shall be on a matching basis as mutually
1196 determined by the Florida Seaport Transportation and Economic
1197 Development Council and the Department of Transportation if~~7~~
1198 ~~provided~~ a minimum of 25 percent of total project funds ~~shall~~
1199 come from any port funds, local funds, private funds, or
1200 specifically earmarked federal funds.

1201 (c) On a 50-50 matching basis for projects as described in
1202 s. 311.07(3)(b).

1203 (d) For seaport intermodal access projects that involve the
1204 dredging or deepening of channels, turning basins, or harbors;
1205 or the rehabilitation of wharves, docks, or similar structures.
1206 Funding for such projects requires ~~shall require~~ a 25 percent
1207 match of the funds received pursuant to this subsection.
1208 Matching funds must ~~shall~~ come from any port funds, federal
1209 funds, local funds, or private funds.

1210
1211 Such revenues may be assigned, pledged, or set aside as a trust
1212 for the payment of principal or interest on bonds, tax
1213 anticipation certificates, or ~~any~~ other form of indebtedness
1214 issued by an individual port or appropriate local government
1215 having jurisdiction thereof, or collectively by interlocal
1216 agreement among any of the ports, or used to purchase credit
1217 support to permit such borrowings. However, such debt is ~~shall~~
1218 not ~~constitute~~ a general obligation of the state. This state

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1219 covenants ~~does hereby covenant~~ with holders of such revenue
1220 bonds or other instruments of indebtedness issued hereunder that
1221 it will not repeal or impair or amend this subsection in any
1222 manner that ~~which~~ will materially and adversely affect the
1223 rights of holders so long as bonds authorized by this subsection
1224 are outstanding. Any revenues that are not pledged to the
1225 repayment of bonds as authorized by this section may be used
1226 ~~utilized~~ for purposes authorized under the Florida Seaport
1227 Transportation and Economic Development Program. This revenue
1228 source is in addition to any amounts provided for and
1229 appropriated in accordance with s. 311.07 and subsection (3).
1230 The Florida Seaport Transportation and Economic Development
1231 Council shall approve distribution of funds to ports for
1232 projects that have been approved pursuant to s. 311.09(5)-(8)
1233 ~~311.09(5)-(9)~~, or for seaport intermodal access projects
1234 identified in the 5-year Florida Seaport Mission Plan as
1235 provided in s. 311.09(3) and mutually agreed upon by the FSTED
1236 Council and the Department of Transportation. All contracts for
1237 actual construction of projects authorized by this subsection
1238 must include a provision encouraging employment of participants
1239 in the welfare transition program. The goal for such employment
1240 ~~of participants in the welfare transition program~~ is 25 percent
1241 of all new employees employed specifically for the project,
1242 unless the Department of Transportation and the Florida Seaport
1243 Transportation and Economic Development Council demonstrate that
1244 such a requirement would severely hamper the successful
1245 completion of the project. In such an instance, Workforce
1246 Florida, Inc., shall establish an appropriate percentage of
1247 employees who are ~~that must be~~ participants in the welfare

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1248 transition program. The council and the Department of
1249 Transportation may ~~are authorized to~~ perform such acts as are
1250 required to facilitate and implement the provisions of this
1251 subsection. To better enable the ports to cooperate to their
1252 mutual advantage, the governing body of each port may exercise
1253 powers provided to municipalities or counties in s. 163.01(7)(d)
1254 subject to the provisions of chapter 311 and special acts, if
1255 any, pertaining to a port. The use of funds provided pursuant to
1256 this subsection is limited to eligible projects listed in this
1257 subsection. ~~The provisions of s. 311.07(4) do not apply to any~~
1258 ~~funds received pursuant to this subsection.~~ The revenues
1259 available under this subsection may ~~shall~~ not be pledged to the
1260 payment of any bonds other than the Florida Ports Financing
1261 Commission Series 1996 and Series 1999 Bonds currently
1262 outstanding; ~~provided,~~ however, such revenues may be pledged to
1263 secure payment of refunding bonds to refinance the Florida Ports
1264 Financing Commission Series 1996 and Series 1999 Bonds. ~~No~~
1265 Refunding bonds secured by revenues available under this
1266 subsection may not be issued with a final maturity later than
1267 the final maturity of the Florida Ports Financing Commission
1268 Series 1996 and Series 1999 Bonds or which provide for higher
1269 debt service in any year than is currently payable on such
1270 bonds. Any revenue bonds or other indebtedness issued after July
1271 1, 2000, other than refunding bonds shall be issued by the
1272 Division of Bond Finance at the request of the Department of
1273 Transportation pursuant to the State Bond Act.

1274 Section 21. Subsections (10), (12), (25), and (38) of
1275 section 334.03, Florida Statutes, are reordered and amended to
1276 read:

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1277 334.03 Definitions.—When used in the Florida Transportation
1278 Code, the term:

1279 ~~(10) "Florida Intrastate Highway System" means a system of~~
1280 ~~limited access and controlled access facilities on the State~~
1281 ~~Highway System which have the capacity to provide high-speed and~~
1282 ~~high-volume traffic movements in an efficient and safe manner.~~

1283 (10)~~(11)~~ "Functional classification" means the assignment
1284 of roads into systems according to the character of service they
1285 provide in relation to the total road network using procedures
1286 developed by the Federal Highway Administration. ~~Basic~~
1287 ~~functional categories include arterial roads, collector roads,~~
1288 ~~and local roads which may be subdivided into principal, major,~~
1289 ~~or minor levels. Those levels may be additionally divided into~~
1290 ~~rural and urban categories.~~

1291 (11)~~(12)~~ "Governmental entity" means a unit of government,
1292 or an ~~any~~ officially designated public agency or authority of a
1293 unit of government, which ~~that~~ has ~~the~~ responsibility for
1294 planning, construction, operation, or maintenance or
1295 jurisdiction over transportation facilities. ~~†~~ The term includes
1296 the Federal Government, the state government, a county, an
1297 incorporated municipality, a metropolitan planning organization,
1298 an expressway or transportation authority, a road and bridge
1299 district, a special road and bridge district, and a regional
1300 governmental unit.

1301 (25) "State Highway System" means ~~the following, which~~
1302 ~~shall be facilities to which access is regulated:~~

1303 ~~(a)~~ the interstate system and all other roads within the
1304 state which were under the jurisdiction of the state on June 10,
1305 1995, and roads constructed by an agency of the state for the

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1306 State Highway System, plus roads transferred to the state's
1307 jurisdiction after that date by mutual consent with another
1308 governmental entity. Roads transferred from the state's
1309 jurisdiction are not included. Access to State Highway System
1310 facilities shall be regulated;

1311 ~~(b) All rural arterial routes and their extensions into and~~
1312 ~~through urban areas;~~

1313 ~~(c) All urban principal arterial routes; and~~

1314 ~~(d) The urban minor arterial mileage on the existing State~~
1315 ~~Highway System as of July 1, 1987, plus additional mileage to~~
1316 ~~comply with the 2-percent requirement as described below.~~

1317
1318 ~~However, not less than 2 percent of the public road mileage of~~
1319 ~~each urbanized area on record as of June 30, 1986, shall be~~
1320 ~~included as minor arterials in the State Highway System.~~

1321 ~~Urbanized areas not meeting the foregoing minimum requirement~~
1322 ~~shall have transferred to the State Highway System additional~~
1323 ~~minor arterials of the highest significance in which case the~~
1324 ~~total minor arterials in the State Highway System from any~~
1325 ~~urbanized area shall not exceed 2.5 percent of that area's total~~
1326 ~~public urban road mileage.~~

1327 ~~(12)(38)~~ "Interactive voice response" means a software
1328 application that accepts a combination of voice telephone input
1329 and touch-tone keypad selection and provides appropriate
1330 responses in the form of voice, fax, callback, e-mail, and other
1331 media.

1332 Section 22. Subsections (11), (13), and (26) of section
1333 334.044, Florida Statutes, are amended, and subsection (33) is
1334 added to that section, to read:

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1335 334.044 Department; powers and duties.—The department shall
1336 have the following general powers and duties:

1337 (11) To establish a numbering system for public roads and
1338 to functionally classify such roads, ~~and to assign~~
1339 ~~jurisdictional responsibility.~~

1340 (13) To ~~designate existing and to~~ plan proposed
1341 transportation facilities as part of the State Highway System,
1342 and to construct, maintain, and operate such facilities.

1343 (26) To provide for the enhancement of environmental
1344 benefits, including air and water quality; to prevent roadside
1345 erosion; to conserve the natural roadside growth and scenery;
1346 and to provide for the implementation and maintenance of
1347 roadside conservation, enhancement, and stabilization programs.
1348 Up to No less than 1.5 percent of the amount contracted for
1349 construction projects shall be allocated by the department for
1350 the purchase of plant materials. Department districts may not
1351 expend funds for landscaping in connection with any project that
1352 is limited to resurfacing existing lanes unless such expenditure
1353 has been approved by the department's secretary or designee.
1354 ~~with,~~ To the greatest extent practical, a minimum of 50 percent
1355 of the these funds allocated under this subsection shall be
1356 allocated for large plant materials and the remaining funds for
1357 other plant materials. All ~~such~~ plant materials shall be
1358 purchased from Florida commercial nursery stock in this state on
1359 a uniform competitive bid basis. The department shall ~~will~~
1360 develop grades and standards for landscaping materials purchased
1361 through this process. To accomplish these activities, the
1362 department may contract with nonprofit organizations having the
1363 primary purpose of developing youth employment opportunities.

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1364 (33) To develop, in coordination with its partners, freight
1365 mobility and trade plans to assist in making freight mobility
1366 investments that contribute to the economic growth of the state.
1367 Such plans should enhance the integration and connectivity of
1368 the transportation system across and between transportation
1369 modes for people and freight throughout the state. Freight
1370 issues and needs shall be given emphasis in all appropriate
1371 transportation plans, including the Florida Transportation Plan
1372 and the Strategic Intermodal System Plan.

1373 Section 23. Section 334.047, Florida Statutes, is amended
1374 to read:

1375 334.047 Prohibition.—Notwithstanding any other provision of
1376 law ~~to the contrary~~, the Department of Transportation may not
1377 establish a cap on the number of miles in the State Highway
1378 System ~~or a maximum number of miles of urban principal arterial~~
1379 ~~roads, as defined in s. 334.03, within a district or county.~~

1380 Section 24. Subsection (3) of section 335.02, Florida
1381 Statutes, is amended to read:

1382 335.02 Authority to designate transportation facilities and
1383 rights-of-way and establish lanes; procedure for redesignation
1384 and relocation; application of local regulations.—

1385 (3) The department may establish standards for lanes on the
1386 State Highway System, including the Strategic Intermodal System
1387 highway corridors ~~Florida Intrastate Highway System~~ established
1388 pursuant to s. 339.65 ~~338.001~~. In determining the number of
1389 lanes for any regional corridor or section of highway on the
1390 State Highway System to be funded by the department with state
1391 or federal funds, the department shall evaluate all alternatives
1392 and seek to achieve the highest degree of efficient mobility for

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1393 corridor users. In conducting the analysis, the department must
1394 give consideration to the following factors consistent with
1395 sound engineering principles:

1396 (a) Overall economic importance of the corridor as a trade
1397 or tourism corridor.

1398 (b) Safety of corridor users, including the importance of
1399 the corridor for evacuation purposes.

1400 (c) Cost-effectiveness of alternative methods of increasing
1401 the mobility of corridor users.

1402 (d) Current and projected traffic volumes on the corridor.

1403 (e) Multimodal alternatives.

1404 (f) Use of intelligent transportation technology in
1405 increasing the efficiency of the corridor.

1406 (g) Compliance with state and federal policies related to
1407 clean air, environmental impacts, growth management, livable
1408 communities, and energy conservation.

1409 (h) Addition of special use lanes, such as exclusive truck
1410 lanes, high-occupancy-vehicle toll lanes, and exclusive
1411 interregional traffic lanes.

1412 (i) Availability and cost of rights-of-way, including
1413 associated costs, and the most effective use of existing rights-
1414 of-way.

1415 (j) Regional economic and transportation objectives, if
1416 ~~where~~ articulated.

1417 (k) The future land use plan element of local government
1418 comprehensive plans, as appropriate, including designated urban
1419 infill and redevelopment areas.

1420 (l) The traffic circulation element, if applicable, of
1421 local government comprehensive plans, including designated

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1422 transportation corridors and public transportation corridors.

1423 (m) The approved metropolitan planning organization's long-
1424 range transportation plan, as appropriate.

1425
1426 This subsection does not preclude more than ~~a number of lanes in~~
1427 ~~excess of~~ 10 lanes, but in such case ~~an additional factor that~~
1428 ~~must be considered before~~ the department must consider ~~may~~
1429 ~~determine that the number of lanes should be more than 10 is the~~
1430 future capacity to accommodate ~~in the future~~ alternative forms
1431 of transportation within existing or potential rights-of-way.

1432 Section 25. Subsection (5) is added to section 335.074,
1433 Florida Statutes, to read:

1434 335.074 Safety inspection of bridges.-

1435 (5) Upon receipt of an inspection report that recommends
1436 limiting the weight, size, or speed limit on a bridge, the
1437 governmental entity having maintenance responsibility for the
1438 bridge must reduce the maximum limits in accordance with the
1439 inspection report and post the limits in accordance with s.
1440 316.555. Within 30 days after receipt of an inspection report
1441 recommending lower limits, the governmental entity must notify
1442 the department that the limitations have been implemented and
1443 posted accordingly. If the required actions are not taken within
1444 the 30 days, the department shall post the limits on the bridge
1445 in accordance with the recommendations in the report. All costs
1446 incurred by the department in connection with providing notice
1447 of the bridge's limitations or restrictions shall be assessed
1448 against and collected from the governmental entity having
1449 maintenance responsibility for the bridge. If an inspection
1450 report recommends closure of a bridge, the bridge must be

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1451 immediately closed. If the governmental entity does not
1452 immediately close the bridge, the department shall close the
1453 bridge. All costs incurred by the department in connection with
1454 the bridge closure shall be assessed against and collected from
1455 the governmental entity having maintenance responsibility for
1456 the bridge.

1457 Section 26. Subsections (1) and (2) of section 335.17,
1458 Florida Statutes, are amended to read:

1459 335.17 State highway construction; means of noise
1460 abatement.—

1461 (1) The department shall make use of noise-control methods
1462 as part of highway construction projects that involve new
1463 location or capacity expansion in the construction of all new
1464 ~~state highways~~, with particular emphasis on those highways
1465 located in or near urban-residential developments that ~~which~~
1466 abut the ~~such~~ highway rights-of-way.

1467 (2) All highway projects by the department, regardless of
1468 funding source, shall be developed in conformity with federal
1469 standards for noise abatement as contained in 23 C.F.R. 772 as
1470 such regulations existed on July 13, 2011 ~~March 1, 1989~~. ~~The~~
1471 ~~department shall~~, At a minimum, the department must comply with
1472 federal requirements in the following areas:

1473 (a) Analysis of traffic noise impacts and abatement
1474 measures;

1475 (b) Noise abatement;

1476 (c) Information for local officials;

1477 (d) Traffic noise prediction; and

1478 (e) Construction noise.

1479 Section 27. Subsection (5) of section 336.021, Florida

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1480 Statutes, is amended to read:

1481 336.021 County transportation system; levy of ninth-cent
1482 fuel tax on motor fuel and diesel fuel.—

1483 (5) All impositions of the tax shall be levied before
1484 October ~~July~~ 1 of each year to be effective January 1 of the
1485 following year. However, levies of the tax which were in effect
1486 on July 1, 2002, and which expire on August 31 of any year may
1487 be reimposed at the current authorized rate to be effective
1488 September 1 of the year of expiration. All impositions must
1489 ~~shall be required to~~ end on December 31 of a year. A decision to
1490 rescind the tax may ~~shall~~ not take effect on any date other than
1491 December 31 and requires ~~shall require~~ a minimum of 60 days'
1492 notice to the department of such decision.

1493 Section 28. Paragraphs (a) and (b) of subsection (1) and
1494 paragraph (a) of subsection (5) of section 336.025, Florida
1495 Statutes, are amended to read:

1496 336.025 County transportation system; levy of local option
1497 fuel tax on motor fuel and diesel fuel.—

1498 (1)(a) In addition to other taxes allowed by law, and there
1499 ~~may be levied~~ as provided in ss. 206.41(1)(e) and 206.87(1)(c),
1500 a 1-cent, 2-cent, 3-cent, 4-cent, 5-cent, or 6-cent local option
1501 fuel tax may be levied upon every gallon of motor fuel and
1502 diesel fuel sold in a county and taxed under ~~the provisions of~~
1503 part I or part II of chapter 206.

1504 1. All impositions and rate changes of the tax must ~~shall~~
1505 be levied before October ~~July~~ 1 to be effective January 1 of the
1506 following year for up to ~~a period not to exceed~~ 30 years, and
1507 the applicable method of distribution shall be established
1508 pursuant to subsection (3) or subsection (4). However, levies of

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1509 the tax which were in effect on July 1, 2002, and which expire
1510 on August 31 of any year may be reimposed at the current
1511 authorized rate effective September 1 of the year of expiration.
1512 Upon expiration, the tax may be relieved if ~~provided that~~ a
1513 redetermination of the method of distribution is made as
1514 provided in this section.

1515 2. County and municipal governments shall use ~~utilize~~
1516 moneys received pursuant to this paragraph only for
1517 transportation expenditures.

1518 3. Any tax levied pursuant to this paragraph may be
1519 extended upon ~~on~~ a majority vote of the governing body of the
1520 county. A redetermination of the method of distribution shall be
1521 established pursuant to subsection (3) or subsection (4), if,
1522 after July 1, 1986, the tax is extended or the tax rate changed,
1523 for the period of extension or for the additional tax.

1524 (b) In addition to other taxes allowed by law, and there
1525 ~~may be levied~~ as provided in s. 206.41(1)(e), a 1-cent, 2-cent,
1526 3-cent, 4-cent, or 5-cent local option fuel tax may be levied
1527 upon every gallon of motor fuel sold in a county and taxed under
1528 ~~the provisions of~~ part I of chapter 206. The tax shall be levied
1529 by an ordinance adopted by a majority plus one vote of the
1530 membership of the governing body of the county or by referendum.

1531 1. All impositions and rate changes of the tax must ~~shall~~
1532 be levied before October ~~July~~ 1, to be effective January 1 of
1533 the following year. However, levies of the tax which were in
1534 effect on July 1, 2002, and which expire on August 31 of any
1535 year may be reimposed at the current authorized rate effective
1536 September 1 of the year of expiration.

1537 2. Before ~~the county may, prior to~~ levy of the tax, the

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1538 county may establish by interlocal agreement with one or more
1539 municipalities which represent ~~located therein, representing~~ a
1540 majority of the population of the incorporated area within the
1541 county, a distribution formula for dividing the entire proceeds
1542 of the tax among county government and all eligible
1543 municipalities within the county. If an ~~no~~ interlocal agreement
1544 is not adopted before the effective date of the tax, tax
1545 revenues shall be distributed pursuant to ~~the provisions of~~
1546 subsection (4). If there is no interlocal agreement ~~exists~~, a
1547 new interlocal agreement may be established before ~~prior to~~ June
1548 1 of any year pursuant to this subparagraph. However, an ~~any~~
1549 interlocal agreement agreed to under this subparagraph after the
1550 initial levy of the tax or change in the tax rate authorized in
1551 this section may not ~~shall under no circumstances~~ materially or
1552 adversely affect the rights of holders of outstanding bonds that
1553 ~~which~~ are backed by taxes authorized by this paragraph, and the
1554 amounts distributed to the county government and each
1555 municipality may ~~shall~~ not be reduced below the amount necessary
1556 for the payment of principal and interest and reserves for
1557 principal and interest as required under the covenants of any
1558 bond resolution outstanding on the date of establishment of the
1559 new interlocal agreement.

1560 3. County and municipal governments shall use moneys
1561 received pursuant to this paragraph for transportation
1562 expenditures needed to meet the requirements of the capital
1563 improvements element of an adopted comprehensive plan or for
1564 expenditures needed to meet immediate local transportation
1565 problems and ~~for~~ other transportation-related expenditures that
1566 are critical for building comprehensive roadway networks by

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1567 local governments. For purposes of this paragraph, expenditures
1568 for the construction of new roads, the reconstruction or
1569 resurfacing of existing paved roads, or the paving of existing
1570 graded roads shall be deemed to increase capacity and such
1571 projects shall be included in the capital improvements element
1572 of an adopted comprehensive plan. Expenditures for purposes of
1573 this paragraph do ~~shall~~ not include routine maintenance of
1574 roads.

1575 (5) (a) By October ~~July~~ 1 of each year, the county shall
1576 notify the Department of Revenue of the rate of the taxes levied
1577 pursuant to paragraphs (1) (a) and (b), and of its decision to
1578 rescind or change the rate of a tax, if applicable, and shall
1579 provide the department with a certified copy of the interlocal
1580 agreement established under subparagraph (1) (b)2. or
1581 subparagraph (3) (a)1. with distribution proportions established
1582 by such agreement or pursuant to subsection (4), if applicable.
1583 A decision to rescind a tax may ~~shall~~ not take effect on any
1584 date other than December 31 and requires ~~shall require~~ a minimum
1585 of 60 days' notice to the Department of Revenue of such
1586 decision.

1587 Section 29. Paragraph (a) of subsection (3) of section
1588 337.11, Florida Statutes, is amended to read:

1589 337.11 Contracting authority of department; bids; emergency
1590 repairs, supplemental agreements, and change orders; combined
1591 design and construction contracts; progress payments; records;
1592 requirements of vehicle registration.-

1593 (3) (a) On all construction contracts of \$250,000 or less,
1594 and any construction contract of less than \$500,000 for which
1595 the department has waived prequalification under s. 337.14, the

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1596 department shall advertise for bids on the department's Internet
1597 website for at least ~~in a newspaper having general circulation~~
1598 ~~in the county where the proposed work is located.~~ Publication
1599 ~~shall be at least once a week for no less than 2 consecutive~~
1600 ~~weeks.~~ and The first publication must be at least ~~shall be no~~
1601 ~~less than 14~~ consecutive days before ~~prior to~~ the date ~~on which~~
1602 bids are to be received.

1603 Section 30. Subsection (4) of section 337.111, Florida
1604 Statutes, is amended to read:

1605 337.111 Contracting for monuments and memorials to military
1606 veterans at rest areas.—The Department of Transportation is
1607 authorized to enter into contract with any not-for-profit group
1608 or organization that has been operating for not less than 2
1609 years for the installation of monuments and memorials honoring
1610 Florida's military veterans at highway rest areas around the
1611 state pursuant to the provisions of this section.

1612 (4) The group or organization making the proposal must
1613 ~~shall~~ provide a 10-year bond, an annual renewable bond, an
1614 irrevocable letter of credit, or other form of security as
1615 approved by the department's comptroller, for the purpose of
1616 securing the cost of removing ~~removal of~~ the monument and any
1617 modifications made to the site as part of the placement of the
1618 monument if ~~should~~ the department determines that ~~of~~
1619 ~~Transportation determine it is~~ necessary to remove or relocate
1620 the monument. Such removal or relocation must ~~shall~~ be approved
1621 by the committee described in subsection (1). ~~Prior to~~
1622 ~~expiration, the bond shall be renewed for another 10-year period~~
1623 ~~if the memorial is to remain in place.~~

1624 Section 31. Subsection (1) of section 337.125, Florida

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1625 Statutes, is amended to read:

1626 337.125 Socially and economically disadvantaged business
1627 enterprises; notice requirements.-

1628 (1) After contract goals are established, in order to
1629 document that a subcontract is with a certified socially and
1630 economically disadvantaged business enterprise, the prime
1631 contractor must ~~either~~ submit a disadvantaged business
1632 enterprise utilization form that which has been signed by the
1633 socially and economically disadvantaged business enterprise and
1634 the prime contractor, or submit the written or oral quotation of
1635 the socially and economically disadvantaged business
1636 enterprise, ~~and~~ Information contained in the quotation must be
1637 confirmed as determined by the department by rule.

1638 Section 32. Section 337.137, Florida Statutes, is repealed.

1639 Section 33. Section 337.139, Florida Statutes, is amended
1640 to read:

1641 337.139 Encouraging the award of ~~Efforts to encourage~~
1642 ~~awarding~~ contracts to disadvantaged business enterprises.-In
1643 implementing chapter 90-136, Laws of Florida, the Department of
1644 Transportation shall implement ~~institute~~ procedures to encourage
1645 the awarding of contracts for professional services and
1646 construction to disadvantaged business enterprises. For the
1647 purposes of this section, the term "disadvantaged business
1648 enterprise" means a small business concern certified by the
1649 Department of Transportation to be owned and controlled by
1650 socially and economically disadvantaged individuals as defined
1651 by the Safe, Accountable, Flexible, Efficient Transportation
1652 Equity Act: A Legacy for Users (SAFETEA-LU), Surface
1653 ~~Transportation and Uniform Relocation Act of 1987.~~ The

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1654 Department of Transportation shall develop and implement
1655 activities to encourage the participation of disadvantaged
1656 business enterprises in the contracting process. Such efforts
1657 may include:

1658 (1) Presolicitation or prebid meetings for the purpose of
1659 informing disadvantaged business enterprises of contracting
1660 opportunities.

1661 (2) Written notice to disadvantaged business enterprises of
1662 contract opportunities for commodities or contractual and
1663 construction services that ~~which~~ the disadvantaged business
1664 provides.

1665 (3) Provision of adequate information to disadvantaged
1666 business enterprises about the plans, specifications, and
1667 requirements of contracts or the availability of jobs.

1668 (4) Breaking large contracts into several single-purpose
1669 contracts of a size which may be obtained by certified
1670 disadvantaged business enterprises.

1671 Section 34. Subsection (1) of section 337.14, Florida
1672 Statutes, is amended to read:

1673 337.14 Application for qualification; certificate of
1674 qualification; restrictions; request for hearing.—

1675 (1) Any person desiring to bid for the performance of any
1676 construction contract in excess of \$250,000 which the department
1677 proposes to let must first be certified by the department as
1678 qualified pursuant to this section and rules of the department.
1679 The rules must include ~~of the department shall address~~ the
1680 qualification of persons to bid on such ~~construction~~ contracts
1681 ~~in excess of \$250,000~~ and ~~shall include~~ requirements with
1682 respect to the equipment, past record, experience, financial

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1683 resources, and organizational personnel of the applicant
1684 necessary to perform the specific class of work for which the
1685 person seeks certification. The department may ~~is authorized to~~
1686 limit the dollar amount of any contract upon which a person is
1687 qualified to bid or the aggregate total dollar volume of
1688 contracts such person is allowed to have under contract at any
1689 one time. Each applicant seeking qualification to bid must ~~on~~
1690 ~~construction contracts in excess of \$250,000 shall~~ furnish the
1691 department a statement under oath, on such forms as the
1692 department may prescribe, setting forth detailed information as
1693 required on the application. Each application for certification
1694 must ~~shall~~ be accompanied by the latest annual financial
1695 statement of the applicant completed within the last 12 months.
1696 If the application or the annual financial statement shows the
1697 financial condition of the applicant more than 4 months before
1698 ~~prior to~~ the date on which the application is received by the
1699 department, ~~then~~ an interim financial statement must be
1700 submitted and be accompanied by an updated application. The
1701 interim financial statement must cover the period from the end
1702 date of the annual statement and ~~must~~ show the financial
1703 condition of the applicant no more than 4 months before ~~prior to~~
1704 the date the interim financial statement is received by the
1705 department. However, upon the request of the applicant, an
1706 application and accompanying annual or interim financial
1707 statement received by the department within 15 days after either
1708 4-month period is considered timely. Each required annual or
1709 interim financial statement must be audited and accompanied by
1710 the opinion of a certified public accountant ~~or a public~~
1711 ~~accountant approved by the department.~~ The information required

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1712 by this subsection is confidential and exempt from ~~the~~
1713 ~~provisions of~~ s. 119.07(1). The department shall act upon the
1714 application for qualification within 30 days after the
1715 department determines that the application is complete.

1716 (a) The department may waive the requirements of this
1717 subsection for projects having a contract price of \$500,000 or
1718 less if the department determines that the project is of a
1719 noncritical nature and the waiver will not endanger public
1720 health, safety, or property.

1721 (b) An applicant desiring to bid exclusively for the
1722 performance of construction contracts having proposed budget
1723 estimates of less than \$1 million may submit annual or interim
1724 financial statements accompanied by the opinion of a certified
1725 public accountant.

1726 Section 35. Section 337.403, Florida Statutes, is amended
1727 to read:

1728 337.403 Interference by a Relocation of utility;
1729 responsibility for work and costs ~~expenses.~~

1730 (1) If a Any utility ~~heretofore or hereafter~~ placed upon,
1731 under, over, or along any public road or publicly owned rail
1732 corridor ~~that~~ is found by the authority to be unreasonably
1733 interfering ~~in any way~~ with the convenient, safe, or continuous
1734 use, or the maintenance, improvement, extension, or expansion,
1735 of such public road or publicly owned rail corridor ~~shall~~, upon
1736 30 days' written notice to the utility or its agent by the
1737 authority, the utility owner must initiate the work necessary to
1738 alleviate the interference ~~be removed or relocated by such~~
1739 ~~utility~~ at its own expense except as provided in paragraphs (a)-
1740 (f). The work must be completed within the time stated in the

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1741 notice, or as agreed to by the authority and the utility owner.

1742 (a) If the relocation of utility facilities, as referred to
1743 in s. 111 of the Federal-Aid Highway Act of 1956, ~~Pub. L. No.~~
1744 ~~627 of the 84th Congress,~~ is necessitated by the construction of
1745 a project on the federal-aid interstate system, including
1746 extensions thereof within urban areas, and the cost of the
1747 project is eligible and approved for reimbursement by the
1748 Federal Government to the extent of 90 percent or more under the
1749 Federal Aid Highway Act, or any amendment thereof, ~~then in that~~
1750 ~~event~~ the utility owning or operating such facilities shall
1751 perform any necessary work ~~relocate the facilities~~ upon notice
1752 from ~~order of~~ the department, and the state shall pay the entire
1753 expense properly attributable to such work ~~relocation~~ after
1754 deducting ~~therefrom~~ any increase in the value of any ~~the~~ new
1755 facility and any salvage value derived from any ~~the~~ old
1756 facility.

1757 (b) ~~If~~ When a joint agreement between the department and
1758 the utility is executed for utility ~~improvement, relocation, or~~
1759 ~~removal~~ work ~~to be accomplished~~ as part of a contract for the
1760 construction of a transportation facility, the department may
1761 participate in those utility work ~~improvement, relocation, or~~
1762 ~~removal~~ costs that exceed the department's official estimate of
1763 the cost ~~of the work~~ by more than 10 percent. The amount of such
1764 participation is ~~shall be~~ limited to the difference between the
1765 official estimate of all the work in the joint agreement plus 10
1766 percent and the amount awarded for this work in the construction
1767 contract for such work. The department may not participate in
1768 any utility work ~~improvement, relocation, or removal~~ costs that
1769 occur as a result of changes or additions during the course of

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1770 the contract.

1771 (c) ~~If~~ When an agreement between the department and utility
1772 is executed for utility ~~improvement, relocation, or removal~~ work
1773 ~~to be accomplished~~ in advance of a contract for construction of
1774 a transportation facility, the department may participate in the
1775 cost of clearing and grubbing necessary to perform such work.

1776 (d) If the utility facility ~~being removed or relocated~~ was
1777 initially installed to exclusively serve the department, its
1778 tenants, or both, the department shall bear the costs of the
1779 ~~removing or relocating that~~ utility work facility. However, the
1780 department is not responsible for ~~bearing~~ the cost of utility
1781 work related to removing or relocating any subsequent additions
1782 to that facility for the purpose of serving others.

1783 (e) If, under an agreement between a utility and the
1784 authority entered into after July 1, 2009, the utility conveys,
1785 subordinates, or relinquishes a compensable property right to
1786 the authority for the purpose of accommodating the acquisition
1787 or use of the right-of-way by the authority, without the
1788 agreement expressly addressing future responsibility for the
1789 cost of necessary removing or relocating the utility work, the
1790 authority shall bear the cost ~~of removal or relocation~~. This
1791 paragraph does not impair or restrict, and may not be used to
1792 interpret, the terms of any ~~such~~ agreement entered into before
1793 July 1, 2009.

1794 (f) If the utility is an electric facility being relocated
1795 underground in order to enhance vehicular, bicycle, and
1796 pedestrian safety and in which ownership of the electric
1797 facility ~~to be placed underground~~ has been transferred from a
1798 private to a public utility within the past 5 years, the

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1799 department shall incur all costs of the necessary utility work
1800 ~~relocation~~.

1801 (2) If utility work ~~such removal or relocation~~ is
1802 incidental to work to be done on a such road or publicly owned
1803 rail corridor, the notice must ~~shall~~ be given at the same time
1804 the contract for the work is advertised for bids, or at least 30
1805 days before ~~prior to~~ the commencement of the ~~such~~ work by the
1806 authority, whichever is later.

1807 (3) If the notice from ~~Whenever an order of~~ the authority
1808 requires utility work ~~such removal or change in the location of~~
1809 ~~any utility from the right-of-way of a public road or publicly~~
1810 ~~owned rail corridor,~~ and the owner thereof fails to perform the
1811 work ~~remove or change the same~~ at his or her own expense ~~to~~
1812 ~~conform to the order~~ within the time stated in the notice or
1813 such other time agreed to by the authority and the utility
1814 owner, the authority shall proceed to cause the utility work to
1815 be performed ~~to be removed~~. The expense ~~thereby~~ incurred shall
1816 be paid out of any money available therefor, and such expense
1817 shall, except as provided in subsection (1), be charged against
1818 the owner and levied, and collected, and paid into the fund from
1819 which the expense of such work ~~relocation~~ was paid.

1820 Section 36. Subsection (1) of section 337.404, Florida
1821 Statutes, is amended to read:

1822 337.404 Removal or relocation of utility facilities; notice
1823 and order; court review.—

1824 (1) If ~~Whenever~~ it is ~~shall become~~ necessary for the
1825 authority to perform ~~remove or relocate any~~ utility work as
1826 provided under s. 337.403 ~~in the preceding section,~~ the owner of
1827 the utility, or the owner's chief agent, shall be given notice

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1828 that the authority will perform the work ~~of such removal or~~
1829 ~~relocation~~ and, after the work is complete, an order requiring
1830 the payment of the cost thereof, and giving a ~~shall be given~~
1831 reasonable time, which may ~~shall~~ not be less than 20 nor more
1832 than 30 days, in which to appear before the authority to contest
1833 the reasonableness of the order. If ~~Should~~ the owner or the
1834 owner's representative do not appear, the determination of the
1835 cost to the owner is ~~shall be~~ final. Authorities considered
1836 agencies for the purposes of chapter 120 shall adjudicate
1837 removal or relocation of utilities pursuant to chapter 120.

1838 Section 37. Section 337.408, Florida Statutes, is amended
1839 to read:

1840 337.408 Regulation of bus stops, benches, transit shelters,
1841 street light poles, waste disposal receptacles, and modular news
1842 racks within rights-of-way.-

1843 (1) Benches or transit shelters, including advertising
1844 displayed on benches or transit shelters, may be installed
1845 within the right-of-way limits of any municipal, county, or
1846 state road, except a limited access highway, if ~~provided that~~
1847 such benches or transit shelters are for the comfort or
1848 convenience of the general public or are at designated stops on
1849 official bus routes, and ~~provided that~~ written authorization has
1850 been given to a qualified private supplier of such service by
1851 the municipal government within whose incorporated limits such
1852 benches or transit shelters are installed or by the county
1853 government within whose unincorporated limits such benches or
1854 transit shelters are installed.

1855 (a) A municipality or county may authorize the
1856 installation, without public bid, of benches and transit

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1857 shelters together with advertising displayed thereon within the
1858 right-of-way limits of such roads. Any contract for the
1859 installation of benches or transit shelters or advertising on
1860 benches or transit shelters which was entered into before April
1861 8, 1992, without public bidding is ratified and affirmed. ~~Such~~

1862 (b) Benches or transit shelters may not interfere with
1863 right-of-way preservation and maintenance. Any bench or transit
1864 shelter located on a sidewalk within the right-of-way limits of
1865 any road on the State Highway System or the county road system
1866 must ~~shall~~ be located so as to leave at least 36 inches of
1867 clearance for pedestrians and persons in wheelchairs. Such
1868 clearance shall be measured in a direction perpendicular to the
1869 centerline of the road.

1870 (c) All installations must be in compliance with all
1871 applicable laws and rules including, without limitation, the
1872 Americans with Disabilities Act. Municipalities and counties
1873 shall indemnify, defend, and hold harmless the department from
1874 any suits, actions, proceedings, claims, losses, costs, charges,
1875 expenses, damages, liabilities, attorney fees, and court costs
1876 relating to the installation, removal, or relocation of such
1877 installations.

1878 (2) Waste disposal receptacles of less than 110 gallons in
1879 capacity, including advertising displayed on such waste disposal
1880 receptacles, may be installed within the right-of-way limits of
1881 any municipal, county, or state road, except a limited access
1882 highway if, ~~provided that~~ written authorization has been given
1883 to a qualified private supplier of such service by the
1884 appropriate municipal or county government. A municipality or
1885 county may authorize the installation, without public bid, of

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1886 waste disposal receptacles together with advertising displayed
1887 thereon within the right-of-way limits of such roads. Such waste
1888 disposal receptacles may not interfere with right-of-way
1889 preservation and maintenance.

1890 (3) Modular news racks, including advertising thereon, may
1891 be located within the right-of-way limits of any municipal,
1892 county, or state road, except a limited access highway if
1893 ~~provided~~ the municipal government within whose incorporated
1894 limits such racks are installed or the county government within
1895 whose unincorporated limits such racks are installed has passed
1896 an ordinance regulating the placement of modular news racks
1897 within the right-of-way and has authorized a qualified private
1898 supplier of modular news racks to provide such service. The
1899 modular news rack or advertising may ~~thereon shall~~ not exceed a
1900 height of 56 inches or a total advertising space of 56 square
1901 feet. Within ~~No later than~~ 45 days before the ~~prior to~~
1902 installation of modular news racks, the private supplier shall
1903 provide a map of proposed locations and typical installation
1904 plans to the department for approval. If the department does not
1905 respond within 45 days after receipt of the submitted plans,
1906 installation may proceed.

1907 (4) The department may ~~has the authority to~~ direct the
1908 immediate relocation or removal of any bus stop, bench, transit
1909 shelter, waste disposal receptacle, public pay telephone, or
1910 modular news rack that endangers life or property or that is
1911 otherwise not in compliance with applicable law and rule, except
1912 that transit bus benches that were placed in service before
1913 April 1, 1992, are not required to comply with bench size and
1914 advertising display size requirements established by the

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1915 department before March 1, 1992. If a municipality or county
1916 fails to comply with the department's direction, the department
1917 shall remove the noncompliant installation and charge the cost
1918 of the removal to the municipality or county, and may deduct or
1919 offset such cost from any other funding available to the
1920 municipality or county from the department. ~~Any transit bus~~
1921 ~~bench that was in service before April 1, 1992, may be replaced~~
1922 ~~with a bus bench of the same size or smaller, if the bench is~~
1923 ~~damaged or destroyed or otherwise becomes unusable.~~ The
1924 department may adopt rules relating to the regulation of bench
1925 size and advertising display size requirements. If a
1926 municipality or county within which a bench is to be located has
1927 adopted an ordinance or other applicable regulation that
1928 establishes bench size or advertising display sign requirements
1929 different from requirements specified in department rule, the
1930 local government requirement applies within the respective
1931 municipality or county. Placement of any bench or advertising
1932 display on the National Highway System under a local ordinance
1933 or regulation adopted under this subsection is subject to
1934 approval by ~~of~~ the Federal Highway Administration.

1935 (5) A bus stop, bench, transit shelter, waste disposal
1936 receptacle, public pay telephone, or modular news rack, or
1937 advertising thereon, may not be erected or placed on the right-
1938 of-way of any road in a manner that conflicts with the
1939 requirements of federal law, regulations, or safety standards,
1940 thereby causing the state or any political subdivision to lose
1941 ~~the loss of~~ federal funds. Competition among persons seeking to
1942 provide bus stop, bench, transit shelter, waste disposal
1943 receptacle, public pay telephone, or modular news rack services

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1944 or advertising on ~~such~~ benches, shelters, receptacles, public
1945 pay telephone, or news racks may be regulated, restricted, or
1946 denied by the appropriate local government entity consistent
1947 with this section.

1948 (6) Street light poles, including attached public service
1949 messages and advertisements, may be located within the right-of-
1950 way limits of municipal and county roads in the same manner as
1951 benches, transit shelters, waste disposal receptacles, and
1952 modular news racks as provided in this section and in accordance
1953 with municipal and county ordinances. Public service messages
1954 and advertisements may be installed on street light poles on
1955 roads on the State Highway System in accordance with height,
1956 size, setback, spacing distance, duration of display, safety,
1957 traffic control, and permitting requirements established by
1958 administrative rule of the Department of Transportation. Public
1959 service messages and advertisements are ~~shall be~~ subject to
1960 bilateral agreements, where applicable, to be negotiated with
1961 the owner of the street light poles, which ~~shall~~ consider, among
1962 other things, power source rates, design, safety, operational
1963 and maintenance concerns, and other matters of public
1964 importance. For the purposes of this section, the term "street
1965 light poles" does not include electric transmission or
1966 distribution poles. The department may ~~shall have authority to~~
1967 adopt rules ~~pursuant to ss. 120.536(1) and 120.54~~ to administer
1968 ~~implement the provisions of~~ this section. ~~No~~ Advertising on
1969 light poles is not ~~shall be~~ permitted on the Interstate Highway
1970 System. ~~No~~ Permanent structures carrying advertisements attached
1971 to light poles are not ~~shall be~~ permitted on the National
1972 Highway System.

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1973 (7) A public pay telephone, including advertising displayed
1974 thereon, may be installed within the right-of-way limits of any
1975 municipal, county, or state road, except on a limited access
1976 highway, if the pay telephone is installed by a provider ~~duly~~
1977 authorized and regulated by the Public Service Commission under
1978 s. 364.3375, ~~if~~ the pay telephone is operated in accordance with
1979 all applicable state and federal telecommunications regulations,
1980 and ~~if~~ written authorization has been given to a public pay
1981 telephone provider by the appropriate municipal or county
1982 government. Each advertisement must be limited to a size no
1983 greater than 8 square feet, and a public pay telephone booth may
1984 not display more than three advertisements at any given time. An
1985 advertisement is not allowed on public pay telephones located in
1986 rest areas, welcome centers, or other such facilities located on
1987 an interstate highway.

1988 (8) ~~If Wherever~~ the provisions of this section are
1989 inconsistent with other provisions of this chapter or ~~with the~~
1990 ~~provisions of~~ chapter 125, chapter 335, chapter 336, or chapter
1991 479, the provisions of this section ~~shall~~ prevail.

1992 Section 38. The Division of Statutory Revision is requested
1993 to rename chapter 338, Florida Statutes, as "Limited Access and
1994 Toll Facilities."

1995 Section 39. Section 338.001, Florida Statutes, is repealed.

1996 Section 40. Present subsections (2) through (6) of section
1997 338.01, Florida Statutes, are renumbered as subsections (3)
1998 through (7), respectively, and a new subsection (2) is added to
1999 that section, to read:

2000 338.01 Authority to establish and regulate limited access
2001 facilities.-

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2002 (2) The department may establish limited access facilities
2003 as provided in s. 335.02. The primary function of these limited
2004 access facilities is to allow high-speed and high-volume traffic
2005 movements within the state. Access to abutting land is
2006 subordinate to this function and must be prohibited or highly
2007 regulated.

2008 Section 41. Section 338.151, Florida Statutes, is created
2009 to read:

2010 338.151 Authority of the department to establish tolls on
2011 the State Highway System.—The department may establish tolls on
2012 new limited access facilities on the State Highway System, lanes
2013 added to existing limited access facilities on the State Highway
2014 System, new major bridges on the State Highway System over
2015 waterways, and replacements for existing major bridges on the
2016 State Highway System over waterways in order to pay for, fully
2017 or partially, the cost of such projects. Except for high-
2018 occupancy vehicle lanes, express lanes, the turnpike system, and
2019 as otherwise authorized by law, the department may not establish
2020 tolls on lanes of limited access facilities that exist on July
2021 1, 2012. The authority provided in this section is in addition
2022 to the authority provided under the Florida Turnpike Enterprise
2023 Law and s. 338.166.

2024 Section 42. Subsection (1) of section 338.155, Florida
2025 Statutes, is amended to read:

2026 338.155 Payment of toll on toll facilities required;
2027 exemptions.—

2028 (1) A person may not ~~No persons are permitted to use a any~~
2029 toll facility without payment of tolls, except employees of the
2030 agency operating the toll project who are ~~when~~ using the toll

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2031 facility on official state business, state military personnel
2032 while on official military business, handicapped persons as
2033 provided in this section, persons exempt from toll payment by
2034 the authorizing resolution for bonds issued to finance the
2035 facility, and persons exempt on a temporary basis if ~~where~~ use
2036 of such toll facility is required as a detour route. A ~~Any~~ law
2037 enforcement officer operating a marked official vehicle is
2038 exempt from toll payment when on official law enforcement
2039 business. Any person operating a fire vehicle when on official
2040 business or a rescue vehicle when on official business is exempt
2041 from toll payment. Any person participating in the funeral
2042 procession of a law enforcement officer or firefighter killed in
2043 the line of duty is exempt from toll payment. The secretary, or
2044 the secretary's designee, may suspend the payment of tolls on a
2045 toll facility if ~~when~~ necessary to assist in emergency
2046 evacuation. The failure to pay a prescribed toll is ~~constitutes~~
2047 a noncriminal traffic infraction, punishable as a moving
2048 violation pursuant to s. 318.18. The department may ~~is~~
2049 ~~authorized to~~ adopt rules relating to the payment, collection,
2050 and enforcement of tolls, as authorized in chapters 316, 318,
2051 320, 322, and 338, including, but not limited to, rules for the
2052 implementation of video or other image billing and variable
2053 pricing. The department may, by rule, allow public transit
2054 vehicles or vehicles participating in a funeral procession for
2055 an active-duty military service member to use a toll facility
2056 managed by the department without payment if the toll revenues
2057 of the facility are not pledged to the repayment of bonds.

2058 Section 43. Subsections (1) and (3) of section 338.166,
2059 Florida Statutes, are amended to read:

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2060 338.166 High-occupancy toll lanes or express lanes.—

2061 (1) Under s. 11, Art. VII of the State Constitution, the
2062 department may request the Division of Bond Finance to issue
2063 bonds secured by toll revenues collected on high-occupancy toll
2064 lanes or express lanes ~~located on Interstate 95 in Miami-Dade~~
2065 ~~and Broward Counties.~~

2066 (3) Any remaining toll revenue from the high-occupancy toll
2067 lanes or express lanes shall be used by the department for the
2068 construction, maintenance, or improvement of any road on the
2069 State Highway System within the county or counties where the
2070 toll revenues were collected or to support express bus service
2071 on the facility where the toll revenues were collected.

2072 Section 44. Paragraph (a) of subsection (8) of section
2073 338.221, Florida Statutes, is amended to read:

2074 338.221 Definitions of terms used in ss. 338.22-338.241.—As
2075 used in ss. 338.22-338.241, the following words and terms have
2076 the following meanings, unless the context indicates another or
2077 different meaning or intent:

2078 (8) "Economically feasible" means:

2079 (a) For a proposed turnpike project, that, as determined by
2080 the department before the issuance of revenue bonds for the
2081 project, the estimated net revenues of the proposed turnpike
2082 project, excluding feeder roads and turnpike improvements, will
2083 be sufficient to pay at least 50 percent of the annual debt
2084 service on the bonds associated with the project by the end of
2085 the 12th year of operation and ~~to pay~~ at least 100 percent of
2086 the debt service on the bonds by the end of the 30th ~~22nd~~ year
2087 of operation. In implementing this paragraph, up to 50 percent
2088 of the adopted work program costs of the project may be funded

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2089 from turnpike revenues.

2090
2091 This subsection does not prohibit the pledging of revenues from
2092 the entire turnpike system to bonds issued to finance or
2093 refinance a turnpike project or group of turnpike projects.

2094 Section 45. Paragraphs (a) and (b) of subsection (1) of
2095 section 338.223, Florida Statutes, are amended to read:

2096 338.223 Proposed turnpike projects.—

2097 (1) (a) Any proposed project to be constructed or acquired
2098 as part of the turnpike system and any turnpike improvement must
2099 ~~shall~~ be included in the tentative work program. A ~~No~~ proposed
2100 project or group of proposed projects may not ~~shall~~ be added to
2101 the turnpike system unless such project is ~~or projects are~~
2102 determined to be economically feasible and a statement of
2103 environmental feasibility has been completed for the ~~such~~
2104 project ~~or projects~~ and ~~such projects are~~ determined to be
2105 consistent, to the maximum extent feasible, with approved local
2106 government comprehensive plans of the local governments in which
2107 the project is ~~such projects are~~ located. The department may
2108 authorize engineering studies, traffic studies, environmental
2109 studies, and other expert studies of the location, costs,
2110 economic feasibility, and practicality of proposed turnpike
2111 projects throughout the state and may proceed with the design
2112 phase of such projects. The department may ~~shall~~ not request
2113 legislative approval of a proposed turnpike project until the
2114 design phase of that project is at least 30 ~~60~~ percent complete.
2115 If a proposed project or group of proposed projects is found to
2116 be economically feasible and, ~~and,~~ consistent, ~~to the maximum extent~~
2117 ~~feasible,~~ with approved local government comprehensive plans of

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2118 the local governments in which such projects are located to the
2119 maximum extent feasible, and a favorable statement of
2120 environmental feasibility has been completed, the department,
2121 with the approval of the Legislature, shall, after the receipt
2122 of all necessary permits, construct, maintain, and operate such
2123 turnpike projects.

2124 (b) Any proposed turnpike project or improvement shall be
2125 developed in accordance with the Florida Transportation Plan and
2126 the work program pursuant to s. 339.135. Turnpike projects that
2127 add capacity, alter access, affect feeder roads, or affect the
2128 operation of the local transportation system shall be included
2129 in the transportation improvement plan of the affected
2130 metropolitan planning organization. If such turnpike project
2131 does not fall within the jurisdiction of a metropolitan planning
2132 organization, the department shall notify the affected county
2133 and provide for public hearings in accordance with s.
2134 339.155(5)(c) ~~339.155(6)(e)~~.

2135 Section 46. Subsection (4) of section 338.227, Florida
2136 Statutes, is amended to read:

2137 338.227 Turnpike revenue bonds.—

2138 (4) The Department of Transportation and the Department of
2139 Management Services shall create and implement an outreach
2140 program designed to enhance the participation of minority
2141 persons and minority business enterprises in all contracts
2142 entered into by the ~~their~~ respective departments for services
2143 related to the financing of department projects for the
2144 Strategic Intermodal System Plan developed pursuant to s. 339.64
2145 ~~Florida Intrastate Highway System Plan~~. These services shall
2146 include, but are not ~~be~~ limited to, bond counsel and bond

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2147 underwriters.

2148 Section 47. Subsection (2) of section 338.2275, Florida
2149 Statutes, is amended to read:

2150 338.2275 Approved turnpike projects.—

2151 (2) The department may ~~is authorized to~~ use turnpike
2152 revenues, ~~the~~ State Transportation Trust Fund moneys allocated
2153 for turnpike projects pursuant to s. 339.65 ~~338.001~~, federal
2154 funds, and bond proceeds, and shall use the most cost-efficient
2155 combination of such funds, to develop ~~in developing~~ a financial
2156 plan for funding turnpike projects. The department must submit a
2157 report of the estimated cost for each ongoing turnpike project
2158 and for each planned project to the Legislature 14 days before
2159 the convening of the regular legislative session. Verification
2160 of economic feasibility and statements of environmental
2161 feasibility for individual turnpike projects must be based on
2162 the entire project as approved. Statements of environmental
2163 feasibility are not required for those projects listed in s. 12,
2164 chapter 90-136, Laws of Florida, for which the Project
2165 Development and Environmental Reports were completed by July 1,
2166 1990. All required environmental permits must be obtained before
2167 the department may advertise for bids for contracts for the
2168 construction of any turnpike project.

2169 Section 48. Section 338.228, Florida Statutes, is amended
2170 to read:

2171 338.228 Bonds not debts or pledges of credit of state.—

2172 Turnpike revenue bonds issued under ~~the provisions of~~ ss.
2173 338.22-338.241 are not debts of the state or pledges of the
2174 faith and credit of the state. Such bonds are payable
2175 exclusively from revenues pledged for their payment. All such

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2176 bonds must ~~shall~~ contain a statement on their face that the
2177 state is not obligated to pay the same or the interest thereon,
2178 except from ~~the~~ revenues pledged for their payment, and that the
2179 faith and credit of the state is not pledged to the payment of
2180 the principal or interest of such bonds. The issuance of
2181 turnpike revenue bonds under ~~the provisions of~~ ss. 338.22-
2182 338.241 does not directly, indirectly, or contingently obligate
2183 the state to levy or to pledge any form of taxation whatsoever,
2184 or to make any appropriation for their payment. Except as
2185 provided in ss. ~~338.001,~~ 338.223, ~~and~~ 338.2275, and 339.65, ~~no~~
2186 state funds may not ~~shall~~ be used on any turnpike project or to
2187 pay the principal or interest of any bonds issued to finance or
2188 refinance any portion of the turnpike system, and all such bonds
2189 must ~~shall~~ contain a statement on their face to this effect.

2190 Section 49. Paragraph (c) is added to subsection (3) of
2191 section 338.231, Florida Statutes, to read:

2192 338.231 Turnpike tolls, fixing; pledge of tolls and other
2193 revenues.—The department shall at all times fix, adjust, charge,
2194 and collect such tolls and amounts for the use of the turnpike
2195 system as are required in order to provide a fund sufficient
2196 with other revenues of the turnpike system to pay the cost of
2197 maintaining, improving, repairing, and operating such turnpike
2198 system; to pay the principal of and interest on all bonds issued
2199 to finance or refinance any portion of the turnpike system as
2200 the same become due and payable; and to create reserves for all
2201 such purposes.

2202 (3)

2203 (c) Notwithstanding any other law, the department shall
2204 also assess an administrative fee of 25 cents per month as an

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2205 account maintenance charge to be applied against any prepaid
2206 toll account of any kind which remains inactive for at least 24
2207 months but not longer than 48 months. As long as a zero or
2208 negative balance has not been reached, the administrative fee
2209 shall be charged for each month of inactivity beginning with the
2210 25th month of inactivity and continuing through the 48th month.
2211 If the fee results in an account reaching a zero or negative
2212 balance, the department shall close the account. If a positive
2213 balance still remains after the 48th month, the balance shall be
2214 presumed unclaimed and its disposition handled by the Department
2215 of Financial Services in accordance with chapter 717 relating to
2216 the disposition of unclaimed property, and the prepaid toll
2217 account shall be closed by the department.

2218 Section 50. Subsection (2) of section 338.234, Florida
2219 Statutes, is amended to read:

2220 338.234 Granting concessions or selling along the turnpike
2221 system; immunity from taxation.-

2222 (2) The effectuation of the authorized purposes of the
2223 Strategic Intermodal System created pursuant to ss. 339.61-
2224 339.65 ~~Florida Intrastate Highway System~~ and Florida Turnpike
2225 Enterprise, created under this chapter, is for the benefit of
2226 the people of the state, for the increase of their commerce and
2227 prosperity, and for the improvement of their health and living
2228 conditions; and, because the system and enterprise perform
2229 essential government functions in effectuating such purposes,
2230 neither the turnpike enterprise nor any nongovernment lessee or
2231 licensee renting, leasing, or licensing real property from the
2232 turnpike enterprise, pursuant to an agreement authorized by this
2233 section, are required to pay any commercial rental tax imposed

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2234 under s. 212.031 on any capital improvements constructed,
2235 improved, acquired, installed, or used for such purposes.

2236 Section 51. Section 339.0805, Florida Statutes, is amended
2237 to read:

2238 339.0805 Funds to be expended with certified disadvantaged
2239 business enterprises; ~~specified percentage to be expended;~~
2240 construction management development program; bond guarantee
2241 program.—It is the policy of the state to meaningfully assist
2242 socially and economically disadvantaged business enterprises
2243 through a program that provides ~~will provide~~ for the development
2244 of skills through construction and business management training,
2245 as well as by providing contracting opportunities and financial
2246 assistance in the form of bond guarantees, to primarily remedy
2247 the effects of past economic disparity.

2248 (1) (a) ~~Except to the extent that the head of the department~~
2249 ~~determines otherwise,~~ The department shall expend ~~not less than~~
2250 ~~10 percent of~~ federal-aid highway funds as defined in 49 C.F.R.
2251 part 26 s. 23.63(a) and state matching funds with small business
2252 concerns owned and controlled by socially and economically
2253 disadvantaged individuals as those terms are defined by the
2254 Safe, Accountable, Flexible, Efficient Transportation Equity
2255 Act: A Legacy for Users (SAFETEA-LU) ~~Surface Transportation and~~
2256 ~~Uniform Relocation Assistance Act of 1987.~~

2257 (b) Upon a determination by the department of past and
2258 continuing discrimination in nonfederally funded projects on the
2259 basis of race, color, creed, national origin, or sex, the
2260 department may implement a program tailored to address specific
2261 findings of disparity. The program may include the establishment
2262 of annual goals for expending a percentage of state-administered

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2263 highway funds with small business concerns. The department may
2264 use ~~utilize~~ set-asides for small business concerns to assist in
2265 achieving goals established pursuant to this subsection. For the
2266 purpose of this subsection, "small business concern" means a
2267 business owned and controlled by socially and economically
2268 disadvantaged individuals as defined by the Safe, Accountable,
2269 Flexible, Efficient Transportation Equity Act: A Legacy for
2270 Users (SAFETEA-LU) Surface Transportation and Uniform Relocation
2271 Assistance Act of 1987. The head of the department may elect to
2272 set goals only when significant disparity is documented. The
2273 findings of a disparity study must ~~shall~~ be considered in
2274 determining the program goals for each group qualified to
2275 participate. ~~Such a study shall be conducted or updated by the~~
2276 ~~department or its designee at a minimum of every 5 years. The~~
2277 ~~department shall adopt rules to implement this subsection on or~~
2278 ~~before October 1, 1993.~~

2279 (c) The department shall certify a socially and
2280 economically disadvantaged business enterprise, ~~which~~
2281 ~~certification shall be valid for 12 months, or as prescribed by~~
2282 49 C.F.R. part 23. The department's initial application for
2283 certification must ~~for a socially and economically disadvantaged~~
2284 ~~business enterprise shall~~ require sufficient information to
2285 determine eligibility as a small business concern owned and
2286 controlled by a socially and economically disadvantaged
2287 individual. For continuing eligibility ~~recertification of a~~
2288 ~~disadvantaged business enterprise~~, the department may accept an
2289 affidavit, which meets department criteria as to form and
2290 content, certifying that the business remains qualified for
2291 certification in accordance with program requirements. A firm

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2292 that ~~which~~ does not fulfill all the department's criteria for
2293 certification may ~~shall~~ not be considered a disadvantaged
2294 business enterprise. An applicant who is denied certification
2295 may not reapply within 12 ~~6~~ months after issuance of the denial
2296 letter ~~or the final order, whichever is later~~. The application
2297 and financial information required by this section are
2298 confidential and exempt from s. 119.07(1).

2299 (2) The department shall remove ~~revoke~~ the certification of
2300 a disadvantaged business enterprise upon ~~receipt of~~ notification
2301 that ~~of any change in ownership which results in~~ the
2302 disadvantaged individual or individuals who were used to qualify
2303 the business as a disadvantaged business enterprise, no longer
2304 own ~~owning~~ at least 51 percent of the business enterprise. Such
2305 notification must ~~shall~~ be made to the department by certified
2306 mail within 30 ~~10~~ days after the change in ownership, ~~and such~~
2307 ~~business shall be removed from the certified disadvantaged~~
2308 ~~business list until a new application is submitted and approved~~
2309 ~~by the department~~. Failure to notify the department of the
2310 change in the ownership that ~~which~~ qualifies the business as a
2311 disadvantaged business enterprise will also result in removal
2312 ~~revocation~~ of certification and subject the business to ~~the~~
2313 ~~provisions of~~ s. 337.135. In addition, the department may, for
2314 good cause, deny or remove ~~suspend~~ the certification of a
2315 disadvantaged business enterprise. As used in this subsection,
2316 the term "good cause" includes, but is not limited to, a ~~the~~
2317 disadvantaged business enterprise that:

2318 (a) No longer meets ~~meeting~~ the certification standards set
2319 forth in department rules;

2320 (b) Makes ~~Making~~ a false, deceptive, or fraudulent

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2321 statement in its application for certification or in any other
2322 information submitted to the department;

2323 (c) Fails ~~Failing~~ to maintain the records required by
2324 department rules;

2325 (d) Fails ~~Failing~~ to perform a commercially useful function
2326 on projects for which the enterprise was used to satisfy
2327 contract goals;

2328 (e) Fails ~~Failing~~ to fulfill its contractual obligations
2329 with contractors;

2330 (f) Fails ~~Failing~~ to respond with a statement of interest
2331 to requests for bid quotations from contractors for three
2332 consecutive lettings;

2333 ~~(g) Subcontracting to others more than 49 percent of the
2334 amount of any single subcontract that was used by the prime
2335 contractor to meet a contract goal;~~

2336 ~~(g)-(h)~~ Fails ~~Failing~~ to provide notarized certification of
2337 payments received on specific projects to the prime contractor
2338 if ~~when~~ required to do so by contract specifications;

2339 ~~(h)-(i)~~ Fails ~~Failing~~ to schedule an onsite review upon
2340 request of the department; or

2341 ~~(i)-(j)~~ Becomes ~~Becoming~~ insolvent or the subject of a
2342 bankruptcy proceeding.

2343 (3) The head of the department may ~~is authorized to~~ expend
2344 up to 6 percent of the funds specified in subsection (1), which
2345 are designated to be expended on small business firms owned and
2346 controlled by socially and economically disadvantaged
2347 individuals, to conduct, by contract or otherwise, a
2348 construction management development program. Participation in
2349 the program is ~~will be~~ limited to those firms that ~~which~~ are

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2350 certified under ~~the provisions of~~ subsection (1) by the
2351 department or the federal Small Business Administration, or to
2352 any firm that meets the definition of a small business in 49
2353 C.F.R. s. 26.65 ~~which has annual gross receipts not exceeding \$2~~
2354 ~~million averaged over a 3-year period.~~ The program will consist
2355 of classroom instruction and on-the-job instruction. To the
2356 extent feasible, the registration fee shall be set to cover the
2357 cost of instruction and overhead. A ~~No~~ salary may not ~~will~~ be
2358 paid to a ~~any~~ participant.

2359 (a) Classroom instruction must include ~~will consist of~~, but
2360 is not limited to, project planning methods for identifying
2361 personnel, equipment, and financial resource needs; bookkeeping;
2362 state bidding and bonding requirements; state and federal tax
2363 requirements; and strategies for obtaining loans, bonding, and
2364 joint venture agreements.

2365 (b) On-the-job instruction must include ~~will consist of~~,
2366 but is not limited to, setting up the job site; cash-flow
2367 methods; project scheduling; quantity takeoffs; estimating;
2368 reading plans and specifications; department procedures on
2369 billing and payments; quality assessment and control methods;
2370 and bid preparation methods.

2371 (c) Contractors who have demonstrated satisfactory project
2372 performance, as defined by the department, may ~~can~~ be exempted
2373 from the provisions of paragraphs (a) and (b) and be validated
2374 as meeting the minimum curriculum standards of proficiency, in
2375 the same manner as participants who successfully complete the
2376 construction management development program only if they intend
2377 to apply for funds under ~~provided for in~~ subsection (4).

2378 (d) The department shall develop, under contract with the

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2379 State University System, the community college system, a school
2380 district on ~~in~~ behalf of its career center, or a private
2381 consulting firm, a curriculum for instruction in the courses
2382 that will lead to a certification of proficiency in the
2383 construction management development program.

2384 (4) The head of the department may ~~is authorized to~~ expend
2385 up to 4 percent of the funds specified in subsection (1) on a
2386 bond guarantee program for participants who are certified under
2387 subsection (1) and who meet the minimum curriculum standards of
2388 proficiency. The state shall ~~will~~ guarantee up to 90 percent of
2389 a bond amount of \$250,000, or less, and 80 percent of a bond
2390 amount greater than \$250,000, which ~~bond~~ is provided by an
2391 approved surety. However, in addition to the requirements of
2392 paragraph (3)(c), the department shall retain 5 percent of the
2393 total contract amount designated for the disadvantaged business
2394 enterprise until final acceptance of the project, in order to
2395 receive a bond guarantee. The department may ~~shall~~ not commit
2396 funds for this program which are in excess of ~~those~~ funds
2397 appropriated specifically for this purpose.

2398 (5) ~~Annually,~~ The head of the department must annually ~~is~~
2399 ~~required to~~ report on the progress of the ~~this~~ program to the
2400 President of the Senate, the Speaker of the House of
2401 Representatives, and the Governor. The report must ~~shall~~
2402 include, as a minimum, the number of users of the bond guarantee
2403 plan, along with the number of defaults and dollar loss to the
2404 state; the number of students participating in the construction
2405 management development program by urban location; the number
2406 certified and not certified; the cost of the program categorized
2407 by cost of administration, cost of ~~instruction~~ (on-the-job and

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2408 classroom instruction), and cost of supplies; and a comparison
2409 figure of those firms certified by the department under
2410 subsection (1) over the year, and the same figure for socially
2411 and economically disadvantaged contractors prequalified to
2412 perform prime contracting work for the department.

2413 Section 52. Paragraph (c) of subsection (4) and paragraph
2414 (e) of subsection (7) of section 339.135, Florida Statutes, are
2415 amended to read:

2416 339.135 Work program; legislative budget request;
2417 definitions; preparation, adoption, execution, and amendment.—

2418 (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.—

2419 (c)1. For purposes of this section, the board of county
2420 commissioners shall serve as the metropolitan planning
2421 organization in those counties that ~~which~~ are not located in a
2422 metropolitan planning organization and shall be involved in the
2423 development of the district work program to the same extent as a
2424 metropolitan planning organization.

2425 2. The district work program shall be developed
2426 cooperatively from the outset with the various metropolitan
2427 planning organizations ~~of the state~~ and include, to the maximum
2428 extent feasible, the project priorities of metropolitan planning
2429 organizations which have been submitted to the district by
2430 October 1 of each year pursuant to s. 339.175(8)(b); however,
2431 the department and a metropolitan planning organization may, in
2432 writing, cooperatively agree to vary the ~~this~~ submittal date. To
2433 assist the metropolitan planning organizations in developing
2434 their lists of project priorities, the district shall disclose
2435 to each metropolitan planning organization any anticipated
2436 changes in the allocation or programming of state and federal

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2437 funds which may affect the inclusion of metropolitan planning
2438 organization project priorities in the district work program.

2439 3. Before ~~Prior to~~ submittal of the district work program
2440 to the central office, the district shall provide the affected
2441 metropolitan planning organization with written justification
2442 for any project proposed to be rescheduled or deleted from the
2443 district work program which ~~project~~ is part of the metropolitan
2444 planning organization's transportation improvement program and
2445 is contained in the last 4 years of the previous adopted work
2446 program. Within ~~By no later than~~ 14 days after submittal of the
2447 district work program to the central office, the affected
2448 metropolitan planning organization may file an objection to such
2449 rescheduling or deletion. If ~~When~~ an objection is filed with the
2450 secretary, the rescheduling or deletion may ~~shall~~ not be
2451 included in the district work program unless the inclusion of
2452 the ~~such~~ rescheduling or deletion is specifically approved by
2453 the secretary. The Florida Transportation Commission shall
2454 include such objections in its evaluation of the tentative work
2455 program only when the secretary has approved the rescheduling or
2456 deletion.

2457 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

2458 (e) The department may amend the adopted work program to
2459 transfer fixed capital outlay appropriations for projects within
2460 the same appropriations category or between appropriations
2461 categories, including the following amendments, which are ~~shall~~
2462 ~~be~~ subject to ~~the procedures in~~ paragraph (f):

2463 1. An ~~Any~~ amendment that ~~which~~ deletes any project or
2464 project phase estimated to cost more than \$150,000;

2465 2. An ~~Any~~ amendment that ~~which~~ adds a project estimated to

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2466 cost over \$500,000 ~~\$150,000~~ in funds appropriated by the
2467 Legislature;

2468 3. An ~~Any~~ amendment that ~~which~~ advances or defers to
2469 another fiscal year, a right-of-way phase, a construction phase,
2470 or a public transportation project phase estimated to cost over
2471 \$1.5 million ~~\$500,000~~ in funds appropriated by the Legislature,
2472 except an amendment advancing a phase by 1 year to the current
2473 fiscal year or deferring a phase for ~~a period of~~ 90 days or
2474 less; or

2475 4. An ~~Any~~ amendment that ~~which~~ advances or defers to
2476 another fiscal year, a ~~any~~ preliminary engineering phase or
2477 design phase estimated to cost over \$500,000 ~~\$150,000~~ in funds
2478 appropriated by the Legislature, except an amendment advancing a
2479 phase by 1 year to the current fiscal year or deferring a phase
2480 for a period of 90 days or less.

2481
2482 Beginning July 1, 2013, the department shall index the budget
2483 amendment threshold amounts established in this paragraph to the
2484 Consumer Price Index or similar inflation indicators. Threshold
2485 adjustments for inflation may not be made more than once per
2486 year. Adjustments for inflation are subject to the notice and
2487 review procedures in s. 216.177.

2488 Section 53. Section 339.155, Florida Statutes, is amended
2489 to read:

2490 339.155 Transportation planning.—

2491 (1) THE FLORIDA TRANSPORTATION PLAN.—The department shall
2492 develop ~~and annually update~~ a statewide transportation plan, to
2493 be known as the Florida Transportation Plan. The plan shall be
2494 designed ~~so as~~ to be easily read and understood by the general

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2495 public. The plan must ~~shall~~ consider the needs of the entire
2496 state transportation system and examine the use of all modes of
2497 transportation in order to effectively and efficiently meet such
2498 needs. The purpose of the ~~Florida Transportation~~ plan is to
2499 establish and define the state's long-range transportation goals
2500 and objectives to be accomplished over a period of at least 20
2501 years within the context of the State Comprehensive Plan, and
2502 any other statutory mandates and authorizations and based upon
2503 the prevailing principles of:

2504 (a) Preserving the existing transportation infrastructure.

2505 (b) Enhancing the state's ~~Florida's~~ economic
2506 competitiveness.

2507 (c) Improving travel choices to ensure mobility.

2508 (d) Expanding the state's role as a hub for trade and
2509 investment.

2510 (2) SCOPE OF PLANNING PROCESS.—The department shall carry
2511 out a transportation planning process in conformance with s.
2512 334.046(1) and 23 U.S.C. s. 135 ~~which provides for consideration~~
2513 ~~of projects and strategies that will:~~

2514 ~~(a) Support the economic vitality of the United States,~~
2515 ~~Florida, and the metropolitan areas, especially by enabling~~
2516 ~~global competitiveness, productivity, and efficiency;~~

2517 ~~(b) Increase the safety and security of the transportation~~
2518 ~~system for motorized and nonmotorized users;~~

2519 ~~(c) Increase the accessibility and mobility options~~
2520 ~~available to people and for freight;~~

2521 ~~(d) Protect and enhance the environment, promote energy~~
2522 ~~conservation, and improve quality of life;~~

2523 ~~(e) Enhance the integration and connectivity of the~~

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2524 ~~transportation system, across and between modes throughout~~
 2525 ~~Florida, for people and freight;~~

2526 ~~(f) Promote efficient system management and operation; and~~

2527 ~~(g) Emphasize the preservation of the existing~~
 2528 ~~transportation system.~~

2529 (3) FORMAT, SCHEDULE, AND REVIEW.—The Florida
 2530 Transportation Plan must ~~shall~~ be a unified, concise planning
 2531 document that clearly defines the state's long-range
 2532 transportation goals and objectives ~~and documents the~~
 2533 ~~department's short-range objectives developed to further such~~
 2534 ~~goals and objectives.~~ The plan must: ~~shall~~

2535 (a) Include a glossary that clearly and succinctly defines
 2536 any and all phrases, words, or terms of art included in the
 2537 plan, ~~with which the general public may be unfamiliar.~~ ~~and shall~~
 2538 ~~consist of, at a minimum, the following components:~~

2539 (b) ~~(a)~~ Document ~~A long-range component documenting the~~
 2540 goals and long-term objectives necessary to implement the
 2541 results of the department's findings from its examination of the
 2542 criteria specified ~~listed in subsection (2) and s. 334.046(1)~~
 2543 and 23 U.S.C. s. 135. ~~The long-range component must~~

2544 (c) Be developed in cooperation with the metropolitan
 2545 planning organizations and reconciled, to the maximum extent
 2546 feasible, with the long-range plans developed by metropolitan
 2547 planning organizations pursuant to s. 339.175. ~~The plan must~~
 2548 ~~also~~

2549 (d) Be developed in consultation with affected local
 2550 officials in nonmetropolitan areas and with any affected Indian
 2551 tribal governments. ~~The plan must~~

2552 (e) Provide an examination of transportation issues likely

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2553 to arise during at least a 20-year period. ~~The long-range~~
2554 ~~component shall~~

2555 (f) Be updated at least once every 5 years, or more often
2556 as necessary, to reflect substantive changes to federal or state
2557 law.

2558 ~~(b) A short-range component documenting the short-term~~
2559 ~~objectives and strategies necessary to implement the goals and~~
2560 ~~long-term objectives contained in the long-range component. The~~
2561 ~~short-range component must define the relationship between the~~
2562 ~~long-range goals and the short-range objectives, specify those~~
2563 ~~objectives against which the department's achievement of such~~
2564 ~~goals will be measured, and identify transportation strategies~~
2565 ~~necessary to efficiently achieve the goals and objectives in the~~
2566 ~~plan. It must provide a policy framework within which the~~
2567 ~~department's legislative budget request, the strategic~~
2568 ~~information resource management plan, and the work program are~~
2569 ~~developed. The short-range component shall serve as the~~
2570 ~~department's annual agency strategic plan pursuant to s.~~
2571 ~~186.021. The short-range component shall be developed consistent~~
2572 ~~with available and forecasted state and federal funds. The~~
2573 ~~short-range component shall also be submitted to the Florida~~
2574 ~~Transportation Commission.~~

2575 ~~(4) ANNUAL PERFORMANCE REPORT. The department shall develop~~
2576 ~~an annual performance report evaluating the operation of the~~
2577 ~~department for the preceding fiscal year. The report shall also~~
2578 ~~include a summary of the financial operations of the department~~
2579 ~~and shall annually evaluate how well the adopted work program~~
2580 ~~meets the short-term objectives contained in the short-range~~
2581 ~~component of the Florida Transportation Plan. This performance~~

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2582 ~~report shall be submitted to the Florida Transportation~~
2583 ~~Commission and the legislative appropriations and transportation~~
2584 ~~committees.~~

2585 (4) ~~(5)~~ ADDITIONAL TRANSPORTATION PLANS.—

2586 (a) Upon request by local governmental entities, the
2587 department may in its discretion develop and design
2588 transportation corridors, arterial and collector streets,
2589 vehicular parking areas, and other support facilities that ~~which~~
2590 are consistent with the department's plans ~~of the department~~ for
2591 major transportation facilities. The department may render to
2592 local governmental entities or their planning agencies such
2593 technical assistance and services as ~~are~~ necessary so that local
2594 plans and facilities are coordinated with the plans and
2595 facilities of the department.

2596 (b) Each regional planning council, as provided ~~for~~ in s.
2597 186.504, or any successor agency ~~thereto~~, shall develop, as an
2598 element of its strategic regional policy plan, transportation
2599 goals and policies. The transportation goals and policies must
2600 be prioritized to comply with the prevailing principles provided
2601 in subsection (1) ~~(2)~~ and s. 334.046(1). The transportation
2602 goals and policies must ~~shall~~ be consistent, to the maximum
2603 extent feasible, with the goals and policies of the metropolitan
2604 planning organization and the Florida Transportation Plan. The
2605 transportation goals and policies of the regional planning
2606 council are ~~will be~~ advisory only and must ~~shall~~ be submitted to
2607 the department and any affected metropolitan planning
2608 organization for their consideration and comments. Metropolitan
2609 planning organization plans and other local transportation plans
2610 must ~~shall~~ be developed to be consistent, to the maximum extent

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2611 feasible, with the regional transportation goals and policies.
2612 The regional planning council shall review urbanized area
2613 transportation plans and any other planning products stipulated
2614 in s. 339.175 and provide the department and respective
2615 metropolitan planning organizations with written recommendations
2616 that ~~which~~ the department and the metropolitan planning
2617 organizations shall take under advisement. ~~Further,~~ The regional
2618 planning councils shall also directly assist local governments
2619 that ~~which~~ are not part of a metropolitan area transportation
2620 planning process in the development of the transportation
2621 element of their comprehensive plans as required by s. 163.3177.

2622 (c) Regional transportation plans may be developed in
2623 regional transportation areas in accordance with an interlocal
2624 agreement entered into pursuant to s. 163.01 by two or more
2625 contiguous metropolitan planning organizations; one or more
2626 metropolitan planning organizations and one or more contiguous
2627 counties, none of which is a member of a metropolitan planning
2628 organization; a multicounty regional transportation authority
2629 created by or pursuant to law; two or more contiguous counties
2630 that are not members of a metropolitan planning organization; or
2631 metropolitan planning organizations comprised of three or more
2632 counties.

2633 (d) The interlocal agreement must, at a minimum, identify
2634 the entity that will coordinate the development of the regional
2635 transportation plan; delineate the boundaries of the regional
2636 transportation area; provide the duration of the agreement and
2637 specify how the agreement may be terminated, modified, or
2638 rescinded; describe the process by which the regional
2639 transportation plan will be developed; and provide how members

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2640 of the entity will resolve disagreements regarding
2641 interpretation of the interlocal agreement or disputes relating
2642 to the development or content of the regional transportation
2643 plan. Such interlocal agreement becomes ~~shall become~~ effective
2644 upon ~~its~~ recordation in the official public records of each
2645 county in the regional transportation area.

2646 (e) The regional transportation plan developed pursuant to
2647 this section must, at a minimum, identify regionally significant
2648 transportation facilities located within a regional
2649 transportation area and contain a prioritized list of regionally
2650 significant projects. The projects shall be adopted into the
2651 capital improvements schedule of the local government
2652 comprehensive plan pursuant to s. 163.3177(3).

2653 (5)~~(6)~~ PROCEDURES FOR PUBLIC PARTICIPATION IN
2654 TRANSPORTATION PLANNING.—

2655 (a) During the development of the ~~long-range component of~~
2656 ~~the~~ Florida Transportation Plan, and before ~~prior to~~ substantive
2657 revisions, the department shall provide citizens, affected
2658 public agencies, representatives of transportation agency
2659 employees, other affected employee representatives, private
2660 providers of transportation, and other known interested parties
2661 with an opportunity to comment on the proposed plan or
2662 revisions. These opportunities ~~shall include~~, at a minimum,
2663 include publishing a notice in the Florida Administrative Weekly
2664 and within a newspaper of general circulation within the area of
2665 each department district office.

2666 (b) During development of major transportation
2667 improvements, such as those increasing the capacity of a
2668 facility through the addition of new lanes or providing new

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2669 access to a limited or controlled access facility or
2670 construction of a facility in a new location, the department
2671 shall hold one or more hearings before selecting ~~prior to the~~
2672 ~~selection of~~ the facility to be provided, selecting, ~~prior to~~
2673 ~~the selection of~~ the site or corridor of the proposed facility,
2674 and selecting and committing, ~~and prior to the selection of and~~
2675 ~~commitment~~ to a specific design proposal for the proposed
2676 facility. Such public hearings must ~~shall~~ be conducted so as to
2677 provide an opportunity for effective participation by interested
2678 persons in the process of transportation planning and site and
2679 route selection and in the specific location and design of
2680 transportation facilities. The various factors involved in the
2681 decision or decisions and any alternative proposals must ~~shall~~
2682 be clearly presented so that the persons attending the hearing
2683 may present their views relating to the decision or decisions to
2684 ~~which will~~ be made.

2685 (c) Opportunity for design hearings:

2686 1. The department, before ~~prior to~~ holding a design
2687 hearing, must ~~shall~~ ~~duly~~ notify all affected property owners of
2688 record, as recorded in the property appraiser's office, by mail
2689 at least 20 days before ~~prior to~~ the date set for the hearing.
2690 The affected property owners are ~~shall be~~:

2691 a. Those whose property lies in whole or in part within 300
2692 feet on either side of the centerline of the proposed facility.

2693 b. Those whom the department determines will be
2694 substantially affected environmentally, economically, socially,
2695 or safetywise.

2696 2. For each subsequent hearing, the department shall
2697 publish notice before ~~prior to~~ the hearing date in a newspaper

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2698 of general circulation for the area affected. The ~~These~~ notices
2699 must be published twice, with the first notice appearing at
2700 least 15 days, but no later than 30 days, before the hearing.

2701 3. A copy of the notice of opportunity for the hearing must
2702 be furnished to the United States Department of Transportation
2703 and to the appropriate departments of the state government at
2704 the time of publication.

2705 4. The opportunity for another hearing must be provided
2706 ~~shall be afforded~~ in any case where ~~when~~ proposed locations or
2707 designs are so changed from those presented in the notices
2708 specified in this paragraph ~~above~~ or at a hearing as to have a
2709 substantially different social, economic, or environmental
2710 effect.

2711 5. The opportunity for a hearing must be provided ~~shall be~~
2712 ~~afforded~~ in any ~~each~~ case in which the department is in doubt as
2713 to whether a hearing is required.

2714 Section 54. Paragraph (a) of subsection (4) and paragraph
2715 (b) of subsection (8) of section 339.175, Florida Statutes, are
2716 amended to read:

2717 339.175 Metropolitan planning organization.—

2718 (4) APPORTIONMENT.—

2719 (a) The Governor ~~shall~~, with the agreement of the affected
2720 units of general-purpose local government as required by federal
2721 rules and regulations, shall apportion the membership on the
2722 applicable M.P.O. among the various governmental entities within
2723 the area. At the request of a majority of the affected units of
2724 general-purpose local government comprising an M.P.O., the
2725 Governor and a majority of units of general-purpose local
2726 government serving on an M.P.O. shall cooperatively agree upon

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2727 and prescribe who may serve as an alternate member and a method
2728 for appointing alternate members who may vote at any M.P.O.
2729 meeting that an alternate member attends in place of a regular
2730 member. The method must ~~shall~~ be set forth as a part of the
2731 interlocal agreement describing the M.P.O.'s membership or in
2732 the M.P.O.'s operating procedures and bylaws. The governmental
2733 entity so designated shall appoint the appropriate number of
2734 members to the M.P.O. from eligible officials. Representatives
2735 of the department shall serve as nonvoting advisors ~~members~~ of
2736 the M.P.O. governing board. Additional nonvoting advisers may be
2737 appointed by the M.P.O. as deemed necessary; however, to the
2738 maximum extent feasible, each M.P.O. shall seek to appoint
2739 nonvoting representatives of various multimodal forms of
2740 transportation not otherwise represented by voting members of
2741 the M.P.O. An M.P.O. shall appoint nonvoting advisers
2742 representing major military installations located within the
2743 jurisdictional boundaries of the M.P.O. upon the request of the
2744 ~~aforsaid~~ major military installations and subject to the
2745 agreement of the M.P.O. All nonvoting advisers may attend and
2746 participate fully in governing board meetings but may ~~shall~~
2747 ~~have a vote and~~ may ~~shall~~ not be members of the governing board.
2748 The Governor shall review the composition of the M.P.O.
2749 membership in conjunction with the decennial census as prepared
2750 by the United States Department of Commerce, Bureau of the
2751 Census, and reapportion it as necessary to comply with
2752 subsection (3).

2753 (8) TRANSPORTATION IMPROVEMENT PROGRAM.—Each M.P.O. shall,
2754 in cooperation with the state and affected public transportation
2755 operators, develop a transportation improvement program for the

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2756 area within the jurisdiction of the M.P.O. In the development of
2757 the transportation improvement program, each M.P.O. must provide
2758 the public, affected public agencies, representatives of
2759 transportation agency employees, freight shippers, providers of
2760 freight transportation services, private providers of
2761 transportation, representatives of users of public transit, and
2762 other interested parties with a reasonable opportunity to
2763 comment on the proposed transportation improvement program.

2764 (b) Each M.P.O. annually shall prepare a list of project
2765 priorities and ~~shall~~ submit the list to the appropriate district
2766 of the department by October 1 of each year; however, the
2767 department and a metropolitan planning organization may, in
2768 writing, agree to vary this submittal date. Beginning with the
2769 priority list submitted by October 1, 2013, if more than one
2770 M.P.O. exists within an urbanized area or a transportation
2771 management area designated by the Secretary of the United States
2772 Department of Transportation, a single list of project
2773 priorities shall be developed and approved by the M.P.O.s in the
2774 urbanized area. The list of project priorities must be formally
2775 reviewed by the technical and citizens' advisory committees, and
2776 approved by the M.P.O., before it is transmitted to the
2777 district. The approved list of project priorities must be used
2778 by the district in developing the district work program and ~~must~~
2779 ~~be used~~ by the M.P.O. in developing its transportation
2780 improvement program. The annual list of project priorities must
2781 be based upon project selection criteria that, at a minimum,
2782 consider ~~the following~~:

- 2783 1. The approved M.P.O. long-range transportation plan;
- 2784 2. The Strategic Intermodal System Plan developed under s.

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2785 339.64.

2786 3. The priorities developed pursuant to s. 339.2819(4).

2787 4. The results of the transportation management systems;

2788 and

2789 5. The M.P.O.'s public-involvement procedures.

2790 Section 55. Subsections (1), (2), and (3) of section

2791 339.2819, Florida Statutes, are amended to read:

2792 339.2819 Transportation Regional Incentive Program.—

2793 (1) The ~~There is created within the Department of~~

2794 ~~Transportation~~ a Transportation Regional Incentive Program is

2795 created within the Department of Transportation for the purpose

2796 of providing funds to improve regionally significant

2797 transportation facilities in regional transportation areas

2798 created pursuant to s. 339.155(4) ~~339.155(5)~~.

2799 (2) ~~The percentage of matching funds provided from the~~

2800 Transportation Regional Incentive Program shall provide matching

2801 funds of up to ~~be~~ 50 percent of project costs.

2802 (3) The department shall allocate funding available for the

2803 Transportation Regional Incentive Program to the districts based

2804 on a factor derived from equal parts of population and motor

2805 fuel collections for eligible counties in regional

2806 transportation areas created pursuant to s. 339.155(4)

2807 ~~339.155(5)~~.

2808 Section 56. Subsection (6) of section 339.285, Florida

2809 Statutes, is amended to read:

2810 339.285 Enhanced Bridge Program for Sustainable

2811 Transportation.—

2812 (6) Preference shall be given to bridge projects located on

2813 corridors that connect to the Strategic Intermodal System~~7~~

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2814 created under s. 339.64, and that have been identified as
 2815 regionally significant in accordance with s. 339.155(4)(c)-(e)
 2816 ~~339.155(5)(c), (d), and (e).~~

2817 Section 57. Subsections (1) and (6) of section 339.62,
 2818 Florida Statutes, are amended to read:

2819 339.62 System components.—The Strategic Intermodal System
 2820 shall consist of appropriate components of:

2821 (1) Highway corridors ~~The Florida Intrastate Highway System~~
 2822 established under s. 339.65 ~~338.001~~.

2823 (6) Other existing or planned corridors that serve a
 2824 statewide or interregional purpose.

2825 Section 58. Subsection (2) of section 339.63, Florida
 2826 Statutes, is amended to read:

2827 339.63 System facilities designated; additions and
 2828 deletions.—

2829 (2) The Strategic Intermodal System and the Emerging
 2830 Strategic Intermodal System include the following five ~~four~~
 2831 different types of facilities which ~~that~~ each form one component
 2832 of an interconnected transportation system ~~which types include:~~

2833 (a) Existing or planned hubs that are ports and terminals
 2834 including airports, seaports, spaceports, passenger terminals,
 2835 and rail terminals ~~that serving to~~ move goods or people between
 2836 ~~Florida~~ regions of the state or between this state ~~Florida~~ and
 2837 other markets in the United States and the rest of the world.

2838 (b) Existing or planned corridors that are highways, rail
 2839 lines, waterways, and other exclusive-use facilities connecting
 2840 major markets within the state ~~Florida~~ or between this state
 2841 ~~Florida~~ and other states or nations.

2842 (c) Existing or planned intermodal connectors that are

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2843 highways, rail lines, waterways or local public transit systems
2844 that serve ~~servin~~g as connectors between the components listed
2845 in paragraphs (a) and (b).

2846 (d) Existing or planned military access facilities that are
2847 highways or rail lines linking Strategic Intermodal System
2848 corridors to the state's strategic military installations.

2849 (e) ~~(d)~~ Existing or planned facilities that significantly
2850 improve the state's competitive position to compete for the
2851 movement of additional goods into and through this state.

2852 Section 59. Section 339.64, Florida Statutes, is amended to
2853 read:

2854 339.64 Strategic Intermodal System Plan.—

2855 (1) The department shall develop, in cooperation with
2856 metropolitan planning organizations, regional planning councils,
2857 local governments, ~~the Statewide Intermodal Transportation~~
2858 ~~Advisory Council~~ and other transportation providers, a Strategic
2859 Intermodal System Plan. The plan must ~~shall~~ be consistent with
2860 the Florida Transportation Plan developed pursuant to s. 339.155
2861 and ~~shall~~ be updated at least once every 5 years, subsequent to
2862 updates of the Florida Transportation Plan.

2863 (2) In association with the continued development of the
2864 Strategic Intermodal System Plan, the Florida Transportation
2865 Commission, as part of its work program review process, shall
2866 conduct an annual assessment of the progress that the department
2867 and its transportation partners have made in realizing the goals
2868 of economic development, improved mobility, and increased
2869 intermodal connectivity of the Strategic Intermodal System. The
2870 Florida Transportation Commission shall coordinate with the
2871 department, ~~the Statewide Intermodal Transportation Advisory~~

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2872 ~~Council,~~ and other appropriate entities when developing this
2873 assessment. The Florida Transportation Commission shall deliver
2874 a report to the Governor and Legislature within ~~no later than~~ 14
2875 days after the regular session begins, with recommendations as
2876 necessary to fully implement the Strategic Intermodal System.

2877 (3) (a) During the development of updates to the Strategic
2878 Intermodal System Plan, the department shall provide
2879 metropolitan planning organizations, regional planning councils,
2880 local governments, transportation providers, affected public
2881 agencies, and citizens with an opportunity to participate in and
2882 comment on the development of the update.

2883 (b) The department also shall coordinate ~~with federal,~~
2884 ~~regional, and local partners~~ the planning for the Strategic
2885 Highway Network and the Strategic Rail Corridor Network
2886 transportation facilities that ~~either~~ are included in the
2887 Strategic Intermodal System, or that provide a direct connection
2888 between military installations and the Strategic Intermodal
2889 System, with federal, regional, and local partners. ~~In addition,~~
2890 The department shall also coordinate with regional and local
2891 partners to determine whether the road and other transportation
2892 infrastructure that connect military installations to the
2893 Strategic Intermodal System, the Strategic Highway Network, or
2894 the Strategic Rail Corridor is regionally significant and should
2895 be included in the Strategic Intermodal System Plan.

2896 (4) The Strategic Intermodal System Plan must ~~shall~~ include
2897 ~~the following:~~

2898 (a) A needs assessment.

2899 (b) A project prioritization process.

2900 (c) A map of facilities designated as Strategic Intermodal

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2901 System facilities; facilities that are emerging in importance
2902 and that are likely to become part of the system in the future;
2903 and planned facilities that will meet the established criteria.

2904 (d) A finance plan based on reasonable projections of
2905 anticipated revenues, including both 10-year and at least 20-
2906 year cost-feasible components.

2907 (e) An assessment of the impacts of proposed improvements
2908 to Strategic Intermodal System corridors on military
2909 installations that are ~~either~~ located directly on the Strategic
2910 Intermodal System or located on the Strategic Highway Network or
2911 Strategic Rail Corridor Network.

2912 ~~(5) STATEWIDE INTERMODAL TRANSPORTATION ADVISORY COUNCIL.—~~

2913 ~~(a) The Statewide Intermodal Transportation Advisory~~
2914 ~~Council is created to advise and make recommendations to the~~
2915 ~~Legislature and the department on policies, planning, and~~
2916 ~~funding of intermodal transportation projects. The council's~~
2917 ~~responsibilities shall include:~~

2918 ~~1. Advising the department on the policies, planning, and~~
2919 ~~implementation of strategies related to intermodal~~
2920 ~~transportation.~~

2921 ~~2. Providing advice and recommendations to the Legislature~~
2922 ~~on funding for projects to move goods and people in the most~~
2923 ~~efficient and effective manner for the State of Florida.~~

2924 ~~(b) MEMBERSHIP. Members of the Statewide Intermodal~~
2925 ~~Transportation Advisory Council shall consist of the following:~~

2926 ~~1. Six intermodal industry representatives selected by the~~
2927 ~~Governor as follows:~~

2928 ~~a. One representative from an airport involved in the~~
2929 ~~movement of freight and people from their airport facility to~~

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2930 ~~another transportation mode.~~

2931 ~~b. One individual representing a fixed-route, local-~~

2932 ~~government transit system.~~

2933 ~~e. One representative from an intercity bus company~~

2934 ~~providing regularly scheduled bus travel as determined by~~

2935 ~~federal regulations.~~

2936 ~~d. One representative from a spaceport.~~

2937 ~~e. One representative from intermodal trucking companies.~~

2938 ~~f. One representative having command responsibilities of a~~

2939 ~~major military installation.~~

2940 ~~2. Three intermodal industry representatives selected by~~

2941 ~~the President of the Senate as follows:~~

2942 ~~a. One representative from major-line railroads.~~

2943 ~~b. One representative from seaports listed in s. 311.09(1)~~

2944 ~~from the Atlantic Coast.~~

2945 ~~e. One representative from an airport involved in the~~

2946 ~~movement of freight and people from their airport facility to~~

2947 ~~another transportation mode.~~

2948 ~~3. Three intermodal industry representatives selected by~~

2949 ~~the Speaker of the House of Representatives as follows:~~

2950 ~~a. One representative from short-line railroads.~~

2951 ~~b. One representative from seaports listed in s. 311.09(1)~~

2952 ~~from the Gulf Coast.~~

2953 ~~e. One representative from intermodal trucking companies.~~

2954 ~~In no event may this representative be employed by the same~~

2955 ~~company that employs the intermodal trucking company~~

2956 ~~representative selected by the Governor.~~

2957 ~~(c) Initial appointments to the council must be made no~~

2958 ~~later than 30 days after the effective date of this section.~~

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2959 ~~1. The initial appointments made by the President of the~~
2960 ~~Senate and the Speaker of the House of Representatives shall~~
2961 ~~serve terms concurrent with those of the respective appointing~~
2962 ~~officer. Beginning January 15, 2005, and for all subsequent~~
2963 ~~appointments, council members appointed by the President of the~~
2964 ~~Senate and the Speaker of the House of Representatives shall~~
2965 ~~serve 2-year terms, concurrent with the term of the respective~~
2966 ~~appointing officer.~~

2967 ~~2. The initial appointees, and all subsequent appointees,~~
2968 ~~made by the Governor shall serve 2-year terms.~~

2969 ~~3. Vacancies on the council shall be filled in the same~~
2970 ~~manner as the initial appointments.~~

2971 ~~(d) Each member of the council shall be allowed one vote.~~
2972 ~~The council shall select a chair from among its membership.~~
2973 ~~Meetings shall be held at the call of the chair, but not less~~
2974 ~~frequently than quarterly. The members of the council shall be~~
2975 ~~reimbursed for per diem and travel expenses as provided in s.~~
2976 ~~112.061.~~

2977 ~~(e) The department shall provide administrative staff~~
2978 ~~support and shall ensure that council meetings are~~
2979 ~~electronically recorded. Such recordings and all documents~~
2980 ~~received, prepared for, or used by the council in conducting its~~
2981 ~~business shall be preserved pursuant to chapters 119 and 257.~~

2982 Section 60. Section 339.65, Florida Statutes, is created to
2983 read:

2984 339.65 Strategic Intermodal System highway corridors.-

2985 (1) The department shall plan and develop Strategic
2986 Intermodal System highway corridors, including limited and
2987 controlled access facilities, allowing for high-speed and high-

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2988 volume traffic movements within the state. The primary function
2989 of the corridors is to provide for traffic movement. Access to
2990 abutting land is subordinate to this function and must be
2991 prohibited or highly regulated.

2992 (2) Strategic Intermodal System highway corridors must
2993 include facilities from the following components of the State
2994 Highway System which meet the criteria adopted by the department
2995 pursuant to s. 339.63:

2996 (a) Interstate highways.

2997 (b) The Florida Turnpike System.

2998 (c) Interregional and intercity limited access facilities.

2999 (d) Existing interregional and intercity arterial highways
3000 previously upgraded or upgraded in the future to limited access
3001 or controlled access facility standards.

3002 (e) New limited access facilities necessary to complete a
3003 balanced statewide system.

3004 (3) The department shall adhere to the following policy
3005 guidelines in the development of Strategic Intermodal System
3006 highway corridors:

3007 (a) Making capacity improvements to existing facilities, if
3008 feasible, in order to minimize costs and environmental impacts.

3009 (b) Identifying appropriate arterial highways in major
3010 transportation corridors for inclusion in a program to bring
3011 these facilities up to limited access or controlled access
3012 facility standards.

3013 (c) Coordinating proposed projects with appropriate limited
3014 access projects undertaken by expressway authorities and local
3015 governmental entities.

3016 (d) Maximizing the use of limited access facility standards

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3017 when constructing new arterial highways.

3018 (e) Identifying appropriate new limited access highways for
3019 inclusion in the Florida Turnpike System.

3020 (f) To the maximum extent feasible, ensuring that proposed
3021 projects are consistent with approved local government
3022 comprehensive plans of the local jurisdictions in which such
3023 facilities are to be located and with the transportation
3024 improvement program of any metropolitan planning organization
3025 where such facilities are to be located.

3026 (4) The department shall develop and maintain a plan of
3027 Strategic Intermodal System highway corridor projects that are
3028 anticipated to be let to contract for construction within a time
3029 period of at least 20 years. The plan must also identify when
3030 segments of the corridor will meet the standards and criteria
3031 developed pursuant to subsection (5).

3032 (5) The department shall establish the standards and
3033 criteria for the functional characteristics and design of
3034 facilities proposed as part of Strategic Intermodal System
3035 highway corridors.

3036 (6) For the purposes of developing the proposed Strategic
3037 Intermodal System highway corridors, beginning in the 2012-2013
3038 fiscal year and for each fiscal year thereafter, the minimum
3039 amount allocated shall be based on the 2003-2004 fiscal year
3040 allocation of \$450 million adjusted annually by the change in
3041 the Consumer Price Index for the prior fiscal year compared to
3042 the Consumer Price Index for the 2003-2004 fiscal year.

3043 (7) Any project to be constructed as part of a Strategic
3044 Intermodal System highway corridor must be included in the
3045 department's adopted work program. Corridor projects that are

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3046 added to or deleted from the previous adopted work program, or
3047 modifications to corridor projects contained in the previous
3048 adopted work program, must be specifically identified and
3049 submitted as a separate part of the tentative work program.

3050 Section 61. Subsection (2) of section 341.053, Florida
3051 Statutes, is amended to read:

3052 341.053 Intermodal Development Program; administration;
3053 eligible projects; limitations.-

3054 (2) In recognition of the department's role in the economic
3055 development of this state, the department shall develop a
3056 proposed intermodal development plan to connect Florida's
3057 airports, deepwater seaports, rail systems serving both
3058 passenger and freight, and major intermodal connectors to the
3059 Strategic Intermodal System highway corridors ~~Florida Intrastate~~
3060 ~~Highway System facilities~~ as the primary system for the movement
3061 of people and freight in this state in order to make the
3062 intermodal development plan a fully integrated and
3063 interconnected system. The intermodal development plan must:

3064 (a) Define and assess the state's freight intermodal
3065 network, including airports, seaports, rail lines and terminals,
3066 intercity bus lines and terminals, and connecting highways.

3067 (b) Prioritize statewide infrastructure investments,
3068 including the acceleration of current projects, which are found
3069 by the Freight Stakeholders Task Force to be priority projects
3070 for the efficient movement of people and freight.

3071 (c) Be developed in a manner that will assure maximum use
3072 of existing facilities and optimum integration and coordination
3073 of the various modes of transportation, including both
3074 government-owned and privately owned resources, in the most

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3075 cost-effective manner possible.

3076 Section 62. Section 341.840, Florida Statutes, is amended
3077 to read:

3078 341.840 Tax exemption.—

3079 (1) The exercise of the powers granted by this act will be
3080 in all respects for the benefit of the people of this state, for
3081 the increase of their commerce, welfare, and prosperity, and for
3082 the improvement of their health and living conditions. The
3083 design, construction, operation, maintenance, and financing of a
3084 high-speed rail system by the department authority, its agent,
3085 or the owner or lessee thereof, as herein authorized,
3086 constitutes the performance of an essential public function.

3087 (2) (a) For the purposes of this section, the term
3088 "department" ~~"authority"~~ does not include agents of the
3089 department authority other than contractors who qualify as such
3090 pursuant to subsection (7).

3091 (b) For the purposes of this section, any item or property
3092 that is within the definition of "associated development" in s.
3093 341.8203(1) ~~is shall not be considered to be~~ part of the high-
3094 speed rail system as defined in s. 341.8203(3) ~~341.8203(6)~~.

3095 (3) (a) Purchases or leases of tangible personal property or
3096 real property by the department authority, excluding agents of
3097 the department authority, are exempt from taxes imposed by
3098 chapter 212 as provided in s. 212.08(6). Purchases or leases of
3099 tangible personal property that is incorporated into the high-
3100 speed rail system as a component part ~~thereof~~, as determined by
3101 the department authority, by agents of the department authority
3102 or the owner of the high-speed rail system are exempt from sales
3103 or use taxes imposed by chapter 212. Leases, rentals, or

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3104 licenses to use real property granted to agents of the
3105 department authority or the owner of the high-speed rail system
3106 are exempt from taxes imposed by s. 212.031 if the real property
3107 becomes part of such system. The exemptions ~~granted in this~~
3108 ~~subsection~~ do not apply to sales, leases, or licenses by the
3109 department authority, agents of the department authority, or the
3110 owner of the high-speed rail system.

3111 (b) The exemption granted in paragraph (a) to purchases or
3112 leases of tangible personal property by agents of the department
3113 authority or by the owner of the high-speed rail system applies
3114 only to property that becomes a component part of such system.
3115 It does not apply to ~~items, including, but not limited to,~~
3116 ~~cranes, bulldozers, forklifts, other machinery and equipment,~~
3117 ~~tools and supplies, or other items of tangible personal property~~
3118 ~~used in the construction, operation, or maintenance of the high-~~
3119 ~~speed rail system~~ if when such items are not incorporated into
3120 the high-speed rail system as a component part ~~thereof~~.

3121 (4) Any bonds or other security, and all notes, mortgages,
3122 security agreements, letters of credit, or other instruments
3123 that arise out of or are given to secure the repayment of bonds
3124 or other security, issued by the department authority, or on
3125 behalf of the department authority, their transfer, and the
3126 income therefrom, including any profit made on the sale thereof,
3127 is shall at all times be free from taxation of every kind by the
3128 state, the counties, and the municipalities and other political
3129 subdivisions in the state. ~~This subsection, However, does not~~
3130 ~~exempt from taxation or assessment~~ the leasehold interest of a
3131 lessee in any project or any other property or interest owned by
3132 the lessee is not exempt from taxation or assessment. The

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3133 exemption granted by this subsection does ~~is~~ not apply
3134 ~~applicable~~ to any tax imposed by chapter 220 on interest income
3135 or profits on the sale of debt obligations owned by
3136 corporations.

3137 (5) ~~If~~ When property of the department authority is leased
3138 to another person or entity, the property is ~~shall be~~ exempt
3139 from ad valorem taxation only if the use by the lessee qualifies
3140 the property for exemption under s. 196.199.

3141 (6) A leasehold interest held by the department authority
3142 is not subject to intangible tax. However, if the ~~a~~ leasehold
3143 interest ~~held by the authority~~ is subleased to a nongovernmental
3144 lessee, the ~~such~~ subleasehold interest is ~~shall be~~ deemed to be
3145 an interest described in s. 199.023(1)(d), Florida Statutes
3146 2005, and is subject to the intangible tax.

3147 (7) (a) In order to be considered an agent of the department
3148 ~~authority~~ for purposes of the exemption from sales and use tax
3149 granted by subsection (3) for tangible personal property
3150 incorporated into the high-speed rail system, a contractor of
3151 the department authority that purchases or fabricates such
3152 tangible personal property must be certified by the department
3153 ~~authority~~ as provided in this subsection.

3154 (b)1. A contractor must apply for a renewal of the
3155 exemption by ~~not later than~~ December 1 of each calendar year.

3156 2. A contractor must apply to the department authority on
3157 the application form developed by the department ~~adopted by the~~
3158 ~~authority, which shall develop the form~~ in consultation with the
3159 Department of Revenue, and adopted by department rule.

3160 3. The department authority shall review each submitted
3161 application and determine whether it is complete. The department

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3162 ~~authority~~ shall notify the applicant of any deficiencies in the
3163 application within 30 days. Upon receipt of a completed
3164 application, the department ~~authority~~ shall evaluate the
3165 application for exemption under this subsection and issue a
3166 certification that the contractor is qualified to act as an
3167 agent of the department ~~authority~~ for purposes of this section
3168 or a denial of ~~such~~ certification within 30 days. The department
3169 ~~authority~~ shall provide the Department of Revenue with a copy of
3170 each certification issued upon approval of an application. Upon
3171 receipt of a certification from the department ~~authority~~, the
3172 Department of Revenue shall issue an exemption permit to the
3173 contractor.

3174 (c)1. The contractor may extend a copy of its exemption
3175 permit to its vendors in lieu of paying sales tax on purchases
3176 of tangible personal property which qualify ~~qualifying~~ for
3177 exemption under this section. Possession of a copy of the
3178 exemption permit relieves the seller of ~~the~~ responsibility for
3179 ~~of~~ collecting tax on the sale, and the Department of Revenue
3180 shall look solely to the contractor for recovery of tax upon
3181 determining a determination ~~a determination~~ that the contractor was not entitled
3182 to the exemption.

3183 2. The contractor may extend a copy of its exemption permit
3184 to real property subcontractors supplying and installing
3185 tangible personal property that is exempt under subsection (3).
3186 Any such subcontractor may ~~is authorized to~~ extend a copy of the
3187 permit to the subcontractor's vendors in order to purchase
3188 qualifying tangible personal property tax-exempt. If the
3189 subcontractor uses the exemption permit to purchase tangible
3190 personal property that is determined not to qualify for

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3191 exemption under subsection (3), the Department of Revenue may
3192 assess and collect any tax, penalties, and interest that are due
3193 from ~~either~~ the contractor holding the exemption permit or the
3194 subcontractor that extended the exemption permit to the seller.

3195 (d) A ~~Any~~ contractor authorized to act as an agent of the
3196 department authority under this section shall maintain the
3197 necessary books and records to document the exempt status of
3198 purchases and fabrication costs made or incurred under the
3199 permit. ~~In addition,~~ An authorized contractor extending its
3200 exemption permit to its subcontractors shall also maintain a
3201 copy of the subcontractor's books, records, and invoices
3202 indicating all purchases made by the subcontractor under the
3203 authorized contractor's permit. If, in an audit conducted by the
3204 Department of Revenue, it is determined that tangible personal
3205 property purchased or fabricated claiming exemption under this
3206 section does not meet the criteria for exemption, the amount of
3207 taxes not paid at the time of purchase or fabrication are shall
3208 ~~be~~ immediately due and payable to the Department of Revenue,
3209 together with the appropriate interest and penalty, computed
3210 from the date of purchase, in the manner prescribed under ~~by~~
3211 chapter 212.

3212 (e) If a contractor fails to apply for a high-speed rail
3213 system exemption permit, or if a contractor initially determined
3214 by the department authority to not qualify for exemption is
3215 subsequently determined to be eligible, the contractor shall
3216 receive the benefit of the exemption ~~in this subsection~~ through
3217 a refund of previously paid taxes for transactions that
3218 otherwise would have been exempt. A refund may not be made for
3219 such taxes without the issuance of a certification by the

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3220 department authority that the contractor was authorized to make
3221 purchases tax-exempt and a determination by the Department of
3222 Revenue that the purchases qualified for the exemption.

3223 (f) The department authority may adopt rules governing the
3224 application process for exemption of a contractor as an
3225 authorized agent of the department authority.

3226 (g) The Department of Revenue may adopt rules governing the
3227 issuance and form of high-speed rail system exemption permits,
3228 the audit of contractors and subcontractors using such permits,
3229 the recapture of taxes on nonqualified purchases, and the manner
3230 and form of refund applications.

3231 Section 63. Subsection (3) of section 343.52, Florida
3232 Statutes, is amended to read:

3233 343.52 Definitions.—As used in this part, the term:

3234 (3) "Area served" means Miami-Dade, Broward, and Palm Beach
3235 Counties. ~~However, this area may be expanded by mutual consent~~
3236 ~~of the authority and the board of county commissioners~~
3237 ~~representing the proposed expansion area.~~

3238 Section 64. Section 343.53, Florida Statutes, is amended to
3239 read:

3240 343.53 South Florida Regional Transportation Authority.—

3241 (1) ~~There is created and established a body politic and~~
3242 ~~corporate, an agency of the state, to be known as The "South~~
3243 ~~Florida Regional Transportation Authority," hereinafter referred~~
3244 ~~to as the "authority,—" a body politic and corporate and agency~~
3245 ~~of the state, is created.~~

3246 (2) The governing board of the authority consists of seven
3247 ~~shall consist of nine~~ voting members, as follows:

3248 (a) The county commissions of Miami-Dade, Broward, and Palm

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3249 Beach Counties shall each elect a commissioner as that
3250 commission's representative on the board. The commissioner must
3251 be a member of the county commission when elected and for the
3252 full extent of his or her term.

3253 ~~(b) The county commissions of Miami-Dade, Broward, and Palm~~
3254 ~~Beach Counties shall each appoint a citizen member to the board~~
3255 ~~who is not a member of the county commission but who is a~~
3256 ~~resident of the county from which he or she is appointed and a~~
3257 ~~qualified elector of that county. Insofar as practicable, the~~
3258 ~~citizen member shall represent the business and civic interests~~
3259 ~~of the community.~~

3260 ~~(b)(e) The Secretary of the Department of Transportation~~
3261 ~~shall appoint one of the district secretaries, or his or her~~
3262 ~~designee, to represent for the districts within which the area~~
3263 ~~served by the South Florida Regional Transportation Authority is~~
3264 ~~located.~~

3265 ~~(d) If the authority's service area is expanded pursuant to~~
3266 ~~s. 343.54(5), the county containing the new service area shall~~
3267 ~~have three members appointed to the board as follows:~~

3268 ~~1. The county commission of the county shall elect a~~
3269 ~~commissioner as that commission's representative on the board.~~
3270 ~~The commissioner must be a member of the county commission when~~
3271 ~~elected and for the full extent of his or her term.~~

3272 ~~2. The county commission of the county shall appoint a~~
3273 ~~citizen member to the board who is not a member of the county~~
3274 ~~commission but who is a resident and a qualified elector of that~~
3275 ~~county. Insofar as is practicable, the citizen member shall~~
3276 ~~represent the business and civic interests of the community.~~

3277 ~~3. The Governor shall appoint a citizen member to the board~~

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3278 ~~who is not a member of the county commission but who is a~~
3279 ~~resident and a qualified elector of that county.~~

3280 (c) ~~(e)~~ The Governor shall appoint three ~~two~~ members to the
3281 board who are residents and qualified electors in the area
3282 served by the authority but who are not residents of the same
3283 county ~~and also not residents of the county in which the~~
3284 ~~district secretary who was appointed pursuant to paragraph (e)~~
3285 ~~is a resident.~~

3286 (3) ~~(a)~~ Members of the governing board of the authority
3287 shall be appointed to serve 4-year staggered terms, except that
3288 the terms of the Governor's appointees ~~of the Governor~~ shall be
3289 concurrent.

3290 ~~(b) The terms of the board members currently serving on the~~
3291 ~~authority that is being succeeded by this act shall expire July~~
3292 ~~30, 2003, at which time the terms of the members appointed~~
3293 ~~pursuant to subsection (2) shall commence. The Governor shall~~
3294 ~~make his or her appointments to the board within 30 days after~~
3295 ~~July 30, 2003.~~

3296 (4) A vacancy during a term shall be filled by the
3297 respective appointing authority in the same manner as the
3298 original appointment and only for the balance of the unexpired
3299 term.

3300 (5) The members of the authority shall serve without
3301 compensation, but are entitled to reimbursement for travel
3302 expenses actually incurred in their duties as provided under s.
3303 112.061 ~~by law.~~

3304 Section 65. Present subsections (5), (6), and (7) of
3305 section 349.04, Florida Statutes, are redesignated as
3306 subsections (6), (7), and (8), respectively, and a new

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3307 subsection (5) is added to that section, to read:

3308 349.04 Purposes and powers.—

3309 (5) The authority may conduct public meetings and workshops
3310 by means of communications media technology as provided under s.
3311 120.54(5).

3312 Section 66. Subsection (6) is added to section 373.413,
3313 Florida Statutes, to read:

3314 373.413 Permits for construction or alteration.—

3315 (6) It is the intent of the Legislature that the governing
3316 board or the department exercise flexibility when permitting the
3317 construction or alteration of stormwater management systems
3318 servicing state transportation projects and facilities. Because of
3319 the unique limitations of linear facilities, the governing board
3320 or department shall balance the expenditure of public funds for
3321 stormwater treatment for state transportation projects and
3322 facilities with the public benefit of providing the most cost-
3323 efficient and effective method of achieving treatment
3324 objectives. The governing board or department shall therefore
3325 allow alternatives to on-site treatment, including, but not
3326 limited to, regional stormwater treatment systems. The
3327 Department of Transportation is responsible for treating
3328 stormwater generated from state transportation projects, but is
3329 not responsible for the abatement of pollutants and flows
3330 entering its stormwater management systems from offsite sources.
3331 However, this subsection does not prohibit the Department of
3332 Transportation from receiving and managing such pollutants and
3333 flows if cost-effective and prudent. The Department of
3334 Transportation is also responsible for providing stormwater
3335 treatment and attenuation for a right-of-way acquired for a

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3336 state transportation project, but is not responsible for
3337 modifying permits for adjacent lands affected by right-of-way
3338 acquisition if it is not the permittee. The governing board or
3339 department may establish specific criteria by rule to implement
3340 these management and treatment alternatives and activities.

3341 Section 67. Subsections (1) and (2), paragraph (c) of
3342 subsection (3), subsections (4) and (5) of section 373.4137,
3343 Florida Statutes, are amended to read:

3344 373.4137 Mitigation requirements for specified
3345 transportation projects.—

3346 (1) The Legislature finds that environmental mitigation for
3347 the impact of transportation projects proposed by the Department
3348 of Transportation or a transportation authority established
3349 pursuant to chapter 348 or chapter 349 can be more effectively
3350 achieved by regional, long-range mitigation planning ~~rather~~ than
3351 on a project-by-project basis. It is therefore the intent of the
3352 Legislature that mitigation, including the use of mitigation
3353 banks and other mitigation options that satisfy state and
3354 federal requirements, to offset the adverse effects of ~~these~~
3355 transportation projects be funded by the Department of
3356 Transportation and be carried out by the water management
3357 districts, ~~including the use of mitigation banks established~~
3358 ~~pursuant to this part.~~

3359 (2) Environmental impact inventories for transportation
3360 projects proposed by the Department of Transportation or a
3361 transportation authority established pursuant to chapter 348 or
3362 chapter 349 shall be developed as follows:

3363 (a) By July 1 of each year, the Department of
3364 Transportation, or a transportation authority established

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3365 pursuant to chapter 348 or chapter 349 which chooses to
3366 participate in the program, shall submit to the water management
3367 districts a list ~~copy~~ of its projects for the adopted work
3368 program and an environmental impact inventory of habitats
3369 addressed in the rules adopted pursuant to this part and s. 404
3370 of the Clean Water Act, 33 U.S.C. s. 1344, which may be impacted
3371 by its plan of construction for transportation projects in the
3372 next 3 years of the tentative work program. The Department of
3373 Transportation or the ~~a~~ transportation authority ~~established~~
3374 ~~pursuant to chapter 348 or chapter 349~~ may also include in its
3375 environmental impact inventory the habitat impacts of any future
3376 transportation project. The Department of Transportation and the
3377 ~~each~~ transportation authority ~~established pursuant to chapter~~
3378 ~~348 or chapter 349~~ may fund any mitigation activities for future
3379 projects using current year funds.

3380 (b) The environmental impact inventory must ~~shall~~ include a
3381 description of these habitat impacts, including their location,
3382 acreage, and type; state water quality classification of
3383 impacted wetlands and other surface waters; any other state or
3384 regional designations for these habitats; and a list ~~survey~~ of
3385 threatened species, endangered species, and species of special
3386 concern affected by the proposed project.

3387 (3)

3388 (c) Except for current mitigation projects in the
3389 monitoring and maintenance phase and except as allowed by
3390 paragraph (d), the water management districts may request a
3391 transfer of funds from an escrow account no sooner than 30 days
3392 before ~~prior to~~ the date the funds are needed to pay for
3393 activities associated with development or implementation of the

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3394 approved mitigation plan described in subsection (4) for the
3395 current fiscal year, including, but not limited to, design,
3396 engineering, production, and staff support. Actual conceptual
3397 plan preparation costs incurred before plan approval may be
3398 submitted to the Department of Transportation or the appropriate
3399 transportation authority each year with the plan. The conceptual
3400 plan preparation costs of each water management district shall
3401 ~~will~~ be paid from mitigation funds associated with the
3402 environmental impact inventory for the current year. The amount
3403 transferred to the escrow accounts each year by the Department
3404 of Transportation and participating transportation authorities
3405 established pursuant to chapter 348 or chapter 349 must ~~shall~~
3406 correspond to a cost per acre of \$75,000 multiplied by the
3407 projected acres of impact identified in the environmental impact
3408 inventory described in subsection (2). However, the \$75,000 cost
3409 per acre does not constitute an admission against interest by
3410 the state or its subdivisions nor is the cost admissible as
3411 evidence of full compensation for any property acquired by
3412 eminent domain or through inverse condemnation. Each July 1, the
3413 cost per acre shall be adjusted by the percentage change in the
3414 average of the Consumer Price Index issued by the United States
3415 Department of Labor for the most recent 12-month period ending
3416 September 30, compared to the base year average, which is the
3417 average for the 12-month period ending September 30, 1996. Each
3418 quarter, the projected acreage of impact shall be reconciled
3419 with the acreage of impact of projects as permitted, including
3420 permit modifications, pursuant to this part and s. 404 of the
3421 Clean Water Act, 33 U.S.C. s. 1344. The subject year's transfer
3422 of funds shall be adjusted accordingly to reflect the acreage of

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3423 impacts as permitted. The Department of Transportation and
3424 participating transportation authorities established pursuant to
3425 chapter 348 or chapter 349 may ~~are authorized to~~ transfer such
3426 funds from the escrow accounts to the water management districts
3427 to carry out the mitigation programs. Environmental mitigation
3428 funds that are identified for or maintained in an escrow account
3429 for the benefit of a water management district may be released
3430 if the associated transportation project is excluded, in whole
3431 or in part, from the mitigation plan. For a mitigation project
3432 that is in the maintenance and monitoring phase, the water
3433 management district may request and receive a one-time payment
3434 based on the project's expected future maintenance and
3435 monitoring costs. Upon disbursement of the final maintenance and
3436 monitoring payment, the obligation of the Department of
3437 Transportation or the participating transportation authority is
3438 satisfied, the escrow account for the project established by the
3439 Department of Transportation or the participating transportation
3440 authority may be closed, and the water management district
3441 assumes continuing responsibility for the mitigation project.
3442 Any interest earned on these disbursed funds remains ~~shall~~
3443 ~~remain~~ with the water management district and must be used as
3444 authorized under this section.

3445 (4) Before ~~Prior to~~ March 1 of each year, each water
3446 management district, in consultation with the Department of
3447 Environmental Protection, the United States Army Corps of
3448 Engineers, the Department of Transportation, participating
3449 transportation authorities established under ~~pursuant to~~ chapter
3450 348 or chapter 349, ~~and~~ other appropriate federal, state, and
3451 local governments, and other interested parties, including

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3452 entities operating mitigation banks, shall develop a plan for
3453 the primary purpose of complying with the mitigation
3454 requirements adopted pursuant to this part and 33 U.S.C. s.
3455 1344. In developing such plans, the districts shall use ~~utilize~~
3456 sound ecosystem management practices to address significant
3457 water resource needs and ~~shall~~ focus on activities of the
3458 Department of Environmental Protection and the water management
3459 districts, such as surface water improvement and management
3460 (SWIM) projects and lands identified for potential acquisition
3461 for preservation, restoration or enhancement, and the control of
3462 invasive and exotic plants in wetlands and other surface waters,
3463 to the extent that such activities comply with the mitigation
3464 requirements adopted under this part and 33 U.S.C. s. 1344. In
3465 determining the activities to be included in such plans, the
3466 districts shall also consider the purchase of credits from
3467 public or private mitigation banks permitted under s. 373.4136
3468 and associated federal authorization and ~~shall~~ include such
3469 purchase as a part of the mitigation plan if ~~when~~ such purchase
3470 offsets ~~would offset~~ the impact of the transportation project,
3471 provide equal benefits to the water resources than other
3472 mitigation options being considered, and provide the most cost-
3473 effective mitigation option. The mitigation plan shall be
3474 submitted to the water management district governing board, or
3475 its designee, for review and approval. At least 14 days before
3476 ~~prior to~~ approval, the water management district shall provide a
3477 copy of the draft mitigation plan to any person who requests ~~has~~
3478 ~~requested~~ a copy.

3479 (a) For each transportation project with a funding request
3480 for the next fiscal year, the mitigation plan must include a

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3481 brief explanation of why a mitigation bank was or was not chosen
3482 as a mitigation option, including an estimation of identifiable
3483 costs of the mitigation bank and nonbank options to the extent
3484 practicable.

3485 (b) Specific projects may be excluded from the mitigation
3486 plan, in whole or in part, and are ~~shall~~ not be subject to this
3487 section upon the election agreement of the Department of
3488 Transportation, ~~or~~ a transportation authority if applicable, or
3489 ~~and~~ the appropriate water management district ~~that the inclusion~~
3490 ~~of such projects would hamper the efficiency or timeliness of~~
3491 ~~the mitigation planning and permitting process. The water~~
3492 ~~management district may choose to exclude a project in whole or~~
3493 ~~in part if the district is unable to identify mitigation that~~
3494 ~~would offset impacts of the project.~~

3495 (5) The water management district must ensure ~~shall be~~
3496 ~~responsible for ensuring~~ that mitigation requirements under
3497 ~~pursuant to~~ 33 U.S.C. s. 1344 are met for the impacts identified
3498 in the environmental impact inventory described in subsection
3499 (2), by implementation of the approved plan described in
3500 subsection (4) to the extent funding is provided by the
3501 Department of Transportation, or a transportation authority
3502 established pursuant to chapter 348 or chapter 349, if
3503 applicable. During the federal permitting process, the water
3504 management district may deviate from the approved mitigation
3505 plan in order to comply with federal permitting requirements.

3506 Section 68. Paragraph (a) of subsection (2) of section
3507 403.7211, Florida Statutes, is amended to read:

3508 403.7211 Hazardous waste facilities managing hazardous
3509 wastes generated offsite; federal facilities managing hazardous

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3510 waste.—

3511 (2) The department shall not issue any permit under s.
3512 403.722 for the construction, initial operation, or substantial
3513 modification of a facility for the disposal, storage, or
3514 treatment of hazardous waste generated offsite which is proposed
3515 to be located in any of the following locations:

3516 (a) Any area where life-threatening concentrations of
3517 hazardous substances could accumulate at a ~~any~~ residence or
3518 residential subdivision as the result of a catastrophic event at
3519 the proposed facility, unless ~~each~~ such residence or residential
3520 subdivision is served by at least one arterial road or urban
3521 minor arterial road, as defined in s. 334.03, using procedures
3522 developed by the Federal Highway Administration, which provides
3523 safe and direct egress by land to an area where such life-
3524 threatening concentrations of hazardous substances could not
3525 accumulate in a catastrophic event. Egress by any road leading
3526 from any residence or residential subdivision to any point
3527 located within 1,000 yards of the proposed facility is unsafe
3528 for the purposes of this paragraph. In determining whether
3529 egress proposed by the applicant is safe and direct, the
3530 department shall also consider, at a minimum, the following
3531 factors:

- 3532 1. Natural barriers such as water bodies, and whether a ~~any~~
3533 road in the proposed evacuation route is impaired by a natural
3534 barrier such as a water body;
- 3535 2. Potential exposure during egress and potential increases
3536 in the duration of exposure;
- 3537 3. Whether any road in a proposed evacuation route passes
3538 in close proximity to the facility; and

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3539 4. Whether any portion of the evacuation route is
3540 inherently directed toward the facility.

3541
3542 For the purposes of this subsection, all distances shall be
3543 measured from the outer limit of the active hazardous waste
3544 management area. "Substantial modification" includes: any
3545 physical change in, change in the operations of, or addition to
3546 a facility which could increase the potential offsite impact, or
3547 risk of impact, from a release at that facility; and any change
3548 in permit conditions which is reasonably expected to lead to
3549 greater potential impacts or risks of impacts, from a release at
3550 that facility. "Substantial modification" does not include a
3551 change in operations, structures, or permit conditions which
3552 does not substantially increase either the potential impact
3553 from, or the risk of, a release. Physical or operational changes
3554 to a facility related solely to the management of nonhazardous
3555 waste at the facility shall not be considered a substantial
3556 modification. The department shall, by rule, adopt criteria to
3557 determine whether a facility has been substantially modified.
3558 "Initial operation" means the initial commencement of operations
3559 at the facility.

3560 Section 69. Section 479.28, Florida Statutes, is repealed.

3561 Section 70. The Department of Transportation may seek
3562 Federal Highway Administration approval of a tourist-oriented
3563 commerce sign pilot program for small businesses, as defined in
3564 s. 288.703, Florida Statutes, in a rural area of critical
3565 economic concern as defined by s. 288.0656(2)(d) and (e),
3566 Florida Statutes. Upon federal approval, the department shall
3567 submit the pilot program for legislative approval in the next

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3568 regular legislative session.

3569 Section 71. It is the intent of the Legislature to
3570 encourage and facilitate a review by the Pinellas Suncoast
3571 Transit Authority (PSTA) and the Hillsborough Area Regional
3572 Transit Authority (HART) in order to achieve improvements in
3573 regional transit connectivity and implementation of operational
3574 efficiencies and service enhancements that are consistent with
3575 the regional approach to transit identified in the Tampa Bay
3576 Area Regional Transportation Authority's (TBARTA's) Regional
3577 Transportation Master Plan. The Legislature finds that such
3578 improvements and efficiencies can best be achieved through a
3579 joint review, evaluation, and recommendations by PSTA and HART.

3580 (1) The governing bodies of the PSTA and HART shall hold a
3581 joint meeting within 30 days after the effective date of this
3582 act, and at least every 45 days thereafter, in order to consider
3583 and identify opportunities for greater efficiency and service
3584 improvements, including specific methods for increasing service
3585 connectivity between the jurisdictions of each agency. The
3586 elements to be reviewed must also include:

3587 (a) Governance structure, including governing board
3588 membership, terms, responsibilities, officers, powers, duties,
3589 and responsibilities;

3590 (b) Funding options and implementation;

3591 (c) Facilities ownership and management;

3592 (d) Current financial obligations and resources; and

3593 (e) Actions to be taken that are consistent with TBARTA's
3594 master plan.

3595 (2) PSTA and HART shall jointly submit a report to the
3596 Speaker of the House of Representatives and the President of the

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3597 Senate on the elements described in this section by February 1,
3598 2013. The report must include proposed legislation to implement
3599 each recommendation and specific recommendations concerning the
3600 reorganization of each agency, the organizational merger of both
3601 agencies, or the consolidation of functions within and between
3602 each agency.

3603 (3) TBARTA shall assist and facilitate PSTA and HART in
3604 carrying out the purposes of this section. TBARTA shall provide
3605 technical assistance and information regarding its master plan,
3606 make recommendations for achieving consistency and improved
3607 regional connectivity, and provide support to PSTA and HART in
3608 the preparation of their joint report and recommendations to the
3609 Legislature. For this purpose, PSTA and HART shall reimburse
3610 TBARTA for necessary and reasonable expense in a total amount
3611 not to exceed \$100,000.

3612 Section 72. This act shall take effect July 1, 2012.