

By the Committee on Transportation; and 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.; providing that the district  
4           secretaries and the executive directors of the  
5           Department of Transportation may be registered  
6           professional engineers in accordance with the laws of  
7           another state; deleting obsolete provisions;  
8           authorizing the department to maintain training  
9           programs for employees; authorizing incremental  
10          increases to base salary for successful completion of  
11          training phases; amending s. 206.41, F.S.; revising  
12          the definition of the term "agricultural and  
13          aquacultural purposes" for the purpose of obtaining a  
14          refund of the state motor fuel tax; amending s.  
15          282.0041, F.S.; revising the definition of the term  
16          "agency" under part I of ch. 282, F.S., to exclude the  
17          Office of Toll Operations of the Florida Turnpike  
18          Enterprise; amending s. 282.0055, F.S.; exempting the  
19          Office of Toll Operations and the Florida Turnpike  
20          Enterprise from state information technology  
21          management efforts; amending s. 282.201, F.S.;  
22          removing the department's toll offices from the  
23          schedule for consolidating agency data centers during  
24          the 2014-2015 fiscal year; providing a directive to  
25          the Division of Statutory Revision; amending s.  
26          311.07, F.S.; increasing funding for the Florida  
27          Seaport Transportation and Economic Development  
28          Program; requiring the program's council to develop  
29          guidelines for program funding; revising the list of

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30 projects eligible for program funding; deleting a cap  
31 on distribution of program funds to eligible ports;  
32 amending s. 311.09, F.S.; revising the rule criteria  
33 for evaluating a potential Florida Seaport  
34 Transportation and Economic Development Council  
35 project; deleting provisions relating to project  
36 review by the Department of Community Affairs;  
37 requiring projects to be consistent with the Statewide  
38 Seaport and Waterways System Plan; revising the  
39 criteria used by the Department of Transportation and  
40 the Department of Economic Opportunity to review  
41 project applications approved by the council;  
42 increasing the amount of funding the Department of  
43 Transportation is required to include in its annual  
44 legislative budget request for the Florida Seaport  
45 Transportation and Economic Development grant program;  
46 creating s. 311.10, F.S.; establishing the Strategic  
47 Port Investment Initiative within the department;  
48 providing annual funding from the State Transportation  
49 Trust Fund; directing the department to work with  
50 deepwater ports to develop and maintain a specified  
51 priority list of strategic investment projects;  
52 providing project selection criteria; requiring the  
53 department to schedule a publicly noticed workshop  
54 with the Department of Economic Opportunity and the  
55 deepwater ports to review proposed projects; directing  
56 the department to include seaport projects proposed  
57 for funding in the tentative work program; excluding  
58 project funding from the requirement that a minimum of

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59 15 percent of state revenues deposited into the State  
60 Transportation Fund be committed to specified public  
61 transportation projects; creating s. 311.101, F.S.;  
62 establishing the Intermodal Logistics Center  
63 Infrastructure Support Program within the department  
64 to fund projects conveying or shipping goods through a  
65 seaport; defining the term "intermodal logistics  
66 center"; providing project criteria; providing for  
67 funding; authorizing the department to adopt rules;  
68 amending s. 311.14, F.S.; directing the department to  
69 develop a Statewide Seaport and Waterways System Plan;  
70 deleting provisions relating to the development and  
71 integration of freight mobility and trade corridor  
72 plans; amending s. 311.22, F.S.; conforming a cross-  
73 reference; amending s. 316.003, F.S.; revising the  
74 definition of the term "motor vehicle" for purposes of  
75 the payment of tolls; amending s. 316.091, F.S.;  
76 revising provisions relating to prohibitions against  
77 operating a human-operated vehicle on a limited access  
78 highway; authorizing the department and expressway  
79 authorities to designate the use of shoulders of  
80 limited access facilities and interstate highways for  
81 vehicular traffic under certain conditions; requiring  
82 the department to establish a pilot program to open  
83 certain limited access highways and bridges to  
84 bicycles and other human-powered vehicles; providing  
85 requirements for the program; requiring a report;  
86 amending s. 316.1001, F.S.; revising provisions  
87 relating to mailing citations for failing to pay a

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88 toll; amending s. 316.2122, F.S.; deleting a cross-  
89 reference; amending s. 316.515, F.S.; revising  
90 provisions related to the maximum allowed length of  
91 straight truck-trailer combinations; revising  
92 provisions relating to farm equipment; amending s.  
93 318.12, F.S.; conforming provisions to changes made by  
94 the act; amending s. 320.01, F.S.; revising the  
95 definition of the term "low-speed vehicle"; amending  
96 s. 320.20, F.S.; conforming provisions to changes made  
97 by the act; amending s. 332.08, F.S.; authorizing a  
98 municipality participating in the Federal Aviation  
99 Administration's pilot program on the private  
100 ownership of airports to lease or sell airport  
101 property to a private party; providing for department  
102 approval under certain conditions; reordering and  
103 amending s. 334.03, F.S.; revising definitions for  
104 purposes of the Florida Transportation Code; amending  
105 s. 334.044, F.S.; revising the powers and duties of  
106 the department relating to jurisdictional  
107 responsibility, the designation of facilities, and  
108 highway landscaping, and adding a duty to develop  
109 freight mobility and trade plans; amending s. 334.047,  
110 F.S.; deleting a prohibition preventing the department  
111 from establishing a maximum number of miles of urban  
112 principal arterial roads; amending s. 335.02, F.S.;  
113 revising references to conform to the incorporation of  
114 the Florida Intrastate Highway System into the  
115 Strategic Intermodal System; amending s. 335.074,  
116 F.S.; requiring the governmental entity having

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117 maintenance responsibility for a bridge to reduce the  
118 maximum limits for the bridge in accordance with a  
119 bridge inspection report and post such limits as  
120 specified; requiring the governmental entity to  
121 immediately close a bridge if recommended in the  
122 report; amending s. 335.17, F.S., relating to highway  
123 construction noise abatement; clarifying project  
124 eligibility provisions governing noise abatement;  
125 updating a reference to a federal regulation; amending  
126 s. 336.021, F.S.; revising the date for levying  
127 certain fuel taxes; amending s. 336.025, F.S.;  
128 revising the date for levying certain fuel taxes;  
129 specifying certain transportation program  
130 expenditures; amending s. 337.11, F.S.; revising the  
131 department's advertising requirements for bids on  
132 certain construction contracts; amending s. 337.111,  
133 F.S.; providing additional forms of security for the  
134 cost of removing or modifying monuments or memorials  
135 at highway rest areas; amending s. 337.125, F.S.;  
136 revising provisions relating to the submission of  
137 information documenting that a subcontract is with a  
138 disadvantaged business enterprise; repealing s.  
139 337.137, F.S., relating to subcontract limitations by  
140 socially and economically disadvantaged business  
141 enterprises; amending s. 337.139, F.S.; updating a  
142 reference to federal law as it relates to encouraging  
143 the award of contracts to socially and economically  
144 disadvantaged business enterprises; amending s.  
145 337.14, F.S.; specifying when an application for

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146 qualification to bid on a department contract is  
147 timely; authorizing certain applicants to submit  
148 reviewed annual or reviewed interim financial  
149 statements prepared by a certified public accountant;  
150 amending ss. 337.403 and 337.404, F.S.; clarifying  
151 provisions relating to responsibility for the work and  
152 costs for alleviating interference on a public road or  
153 publicly owned rail corridor caused by a utility  
154 facility; requiring the utility owner to initiate and  
155 complete the work necessary within a certain time  
156 period; requiring the local governmental authority to  
157 bear the costs of work on a utility facility that was  
158 initially installed to serve the governmental entity  
159 or its tenants; providing that the governmental entity  
160 is not responsible for the costs of utility work  
161 related to subsequent additions to the facility;  
162 requiring that the local governmental authority bear  
163 the costs of removing or relocating a utility facility  
164 under certain circumstances; providing for notice to  
165 the utility; revising provisions for payment of costs;  
166 revising provisions for completion of work when the  
167 utility owner does not perform the work; amending s.  
168 337.408, F.S.; revising provisions for certain  
169 facilities installed within the right-of-way limits of  
170 a road; requiring counties and municipalities to  
171 indemnify the department from certain claims relating  
172 to the installation, removal, or relocation of a  
173 noncompliant bench or shelter; authorizing the  
174 department to remove or relocate a noncompliant

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175 installation and charge the cost to the county or  
176 municipality; removing a provision for the replacement  
177 of an unusable transit bus bench that was in service  
178 before a certain date; providing a directive to the  
179 Division of Statutory Revision; repealing s. 338.001,  
180 F.S., relating to the Florida Intrastate Highway  
181 System Plan; amending s. 338.01, F.S.; clarifying  
182 provisions governing the designation and function of  
183 limited access facilities established by the  
184 department; authorizing the department or other  
185 governmental entity to retain an attorney or  
186 collection agent to collect unpaid tolls and add the  
187 cost of such services to the amount collected;  
188 creating s. 338.151, F.S.; authorizing the department  
189 to establish tolls on certain transportation  
190 facilities to pay for the cost of such project;  
191 amending s. 338.155, F.S.; authorizing the department  
192 to allow the use of certain toll facilities by certain  
193 vehicles without paying the tolls under certain  
194 circumstances; amending s. 338.161, F.S.; authorizing  
195 the department to enter in agreements with other  
196 entities for the use of the public or private toll  
197 facilities under certain circumstances; authorizing  
198 the department to modify its rules regarding toll  
199 collection procedures and the imposition of  
200 administrative charges for certain toll facilities;  
201 amending s. 338.166, F.S.; removing a location  
202 restriction on the issuing of bonds secured by toll  
203 revenues; restricting the use of remaining tolls

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204 revenues to the county or counties in which the  
205 revenues were collected or to support express bus  
206 service on the facility where the toll revenues were  
207 collected; amending s. 338.221, F.S.; revising the  
208 definition of the term "economically feasible" for  
209 purposes of proposed turnpike projects; amending s.  
210 338.223, F.S.; revising a provision relating to  
211 department requests for legislative approval of  
212 proposed turnpike projects; conforming a cross-  
213 reference; amending s. 338.227, F.S.; replacing a  
214 reference to the Florida Intrastate Highway System  
215 Plan with a reference to the Strategic Intermodal  
216 System Plan; amending ss. 338.2275 and 338.228, F.S.;  
217 conforming cross-references; amending s. 338.231,  
218 F.S.; authorizing the department to assess an  
219 administrative fee as an account maintenance charge  
220 for inactive prepaid toll accounts; amending s.  
221 338.234, F.S.; replacing a reference to the Florida  
222 Intrastate Highway System with a reference to the  
223 Strategic Intermodal System; amending s. 339.0805,  
224 F.S.; revising provisions relating to the  
225 certification of socially and economically  
226 disadvantaged individuals; deleting provisions  
227 requiring a periodic disparity study; deleting  
228 obsolete provisions; revising the timeframe for  
229 notifying the department of any change in ownership of  
230 a qualifying individual or individuals; conforming  
231 provisions to changes made by the act; updating  
232 references to federal law; amending s. 339.135, F.S.;



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233 providing a cross-reference; revising threshold  
234 amounts for the review of amendments to the  
235 department's adopted work program; directing the  
236 department to index the budget amendment threshold  
237 amounts as specified; amending s. 339.155, F.S.;  
238 providing a cross-reference to federally required  
239 transportation planning factors; clarifying and  
240 revising provisions relating to the Florida  
241 Transportation Plan; deleting duplicative performance  
242 reporting requirements; amending s. 339.175, F.S.;  
243 revising provisions relating to the designation of  
244 metropolitan planning organizations for urbanized  
245 areas; revising provisions relating to representatives  
246 of the department who serve as nonvoting advisers to  
247 such organization; requiring metropolitan planning  
248 organizations in urbanized areas containing more than  
249 one organization to coordinate in the development of  
250 regionally significant project priorities; amending s.  
251 339.2819, F.S.; conforming cross-references; revising  
252 the state matching funds requirement for the  
253 Transportation Regional Incentive Program; requiring  
254 projects funded under the program to be included in  
255 the department's work program; amending s. 339.285,  
256 F.S.; conforming a cross-reference; amending s.  
257 339.62, F.S.; replacing a reference to the Florida  
258 Intrastate Highway System with a reference to highway  
259 corridors; revising the facility component types;  
260 amending s. 339.63, F.S.; adding military access  
261 facilities to the types of facilities included in the

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262 Strategic Intermodal System and the Emerging Strategic  
263 Intermodal System; requiring that the Secretary of  
264 Transportation designate certain planned facilities as  
265 part of the Strategic Intermodal System; providing for  
266 such facilities to receive a waiver of the  
267 transportation concurrency requirements under certain  
268 circumstances; amending s. 339.64, F.S.; deleting  
269 provisions creating the Statewide Intermodal  
270 Transportation Advisory Council; creating s. 339.65,  
271 F.S.; requiring the department to plan and develop  
272 Strategic Intermodal System highway corridors to aid  
273 traffic movement; specifying components of the system;  
274 requiring the department to follow specified policy  
275 guidelines when developing the corridors; requiring  
276 the department to develop a plan for corridor  
277 projects; specifying an appropriation amount for  
278 developing the corridor; requiring strategic highway  
279 projects to be a part of the department's adopted work  
280 program; amending s. 341.053, F.S.; replacing a  
281 reference to the Florida Intrastate Highway System  
282 with a reference to the Strategic Intermodal System;  
283 amending s. 341.840, F.S., relating to tax exemptions  
284 in connection with the high-speed rail system;  
285 replacing obsolete references to the "authority" with  
286 references to the "department"; amending s. 343.53,  
287 F.S.; revising the membership of the board of the  
288 authority; transferring control of the Mid-Bay Bridge  
289 Authority system to the Florida Turnpike Enterprise;  
290 transferring all assets, rights, powers, duties, and

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291 bond liabilities of the authority to the turnpike  
292 enterprise; transferring all provisions that protect  
293 the rights of certain bondholders from the authority  
294 to the turnpike enterprise; providing for the turnpike  
295 enterprise to annually transfer funds from the  
296 activities of the transferred authority to the State  
297 Transportation Trust Fund to repay certain long-term  
298 debt; requiring that specific toll revenue be used for  
299 the construction, maintenance, or improvement of  
300 certain toll facilities of the turnpike enterprise;  
301 amending s. 348.0003, F.S.; removing members of the  
302 governing body of the Jacksonville Transportation  
303 Authority from those entities required to comply with  
304 certain constitutional financial disclosure  
305 requirements; amending s. 348.0004, F.S.; removing  
306 provisions qualifying funding received by an authority  
307 from a portion of the county gasoline tax funds;  
308 amending s. 348.0005, F.S.; providing criteria under  
309 which bonds may be issued; providing an exception to  
310 the application of certain bond requirements; creating  
311 s. 348.0013, F.S., relating to expressway authorities  
312 created on or after a specified date; providing that  
313 the department is the agent for the purpose of  
314 performing all phases of constructing improvements to  
315 and extensions of an expressway system; requiring that  
316 the Division of Bond Finance and the authority provide  
317 certain construction documents to the department;  
318 providing for payment and the use of funds for the  
319 construction; requiring that an authority identify an

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320 expressway project in the authority's work plan and  
321 submit the work plan along with its budget; requiring  
322 that the work plan include certain information;  
323 requiring that the department operate and maintain the  
324 expressway system; requiring that the costs incurred  
325 by the department be reimbursed from revenues of the  
326 expressway system; providing that an expressway system  
327 is part of the State Highway System; authorizing the  
328 authority to collect tolls, fees, and other charges;  
329 amending s. 348.52, F.S.; authorizing the Tampa-  
330 Hillsborough County Expressway Authority to employ  
331 certain personnel; amending s. 348.54, F.S.; providing  
332 for the powers of the authority with respect to  
333 certain lease-purchase agreements; amending s.  
334 348.545, F.S.; conforming cross-references; amending  
335 s. 348.56, F.S.; restricting the authority's ability  
336 to request the issuance of bonds; providing criteria  
337 for refunding bonds; prohibiting the authority from  
338 requesting the issuance of bonds having certain rights  
339 against the department; providing criteria for bonds  
340 issued on or after a certain date; amending s.  
341 348.565, F.S.; conforming provisions; removing from  
342 the list of approved projects for the Tampa-  
343 Hillsborough County Expressway System the connector  
344 highway linking Lee Roy Selmon Crosstown Expressway to  
345 Interstate 4; amending s. 348.57, F.S., relating to  
346 refunding bonds; conforming references and provisions;  
347 amending s. 348.60, F.S.; providing that the Tampa-  
348 Hillsborough County Expressway Authority is a party to

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349 lease-purchase agreements between the department and  
350 the authority which are dated on specified dates;  
351 prohibiting the authority from entering into other  
352 lease-purchase agreements or amending the lease-  
353 purchase agreement unless the department determines an  
354 agreement or amendment is necessary to permit  
355 refunding of certain bonds; providing that the  
356 expressway system remains the property of the  
357 authority if the lease-purchase agreement terminates;  
358 providing that the authority remains obligated to  
359 reimburse the department if the agreement terminates;  
360 requiring that the department operate and maintain the  
361 system as the agent of the authority; creating s.  
362 348.615, F.S.; providing that the department is the  
363 agent of the authority for purposes of collecting  
364 tolls; authorizing the authority to establish tolls,  
365 fees, and other charges; amending s. 348.753, F.S.;  
366 authorizing the Orlando-Orange County Expressway  
367 Authority to contract with the Division of Bond  
368 Finance for certain financial services; amending s.  
369 348.754, F.S.; providing that the transportation  
370 authority is a party to specified lease-purchase  
371 agreements between the department and the authority;  
372 prohibiting the authority from entering into other  
373 lease-purchase agreements or amending a specified  
374 lease-purchase agreement; amending s. 348.7543, F.S.;  
375 conforming a cross-reference and revising provisions  
376 governing the issuance of bonds; amending ss. 348.7545  
377 and 348.7547, F.S.; conforming cross-references;

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378 amending s. 348.755, F.S.; restricting the authority's  
379 ability to request the issuance of bonds; prohibiting  
380 the authority from requesting the issuance of  
381 refunding bonds under certain circumstances; providing  
382 conditions for issuing certain bonds; amending s.  
383 348.757, F.S.; limiting certain authorized lease-  
384 purchase agreements; prohibiting the authority from  
385 entering into or amending certain lease-purchase  
386 agreements; providing for the termination of the  
387 department's obligations under certain lease-purchase  
388 agreements; creating s. 348.7585, F.S.; providing that  
389 the department is the agent of the authority for  
390 purposes of collecting tolls; authorizing the  
391 authority to establish tolls, fees, and other charges;  
392 conforming provisions; amending s. 348.9952, F.S.;  
393 removing provisions authorizing the Osceola County  
394 Expressway Authority to employ a fiscal agent;  
395 repealing s. 348.9956, F.S., relating to the  
396 appointment of the department as the agent of the  
397 authority for construction; creating s. 348.99565,  
398 F.S.; providing that the department is the agent of  
399 the authority for purposes of performing all phases of  
400 constructing improvements and extensions to the  
401 Orlando-Orange County Expressway System; requiring  
402 that the Division of Bond Finance and the expressway  
403 authority provide construction documents to the  
404 department; providing for payment and use of funds for  
405 the construction; providing guidelines that the  
406 authority must follow if it proposes construction of

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407 an expressway; authorizing the authority to collect  
408 tolls, fees, and other charges; requiring the Florida  
409 Transportation Commission to study the potential costs  
410 savings of the department being the operating agent  
411 for certain expressway authorities; amending s.  
412 349.03, F.S.; requiring that members of the authority  
413 file a statement of financial interest with the  
414 Commission on Ethics as their mandatory financial  
415 disclosure; amending s. 349.04, F.S.; authorizing the  
416 Jacksonville Transportation Authority to conduct  
417 public meetings and workshops by means of media  
418 technology; amending s. 373.413, F.S.; providing  
419 legislative intent regarding flexibility in permitting  
420 stormwater management systems serving state  
421 transportation projects; requiring the cost of  
422 stormwater treatment for a transportation project to  
423 be balanced with benefits to the public; absolving the  
424 department of responsibility for the abatement of  
425 pollutants entering its stormwater facilities from  
426 offsite sources and from updating permits for adjacent  
427 lands impacted by right-of-way acquisition;  
428 authorizing the water management districts and the  
429 Department of Environmental Protection to adopt rules;  
430 amending s. 373.4137, F.S.; revising mitigation  
431 requirements for transportation projects to include  
432 other mitigation options; providing for the release of  
433 escrowed mitigation funds under certain circumstances;  
434 clarifying responsibility for mitigation projects;  
435 providing for the exclusion of projects from a

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436 mitigation plan upon the election of one or more  
437 agencies; amending s. 403.7211, F.S.; conforming  
438 provisions to changes made by the act; repealing s.  
439 479.28, F.S., relating to a rest area information or  
440 device program within the department; prohibiting the  
441 use of glass beads used for road markings which  
442 contain a certain amount of inorganic arsenic;  
443 providing penalties; authorizing the department to  
444 seek Federal Highway Administration approval of a  
445 tourist-oriented commerce sign pilot program and  
446 submit the approved program for legislative approval;  
447 providing for a review by the Pinellas Suncoast  
448 Transit Authority and the Hillsborough Area Regional  
449 Transit Authority to consider and identify  
450 opportunities and greater efficiency and service  
451 improvements for increasing connectivity between each  
452 authority; requiring a report to the Legislature;  
453 requiring the Tampa Bay Area Regional Transportation  
454 Authority to provide assistance; authorizing  
455 governmental units that regulate the operation of  
456 vehicles for public hire or other for-hire  
457 transportation to request and receive criminal history  
458 record information for the purpose of screening  
459 applicants; requiring that the costs associated with  
460 the transmittal and processing of such information be  
461 borne by the governmental unit, the employer, or the  
462 person who is the subject of the background check;  
463 providing an effective date.  
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465 Be It Enacted by the Legislature of the State of Florida:

466

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

470 20.23 Department of Transportation.—There is created a  
471 Department of Transportation which shall be a decentralized  
472 agency.

473 (5) (a) The operations of the department shall be organized  
474 into seven districts, each headed by a district secretary, and a  
475 turnpike enterprise and a rail enterprise, each enterprise  
476 headed by an executive director. The district secretaries and  
477 the executive directors must ~~shall~~ be registered professional  
478 engineers in accordance with ~~the provisions of~~ chapter 471 or  
479 the laws of another state or, in lieu of professional engineer  
480 registration, a district secretary or executive director may  
481 hold an advanced degree in an appropriate related discipline,  
482 such as a Master of Business Administration. The headquarters of  
483 the districts shall be located in Polk, Columbia, Washington,  
484 Broward, Volusia, Miami-Dade, and Hillsborough Counties. The  
485 headquarters of the turnpike enterprise shall be located in  
486 Orange County. The headquarters of the rail enterprise shall be  
487 located in Leon County. In order to provide for efficient  
488 operations and to expedite the decisionmaking process, the  
489 department shall provide for maximum decentralization to the  
490 districts.

491 (b) Each district secretary may appoint up to three  
492 district directors ~~or, until July 1, 2005, each district~~  
493 ~~secretary may appoint up to four district directors.~~ These

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494 positions are exempt from part II of chapter 110.

495 (7) The department may maintain training programs for  
496 department employees and prospective employees in order to  
497 provide:

498 (a) Broad practical expertise in the field of  
499 transportation engineering leading to licensure as a  
500 professional engineer for those employees who are graduates from  
501 an approved engineering curriculum of 4 years or more in a  
502 school, college, or university approved by the Board of  
503 Professional Engineers.

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

507  
508 The training programs may provide for incremental increases to  
509 base salary for all employees enrolled in the programs who  
510 successfully complete training phases.

511 Section 2. Paragraph (c) of subsection (4) of section  
512 206.41, Florida Statutes, is amended to read:

513 206.41 State taxes imposed on motor fuel.—

514 (4)

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

520 2. As used in ~~For the purposes of~~ this paragraph, the term  
521 "agricultural and aquacultural purposes" means motor fuel used  
522 in any tractor, vehicle, or other farm equipment that ~~which~~ is

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523 used exclusively on a farm or for processing farm products on  
524 the farm, and no part of which fuel is used in any vehicle or  
525 equipment driven or operated upon the public highways of this  
526 state. This restriction does not apply to the movement of a farm  
527 vehicle, ~~or~~ farm equipment, citrus harvesting equipment, or  
528 citrus fruit loaders between farms. The transporting of bees by  
529 water and the operating of equipment used in the apiary of a  
530 beekeeper are ~~shall be~~ also deemed an agricultural purpose.

531 3. As used in ~~For the purposes of~~ this paragraph, the term  
532 "commercial fishing and aquacultural purposes" means motor fuel  
533 used in the operation of boats, vessels, or equipment used  
534 exclusively for the taking of fish, crayfish, oysters, shrimp,  
535 or sponges from salt or fresh waters under the jurisdiction of  
536 the state for resale to the public, and no part of which fuel is  
537 used in any vehicle or equipment driven or operated upon the  
538 highways of this state; however, the term does not ~~may in no way~~  
539 ~~be construed to~~ include fuel used for sport or pleasure fishing.

540 4. As used in ~~For the purposes of~~ this paragraph, the term  
541 "commercial aviation purposes" means motor fuel used in the  
542 operation of aviation ground support vehicles or equipment, no  
543 part of which fuel is used in any vehicle or equipment driven or  
544 operated upon the public highways of this state.

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

547 282.0041 Definitions.—As used in this chapter, the term:

548 (1) "Agency" has the same meaning as in s. 216.011(1)(qq),  
549 except that for purposes of this chapter, "agency" does not  
550 include university boards of trustees, ~~or~~ state universities, or  
551 the Office of Toll Operations of the Florida Turnpike

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552 Enterprise.

553 Section 4. Section 282.0055, Florida Statutes, is amended  
554 to read:

555 282.0055 Assignment of information technology.—In order to  
556 ensure the most effective and efficient use of the state's  
557 information technology and information technology resources and  
558 notwithstanding any other provisions of law ~~to the contrary~~,  
559 policies for the design, planning, project management, and  
560 implementation of enterprise information technology services is  
561 ~~shall be~~ the responsibility of the Agency for Enterprise  
562 Information Technology for executive branch agencies created or  
563 authorized by law ~~in statute~~ to perform legislatively delegated  
564 functions. The supervision, design, delivery, and management of  
565 agency information technology remains ~~shall remain~~ within the  
566 responsibility and control of the individual state agency.  
567 Notwithstanding any other provision of law, information  
568 technology used in the Department of Transportation's Office of  
569 Toll Operations or the Florida Turnpike Enterprise is exempt  
570 from this part.

571 Section 5. Paragraph (h) of subsection (4) of section  
572 282.201, Florida Statutes, is amended to read:

573 282.201 State data center system; agency duties and  
574 limitations.—A state data center system that includes all  
575 primary data centers, other nonprimary data centers, and  
576 computing facilities, and that provides an enterprise  
577 information technology service as defined in s. 282.0041, is  
578 established.

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

580 (h) During the 2014-2015 fiscal year, the following

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581 agencies shall work with the Agency for Enterprise Information  
582 Technology to begin preliminary planning for consolidation into  
583 a primary data center:

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

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

587 3. The Department of Military Affairs' Camp Blanding Joint  
588 Training Center in Starke.

589 4. The Department of Community Affairs' Camp Blanding  
590 Emergency Operations Center in Starke.

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

593 6. The Department of Education's disaster recovery site at  
594 Santa Fe College.

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

597 8. The Fish and Wildlife Conservation Commission's Fish and  
598 Wildlife Research Institute in St. Petersburg.

599 9. The Department of Children and Family Services' Suncoast  
600 Data Center in Tampa.

601 10. The Department of Children and Family Services' Florida  
602 State Hospital in Chattahoochee.

603 Section 6. The Division of Statutory Revision is requested  
604 to rename chapter 311, Florida Statutes, as "Seaport Facilities  
605 and Programs."

606 Section 7. Section 311.07, Florida Statutes, is amended to  
607 read:

608 311.07 Florida seaport transportation and economic  
609 development funding.—

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610 (1) There is created the Florida Seaport Transportation and  
611 Economic Development (FSTED) Program within the Department of  
612 Transportation to finance port transportation or port facilities  
613 projects that will improve the movement and intermodal  
614 transportation of cargo or passengers in commerce and trade and  
615 ~~that will~~ support the interests, purposes, and requirements of  
616 all ports listed in s. 311.09(1) located in this state.

617 (2) A minimum of \$15 ~~\$8~~ million per year shall be made  
618 available from the State Transportation Trust Fund to fund the  
619 FSTED Florida Seaport Transportation and Economic Development  
620 Program. The Florida Seaport Transportation and Economic  
621 Development Council created in s. 311.09 shall develop  
622 guidelines for the use of project funding. Council staff, the  
623 Department of Transportation, and the Department of Economic  
624 Opportunity shall work cooperatively to review projects and  
625 allocate funds in accordance with the schedule for including  
626 projects in the Department of Transportation's tentative work  
627 program developed pursuant to s. 339.135(4).

628 (3) (a) FSTED Program funds shall be used to fund approved  
629 projects on a 50-50 matching basis with a ~~any of the~~ deepwater  
630 port ports, as listed in s. 311.09(1) ~~403.021(9)(b)~~, which is  
631 governed by a public body or ~~any~~ other deepwater port ~~which is~~  
632 governed by a public body and which comply ~~complies~~ with the  
633 water quality provisions of s. 403.061, the comprehensive master  
634 plan requirements of s. 163.3178(2)(k), and the local financial  
635 management and reporting provisions of part III of chapter 218.  
636 However, program funds used to fund projects that involve the  
637 rehabilitation of wharves, docks, berths, bulkheads, or similar  
638 structures ~~shall~~ require a 25-percent match of funds. Program

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639 funds also may be used by the Seaport Transportation and  
640 Economic Development Council for data and analysis to ~~develop~~  
641 ~~trade data information products which will~~ assist the state's  
642 ~~Florida's~~ seaports and international trade.

643 (b) Projects eligible for funding by grants under the  
644 program are limited to the following port facilities or port  
645 transportation projects:

646 1. Transportation facilities within the jurisdiction of the  
647 port.

648 2. The dredging or deepening of channels, turning basins,  
649 or harbors.

650 3. The construction or rehabilitation of wharves, docks,  
651 structures, jetties, piers, storage facilities, cruise  
652 terminals, automated people mover systems, or any facilities  
653 necessary or useful in connection with any of the foregoing.

654 4. The acquisition of vessel tracking systems, container  
655 cranes, or other mechanized equipment used in the movement of  
656 cargo or passengers in international commerce.

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

658 6. The acquisition, improvement, enlargement, or extension  
659 of existing port facilities.

660 7. Environmental protection projects that ~~which~~ are  
661 necessary because of requirements imposed by a state agency as a  
662 condition of a permit or other form of state approval; ~~which~~ are  
663 necessary for environmental mitigation required as a condition  
664 of a state, federal, or local environmental permit; ~~which~~ are  
665 necessary for the acquisition of spoil disposal sites and  
666 improvements to existing and future spoil sites; or ~~which~~ result  
667 from the funding of eligible projects listed in this paragraph.

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

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

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

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

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

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

691 ~~(4)(5)~~ Any port that ~~which~~ receives funding under the  
692 program must ~~shall~~ institute procedures to ensure that jobs  
693 created as a result of the state funding are ~~shall be~~ subject to  
694 equal opportunity hiring practices in the manner provided in s.  
695 110.112.

696 ~~(5)(6)~~ The Department of Transportation may ~~shall~~ subject



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697 any project that receives funds pursuant to this section and s.  
698 320.20 to a final audit. The department may adopt rules and  
699 perform such other acts as are necessary or convenient to ensure  
700 that the final audits are conducted and that any deficiency or  
701 questioned costs noted by the audit are resolved.

702 Section 8. Subsection (1) and subsections (4) through (13)  
703 of section 311.09, Florida Statutes, are amended to read:

704 311.09 Florida Seaport Transportation and Economic  
705 Development Council.—

706 (1) The Florida Seaport Transportation and Economic  
707 Development (FSTED) Council is created within the Department of  
708 Transportation. The council consists of the following 17 ~~18~~  
709 members: the port director, or the port director's designee, of  
710 each of the ports of Jacksonville, Port Canaveral, Port Citrus,  
711 Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee,  
712 St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key  
713 West, and Fernandina; the Secretary of ~~the Department of~~  
714 Transportation or his or her designee; and the executive  
715 director of the Department of Economic Opportunity or his or her  
716 designee.

717 (4) The council shall adopt rules for evaluating projects  
718 that ~~which~~ may be funded under ss. 311.07 and 320.20. The rules  
719 must ~~shall~~ provide criteria for evaluating the potential  
720 project, including, but not limited to, consistency with  
721 appropriate plans, economic benefit, readiness for construction,  
722 noncompetition with other Florida ports, and capacity within the  
723 seaport system ~~economic benefit of the project, measured by the~~  
724 ~~potential for the proposed project to maintain or increase cargo~~  
725 ~~flow, cruise passenger movement, international commerce, port~~

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726 ~~revenues, and the number of jobs for the port's local community.~~

727 (5) The council shall review and approve or disapprove each  
728 project eligible to be funded pursuant to the FSTED Florida  
729 ~~Seaport Transportation and Economic Development~~ Program. The  
730 council shall annually submit to the Secretary of Transportation  
731 and the executive director of the Department of Economic  
732 Opportunity, or his or her designee, a list of projects that  
733 ~~which~~ have been approved by the council. The list must shall  
734 specify the recommended funding level for each project; and, if  
735 staged implementation of the project is appropriate, the funding  
736 requirements for each stage must shall be specified.

737 ~~(6) The Department of Community Affairs shall review the~~  
738 ~~list of projects approved by the council to determine~~  
739 ~~consistency with approved local government comprehensive plans~~  
740 ~~of the units of local government in which the port is located~~  
741 ~~and consistency with the port master plan. The Department of~~  
742 ~~Community Affairs shall identify and notify the council of those~~  
743 ~~projects which are not consistent, to the maximum extent~~  
744 ~~feasible, with such comprehensive plans and port master plans.~~

745 (6)(7) The Department of Transportation shall review the  
746 list of project applications ~~projects~~ approved by the council  
747 for consistency with the Florida Transportation Plan, the  
748 Statewide Seaport and Waterways System Plan, and the  
749 department's adopted work program. In evaluating the consistency  
750 of a project, the department shall assess the transportation  
751 impacts and economic benefits for each project ~~determine whether~~  
752 ~~the transportation impact of the proposed project is adequately~~  
753 ~~handled by existing state-owned transportation facilities or by~~  
754 ~~the construction of additional state-owned transportation~~

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755 ~~facilities as identified in the Florida Transportation Plan and~~  
756 ~~the department's adopted work program. In reviewing for~~  
757 ~~consistency a transportation facility project as defined in s.~~  
758 ~~334.03(31) which is not otherwise part of the department's work~~  
759 ~~program, the department shall evaluate whether the project is~~  
760 ~~needed to provide for projected movement of cargo or passengers~~  
761 ~~from the port to a state transportation facility or local road.~~  
762 ~~If the project is needed to provide for projected movement of~~  
763 ~~cargo or passengers, the project shall be approved for~~  
764 ~~consistency as a consideration to facilitate the economic~~  
765 ~~development and growth of the state in a timely manner. The~~  
766 Department of Transportation shall identify those projects that  
767 which are inconsistent with the Florida Transportation Plan, the  
768 Statewide Seaport and Waterways System Plan, or ~~and~~ the adopted  
769 work program and ~~shall~~ notify the council of projects found to  
770 be inconsistent.

771 (7)(8) The Department of Economic Opportunity shall review  
772 the list of project applications ~~projects~~ approved by the  
773 council to evaluate the economic benefit of the project and to  
774 determine whether the project is consistent with the Florida  
775 Seaport Mission Plan and with state economic development goals  
776 and policies. The Department of Economic Opportunity shall  
777 evaluate the proposed project's consistency with state,  
778 regional, and local plans, as appropriate, and ~~review~~ the  
779 economic benefits of each project based upon the rules adopted  
780 pursuant to subsection (4). The Department of Economic  
781 Opportunity shall identify those projects that ~~which~~ it has  
782 determined do not offer an economic benefit to the state, are  
783 not consistent with an appropriate plan, or are not consistent

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784 with the Florida Seaport Mission Plan or state economic  
785 development goals and policies and ~~shall~~ notify the council of  
786 its findings.

787 ~~(8)-(9)~~ The council shall review the findings of the  
788 Department of Economic Opportunity and the Department of  
789 Transportation. Projects found to be inconsistent under  
790 subsection pursuant to subsections (6) or subsection~~7~~ (7), or  
791 ~~and (8)~~ and projects which have been determined not to offer an  
792 economic benefit to the state, may pursuant to subsection ~~(8)~~  
793 ~~shall~~ not be included in the list of projects to be funded.

794 ~~(9)-(10)~~ The Department of Transportation shall include at  
795 least \$15 million per year in its annual legislative budget  
796 request for the FSTED ~~a Florida Seaport Transportation and~~  
797 ~~Economic Development~~ grant program funded under s. 311.07 ~~for~~  
798 ~~expenditure of funds of not less than \$8 million per year~~. Such  
799 budget must ~~shall~~ include funding for projects approved by the  
800 council which have been determined by each agency to be  
801 consistent ~~and which have been determined by the Department of~~  
802 ~~Economic Opportunity to be economically beneficial~~. The  
803 department shall include the specific approved FSTED seaport  
804 projects to be funded under s. 311.07 ~~this section~~ during the  
805 ensuing fiscal year in the tentative work program developed  
806 pursuant to s. 339.135(4). The total amount of funding to be  
807 allocated to FSTED seaport projects under s. 311.07 during the  
808 successive 4 fiscal years must ~~shall~~ also be included in the  
809 tentative work program developed pursuant to s. 339.135(4). The  
810 council may submit to the department a list of approved projects  
811 that could be made production-ready within the next 2 years. The  
812 list shall be submitted by the department as part of the needs

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813 and project list prepared pursuant to s. 339.135(2)(b). However,  
814 the department shall, upon written request of the ~~Florida~~  
815 ~~Seaport Transportation and Economic Development~~ council, submit  
816 work program amendments pursuant to s. 339.135(7) to the  
817 Governor within 10 days after the later of the date the request  
818 is received by the department or the effective date of the  
819 amendment, termination, or closure of the applicable funding  
820 agreement between the department and the affected seaport, as  
821 required to release the funds from the existing commitment.  
822 Notwithstanding s. 339.135(7)(c), any work program amendment to  
823 transfer prior year funds from one approved seaport project to  
824 another seaport project is subject to ~~the procedures in~~ s.  
825 339.135(7)(d). Notwithstanding any other provision of law ~~to the~~  
826 ~~contrary~~, the department may transfer unexpended budget between  
827 the seaport projects ~~as~~ identified in the approved work program  
828 amendments.

829 ~~(10)-(11)~~ The council shall meet at the call of its  
830 chairperson, at the request of a majority of its membership, or  
831 at such times as may be prescribed in its bylaws. However, the  
832 council must meet at least semiannually. A majority of voting  
833 members of the council constitutes a quorum for the purpose of  
834 transacting the business of the council. All members of the  
835 council are voting members. A vote of the majority of the voting  
836 members present is sufficient for any action of the council,  
837 except that a member representing the Department of  
838 Transportation or the Department of Economic Opportunity may  
839 vote to overrule any action of the council approving a project  
840 pursuant to subsection (5). The bylaws of the council may  
841 require a greater vote for a particular action.

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842        (11)~~(12)~~ Members of the council shall serve without  
843 compensation but are entitled to ~~receiv~~e reimbursement for per  
844 diem and travel expenses as provided in s. 112.061. The council  
845 may elect to provide ~~an~~ administrative staff to provide services  
846 to the council on matters relating to the FSTED ~~Florida Seaport~~  
847 ~~Transportation and Economic Development~~ Program and the council.  
848 The cost for such administrative services shall be paid by all  
849 ports that receive funding from the FSTED ~~Florida Seaport~~  
850 ~~Transportation and Economic Development~~ Program, based upon a  
851 pro rata formula measured by each recipient's share of the funds  
852 ~~as~~ compared to the total funds disbursed to all recipients  
853 during the year. The share of costs for administrative services  
854 shall be paid in its total amount by the recipient port upon  
855 execution by the port and the Department of Transportation of a  
856 joint participation agreement for each council-approved project,  
857 and such payment is in addition to the matching funds required  
858 to be paid by the recipient port. Except as otherwise exempted  
859 by law, all moneys derived from the FSTED ~~Florida Seaport~~  
860 ~~Transportation and Economic Development~~ Program shall be  
861 expended in accordance with ~~the provisions of~~ s. 287.057.  
862 Seaports subject to the competitive negotiation requirements of  
863 a local governing body must ~~shall~~ abide by ~~the provisions of~~ s.  
864 287.055.

865        (12)~~(13)~~ Until July 1, 2014, Citrus County may apply for a  
866 grant through the ~~Florida Seaport Transportation and Economic~~  
867 ~~Development~~ council to perform a feasibility study regarding the  
868 establishment of a port in Citrus County. The council shall  
869 evaluate such application pursuant to subsections (5)-(8) ~~(5)-~~  
870 ~~(9)~~ and, if approved, the Department of Transportation shall

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871 include the feasibility study in its budget request pursuant to  
872 subsection (9) ~~(10)~~. If the study determines that a port in  
873 Citrus County is not feasible, the membership of Port Citrus on  
874 the council shall terminate.

875 Section 9. Section 311.10, Florida Statutes, is created to  
876 read:

877 311.10 Strategic Port Investment Initiative.-

878 (1) The Strategic Port Investment Initiative is created  
879 within the Department of Transportation. Beginning in the 2012-  
880 2013 fiscal year, a minimum of \$35 million per year shall be  
881 made available from the State Transportation Trust Fund to fund  
882 the initiative. The Department of Transportation shall work with  
883 the deepwater ports listed in s. 311.09 to develop and maintain  
884 a priority list of strategic investment projects. Project  
885 selection shall be based on projects that meet the state's  
886 economic development goal of becoming a hub for trade,  
887 logistics, and export-oriented activities by:

888 (a) Providing important access and major on-port capacity  
889 improvements;

890 (b) Providing capital improvements to strategically  
891 position the state to maximize opportunities in international  
892 trade, logistics, or the cruise industry;

893 (c) Achieving the state goals of an integrated intermodal  
894 transportation system; and

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

897 (2) Before making final project allocations, the Department  
898 of Transportation shall schedule a publicly noticed workshop  
899 with the Department of Economic Opportunity and the deepwater

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900 ports listed in s. 311.09(1) to review the proposed projects.  
901 After considering all comments received, the Department of  
902 Transportation shall finalize a prioritized list of potential  
903 projects.

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

908 Section 10. Section 311.101, Florida Statutes, is created  
909 to read:

910 311.101 Intermodal Logistics Center Infrastructure Support  
911 Program.—The Intermodal Logistics Center Infrastructure Support  
912 Program is created within the Department of Transportation. The  
913 purpose of the program is to provide funds for roads, rail  
914 facilities, or other means for conveying or shipping goods  
915 through a seaport, thereby enabling the state to respond to  
916 private sector market demands and meet the state's economic  
917 development goal of becoming a hub for trade, logistics, and  
918 export-oriented activities. The department may provide funds to  
919 assist with local government projects or projects performed by  
920 private entities which meet the public purpose of enhancing  
921 transportation facilities that convey or ship goods through a  
922 seaport.

923 (1) As used in this section, the term "intermodal logistics  
924 center," means a facility or group of facilities, including an  
925 inland port, serving as a point for the intermodal transfer of  
926 freight, located in a specified area physically separated from a  
927 seaport, and where activities relating to transport, logistics,  
928 goods distribution, consolidation, or value-added activities are



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929 carried out and whose activities and services are designed to  
930 support or be supported by one or more seaports listed in s.  
931 311.09(1).

932 (2) The department must consider, but is not limited to,  
933 the following criteria when evaluating projects for program  
934 assistance:

935 (a) The ability of the project to serve a strategic state  
936 interest.

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

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

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

943 (e) A commitment of matching funds.

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

946 (g) The extent to which the owner has commitments,  
947 including memoranda of understanding or memoranda agreements,  
948 with private sector businesses planning to locate operations at  
949 the inland port.

950 (h) A demonstration of local financial support and  
951 commitment to the project.

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

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

957 (5) The department may provide up to 50 percent of project

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958 costs for eligible projects.

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

964 (7) The department may adopt rules to administer this  
965 section.

966 Section 11. Section 311.14, Florida Statutes, is amended to  
967 read:

968 311.14 Seaport planning.—

969 (1) The Department of Transportation, in coordination with  
970 the ports listed in s. 311.09(1) and other partners, shall  
971 develop a Statewide Seaport and Waterways System Plan. The plan  
972 must be consistent with the goals of the Florida Transportation  
973 Plan developed pursuant to s. 339.155 and must consider the  
974 needs identified in individual port master plans, as well as  
975 those from the seaport strategic plans required under this  
976 section. The plan must identify 5-, 10-, and 20-year needs for  
977 the seaport system and include seaport, waterway, road, and rail  
978 projects that are needed to ensure the success of the  
979 transportation system as a whole in supporting state economic  
980 development goals.

981 ~~(1) The Florida Seaport Transportation and Economic~~  
982 ~~Development Council, in cooperation with the Office of the State~~  
983 ~~Public Transportation Administrator within the Department of~~  
984 ~~Transportation, shall develop freight-mobility and trade-~~  
985 ~~corridor plans to assist in making freight-mobility investments~~  
986 ~~that contribute to the economic growth of the state. Such plans~~

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987 ~~should enhance the integration and connectivity of the~~  
988 ~~transportation system across and between transportation modes~~  
989 ~~throughout Florida for people and freight.~~

990 ~~(2) The Office of the State Public Transportation~~  
991 ~~Administrator shall act to integrate freight-mobility and trade-~~  
992 ~~corridor plans into the Florida Transportation Plan developed~~  
993 ~~pursuant to s. 339.155 and into the plans and programs of~~  
994 ~~metropolitan planning organizations as provided in s. 339.175.~~  
995 ~~The office may also provide assistance in expediting the~~  
996 ~~transportation permitting process relating to the construction~~  
997 ~~of seaport freight-mobility projects located outside the~~  
998 ~~physical borders of seaports. The Department of Transportation~~  
999 ~~may contract, as provided in s. 334.044, with any port listed in~~  
1000 ~~s. 311.09(1) or any such other statutorily authorized seaport~~  
1001 ~~entity to act as an agent in the construction of seaport~~  
1002 ~~freight-mobility projects.~~

1003 ~~(2)~~(3) Each port shall develop a strategic plan that has  
1004 ~~with~~ a 10-year horizon. Each plan must include ~~the following:~~

1005 (a) An economic development component that identifies  
1006 targeted business opportunities for increasing business and  
1007 attracting new business for which a particular facility has a  
1008 strategic advantage over its competitors, identifies financial  
1009 resources and other inducements to encourage growth of existing  
1010 business and acquisition of new business, and provides a  
1011 projected schedule for attainment of the plan's goals.

1012 (b) An infrastructure development and improvement component  
1013 that identifies all projected infrastructure improvements within  
1014 the plan area which require improvement, expansion, or  
1015 development in order for a port to attain a strategic

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1016 competitive advantage over ~~for competition with~~ national and  
1017 international competitors.

1018 (c) A component that identifies all intermodal  
1019 transportation facilities, including sea, air, rail, or road  
1020 facilities, which are available or have potential, with  
1021 improvements, to be available for necessary national and  
1022 international commercial linkages and provides a plan for the  
1023 integration of port, airport, and railroad activities with  
1024 existing and planned transportation infrastructure.

1025 (d) A component that identifies physical, environmental,  
1026 and regulatory barriers to the achievement of the plan's goals  
1027 and provides recommendations for overcoming those barriers.

1028 (e) An intergovernmental coordination component that  
1029 specifies modes and methods to coordinate plan goals and  
1030 missions with the missions of the Department of Transportation,  
1031 other state agencies, and affected local, general-purpose  
1032 governments.

1033

1034 To the extent feasible, the port strategic plan must be  
1035 consistent with the local government comprehensive plans of the  
1036 units of local government in which the port is located.

1037 (3) Upon approval of a plan by the port's board, the plan  
1038 shall be submitted to the Florida Seaport Transportation and  
1039 Economic Development Council.

1040 ~~(4)~~ The Florida Seaport Transportation and Economic  
1041 Development Council shall review the strategic plans submitted  
1042 by each port and prioritize strategic needs for inclusion in the  
1043 Florida Seaport Mission Plan prepared pursuant to s. 311.09(3).

1044 Section 12. Subsection (2) of section 311.22, Florida

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1045 Statutes, is amended to read:

1046 311.22 Additional authorization for funding certain  
1047 dredging projects.—

1048 (2) The council shall adopt rules for evaluating the  
1049 projects that may be funded pursuant to this section. The rules  
1050 must provide criteria for evaluating the economic benefit of the  
1051 project. The rules must include the creation of an  
1052 administrative review process by the council which is similar to  
1053 the process described in s. 311.09(5)-(11) ~~311.09(5)-(12)~~, and  
1054 provide for a review by the Department of Transportation and the  
1055 Department of Economic Opportunity of all projects submitted for  
1056 funding under this section.

1057 Section 13. Subsection (21) of section 316.003, Florida  
1058 Statutes, is amended to read:

1059 316.003 Definitions.—The following words and phrases, when  
1060 used in this chapter, shall have the meanings respectively  
1061 ascribed to them in this section, except where the context  
1062 otherwise requires:

1063 (21) MOTOR VEHICLE.—Any self-propelled vehicle not operated  
1064 upon rails or guideway, but not including any bicycle, motorized  
1065 scooter, electric personal assistive mobility device, or moped.  
1066 However, as used in s. 316.1001, the term "motor vehicle" has  
1067 the same meaning as provided in s. 320.01.

1068 Section 14. Subsections (1) through (4) of section 316.091,  
1069 Florida Statutes, are amended, present subsection (5) of that  
1070 section is renumbered as subsection (7), and new subsections (5)  
1071 and (6) are added to that section, to read:

1072 316.091 Limited access facilities; interstate highways; use  
1073 restricted.—

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1074 (1) A ~~Ne~~ person may not ~~shall~~ drive a vehicle onto or from  
1075 any limited access roadway except at such entrances and exits as  
1076 are established by public authority.

1077 (2) Except as provided herein, a ~~ne~~ person may not ~~shall~~  
1078 operate upon a limited access facility a ~~any~~ bicycle, motor-  
1079 driven cycle, animal-drawn vehicle, or any other vehicle that,  
1080 ~~which~~ by its design or condition, is incompatible with the safe  
1081 and expedient movement of traffic.

1082 (3) A ~~Ne~~ person may not ~~shall~~ ride an ~~any~~ animal on ~~upon~~  
1083 any portion of a limited access facility.

1084 (4) A ~~Ne~~ person may not ~~shall~~ operate a bicycle or other  
1085 human-powered vehicle on the roadway or along the shoulder of a  
1086 limited access highway, including bridges, unless official signs  
1087 and a designated marked bicycle lane are present at the entrance  
1088 of the section of highway indicating that such use is permitted  
1089 pursuant to a pilot program of the Department of Transportation  
1090 an interstate highway.

1091 (5) The Department of Transportation and expressway  
1092 authorities may designate the use of shoulders of limited access  
1093 facilities and interstate highways under their jurisdiction for  
1094 vehicular traffic determined to improve safety, reliability, and  
1095 transportation system efficiency. Appropriate traffic signs or  
1096 dynamic lane control signals shall be erected along the affected  
1097 portions of the facility or highway in order to give notice to  
1098 the public of the action to be taken and to clearly indicate  
1099 when the shoulder is open to designated vehicular traffic. Such  
1100 designation is not allowed if it would violate any federal law  
1101 or covenant established in a resolution or trust indenture  
1102 relating to the issuance of turnpike bonds, expressway authority

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1103 bonds, or other bonds.

1104 (6) The Department of Transportation shall establish a 2-  
1105 year pilot program in three urban areas in which it shall erect  
1106 signs and designate marked bicycle lanes indicating highway  
1107 approaches and bridge segments of limited access highways as  
1108 open to use by operators of bicycles and other human-powered  
1109 vehicles, under the following conditions:

1110 (a) The limited access highway approaches and bridge  
1111 segments chosen must cross a river, lake, bay, inlet, or surface  
1112 water where no street or highway crossing the water body is  
1113 available for use within 2 miles of the entrance to the limited  
1114 access facility as measured along the shortest public right-of-  
1115 way.

1116 (b) The department, with the concurrence of the Federal  
1117 Highway Administration if interstate facilities are involved,  
1118 shall establish the three highway approaches and bridge segments  
1119 for the pilot project by October 1, 2012. In selecting the  
1120 highway approaches and bridge segments, the department shall  
1121 consider, without limitation, the minimum acceptable population  
1122 size in the urban area within 5 miles of the highway approach  
1123 and bridge segment, the lack of bicycle access by other means,  
1124 cost, safety, and operational impacts.

1125 (c) The department shall begin the pilot program by  
1126 erecting signs and designating marked bicycle lanes indicating  
1127 highway approaches and bridge segments of limited access  
1128 highways, as qualified by the conditions described in this  
1129 subsection, as open to use by operators of bicycles and other  
1130 human-powered vehicles by March 1, 2013.

1131 (d) The department shall conduct the pilot program for a

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1132 minimum of 2 years following the implementation date.

1133 (e) The department shall submit a report of its findings  
 1134 and recommendations from the pilot program to the Governor, the  
 1135 President of the Senate, and the Speaker of the House of  
 1136 Representatives by September 1, 2015. The report, at a minimum,  
 1137 must include data on bicycle crashes occurring in the designated  
 1138 segments of the pilot program, usage by operators of bicycles  
 1139 and other human-powered vehicles, enforcement issues,  
 1140 operational impacts, and the cost of the pilot program.

1141 Section 15. Paragraph (b) of subsection (2) of section  
 1142 316.1001, Florida Statutes, is amended to read:

1143 316.1001 Payment of toll on toll facilities required;  
 1144 penalties.—

1145 (2)

1146 (b) A citation issued under this subsection may be issued  
 1147 by mailing the citation by first-class mail or certified mail,  
 1148 ~~return receipt requested~~, to the address of the registered owner  
 1149 of the motor vehicle involved in the violation. Mailing Receipt  
 1150 ~~of the citation to the address of the registered owner~~  
 1151 constitutes notification. In the case of joint ownership of a  
 1152 motor vehicle, the traffic citation must be mailed to the first  
 1153 name appearing on the registration, unless the first name  
 1154 appearing on the registration is a business organization, in  
 1155 which case the second name appearing on the registration may be  
 1156 used. The ~~A citation issued under this paragraph~~ must be mailed  
 1157 ~~to the registered owner of the motor vehicle involved in the~~  
 1158 ~~violation~~ within 14 days after the date of issuance ~~of the~~  
 1159 ~~citation. In addition to the citation,~~ Notification must also be  
 1160 sent to the registered owner of the motor vehicle involved in



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1161 the violation specifying remedies available under ss. 318.14(12)  
1162 and 318.18(7).

1163 Section 16. Section 316.2122, Florida Statutes, is amended  
1164 to read:

1165 316.2122 Operation of a low-speed vehicle or mini truck on  
1166 certain roadways. ~~The operation of~~ A low-speed vehicle as  
1167 defined in s. 320.01(42) or a mini truck as defined in s.  
1168 320.01(45) may operate on any road ~~as defined in s. 334.03(15)~~  
1169 ~~or (33) is authorized~~ with the following restrictions:

1170 (1) A low-speed vehicle or mini truck may be operated only  
1171 on streets where the posted speed limit is 35 miles per hour or  
1172 less. This does not prohibit a low-speed vehicle or mini truck  
1173 from crossing a road or street at an intersection where the road  
1174 or street has a posted speed limit of more than 35 miles per  
1175 hour.

1176 (2) A low-speed vehicle must be equipped with headlamps,  
1177 stop lamps, turn signal lamps, taillamps, reflex reflectors,  
1178 parking brakes, rearview mirrors, windshields, seat belts, and  
1179 vehicle identification numbers.

1180 (3) A low-speed vehicle or mini truck must be registered  
1181 and insured in accordance with s. 320.02 and titled pursuant to  
1182 chapter 319.

1183 (4) Any person operating a low-speed vehicle or mini truck  
1184 must have ~~in his or her possession~~ a valid driver's license in  
1185 his or her possession.

1186 (5) A county or municipality may prohibit the operation of  
1187 low-speed vehicles or mini trucks on any road under its  
1188 jurisdiction if the governing body of the county or municipality  
1189 determines that such prohibition is necessary in the interest of

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1190 safety.

1191 (6) The Department of Transportation may prohibit the  
1192 operation of low-speed vehicles or mini trucks on any road under  
1193 its jurisdiction if it determines that such prohibition is  
1194 necessary in the interest of safety.

1195 Section 17. Paragraph (a) of subsection (3) and paragraphs  
1196 (a) and (c) of subsection (5) of section 316.515, Florida  
1197 Statutes, are amended to read:

1198 316.515 Maximum width, height, length.—

1199 (3) LENGTH LIMITATION.—Except as otherwise provided in this  
1200 section, length limitations apply solely to a semitrailer or  
1201 trailer, and not to a truck tractor or to the overall length of  
1202 a combination of vehicles. No combination of commercial motor  
1203 vehicles coupled together and operating on the public roads may  
1204 consist of more than one truck tractor and two trailing units.  
1205 Unless otherwise specifically provided for in this section, a  
1206 combination of vehicles not qualifying as commercial motor  
1207 vehicles may consist of no more than two units coupled together;  
1208 such nonqualifying combination of vehicles may not exceed a  
1209 total length of 65 feet, inclusive of the load carried thereon,  
1210 but exclusive of safety and energy conservation devices approved  
1211 by the department for use on vehicles using public roads.  
1212 Notwithstanding any other provision of this section, a truck  
1213 tractor-semitrailer combination engaged in the transportation of  
1214 automobiles or boats may transport motor vehicles or boats on  
1215 part of the power unit; and, except as may otherwise be mandated  
1216 under federal law, an automobile or boat transporter semitrailer  
1217 may not exceed 50 feet in length, exclusive of the load;  
1218 however, the load may extend up to an additional 6 feet beyond

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1219 the rear of the trailer. The 50-foot length limitation does not  
1220 apply to non-stinger-steered automobile or boat transporters  
1221 that are 65 feet or less in overall length, exclusive of the  
1222 load carried thereon, or to stinger-steered automobile or boat  
1223 transporters that are 75 feet or less in overall length,  
1224 exclusive of the load carried thereon. For purposes of this  
1225 subsection, a "stinger-steered automobile or boat transporter"  
1226 is an automobile or boat transporter configured as a semitrailer  
1227 combination wherein the fifth wheel is located on a drop frame  
1228 located behind and below the rearmost axle of the power unit.  
1229 Notwithstanding paragraphs (a) and (b), any straight truck or  
1230 truck tractor-semitrailer combination engaged in the  
1231 transportation of horticultural trees may allow the load to  
1232 extend up to an additional 10 feet beyond the rear of the  
1233 vehicle, provided said trees are resting against a retaining bar  
1234 mounted above the truck bed so that the root balls of the trees  
1235 rest on the floor and to the front of the truck bed and the tops  
1236 of the trees extend up over and to the rear of the truck bed,  
1237 and provided the overhanging portion of the load is covered with  
1238 protective fabric.

1239 (a) *Straight trucks.*—~~A~~ ~~no~~ straight truck may not exceed a  
1240 length of 40 feet in extreme overall dimension, exclusive of  
1241 safety and energy conservation devices approved by the  
1242 department for use on vehicles using public roads. A straight  
1243 truck may tow no more than one trailer, and the overall length  
1244 of the truck-trailer combination may not exceed 68 feet ~~such~~  
1245 ~~trailer may not exceed a length of 28 feet. However, such~~  
1246 ~~trailer limitation does not apply if the overall length of the~~  
1247 ~~truck-trailer combination is 65 feet or less, including the load~~

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1248 thereon. Notwithstanding any other provisions of this section, a  
1249 truck-trailer combination engaged in the transportation of  
1250 boats, or boat trailers whose design dictates a front-to-rear  
1251 stacking method may ~~shall~~ not exceed the length limitations of  
1252 this paragraph exclusive of the load; however, the load may  
1253 extend up to an additional 6 feet beyond the rear of the  
1254 trailer.

1255 (5) IMPLEMENTS OF HUSBANDRY AND FARM EQUIPMENT;  
1256 AGRICULTURAL TRAILERS; FORESTRY EQUIPMENT; SAFETY REQUIREMENTS.—

1257 (a) Notwithstanding any other provisions of law, straight  
1258 trucks, agricultural tractors, citrus fruit loaders, citrus  
1259 harvesting equipment, and cotton module movers, not exceeding 50  
1260 feet in length, or any combination of up to and including three  
1261 implements of husbandry, including the towing power unit, and  
1262 any single agricultural trailer that has ~~with~~ a load thereon or  
1263 any agricultural implements attached to a towing power unit, or  
1264 a self-propelled agricultural implement or an agricultural  
1265 tractor, may transport ~~is authorized for the purpose of~~  
1266 ~~transporting~~ peanuts, grains, soybeans, citrus, cotton, hay,  
1267 straw, or other perishable farm products from their point of  
1268 production to the first point of change of custody or of long-  
1269 term storage, ~~and return for the purpose of returning~~ to such  
1270 point of production, or move ~~for the purpose of moving~~ such  
1271 tractors, movers, and implements from one point of agricultural  
1272 production to another, by a person engaged in the production of  
1273 any such product or custom hauler, if such vehicle or  
1274 combination of vehicles otherwise complies with this section.  
1275 The Department of Transportation may issue overlength permits  
1276 for cotton module movers greater than 50 feet but not more than

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1277 55 feet in overall length. Such vehicles must ~~shall~~ be operated  
1278 in accordance with all safety requirements prescribed by law and  
1279 rules of the Department of Transportation.

1280 (c) The width and height limitations of this section do not  
1281 apply to farming or agricultural equipment, whether self-  
1282 propelled, pulled, or hauled, if ~~when~~ temporarily operated  
1283 during daylight hours upon a public road that is not a limited  
1284 access facility as defined in s. 334.03(13), and the width and  
1285 height limitations may be exceeded by such equipment without a  
1286 permit. To be eligible for this exemption, the equipment must  
1287 ~~shall~~ be operated within a radius of 50 miles of the real  
1288 property owned, rented, or leased by the equipment owner.  
1289 However, equipment being delivered by a dealer to a purchaser is  
1290 not subject to the 50-mile limitation. Farming or agricultural  
1291 equipment greater than 174 inches in width must have one warning  
1292 lamp mounted on each side of the equipment to denote the width  
1293 and must have a slow-moving vehicle sign. Warning lamps required  
1294 by this paragraph must be visible from the front and rear of the  
1295 vehicle and must be visible from a distance of at least 1,000  
1296 feet.

1297 Section 18. Section 318.12, Florida Statutes, is amended to  
1298 read:

1299 318.12 Purpose. ~~It is the legislative intent~~ In the  
1300 adoption of this chapter, it is the Legislature's intent to  
1301 decriminalize certain violations of chapter 316, the Florida  
1302 Uniform Traffic Control Law; chapter 320, Motor Vehicle  
1303 Licenses; chapter 322, Drivers' Licenses; chapter 338, Limited  
1304 Access Florida Intrastate Highway System and Toll Facilities;  
1305 and chapter 1006, Support of Learning, thereby facilitating the

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1306 implementation of a more uniform and expeditious system for the  
1307 disposition of traffic infractions.

1308 Section 19. Subsection (42) of section 320.01, Florida  
1309 Statutes, is amended to read:

1310 320.01 Definitions, general.—As used in the Florida  
1311 Statutes, except as otherwise provided, the term:

1312 (42) "Low-speed vehicle" means any four-wheeled ~~electric~~  
1313 vehicle whose top speed is greater than 20 miles per hour but  
1314 not greater than 25 miles per hour, including, but not limited  
1315 to, neighborhood electric vehicles. Low-speed vehicles must  
1316 comply with the safety standards in 49 C.F.R. s. 571.500 and s.  
1317 316.2122.

1318 Section 20. Subsections (3) and (4) of section 320.20,  
1319 Florida Statutes, are amended to read:

1320 320.20 Disposition of license tax moneys.—The revenue  
1321 derived from the registration of motor vehicles, including any  
1322 delinquent fees and excluding those revenues collected and  
1323 distributed under the provisions of s. 320.081, must be  
1324 distributed monthly, as collected, as follows:

1325 (3) Notwithstanding any other provision of law except  
1326 subsections (1) and (2), ~~on July 1, 1996, and annually~~  
1327 ~~thereafter,~~ \$15 million shall be deposited annually into ~~in~~ the  
1328 State Transportation Trust Fund solely for the purposes of  
1329 funding the Florida Seaport Transportation and Economic  
1330 Development Program as provided ~~for~~ in chapter 311. Such  
1331 revenues shall be distributed on a 50-50 matching basis to any  
1332 port listed in s. 311.09(1) to be used for funding projects as  
1333 described in s. 311.07(3)(b). Such revenues may be assigned,  
1334 pledged, or set aside as a trust for the payment of principal or

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1335 interest on bonds, tax anticipation certificates, or any other  
1336 form of indebtedness issued by an individual port or appropriate  
1337 local government having jurisdiction thereof, or collectively by  
1338 interlocal agreement among any of the ports, or used to purchase  
1339 credit support to permit such borrowings. However, such debt is  
1340 ~~shall not constitute~~ a general obligation of the state ~~of~~  
1341 ~~Florida~~. The state covenants ~~does hereby covenant~~ with holders  
1342 of such revenue bonds or other instruments of indebtedness  
1343 issued ~~hereunder~~ that it will not repeal or impair or amend in  
1344 any manner that ~~which~~ will materially and adversely affect the  
1345 rights of such holders so long as bonds authorized by this  
1346 section are outstanding. Any revenues that ~~which~~ are not pledged  
1347 to the repayment of bonds ~~as~~ authorized by this section may be  
1348 used ~~utilized~~ for purposes authorized under the Florida Seaport  
1349 Transportation and Economic Development Program. This revenue  
1350 source is in addition to any amounts provided ~~for~~ and  
1351 appropriated in accordance with s. 311.07. The Florida Seaport  
1352 Transportation and Economic Development Council shall approve  
1353 the distribution of funds to ports for projects that ~~which~~ have  
1354 been approved pursuant to s. 311.09(5)-(8) ~~311.09(5)-(9)~~. The  
1355 council and the Department of Transportation may ~~are authorized~~  
1356 ~~to~~ perform ~~such~~ acts ~~as are~~ required to facilitate and implement  
1357 the provisions of this subsection. To better enable the ports to  
1358 cooperate to their mutual advantage, the governing body of each  
1359 port may exercise powers provided to municipalities or counties  
1360 in s. 163.01(7)(d) subject to ~~the provisions of~~ chapter 311 and  
1361 special acts, if any, pertaining to a port. The use of funds  
1362 provided pursuant to this subsection are limited to eligible  
1363 projects listed in this subsection. Income derived from a

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1364 project completed with the use of program funds, beyond  
1365 operating costs and debt service, is ~~shall be~~ restricted solely  
1366 to further port capital improvements consistent with maritime  
1367 purposes ~~and for no other purpose~~. Use of such income for  
1368 nonmaritime purposes is prohibited. ~~The provisions of s.~~  
1369 ~~311.07(4) do not apply to any funds received pursuant to this~~  
1370 ~~subsection~~. The revenues available under this subsection may  
1371 ~~shall~~ not be pledged to the payment of any bonds other than the  
1372 Florida Ports Financing Commission Series 1996 and Series 1999  
1373 Bonds currently outstanding; ~~provided~~, however, such revenues  
1374 may be pledged to secure payment of refunding bonds to refinance  
1375 the Florida Ports Financing Commission Series 1996 and Series  
1376 1999 Bonds. ~~No~~ Refunding bonds secured by revenues available  
1377 under this subsection may not be issued with a final maturity  
1378 later than the final maturity of the Florida Ports Financing  
1379 Commission Series 1996 and Series 1999 Bonds or which provide  
1380 for higher debt service in any year than is currently payable on  
1381 such bonds. Any revenue bonds or other indebtedness issued after  
1382 July 1, 2000, other than refunding bonds shall be issued by the  
1383 Division of Bond Finance at the request of the Department of  
1384 Transportation pursuant to the State Bond Act.

1385 (4) Notwithstanding any other provision of law except  
1386 subsections (1), (2), and (3), ~~on July 1, 1999, and annually~~  
1387 ~~thereafter~~, \$10 million shall be deposited annually into ~~in~~ the  
1388 State Transportation Trust Fund solely for the purposes of  
1389 funding the Florida Seaport Transportation and Economic  
1390 Development Program as provided in chapter 311 and for funding  
1391 seaport intermodal access projects of statewide significance as  
1392 provided in s. 341.053. Such revenues shall be distributed to



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1393 any port listed in s. 311.09(1), to be used for funding projects  
1394 as follows:

1395 (a) For any seaport intermodal access projects that are  
1396 identified in the 1997-1998 Tentative Work Program of the  
1397 Department of Transportation, up to the amounts needed to offset  
1398 the funding requirements of this section.

1399 (b) For seaport intermodal access projects as described in  
1400 s. 341.053(5) which ~~that~~ are identified in the 5-year Florida  
1401 Seaport Mission Plan as provided in s. 311.09(3). Funding for  
1402 such projects shall be on a matching basis as mutually  
1403 determined by the Florida Seaport Transportation and Economic  
1404 Development Council and the Department of Transportation if  
1405 ~~provided~~ a minimum of 25 percent of total project funds ~~shall~~  
1406 come from any port funds, local funds, private funds, or  
1407 specifically earmarked federal funds.

1408 (c) On a 50-50 matching basis for projects as described in  
1409 s. 311.07(3) (b).

1410 (d) For seaport intermodal access projects that involve the  
1411 dredging or deepening of channels, turning basins, or harbors;  
1412 or the rehabilitation of wharves, docks, or similar structures.  
1413 Funding for such projects requires ~~shall require~~ a 25 percent  
1414 match of the funds received pursuant to this subsection.  
1415 Matching funds must ~~shall~~ come from any port funds, federal  
1416 funds, local funds, or private funds.

1417  
1418 Such revenues may be assigned, pledged, or set aside as a trust  
1419 for the payment of principal or interest on bonds, tax  
1420 anticipation certificates, or ~~any~~ other form of indebtedness  
1421 issued by an individual port or appropriate local government

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1422 having jurisdiction thereof, or collectively by interlocal  
1423 agreement among any of the ports, or used to purchase credit  
1424 support to permit such borrowings. However, such debt is shall  
1425 not ~~constitute~~ a general obligation of the state. This state  
1426 covenants ~~does hereby covenant~~ with holders of such revenue  
1427 bonds or other instruments of indebtedness issued hereunder that  
1428 it will not repeal or impair or amend this subsection in any  
1429 manner that ~~which~~ will materially and adversely affect the  
1430 rights of holders so long as bonds authorized by this subsection  
1431 are outstanding. Any revenues that are not pledged to the  
1432 repayment of bonds as authorized by this section may be used  
1433 ~~utilized~~ for purposes authorized under the Florida Seaport  
1434 Transportation and Economic Development Program. This revenue  
1435 source is in addition to any amounts provided for and  
1436 appropriated in accordance with s. 311.07 and subsection (3).  
1437 The Florida Seaport Transportation and Economic Development  
1438 Council shall approve distribution of funds to ports for  
1439 projects that have been approved pursuant to s. 311.09(5)-(8)  
1440 ~~311.09(5)-(9)~~, or for seaport intermodal access projects  
1441 identified in the 5-year Florida Seaport Mission Plan as  
1442 provided in s. 311.09(3) and mutually agreed upon by the FSTED  
1443 Council and the Department of Transportation. All contracts for  
1444 actual construction of projects authorized by this subsection  
1445 must include a provision encouraging employment of participants  
1446 in the welfare transition program. The goal for such employment  
1447 ~~of participants in the welfare transition program~~ is 25 percent  
1448 of all new employees employed specifically for the project,  
1449 unless the Department of Transportation and the Florida Seaport  
1450 Transportation and Economic Development Council demonstrate that

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1451 such a requirement would severely hamper the successful  
1452 completion of the project. In such an instance, Workforce  
1453 Florida, Inc., shall establish an appropriate percentage of  
1454 employees who are ~~that must be~~ participants in the welfare  
1455 transition program. The council and the Department of  
1456 Transportation may ~~are authorized to~~ perform such acts as are  
1457 required to facilitate and implement the provisions of this  
1458 subsection. To better enable the ports to cooperate to their  
1459 mutual advantage, the governing body of each port may exercise  
1460 powers provided to municipalities or counties in s. 163.01(7)(d)  
1461 subject to the provisions of chapter 311 and special acts, if  
1462 any, pertaining to a port. The use of funds provided pursuant to  
1463 this subsection is limited to eligible projects listed in this  
1464 subsection. ~~The provisions of s. 311.07(4) do not apply to any~~  
1465 ~~funds received pursuant to this subsection.~~ The revenues  
1466 available under this subsection may ~~shall~~ not be pledged to the  
1467 payment of any bonds other than the Florida Ports Financing  
1468 Commission Series 1996 and Series 1999 Bonds currently  
1469 outstanding; ~~provided,~~ however, such revenues may be pledged to  
1470 secure payment of refunding bonds to refinance the Florida Ports  
1471 Financing Commission Series 1996 and Series 1999 Bonds. ~~No~~  
1472 Refunding bonds secured by revenues available under this  
1473 subsection may not be issued with a final maturity later than  
1474 the final maturity of the Florida Ports Financing Commission  
1475 Series 1996 and Series 1999 Bonds or which provide for higher  
1476 debt service in any year than is currently payable on such  
1477 bonds. Any revenue bonds or other indebtedness issued after July  
1478 1, 2000, other than refunding bonds shall be issued by the  
1479 Division of Bond Finance at the request of the Department of

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1480 Transportation pursuant to the State Bond Act.

1481 Section 21. Subsection (6) is added to section 332.08,  
1482 Florida Statutes, to read:

1483 332.08 Additional powers.—In addition to the general powers  
1484 in ss. 332.01-332.12 conferred and without limitation thereof, a  
1485 municipality which has established or may hereafter establish  
1486 airports, restricted landing areas, or other air navigation  
1487 facilities, or which has acquired or set apart or may hereafter  
1488 acquire or set apart real property for such purposes, is hereby  
1489 authorized:

1490 (6) Notwithstanding the provisions of this section, and if  
1491 participating in the Federal Aviation Administration's pilot  
1492 program on the private ownership of airports pursuant to 49  
1493 U.S.C. s. 47134, to lease or sell an airport or other air  
1494 navigation facility or real property, together with improvements  
1495 and equipment, acquired or set apart for airport purposes to a  
1496 private party under the terms and conditions negotiated by the  
1497 municipality. If state funds were provided to the municipality  
1498 pursuant to s. 332.007, the municipality must obtain the  
1499 Department of Transportation's approval of the agreement. The  
1500 department may approve the agreement if it determines that the  
1501 state's investment has been adequately considered and protected  
1502 in accordance with the applicable conditions specified in 49  
1503 U.S.C. s. 47134.

1504 Section 22. Subsections (10), (12), (25), and (38) of  
1505 section 334.03, Florida Statutes, are reordered and amended to  
1506 read:

1507 334.03 Definitions.—When used in the Florida Transportation  
1508 Code, the term:

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1509       ~~(10) "Florida Intrastate Highway System" means a system of~~  
1510 ~~limited access and controlled access facilities on the State~~  
1511 ~~Highway System which have the capacity to provide high-speed and~~  
1512 ~~high-volume traffic movements in an efficient and safe manner.~~

1513       (10)~~(11)~~ "Functional classification" means the assignment  
1514 of roads into systems according to the character of service they  
1515 provide in relation to the total road network using procedures  
1516 developed by the Federal Highway Administration. ~~Basic~~  
1517 ~~functional categories include arterial roads, collector roads,~~  
1518 ~~and local roads which may be subdivided into principal, major,~~  
1519 ~~or minor levels. These levels may be additionally divided into~~  
1520 ~~rural and urban categories.~~

1521       (11)~~(12)~~ "Governmental entity" means a unit of government,  
1522 or an ~~any~~ officially designated public agency or authority of a  
1523 unit of government, which ~~that~~ has ~~the~~ responsibility for  
1524 planning, construction, operation, or maintenance or  
1525 jurisdiction over transportation facilities. ~~+~~ The term includes  
1526 the Federal Government, the state government, a county, an  
1527 incorporated municipality, a metropolitan planning organization,  
1528 an expressway or transportation authority, a road and bridge  
1529 district, a special road and bridge district, and a regional  
1530 governmental unit.

1531       (25) "State Highway System" means ~~the following, which~~  
1532 ~~shall be facilities to which access is regulated:~~

1533       ~~(a)~~ the interstate system and all other roads within the  
1534 state which were under the jurisdiction of the state on June 10,  
1535 1995, and roads constructed by an agency of the state for the  
1536 State Highway System, plus roads transferred to the state's  
1537 jurisdiction after that date by mutual consent with another

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1538 governmental entity. Roads transferred from the state's  
1539 jurisdiction are not included. Access to State Highway System  
1540 facilities shall be regulated;

1541 ~~(b) All rural arterial routes and their extensions into and~~  
1542 ~~through urban areas;~~

1543 ~~(c) All urban principal arterial routes; and~~

1544 ~~(d) The urban minor arterial mileage on the existing State~~  
1545 ~~Highway System as of July 1, 1987, plus additional mileage to~~  
1546 ~~comply with the 2-percent requirement as described below.~~

1547  
1548 ~~However, not less than 2 percent of the public road mileage of~~  
1549 ~~each urbanized area on record as of June 30, 1986, shall be~~  
1550 ~~included as minor arterials in the State Highway System.~~

1551 ~~Urbanized areas not meeting the foregoing minimum requirement~~  
1552 ~~shall have transferred to the State Highway System additional~~  
1553 ~~minor arterials of the highest significance in which case the~~  
1554 ~~total minor arterials in the State Highway System from any~~  
1555 ~~urbanized area shall not exceed 2.5 percent of that area's total~~  
1556 ~~public urban road mileage.~~

1557 ~~(12)(38)~~ "Interactive voice response" means a software  
1558 application that accepts a combination of voice telephone input  
1559 and touch-tone keypad selection and provides appropriate  
1560 responses in the form of voice, fax, callback, e-mail, and other  
1561 media.

1562 Section 23. Subsections (11), (13), and (26) of section  
1563 334.044, Florida Statutes, are amended, and subsection (33) is  
1564 added to that section, to read:

1565 334.044 Department; powers and duties.—The department shall  
1566 have the following general powers and duties:

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1567 (11) To establish a numbering system for public roads and  
1568 to functionally classify such roads, ~~and to assign~~  
1569 ~~jurisdictional responsibility.~~

1570 (13) To ~~designate existing and to plan proposed~~  
1571 transportation facilities as part of the State Highway System,  
1572 and to construct, maintain, and operate such facilities.

1573 (26) To provide for the enhancement of environmental  
1574 benefits, including air and water quality; to prevent roadside  
1575 erosion; to conserve the natural roadside growth and scenery;  
1576 and to provide for the implementation and maintenance of  
1577 roadside conservation, enhancement, and stabilization programs.  
1578 No less than 1.5 percent of the amount contracted for  
1579 construction projects that add capacity or provide significant  
1580 enhancements to the existing system shall be allocated by the  
1581 department for the purchase of plant materials. Department  
1582 districts may not expend funds for landscaping in connection  
1583 with any project that is limited to resurfacing existing lanes  
1584 unless such expenditure has been approved by the department's  
1585 secretary or designee. ~~with,~~ To the greatest extent practical,  
1586 a minimum of 50 percent of the these funds allocated under this  
1587 subsection shall be allocated for large plant materials and the  
1588 remaining funds for other plant materials. All ~~such~~ plant  
1589 materials shall be purchased from Florida commercial nursery  
1590 stock in this state on a uniform competitive bid basis. The  
1591 department shall ~~will~~ develop grades and standards for  
1592 landscaping materials purchased through this process. To  
1593 accomplish these activities, the department may contract with  
1594 nonprofit organizations having the primary purpose of developing  
1595 youth employment opportunities.

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1596       (33) To develop, in coordination with its partners, freight  
1597 mobility and trade plans to assist in making freight mobility  
1598 investments that contribute to the economic growth of the state.  
1599 Such plans should enhance the integration and connectivity of  
1600 the transportation system across and between transportation  
1601 modes for people and freight throughout the state. Freight  
1602 issues and needs shall be given emphasis in all appropriate  
1603 transportation plans, including the Florida Transportation Plan  
1604 and the Strategic Intermodal System Plan.

1605       Section 24. Section 334.047, Florida Statutes, is amended  
1606 to read:

1607       334.047 Prohibition.—Notwithstanding any other provision of  
1608 law ~~to the contrary~~, the Department of Transportation may not  
1609 establish a cap on the number of miles in the State Highway  
1610 System ~~or a maximum number of miles of urban principal arterial~~  
1611 ~~roads, as defined in s. 334.03, within a district or county.~~

1612       Section 25. Subsection (3) of section 335.02, Florida  
1613 Statutes, is amended to read:

1614       335.02 Authority to designate transportation facilities and  
1615 rights-of-way and establish lanes; procedure for redesignation  
1616 and relocation; application of local regulations.—

1617       (3) The department may establish standards for lanes on the  
1618 State Highway System, including the Strategic Intermodal System  
1619 highway corridors ~~Florida Intrastate Highway System~~ established  
1620 pursuant to s. 339.65 ~~338.001~~. In determining the number of  
1621 lanes for any regional corridor or section of highway on the  
1622 State Highway System to be funded by the department with state  
1623 or federal funds, the department shall evaluate all alternatives  
1624 and seek to achieve the highest degree of efficient mobility for



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1625 corridor users. In conducting the analysis, the department must  
1626 give consideration to the following factors consistent with  
1627 sound engineering principles:

1628 (a) Overall economic importance of the corridor as a trade  
1629 or tourism corridor.

1630 (b) Safety of corridor users, including the importance of  
1631 the corridor for evacuation purposes.

1632 (c) Cost-effectiveness of alternative methods of increasing  
1633 the mobility of corridor users.

1634 (d) Current and projected traffic volumes on the corridor.

1635 (e) Multimodal alternatives.

1636 (f) Use of intelligent transportation technology in  
1637 increasing the efficiency of the corridor.

1638 (g) Compliance with state and federal policies related to  
1639 clean air, environmental impacts, growth management, livable  
1640 communities, and energy conservation.

1641 (h) Addition of special use lanes, such as exclusive truck  
1642 lanes, high-occupancy-vehicle toll lanes, and exclusive  
1643 interregional traffic lanes.

1644 (i) Availability and cost of rights-of-way, including  
1645 associated costs, and the most effective use of existing rights-  
1646 of-way.

1647 (j) Regional economic and transportation objectives, if  
1648 ~~where~~ articulated.

1649 (k) The future land use plan element of local government  
1650 comprehensive plans, as appropriate, including designated urban  
1651 infill and redevelopment areas.

1652 (l) The traffic circulation element, if applicable, of  
1653 local government comprehensive plans, including designated

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1654 transportation corridors and public transportation corridors.

1655 (m) The approved metropolitan planning organization's long-  
1656 range transportation plan, as appropriate.

1657  
1658 This subsection does not preclude more than ~~a number of lanes in~~  
1659 ~~excess of~~ 10 lanes, but in such case ~~an additional factor that~~  
1660 ~~must be considered before~~ the department must consider ~~may~~  
1661 ~~determine that the number of lanes should be more than 10 is~~ the  
1662 future capacity to accommodate ~~in the future~~ alternative forms  
1663 of transportation within existing or potential rights-of-way.

1664 Section 26. Subsection (5) is added to section 335.074,  
1665 Florida Statutes, to read:

1666 335.074 Safety inspection of bridges.-

1667 (5) Upon receipt of an inspection report that recommends  
1668 limiting the weight, size, or speed limit on a bridge, the  
1669 governmental entity having maintenance responsibility for the  
1670 bridge must reduce the maximum limits in accordance with the  
1671 inspection report and post the limits in accordance with s.  
1672 316.555. Within 30 days after receipt of an inspection report  
1673 recommending lower limits, the governmental entity must notify  
1674 the department that the limitations have been implemented and  
1675 posted accordingly. If the required actions are not taken within  
1676 the 30 days, the department shall post the limits on the bridge  
1677 in accordance with the recommendations in the report. All costs  
1678 incurred by the department in connection with providing notice  
1679 of the bridge's limitations or restrictions shall be assessed  
1680 against and collected from the governmental entity having  
1681 maintenance responsibility for the bridge. If an inspection  
1682 report recommends closure of a bridge, the bridge must be

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1683 immediately closed. If the governmental entity does not  
1684 immediately close the bridge, the department shall close the  
1685 bridge. All costs incurred by the department in connection with  
1686 the bridge closure shall be assessed against and collected from  
1687 the governmental entity having maintenance responsibility for  
1688 the bridge.

1689 Section 27. Subsections (1) and (2) of section 335.17,  
1690 Florida Statutes, are amended to read:

1691 335.17 State highway construction; means of noise  
1692 abatement.—

1693 (1) The department shall make use of noise-control methods  
1694 as part of highway construction projects that involve new  
1695 location or capacity expansion in the construction of all new  
1696 ~~state highways~~, with particular emphasis on those highways  
1697 located in or near urban-residential developments that ~~which~~  
1698 ~~abut~~ the ~~such~~ highway rights-of-way.

1699 (2) All highway projects by the department, regardless of  
1700 funding source, shall be developed in conformity with federal  
1701 standards for noise abatement as contained in 23 C.F.R. 772 as  
1702 such regulations existed on July 13, 2011 ~~March 1, 1989~~. ~~The~~  
1703 ~~department shall~~, At a minimum, the department must comply with  
1704 federal requirements in the following areas:

1705 (a) Analysis of traffic noise impacts and abatement  
1706 measures;

1707 (b) Noise abatement;

1708 (c) Information for local officials;

1709 (d) Traffic noise prediction; and

1710 (e) Construction noise.

1711 Section 28. Subsection (5) of section 336.021, Florida

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1712 Statutes, is amended to read:

1713 336.021 County transportation system; levy of ninth-cent  
1714 fuel tax on motor fuel and diesel fuel.—

1715 (5) All impositions of the tax shall be levied before  
1716 October ~~July~~ 1 of each year to be effective January 1 of the  
1717 following year. However, levies of the tax which were in effect  
1718 on July 1, 2002, and which expire on August 31 of any year may  
1719 be reimposed at the current authorized rate to be effective  
1720 September 1 of the year of expiration. All impositions must  
1721 ~~shall be required to~~ end on December 31 of a year. A decision to  
1722 rescind the tax may ~~shall~~ not take effect on any date other than  
1723 December 31 and requires ~~shall require~~ a minimum of 60 days'  
1724 notice to the department of such decision.

1725 Section 29. Paragraphs (a) and (b) of subsection (1),  
1726 paragraph (a) of subsection (5), and paragraphs (d) and (e) of  
1727 subsection (7) of section 336.025, Florida Statutes, are amended  
1728 to read:

1729 336.025 County transportation system; levy of local option  
1730 fuel tax on motor fuel and diesel fuel.—

1731 (1) (a) In addition to other taxes allowed by law, and there  
1732 ~~may be levied~~ as provided in ss. 206.41(1) (e) and 206.87(1) (c),  
1733 a 1-cent, 2-cent, 3-cent, 4-cent, 5-cent, or 6-cent local option  
1734 fuel tax may be levied upon every gallon of motor fuel and  
1735 diesel fuel sold in a county and taxed under ~~the provisions of~~  
1736 part I or part II of chapter 206.

1737 1. All impositions and rate changes of the tax must ~~shall~~  
1738 be levied before October ~~July~~ 1 to be effective January 1 of the  
1739 following year for up to ~~a period not to exceed~~ 30 years, and  
1740 the applicable method of distribution shall be established

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1741 pursuant to subsection (3) or subsection (4). However, levies of  
1742 the tax which were in effect on July 1, 2002, and which expire  
1743 on August 31 of any year may be reimposed at the current  
1744 authorized rate effective September 1 of the year of expiration.  
1745 Upon expiration, the tax may be relieved if ~~provided that~~ a  
1746 redetermination of the method of distribution is made as  
1747 provided in this section.

1748 2. County and municipal governments shall use ~~utilize~~  
1749 moneys received pursuant to this paragraph only for  
1750 transportation expenditures.

1751 3. Any tax levied pursuant to this paragraph may be  
1752 extended upon ~~on~~ a majority vote of the governing body of the  
1753 county. A redetermination of the method of distribution shall be  
1754 established pursuant to subsection (3) or subsection (4), if,  
1755 after July 1, 1986, the tax is extended or the tax rate changed,  
1756 for the period of extension or for the additional tax.

1757 (b) In addition to other taxes allowed by law, and ~~there~~  
1758 ~~may be levied~~ as provided in s. 206.41(1)(e), a 1-cent, 2-cent,  
1759 3-cent, 4-cent, or 5-cent local option fuel tax may be levied  
1760 upon every gallon of motor fuel sold in a county and taxed under  
1761 ~~the provisions of~~ part I of chapter 206. The tax shall be levied  
1762 by an ordinance adopted by a majority plus one vote of the  
1763 membership of the governing body of the county or by referendum.

1764 1. All impositions and rate changes of the tax must ~~shall~~  
1765 be levied before October ~~July~~ 1, to be effective January 1 of  
1766 the following year. However, levies of the tax which were in  
1767 effect on July 1, 2002, and which expire on August 31 of any  
1768 year may be reimposed at the current authorized rate effective  
1769 September 1 of the year of expiration.

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1770           2. Before the county ~~may, prior to~~ levy of the tax, the  
1771 county may establish by interlocal agreement with one or more  
1772 municipalities which represent ~~located therein, representing~~ a  
1773 majority of the population of the incorporated area within the  
1774 county, a distribution formula for dividing the entire proceeds  
1775 of the tax among county government and all eligible  
1776 municipalities within the county. If an ~~no~~ interlocal agreement  
1777 is not adopted before the effective date of the tax, tax  
1778 revenues shall be distributed pursuant to ~~the provisions of~~  
1779 subsection (4). If there is no interlocal agreement ~~exists~~, a  
1780 new interlocal agreement may be established before ~~prior to~~ June  
1781 1 of any year pursuant to this subparagraph. However, an ~~any~~  
1782 interlocal agreement agreed to under this subparagraph after the  
1783 initial levy of the tax or change in the tax rate authorized in  
1784 this section may not ~~shall under no circumstances~~ materially or  
1785 adversely affect the rights of holders of outstanding bonds that  
1786 ~~which~~ are backed by taxes authorized by this paragraph, and the  
1787 amounts distributed to the county government and each  
1788 municipality may ~~shall~~ not be reduced below the amount necessary  
1789 for the payment of principal and interest and reserves for  
1790 principal and interest as required under the covenants of any  
1791 bond resolution outstanding on the date of establishment of the  
1792 new interlocal agreement.

1793           3. County and municipal governments shall use moneys  
1794 received pursuant to this paragraph for transportation  
1795 expenditures needed to meet the requirements of the capital  
1796 improvements element of an adopted comprehensive plan or for  
1797 expenditures needed to meet immediate local transportation  
1798 problems and ~~for~~ other transportation-related expenditures that

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1799 are critical for building comprehensive roadway networks by  
1800 local governments. For purposes of this paragraph, expenditures  
1801 for the construction of new roads, the reconstruction or  
1802 resurfacing of existing paved roads, or the paving of existing  
1803 graded roads shall be deemed to increase capacity and such  
1804 projects shall be included in the capital improvements element  
1805 of an adopted comprehensive plan. Expenditures for purposes of  
1806 this paragraph do ~~shall~~ not include routine maintenance of  
1807 roads.

1808 (5) (a) By October ~~July~~ 1 of each year, the county shall  
1809 notify the Department of Revenue of the rate of the taxes levied  
1810 pursuant to paragraphs (1) (a) and (b), and of its decision to  
1811 rescind or change the rate of a tax, if applicable, and shall  
1812 provide the department with a certified copy of the interlocal  
1813 agreement established under subparagraph (1) (b)2. or  
1814 subparagraph (3) (a)1. with distribution proportions established  
1815 by such agreement or pursuant to subsection (4), if applicable.  
1816 A decision to rescind a tax may ~~shall~~ not take effect on any  
1817 date other than December 31 and requires ~~shall require~~ a minimum  
1818 of 60 days' notice to the Department of Revenue of such  
1819 decision.

1820 (7) For the purposes of this section, "transportation  
1821 expenditures" means expenditures by the local government from  
1822 local or state shared revenue sources, excluding expenditures of  
1823 bond proceeds, for the following programs:

1824 (d) Street lighting installation, operation, maintenance,  
1825 and repair.

1826 (e) Traffic signs, traffic engineering, signalization, ~~and~~  
1827 pavement markings, installation, operation, maintenance, and

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1828 repair.

1829 Section 30. Paragraph (a) of subsection (3) of section  
1830 337.11, Florida Statutes, is amended to read:

1831 337.11 Contracting authority of department; bids; emergency  
1832 repairs, supplemental agreements, and change orders; combined  
1833 design and construction contracts; progress payments; records;  
1834 requirements of vehicle registration.—

1835 (3) (a) On all construction contracts of \$250,000 or less,  
1836 and any construction contract of less than \$500,000 for which  
1837 the department has waived prequalification under s. 337.14, the  
1838 department shall advertise for bids in a newspaper having  
1839 general circulation in the county where the proposed work is  
1840 located for at least. ~~Publication shall be at least once a week~~  
1841 ~~for no less than 2 consecutive weeks.~~ 7, and The first publication  
1842 must be at least shall be no less than 14 consecutive days  
1843 before ~~prior to~~ the date ~~on which~~ bids are to be received.

1844 Section 31. Subsection (4) of section 337.111, Florida  
1845 Statutes, is amended to read:

1846 337.111 Contracting for monuments and memorials to military  
1847 veterans at rest areas.—The Department of Transportation is  
1848 authorized to enter into contract with any not-for-profit group  
1849 or organization that has been operating for not less than 2  
1850 years for the installation of monuments and memorials honoring  
1851 Florida's military veterans at highway rest areas around the  
1852 state pursuant to the provisions of this section.

1853 (4) The group or organization making the proposal must  
1854 ~~shall~~ provide an annual renewable bond, an irrevocable letter of  
1855 credit, or other form of security as approved by the  
1856 department's comptroller, for the purpose of a 10-year bond



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1857 securing the cost of removing ~~removal~~ of the monument and any  
 1858 modifications made to the site as part of the placement of the  
 1859 monument ~~if should~~ the department determines that ~~of~~  
 1860 ~~Transportation determine~~ it is necessary to remove or relocate  
 1861 the monument. Such removal or relocation must ~~shall~~ be approved  
 1862 by the committee described in subsection (1). ~~Prior to~~  
 1863 ~~expiration, the bond shall be renewed for another 10-year period~~  
 1864 ~~if the memorial is to remain in place.~~

1865 Section 32. Subsection (1) of section 337.125, Florida  
 1866 Statutes, is amended to read:

1867 337.125 Socially and economically disadvantaged business  
 1868 enterprises; notice requirements.-

1869 (1) After contract goals are established, in order to  
 1870 document that a subcontract is with a certified socially and  
 1871 economically disadvantaged business enterprise, the prime  
 1872 contractor must ~~either~~ submit a disadvantaged business  
 1873 enterprise utilization form that ~~which~~ has been signed by the  
 1874 socially and economically disadvantaged business enterprise and  
 1875 the prime contractor, or submit the written or oral quotation of  
 1876 the socially and economically disadvantaged business  
 1877 enterprise. ~~and~~ Information contained in the quotation must be  
 1878 confirmed as determined by the department by rule.

1879 Section 33. Section 337.137, Florida Statutes, is repealed.

1880 Section 34. Section 337.139, Florida Statutes, is amended  
 1881 to read:

1882 337.139 Encouraging the award of ~~Efforts to encourage~~  
 1883 ~~awarding~~ contracts to disadvantaged business enterprises.-In  
 1884 implementing chapter 90-136, Laws of Florida, the Department of  
 1885 Transportation shall implement ~~institute~~ procedures to encourage

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1886 the awarding of contracts for professional services and  
1887 construction to disadvantaged business enterprises. For the  
1888 purposes of this section, the term "disadvantaged business  
1889 enterprise" means a small business concern certified by the  
1890 Department of Transportation to be owned and controlled by  
1891 socially and economically disadvantaged individuals as defined  
1892 by the Safe, Accountable, Flexible, Efficient Transportation  
1893 Equity Act: A Legacy for Users (SAFETEA-LU), ~~Surface~~  
1894 ~~Transportation and Uniform Relocation Act of 1987~~. The  
1895 Department of Transportation shall develop and implement  
1896 activities to encourage the participation of disadvantaged  
1897 business enterprises in the contracting process. Such efforts  
1898 may include:

1899 (1) Presolicitation or prebid meetings for the purpose of  
1900 informing disadvantaged business enterprises of contracting  
1901 opportunities.

1902 (2) Written notice to disadvantaged business enterprises of  
1903 contract opportunities for commodities or contractual and  
1904 construction services that ~~which~~ the disadvantaged business  
1905 provides.

1906 (3) Provision of adequate information to disadvantaged  
1907 business enterprises about the plans, specifications, and  
1908 requirements of contracts or the availability of jobs.

1909 (4) Breaking large contracts into several single-purpose  
1910 contracts of a size which may be obtained by certified  
1911 disadvantaged business enterprises.

1912 Section 35. Subsection (1) of section 337.14, Florida  
1913 Statutes, is amended to read:

1914 337.14 Application for qualification; certificate of

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1915 qualification; restrictions; request for hearing.—

1916 (1) Any person desiring to bid for the performance of any  
1917 construction contract in excess of \$250,000 which the department  
1918 proposes to let must first be certified by the department as  
1919 qualified pursuant to this section and rules of the department.  
1920 The rules must include ~~of the department shall address~~ the  
1921 qualification of persons to bid on such ~~construction~~ contracts  
1922 ~~in excess of \$250,000~~ and ~~shall include~~ requirements with  
1923 respect to the equipment, past record, experience, financial  
1924 resources, and organizational personnel of the applicant  
1925 necessary to perform the specific class of work for which the  
1926 person seeks certification. The department may ~~is authorized to~~  
1927 limit the dollar amount of any contract upon which a person is  
1928 qualified to bid or the aggregate total dollar volume of  
1929 contracts such person is allowed to have under contract at any  
1930 one time. Each applicant seeking qualification to bid must ~~on~~  
1931 ~~construction contracts in excess of \$250,000 shall~~ furnish the  
1932 department a statement under oath, on such forms as the  
1933 department may prescribe, setting forth detailed information as  
1934 required on the application. Each application for certification  
1935 must ~~shall~~ be accompanied by the latest annual financial  
1936 statement of the applicant completed within the last 12 months.  
1937 If the application or the annual financial statement shows the  
1938 financial condition of the applicant more than 4 months before  
1939 ~~prior to~~ the date on which the application is received by the  
1940 department, ~~then~~ an interim financial statement must be  
1941 submitted and be accompanied by an updated application. The  
1942 interim financial statement must cover the period from the end  
1943 date of the annual statement and ~~must~~ show the financial

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1944 condition of the applicant no more than 4 months before ~~prior to~~  
1945 the date the interim financial statement is received by the  
1946 department. However, upon the request of the applicant, an  
1947 application and accompanying annual or interim financial  
1948 statement received by the department within 15 days after either  
1949 4-month period is considered timely. Each required annual or  
1950 interim financial statement must be audited and accompanied by  
1951 the opinion of a certified public accountant ~~or a public~~  
1952 ~~accountant approved by the department.~~ The information required  
1953 by this subsection is confidential and exempt from ~~the~~  
1954 ~~provisions of~~ s. 119.07(1). The department shall act upon the  
1955 application for qualification within 30 days after the  
1956 department determines that the application is complete.

1957 (a) The department may waive the requirements of this  
1958 subsection for projects having a contract price of \$500,000 or  
1959 less if the department determines that the project is of a  
1960 noncritical nature and the waiver will not endanger public  
1961 health, safety, or property.

1962 (b) An applicant desiring to bid exclusively for the  
1963 performance of construction contracts that have proposed budget  
1964 estimates of less than \$1 million may submit reviewed annual or  
1965 reviewed interim financial statements prepared by a certified  
1966 public accountant.

1967 Section 36. Section 337.403, Florida Statutes, is amended  
1968 to read:

1969 337.403 Interference caused by relocation of utility;  
1970 expenses.—

1971 (1) When a ~~Any~~ utility ~~heretofore or hereafter~~ placed upon,  
1972 under, over, or along any public road or publicly owned rail

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1973 corridor that is found by the authority to be unreasonably  
1974 interfering in any way with the convenient, safe, or continuous  
1975 use, or the maintenance, improvement, extension, or expansion,  
1976 of such public road or publicly owned rail corridor, the utility  
1977 owner shall, upon 30 days' written notice to the utility or its  
1978 agent by the authority, initiate the work necessary to alleviate  
1979 the interference ~~be removed or relocated by such utility~~ at its  
1980 own expense except as provided in paragraphs (a)-(f). The work  
1981 must be completed within such reasonable time as stated in the  
1982 notice or such time as agreed to by the authority and the  
1983 utility owner.

1984 (a) If the relocation of utility facilities, as referred to  
1985 in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.  
1986 627 of the 84th Congress, is necessitated by the construction of  
1987 a project on the federal-aid interstate system, including  
1988 extensions thereof within urban areas, and the cost of the  
1989 project is eligible and approved for reimbursement by the  
1990 Federal Government to the extent of 90 percent or more under the  
1991 Federal Aid Highway Act, or any amendment thereof, then in that  
1992 event the utility owning or operating such facilities shall  
1993 perform any necessary work ~~relocate the facilities~~ upon notice  
1994 from ~~order of~~ the department, and the state shall pay the entire  
1995 expense properly attributable to such work ~~relocation~~ after  
1996 deducting therefrom any increase in the value of any ~~the~~ new  
1997 facility and any salvage value derived from any ~~the~~ old  
1998 facility.

1999 (b) When a joint agreement between the department and the  
2000 utility is executed for utility ~~improvement, relocation, or~~  
2001 ~~removal~~ work to be accomplished as part of a contract for

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2002 construction of a transportation facility, the department may  
2003 participate in those utility work ~~improvement, relocation, or~~  
2004 ~~removal~~ costs that exceed the department's official estimate of  
2005 the cost of the work by more than 10 percent. The amount of such  
2006 participation shall be limited to the difference between the  
2007 official estimate of all the work in the joint agreement plus 10  
2008 percent and the amount awarded for this work in the construction  
2009 contract for such work. The department may not participate in  
2010 any utility work ~~improvement, relocation, or removal~~ costs that  
2011 occur as a result of changes or additions during the course of  
2012 the contract.

2013 (c) When an agreement between the department and utility is  
2014 executed for utility ~~improvement, relocation, or removal~~ work to  
2015 be accomplished in advance of a contract for construction of a  
2016 transportation facility, the department may participate in the  
2017 cost of clearing and grubbing necessary to perform such work.

2018 (d) If the utility facility ~~being removed or relocated~~ was  
2019 initially installed to exclusively serve the authority or  
2020 ~~department~~, its tenants, or both, the authority ~~department~~ shall  
2021 bear the costs of the removing or relocating that utility work  
2022 facility. However, the authority ~~department~~ is not responsible  
2023 for ~~bearing~~ the cost of utility work related to removing or  
2024 ~~relocating~~ any subsequent additions to that facility for the  
2025 purpose of serving others.

2026 (e) If, under an agreement between a utility and the  
2027 authority entered into after July 1, 2009, the utility conveys,  
2028 subordinates, or relinquishes a compensable property right to  
2029 the authority for the purpose of accommodating the acquisition  
2030 or use of the right-of-way by the authority, without the

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2031 agreement expressly addressing future responsibility for the  
2032 cost of necessary utility work ~~removing or relocating the~~  
2033 ~~utility~~, the authority shall bear the cost of removal or  
2034 relocation. This paragraph does not impair or restrict, and may  
2035 not be used to interpret, the terms of any such agreement  
2036 entered into before July 1, 2009.

2037 (f) If the utility is an electric facility being relocated  
2038 underground in order to enhance vehicular, bicycle, and  
2039 pedestrian safety and in which ownership of the electric  
2040 facility to be placed underground has been transferred from a  
2041 private to a public utility within the past 5 years, the  
2042 department shall incur all costs of the necessary utility work  
2043 ~~relocation~~.

2044 (g) If the authority acquires the property on which a  
2045 utility was located before the removal or relocation of the  
2046 utility facility, and such utility is not found to be located  
2047 illegally, the authority shall bear the costs of removing or  
2048 relocating that utility facility.

2049 (2) If such utility work ~~removal or relocation~~ is  
2050 incidental to work to be done on such road or publicly owned  
2051 rail corridor, the notice shall be given at the same time the  
2052 contract for the work is advertised for bids, or no less than 30  
2053 days prior to the commencement of such work by the authority,  
2054 whichever is greater.

2055 (3) Whenever the notice from an order of the authority  
2056 requires such utility work ~~removal or change in the location of~~  
2057 ~~any utility from the right-of-way of a public road or publicly~~  
2058 ~~owned rail corridor~~, and the owner thereof fails to perform the  
2059 work ~~remove or change the same~~ at his or her own expense to

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2060 ~~conform to the order~~ within the time stated in the notice or  
2061 such other time as agreed to by the authority and the utility  
2062 owner, the authority shall proceed to cause the utility work to  
2063 be performed ~~to be removed~~. The expense thereby incurred shall  
2064 be paid out of any money available therefor, and such expense  
2065 shall, except as provided in subsection (1), be charged against  
2066 the owner and levied and collected and paid into the fund from  
2067 which the expense of such relocation was paid.

2068 Section 37. Subsection (1) of section 337.404, Florida  
2069 Statutes, is amended to read:

2070 337.404 Removal or relocation of utility facilities; notice  
2071 and order; court review.—

2072 (1) Whenever it becomes ~~shall become~~ necessary for the  
2073 authority to perform utility work ~~remove or relocate any utility~~  
2074 as provided in s. 337.403 ~~the preceding section~~, the owner of  
2075 the utility~~,~~ or the owner's chief agent~~,~~ shall be given notice  
2076 that the authority will perform ~~of such work~~ removal or  
2077 relocation and, after the work is complete, given an order  
2078 requiring the payment of the cost thereof~~,~~ and a ~~shall be given~~  
2079 reasonable time, which may ~~shall~~ not be less than 20 or ~~not~~ more  
2080 than 30 days, in which to appear before the authority to contest  
2081 the reasonableness of the order. Should the owner or the owner's  
2082 representative not appear, the determination of the cost to the  
2083 owner shall be final. Authorities considered agencies for the  
2084 purposes of chapter 120 shall adjudicate removal or relocation  
2085 of utilities pursuant to chapter 120.

2086 Section 38. Section 337.408, Florida Statutes, is amended  
2087 to read:

2088 337.408 Regulation of bus stops, benches, transit shelters,



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2089 street light poles, waste disposal receptacles, and modular news  
2090 racks within rights-of-way.-

2091 (1) Benches or transit shelters, including advertising  
2092 displayed on benches or transit shelters, may be installed  
2093 within the right-of-way limits of any municipal, county, or  
2094 state road, except a limited access highway, if ~~provided that~~  
2095 such benches or transit shelters are for the comfort or  
2096 convenience of the general public or are at designated stops on  
2097 official bus routes, and ~~provided that~~ written authorization has  
2098 been given to a qualified private supplier of such service by  
2099 the municipal government within whose incorporated limits such  
2100 benches or transit shelters are installed or by the county  
2101 government within whose unincorporated limits such benches or  
2102 transit shelters are installed.

2103 (a) A municipality or county may authorize the  
2104 installation, without public bid, of benches and transit  
2105 shelters together with advertising displayed thereon within the  
2106 right-of-way limits of such roads. Any contract for the  
2107 installation of benches or transit shelters or advertising on  
2108 benches or transit shelters which was entered into before April  
2109 8, 1992, without public bidding is ratified and affirmed. ~~Such~~

2110 (b) Benches or transit shelters may not interfere with  
2111 right-of-way preservation and maintenance. Any bench or transit  
2112 shelter located on a sidewalk within the right-of-way limits of  
2113 any road on the State Highway System or the county road system  
2114 must ~~shall~~ be located so as to leave at least 36 inches of  
2115 clearance for pedestrians and persons in wheelchairs. Such  
2116 clearance shall be measured in a direction perpendicular to the  
2117 centerline of the road.

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2118       (c) All installations must be in compliance with all  
2119 applicable laws and rules including, without limitation, the  
2120 Americans with Disabilities Act. Municipalities and counties  
2121 shall indemnify, defend, and hold harmless the department from  
2122 any suits, actions, proceedings, claims, losses, costs, charges,  
2123 expenses, damages, liabilities, attorney fees, and court costs  
2124 relating to the installation, removal, or relocation of such  
2125 installations.

2126       (2) Waste disposal receptacles of less than 110 gallons in  
2127 capacity, including advertising displayed on such waste disposal  
2128 receptacles, may be installed within the right-of-way limits of  
2129 any municipal, county, or state road, except a limited access  
2130 highway ~~if, provided that~~ written authorization has been given  
2131 to a qualified private supplier of such service by the  
2132 appropriate municipal or county government. A municipality or  
2133 county may authorize the installation, without public bid, of  
2134 waste disposal receptacles together with advertising displayed  
2135 thereon within the right-of-way limits of such roads. Such waste  
2136 disposal receptacles may not interfere with right-of-way  
2137 preservation and maintenance.

2138       (3) Modular news racks, including advertising thereon, may  
2139 be located within the right-of-way limits of any municipal,  
2140 county, or state road, except a limited access highway ~~if,~~  
2141 ~~provided~~ the municipal government within whose incorporated  
2142 limits such racks are installed or the county government within  
2143 whose unincorporated limits such racks are installed has passed  
2144 an ordinance regulating the placement of modular news racks  
2145 within the right-of-way and has authorized a qualified private  
2146 supplier of modular news racks to provide such service. The

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2147 modular news rack or advertising may ~~thereon shall~~ not exceed a  
2148 height of 56 inches or a total advertising space of 56 square  
2149 feet. Within ~~No later than~~ 45 days before the ~~prior to~~  
2150 installation of modular news racks, the private supplier shall  
2151 provide a map of proposed locations and typical installation  
2152 plans to the department for approval. If the department does not  
2153 respond within 45 days after receipt of the submitted plans,  
2154 installation may proceed.

2155 (4) The department may ~~has the authority to~~ direct the  
2156 immediate relocation or removal of any bus stop, bench, transit  
2157 shelter, waste disposal receptacle, public pay telephone, or  
2158 modular news rack that endangers life or property or that is  
2159 otherwise not in compliance with applicable law and rule, except  
2160 that transit bus benches that were placed in service before  
2161 April 1, 1992, are not required to comply with bench size and  
2162 advertising display size requirements established by the  
2163 department before March 1, 1992. If a municipality or county  
2164 fails to comply with the department's direction, the department  
2165 shall remove the noncompliant installation and charge the cost  
2166 of the removal to the municipality or county, and may deduct or  
2167 offset such cost from any other funding available to the  
2168 municipality or county from the department. Any transit bus  
2169 bench that was in service before April 1, 1992, may be replaced  
2170 with a bus bench of the same size or smaller, if the bench is  
2171 damaged or destroyed or otherwise becomes unusable. The  
2172 department may adopt rules relating to the regulation of bench  
2173 size and advertising display size requirements. If a  
2174 municipality or county within which a bench is to be located has  
2175 adopted an ordinance or other applicable regulation that

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2176 establishes bench size or advertising display sign requirements  
2177 different from requirements specified in department rule, the  
2178 local government requirement applies within the respective  
2179 municipality or county. Placement of any bench or advertising  
2180 display on the National Highway System under a local ordinance  
2181 or regulation adopted under this subsection is subject to  
2182 approval by ~~of~~ the Federal Highway Administration.

2183 (5) A bus stop, bench, transit shelter, waste disposal  
2184 receptacle, public pay telephone, or modular news rack, or  
2185 advertising thereon, may not be erected or placed on the right-  
2186 of-way of any road in a manner that conflicts with the  
2187 requirements of federal law, regulations, or safety standards,  
2188 thereby causing the state or any political subdivision to lose  
2189 ~~the loss of~~ federal funds. Competition among persons seeking to  
2190 provide bus stop, bench, transit shelter, waste disposal  
2191 receptacle, public pay telephone, or modular news rack services  
2192 or advertising on ~~such~~ benches, shelters, receptacles, public  
2193 pay telephone, or news racks may be regulated, restricted, or  
2194 denied by the appropriate local government entity consistent  
2195 with this section.

2196 (6) Street light poles, including attached public service  
2197 messages and advertisements, may be located within the right-of-  
2198 way limits of municipal and county roads in the same manner as  
2199 benches, transit shelters, waste disposal receptacles, and  
2200 modular news racks as provided in this section and in accordance  
2201 with municipal and county ordinances. Public service messages  
2202 and advertisements may be installed on street light poles on  
2203 roads on the State Highway System in accordance with height,  
2204 size, setback, spacing distance, duration of display, safety,

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2205 traffic control, and permitting requirements established by  
2206 administrative rule of the Department of Transportation. Public  
2207 service messages and advertisements are ~~shall be~~ subject to  
2208 bilateral agreements, where applicable, to be negotiated with  
2209 the owner of the street light poles, which ~~shall~~ consider, among  
2210 other things, power source rates, design, safety, operational  
2211 and maintenance concerns, and other matters of public  
2212 importance. For the purposes of this section, the term "street  
2213 light poles" does not include electric transmission or  
2214 distribution poles. The department may ~~shall have authority to~~  
2215 adopt rules ~~pursuant to ss. 120.536(1) and 120.54~~ to administer  
2216 ~~implement the provisions of~~ this section. ~~No~~ Advertising on  
2217 light poles is not ~~shall be~~ permitted on the Interstate Highway  
2218 System. ~~No~~ Permanent structures carrying advertisements attached  
2219 to light poles are not ~~shall be~~ permitted on the National  
2220 Highway System.

2221 (7) A public pay telephone, including advertising displayed  
2222 thereon, may be installed within the right-of-way limits of any  
2223 municipal, county, or state road, except on a limited access  
2224 highway, if the pay telephone is installed by a provider ~~duly~~  
2225 authorized and regulated by the Public Service Commission under  
2226 s. 364.3375, ~~if~~ the pay telephone is operated in accordance with  
2227 all applicable state and federal telecommunications regulations,  
2228 and ~~if~~ written authorization has been given to a public pay  
2229 telephone provider by the appropriate municipal or county  
2230 government. Each advertisement must be limited to a size no  
2231 greater than 8 square feet, and a public pay telephone booth may  
2232 not display more than three advertisements at any given time. An  
2233 advertisement is not allowed on public pay telephones located in

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2234 rest areas, welcome centers, or other such facilities located on  
2235 an interstate highway.

2236 (8) ~~If Wherever~~ the provisions of this section are  
2237 inconsistent with other provisions of this chapter or ~~with the~~  
2238 ~~provisions of~~ chapter 125, chapter 335, chapter 336, or chapter  
2239 479, the provisions of this section ~~shall~~ prevail.

2240 Section 39. The Division of Statutory Revision is requested  
2241 to rename chapter 338, Florida Statutes, as "Limited Access and  
2242 Toll Facilities."

2243 Section 40. Section 338.001, Florida Statutes, is repealed.

2244 Section 41. Present subsections (2) through (6) of section  
2245 338.01, Florida Statutes, are renumbered as subsections (3)  
2246 through (7), respectively, and new subsection (2) and subsection  
2247 (8) are added to that section, to read:

2248 338.01 Authority to establish and regulate limited access  
2249 facilities.—

2250 (2) The department may establish limited access facilities  
2251 as provided in s. 335.02. The primary function of these limited  
2252 access facilities is to allow high-speed and high-volume traffic  
2253 movements within the state. Access to abutting land is  
2254 subordinate to this function and must be prohibited or highly  
2255 regulated.

2256 (8) The department, or other governmental entity  
2257 responsible for the collection of tolls, may pursue the  
2258 collection of unpaid tolls and associated fees and other amounts  
2259 to which it is entitled by contracting with a private attorney  
2260 who is a member in good standing with The Florida Bar, or a  
2261 collection agent who is registered and in good standing pursuant  
2262 to chapter 559. A collection fee in an amount that is reasonable

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2263 within the collection industry, including any reasonable  
2264 attorney fee, may be added to the delinquent amount collected by  
2265 the attorney or collection agent. The requirements of s. 287.059  
2266 do not apply to private attorney services procured under this  
2267 section.

2268 Section 42. Section 338.151, Florida Statutes, is created  
2269 to read:

2270 338.151 Authority of the department to establish tolls on  
2271 the State Highway System.—The department may establish tolls on  
2272 new limited access facilities on the State Highway System, lanes  
2273 added to existing limited access facilities on the State Highway  
2274 System, new major bridges on the State Highway System over  
2275 waterways, and replacements for existing major bridges on the  
2276 State Highway System over waterways in order to pay for, fully  
2277 or partially, the cost of such projects. Except for high-  
2278 occupancy vehicle lanes, express lanes, the turnpike system, and  
2279 as otherwise authorized by law, the department may not establish  
2280 tolls on lanes of limited access facilities that exist on July  
2281 1, 2012, unless tolls were in effect before that date. The  
2282 authority provided in this section is in addition to the  
2283 authority provided under the Florida Turnpike Enterprise Law and  
2284 s. 338.166.

2285 Section 43. Subsection (1) of section 338.155, Florida  
2286 Statutes, is amended to read:

2287 338.155 Payment of toll on toll facilities required;  
2288 exemptions.—

2289 (1) A person may not ~~No persons are permitted to use a any~~  
2290 toll facility without payment of tolls, except employees of the  
2291 agency operating the toll project who are when using the toll

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2292 facility on official state business, state military personnel  
2293 while on official military business, handicapped persons as  
2294 provided in this section, persons exempt from toll payment by  
2295 the authorizing resolution for bonds issued to finance the  
2296 facility, and persons exempt on a temporary basis if ~~where~~ use  
2297 of such toll facility is required as a detour route. A ~~Any~~ law  
2298 enforcement officer operating a marked official vehicle is  
2299 exempt from toll payment when on official law enforcement  
2300 business. Any person operating a fire vehicle when on official  
2301 business or a rescue vehicle when on official business is exempt  
2302 from toll payment. Any person participating in the funeral  
2303 procession of a law enforcement officer or firefighter killed in  
2304 the line of duty is exempt from toll payment. The secretary, or  
2305 the secretary's designee, may suspend the payment of tolls on a  
2306 toll facility if ~~when~~ necessary to assist in emergency  
2307 evacuation. The failure to pay a prescribed toll is ~~constitutes~~  
2308 a noncriminal traffic infraction, punishable as a moving  
2309 violation pursuant to s. 318.18. The department may ~~is~~  
2310 ~~authorized to~~ adopt rules relating to the payment, collection,  
2311 and enforcement of tolls, as authorized in chapters 316, 318,  
2312 320, 322, and 338, including, but not limited to, rules for the  
2313 implementation of video or other image billing and variable  
2314 pricing. The department may, by rule, allow public transit  
2315 vehicles or vehicles participating in a funeral procession for  
2316 an active-duty military service member to use a toll facility  
2317 managed by the department without payment if the toll revenues  
2318 of the facility are not pledged to the repayment of bonds.

2319 Section 44. Section 338.161, Florida Statutes, is amended  
2320 to read:



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2321           338.161 ~~Authority of department or toll agencies to~~  
2322 ~~advertise and promote electronic toll collection;~~ Expanded uses  
2323 of electronic toll collection system; ~~studies authorized.-~~

2324           (1) The department may ~~is authorized to~~ incur expenses for  
2325 paid advertising, marketing, and promotion of toll facilities  
2326 and electronic toll collection products and services. Promotions  
2327 may include discounts and free products.

2328           (2) The department may ~~is authorized to~~ receive funds from  
2329 advertising placed on electronic toll collection products and  
2330 promotional materials to defray the costs of products and  
2331 services.

2332           (3) ~~(a)~~ The department or any toll agency created by statute  
2333 may incur expenses to advertise or promote its electronic toll  
2334 collection system to consumers on or off the turnpike or toll  
2335 system.

2336           (4) ~~(b)~~ If the department or ~~any~~ toll agency created by  
2337 statute finds that it can increase nontoll revenues or add  
2338 convenience or other value for its customers, the department or  
2339 toll agency may enter into agreements with a ~~any~~ private or  
2340 public entity allowing the use of its electronic toll collection  
2341 system to pay parking fees for vehicles equipped with a  
2342 transponder or similar device. The department or toll agency may  
2343 initiate feasibility studies of other ~~additional~~ future uses of  
2344 its electronic toll collection system and make recommendations  
2345 to the Legislature to authorize such uses.

2346           (5) If the department finds that it can increase nontoll  
2347 revenues or add convenience or other value for its customers,  
2348 the department may enter into agreements with private or public  
2349 entities to use the electronic toll collection and video billing

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2350 systems of such entities to collect tolls, fares, administrative  
2351 fees, and other charges resulting from connection with the  
2352 transportation facilities of the entities which will become  
2353 interoperable with the department's electronic toll collection  
2354 system. The department may modify its rules regarding toll  
2355 collection procedures and the imposition of administrative  
2356 charges for toll facilities that are not part of the turnpike  
2357 system or otherwise owned by the department. This subsection  
2358 does not limit the authority of the department under any other  
2359 provision of law or under any agreement entered into before July  
2360 1, 2012.

2361 Section 45. Subsections (1) and (3) of section 338.166,  
2362 Florida Statutes, are amended to read:

2363 338.166 High-occupancy toll lanes or express lanes.—

2364 (1) Under s. 11, Art. VII of the State Constitution, the  
2365 department may request the Division of Bond Finance to issue  
2366 bonds secured by toll revenues collected on high-occupancy toll  
2367 lanes or express lanes ~~located on Interstate 95 in Miami-Dade~~  
2368 ~~and Broward Counties.~~

2369 (3) Any remaining toll revenue from the high-occupancy toll  
2370 lanes or express lanes shall be used by the department for the  
2371 construction, maintenance, or improvement of any road on the  
2372 State Highway System within the county or counties where the  
2373 toll revenues were collected or to support express bus service  
2374 on the facility where the toll revenues were collected.

2375 Section 46. Paragraph (a) of subsection (8) of section  
2376 338.221, Florida Statutes, is amended to read:

2377 338.221 Definitions of terms used in ss. 338.22-338.241.—As  
2378 used in ss. 338.22-338.241, the following words and terms have

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2379 the following meanings, unless the context indicates another or  
2380 different meaning or intent:

2381 (8) "Economically feasible" means:

2382 (a) For a proposed turnpike project, that, as determined by  
2383 the department before the issuance of revenue bonds for the  
2384 project, the estimated net revenues of the proposed turnpike  
2385 project, excluding feeder roads and turnpike improvements, will  
2386 be sufficient to pay at least 50 percent of the annual debt  
2387 service on the bonds associated with the project by the end of  
2388 the 12th year of operation and ~~to pay~~ at least 100 percent of  
2389 the debt service on the bonds by the end of the 30th ~~22nd~~ year  
2390 of operation. In implementing this paragraph, up to 50 percent  
2391 of the adopted work program costs of the project may be funded  
2392 from turnpike revenues.

2393

2394 This subsection does not prohibit the pledging of revenues from  
2395 the entire turnpike system to bonds issued to finance or  
2396 refinance a turnpike project or group of turnpike projects.

2397 Section 47. Paragraphs (a) and (b) of subsection (1) of  
2398 section 338.223, Florida Statutes, are amended to read:

2399 338.223 Proposed turnpike projects.—

2400 (1) (a) Any proposed project to be constructed or acquired  
2401 as part of the turnpike system and any turnpike improvement must  
2402 ~~shall~~ be included in the tentative work program. A ~~No~~ proposed  
2403 project or group of proposed projects may not ~~shall~~ be added to  
2404 the turnpike system unless such project is ~~or projects are~~  
2405 determined to be economically feasible and a statement of  
2406 environmental feasibility has been completed for the ~~such~~  
2407 project ~~or projects~~ and ~~such projects are~~ determined to be

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2408 consistent, to the maximum extent feasible, with approved local  
2409 government comprehensive plans of the local governments in which  
2410 the project is ~~such projects are~~ located. The department may  
2411 authorize engineering studies, traffic studies, environmental  
2412 studies, and other expert studies of the location, costs,  
2413 economic feasibility, and practicality of proposed turnpike  
2414 projects throughout the state and may proceed with the design  
2415 phase of such projects. The department may ~~shall~~ not request  
2416 legislative approval of a proposed turnpike project until the  
2417 design phase of that project is at least 30 ~~60~~ percent complete.  
2418 If a proposed project or group of proposed projects is found to  
2419 be economically feasible and, ~~consistent, to the maximum extent~~  
2420 ~~feasible~~, with approved local government comprehensive plans of  
2421 the local governments in which such projects are located to the  
2422 maximum extent feasible, and a favorable statement of  
2423 environmental feasibility has been completed, the department,  
2424 with the approval of the Legislature, shall, after the receipt  
2425 of all necessary permits, construct, maintain, and operate such  
2426 turnpike projects.

2427 (b) Any proposed turnpike project or improvement shall be  
2428 developed in accordance with the Florida Transportation Plan and  
2429 the work program pursuant to s. 339.135. Turnpike projects that  
2430 add capacity, alter access, affect feeder roads, or affect the  
2431 operation of the local transportation system shall be included  
2432 in the transportation improvement plan of the affected  
2433 metropolitan planning organization. If such turnpike project  
2434 does not fall within the jurisdiction of a metropolitan planning  
2435 organization, the department shall notify the affected county  
2436 and provide for public hearings in accordance with s.

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2437 339.155(5)(c) ~~339.155(6)(e)~~.

2438 Section 48. Subsection (4) of section 338.227, Florida  
2439 Statutes, is amended to read:

2440 338.227 Turnpike revenue bonds.—

2441 (4) The Department of Transportation and the Department of  
2442 Management Services shall create and implement an outreach  
2443 program designed to enhance the participation of minority  
2444 persons and minority business enterprises in all contracts  
2445 entered into by the ~~their~~ respective departments for services  
2446 related to the financing of department projects for the  
2447 Strategic Intermodal System Plan developed pursuant to s. 339.64  
2448 Florida Intrastate Highway System Plan. These services shall  
2449 include, but are not ~~be~~ limited to, bond counsel and bond  
2450 underwriters.

2451 Section 49. Subsection (2) of section 338.2275, Florida  
2452 Statutes, is amended to read:

2453 338.2275 Approved turnpike projects.—

2454 (2) The department may ~~is authorized to~~ use turnpike  
2455 revenues, ~~the~~ State Transportation Trust Fund moneys allocated  
2456 for turnpike projects pursuant to s. 339.65 ~~338.001~~, federal  
2457 funds, and bond proceeds, and shall use the most cost-efficient  
2458 combination of such funds, to develop ~~in developing~~ a financial  
2459 plan for funding turnpike projects. The department must submit a  
2460 report of the estimated cost for each ongoing turnpike project  
2461 and for each planned project to the Legislature 14 days before  
2462 the convening of the regular legislative session. Verification  
2463 of economic feasibility and statements of environmental  
2464 feasibility for individual turnpike projects must be based on  
2465 the entire project as approved. Statements of environmental

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2466 feasibility are not required for those projects listed in s. 12,  
2467 chapter 90-136, Laws of Florida, for which the Project  
2468 Development and Environmental Reports were completed by July 1,  
2469 1990. All required environmental permits must be obtained before  
2470 the department may advertise for bids for contracts for the  
2471 construction of any turnpike project.

2472 Section 50. Section 338.228, Florida Statutes, is amended  
2473 to read:

2474 338.228 Bonds not debts or pledges of credit of state.—  
2475 Turnpike revenue bonds issued under ~~the provisions of~~ ss.  
2476 338.22-338.241 are not debts of the state or pledges of the  
2477 faith and credit of the state. Such bonds are payable  
2478 exclusively from revenues pledged for their payment. All such  
2479 bonds must ~~shall~~ contain a statement on their face that the  
2480 state is not obligated to pay the same or the interest thereon,  
2481 except from ~~the~~ revenues pledged for their payment, and that the  
2482 faith and credit of the state is not pledged to the payment of  
2483 the principal or interest of such bonds. The issuance of  
2484 turnpike revenue bonds under ~~the provisions of~~ ss. 338.22-  
2485 338.241 does not directly, indirectly, or contingently obligate  
2486 the state to levy or to pledge any form of taxation whatsoever,  
2487 or to make any appropriation for their payment. Except as  
2488 provided in ss. ~~338.001,~~ 338.223, ~~and~~ 338.2275, and 339.65, ~~no~~  
2489 state funds may not ~~shall~~ be used on any turnpike project or to  
2490 pay the principal or interest of any bonds issued to finance or  
2491 refinance any portion of the turnpike system, and all such bonds  
2492 must ~~shall~~ contain a statement on their face to this effect.

2493 Section 51. Paragraph (c) is added to subsection (3) of  
2494 section 338.231, Florida Statutes, to read:

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2495           338.231 Turnpike tolls, fixing; pledge of tolls and other  
2496 revenues.—The department shall at all times fix, adjust, charge,  
2497 and collect such tolls and amounts for the use of the turnpike  
2498 system as are required in order to provide a fund sufficient  
2499 with other revenues of the turnpike system to pay the cost of  
2500 maintaining, improving, repairing, and operating such turnpike  
2501 system; to pay the principal of and interest on all bonds issued  
2502 to finance or refinance any portion of the turnpike system as  
2503 the same become due and payable; and to create reserves for all  
2504 such purposes.

2505           (3)

2506           (c) Notwithstanding any other law, the department shall  
2507 also assess an administrative fee of 25 cents per month as an  
2508 account maintenance charge to be applied against any prepaid  
2509 toll account of any kind which remains inactive for at least 24  
2510 months but not longer than 48 months. As long as a zero or  
2511 negative balance has not been reached, the administrative fee  
2512 shall be charged for each month of inactivity beginning with the  
2513 25th month of inactivity and continuing through the 48th month.  
2514 If the fee results in an account reaching a zero or negative  
2515 balance, the department shall close the account. If a positive  
2516 balance still remains after the 48th month, the balance shall be  
2517 presumed unclaimed and its disposition handled by the Department  
2518 of Financial Services in accordance with chapter 717 relating to  
2519 the disposition of unclaimed property, and the prepaid toll  
2520 account shall be closed by the department.

2521           Section 52. Subsection (2) of section 338.234, Florida  
2522 Statutes, is amended to read:

2523           338.234 Granting concessions or selling along the turnpike

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2524 system; immunity from taxation.—

2525 (2) The effectuation of the authorized purposes of the  
2526 Strategic Intermodal System created pursuant to ss. 339.61-  
2527 339.65 Florida Intrastate Highway System and Florida Turnpike  
2528 Enterprise, created under this chapter, is for the benefit of  
2529 the people of the state, for the increase of their commerce and  
2530 prosperity, and for the improvement of their health and living  
2531 conditions; and, because the system and enterprise perform  
2532 essential government functions in effectuating such purposes,  
2533 neither the turnpike enterprise nor any nongovernment lessee or  
2534 licensee renting, leasing, or licensing real property from the  
2535 turnpike enterprise, pursuant to an agreement authorized by this  
2536 section, are required to pay any commercial rental tax imposed  
2537 under s. 212.031 on any capital improvements constructed,  
2538 improved, acquired, installed, or used for such purposes.

2539 Section 53. Section 339.0805, Florida Statutes, is amended  
2540 to read:

2541 339.0805 Funds to be expended with certified disadvantaged  
2542 business enterprises; ~~specified percentage to be expended;~~  
2543 construction management development program; bond guarantee  
2544 program.—It is the policy of the state to meaningfully assist  
2545 socially and economically disadvantaged business enterprises  
2546 through a program that provides ~~will provide~~ for the development  
2547 of skills through construction and business management training,  
2548 as well as by providing contracting opportunities and financial  
2549 assistance in the form of bond guarantees, to primarily remedy  
2550 the effects of past economic disparity.

2551 (1) (a) ~~Except to the extent that the head of the department~~  
2552 ~~determines otherwise,~~ The department shall expend not less than



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2553 ~~10 percent of federal-aid highway funds as defined in 49 C.F.R.~~  
2554 ~~part 26 s. 23.63(a) and state matching funds with small business~~  
2555 ~~concerns owned and controlled by socially and economically~~  
2556 ~~disadvantaged individuals as those terms are defined by the~~  
2557 ~~Safe, Accountable, Flexible, Efficient Transportation Equity~~  
2558 ~~Act: A Legacy for Users (SAFETEA-LU) Surface Transportation and~~  
2559 ~~Uniform Relocation Assistance Act of 1987.~~

2560 (b) Upon a determination by the department of past and  
2561 continuing discrimination in nonfederally funded projects on the  
2562 basis of race, color, creed, national origin, or sex, the  
2563 department may implement a program tailored to address specific  
2564 findings of disparity. The program may include the establishment  
2565 of annual goals for expending a percentage of state-administered  
2566 highway funds with small business concerns. The department may  
2567 use ~~utilize~~ set-asides for small business concerns to assist in  
2568 achieving goals established pursuant to this subsection. For the  
2569 purpose of this subsection, "small business concern" means a  
2570 business owned and controlled by socially and economically  
2571 disadvantaged individuals as defined by the Safe, Accountable,  
2572 Flexible, Efficient Transportation Equity Act: A Legacy for  
2573 Users (SAFETEA-LU) ~~Surface Transportation and Uniform Relocation~~  
2574 ~~Assistance Act of 1987.~~ The head of the department may elect to  
2575 set goals only when significant disparity is documented. The  
2576 findings of a disparity study must ~~shall~~ be considered in  
2577 determining the program goals for each group qualified to  
2578 participate. ~~Such a study shall be conducted or updated by the~~  
2579 ~~department or its designee at a minimum of every 5 years. The~~  
2580 ~~department shall adopt rules to implement this subsection on or~~  
2581 ~~before October 1, 1993.~~

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2582 (c) The department shall certify a socially and  
2583 economically disadvantaged business enterprise, ~~which~~  
2584 ~~certification shall be valid for 12 months, or as prescribed by~~  
2585 49 C.F.R. part 23. The department's initial application for  
2586 certification must ~~for a socially and economically disadvantaged~~  
2587 ~~business enterprise shall~~ require sufficient information to  
2588 determine eligibility as a small business concern owned and  
2589 controlled by a socially and economically disadvantaged  
2590 individual. For continuing eligibility ~~recertification of a~~  
2591 ~~disadvantaged business enterprise,~~ the department may accept an  
2592 affidavit, which meets department criteria as to form and  
2593 content, certifying that the business remains qualified for  
2594 certification in accordance with program requirements. A firm  
2595 that ~~which~~ does not fulfill all the department's criteria for  
2596 certification may ~~shall~~ not be considered a disadvantaged  
2597 business enterprise. An applicant who is denied certification  
2598 may not reapply within 12 ~~6~~ months after issuance of the denial  
2599 letter ~~or the final order, whichever is later.~~ The application  
2600 and financial information required by this section are  
2601 confidential and exempt from s. 119.07(1).

2602 (2) The department shall remove ~~revoke~~ the certification of  
2603 a disadvantaged business enterprise upon ~~receipt of~~ notification  
2604 that ~~of any change in ownership which results in the~~  
2605 disadvantaged individual or individuals who were used to qualify  
2606 the business as a disadvantaged business enterprise, no longer  
2607 own ~~owning~~ at least 51 percent of the business enterprise. Such  
2608 notification must ~~shall~~ be made to the department by certified  
2609 mail within 30 ~~10~~ days after the change in ownership, ~~and such~~  
2610 ~~business shall be removed from the certified disadvantaged~~

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2611 ~~business list until a new application is submitted and approved~~  
 2612 ~~by the department.~~ Failure to notify the department of the  
 2613 change in the ownership that ~~which~~ qualifies the business as a  
 2614 disadvantaged business enterprise will also result in removal  
 2615 ~~revocation~~ of certification and subject the business to ~~the~~  
 2616 ~~provisions of~~ s. 337.135. In addition, the department may, for  
 2617 good cause, deny or remove ~~suspend~~ the certification of a  
 2618 disadvantaged business enterprise. As used in this subsection,  
 2619 the term "good cause" includes, but is not limited to, a ~~the~~  
 2620 disadvantaged business enterprise that:

2621 (a) No longer meets ~~meeting~~ the certification standards set  
 2622 forth in department rules;

2623 (b) Makes ~~Making~~ a false, deceptive, or fraudulent  
 2624 statement in its application for certification or in any other  
 2625 information submitted to the department;

2626 (c) Fails ~~Failing~~ to maintain the records required by  
 2627 department rules;

2628 (d) Fails ~~Failing~~ to perform a commercially useful function  
 2629 on projects for which the enterprise was used to satisfy  
 2630 contract goals;

2631 (e) Fails ~~Failing~~ to fulfill its contractual obligations  
 2632 with contractors;

2633 (f) Fails ~~Failing~~ to respond with a statement of interest  
 2634 to requests for bid quotations from contractors for three  
 2635 consecutive lettings;

2636 ~~(g) Subcontracting to others more than 49 percent of the~~  
 2637 ~~amount of any single subcontract that was used by the prime~~  
 2638 ~~contractor to meet a contract goal;~~

2639 (g)(h) Fails ~~Failing~~ to provide notarized certification of

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2640 payments received on specific projects to the prime contractor  
2641 ~~if when~~ required to do so by contract specifications;

2642 (h) ~~(i)~~ Fails ~~Failing~~ to schedule an onsite review upon  
2643 request of the department; or

2644 (i) ~~(j)~~ Becomes ~~Becoming~~ insolvent or the subject of a  
2645 bankruptcy proceeding.

2646 (3) The head of the department may ~~is authorized to~~ expend  
2647 up to 6 percent of the funds specified in subsection (1), which  
2648 are designated to be expended on small business firms owned and  
2649 controlled by socially and economically disadvantaged  
2650 individuals, to conduct, by contract or otherwise, a  
2651 construction management development program. Participation in  
2652 the program is ~~will be~~ limited to those firms that ~~which~~ are  
2653 certified under ~~the provisions of~~ subsection (1) by the  
2654 department or the federal Small Business Administration, or to  
2655 any firm that meets the definition of a small business in 49  
2656 C.F.R. s. 26.65 ~~which has annual gross receipts not exceeding \$2~~  
2657 ~~million averaged over a 3-year period.~~ The program will consist  
2658 of classroom instruction and on-the-job instruction. To the  
2659 extent feasible, the registration fee shall be set to cover the  
2660 cost of instruction and overhead. A ~~No~~ salary may not ~~will~~ be  
2661 paid to a ~~any~~ participant.

2662 (a) Classroom instruction must include ~~will consist of~~, but  
2663 is not limited to, project planning methods for identifying  
2664 personnel, equipment, and financial resource needs; bookkeeping;  
2665 state bidding and bonding requirements; state and federal tax  
2666 requirements; and strategies for obtaining loans, bonding, and  
2667 joint venture agreements.

2668 (b) On-the-job instruction must include ~~will consist of~~,

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2669 but is not limited to, setting up the job site; cash-flow  
2670 methods; project scheduling; quantity takeoffs; estimating;  
2671 reading plans and specifications; department procedures on  
2672 billing and payments; quality assessment and control methods;  
2673 and bid preparation methods.

2674 (c) Contractors who have demonstrated satisfactory project  
2675 performance, as defined by the department, may ~~can~~ be exempted  
2676 from the provisions of paragraphs (a) and (b) and be validated  
2677 as meeting the minimum curriculum standards of proficiency, in  
2678 the same manner as participants who successfully complete the  
2679 construction management development program only if they intend  
2680 to apply for funds under ~~provided for in~~ subsection (4).

2681 (d) The department shall develop, under contract with the  
2682 State University System, the community college system, a school  
2683 district on ~~in~~ behalf of its career center, or a private  
2684 consulting firm, a curriculum for instruction in the courses  
2685 that will lead to a certification of proficiency in the  
2686 construction management development program.

2687 (4) The head of the department may ~~is authorized to~~ expend  
2688 up to 4 percent of the funds specified in subsection (1) on a  
2689 bond guarantee program for participants who are certified under  
2690 subsection (1) and who meet the minimum curriculum standards of  
2691 proficiency. The state shall ~~will~~ guarantee up to 90 percent of  
2692 a bond amount of \$250,000, or less, and 80 percent of a bond  
2693 amount greater than \$250,000, which ~~bond~~ is provided by an  
2694 approved surety. However, in addition to the requirements of  
2695 paragraph (3)(c), the department shall retain 5 percent of the  
2696 total contract amount designated for the disadvantaged business  
2697 enterprise until final acceptance of the project, in order to

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2698 receive a bond guarantee. The department may ~~shall~~ not commit  
2699 funds for this program which are in excess of ~~these~~ funds  
2700 appropriated specifically for this purpose.

2701 (5) ~~Annually,~~ The head of the department must annually ~~is~~  
2702 ~~required to report on~~ the progress of the ~~this~~ program to the  
2703 President of the Senate, the Speaker of the House of  
2704 Representatives, and the Governor. The report must ~~shall~~  
2705 include, as a minimum, the number of users of the bond guarantee  
2706 plan, along with the number of defaults and dollar loss to the  
2707 state; the number of students participating in the construction  
2708 management development program by urban location; the number  
2709 certified and not certified; the cost of the program categorized  
2710 by cost of administration, cost of ~~instruction~~ (on-the-job and  
2711 classroom instruction), and cost of supplies; and a comparison  
2712 figure of those firms certified by the department under  
2713 subsection (1) over the year, and the same figure for socially  
2714 and economically disadvantaged contractors prequalified to  
2715 perform prime contracting work for the department.

2716 Section 54. Paragraph (c) of subsection (4) and paragraph  
2717 (e) of subsection (7) of section 339.135, Florida Statutes, are  
2718 amended to read:

2719 339.135 Work program; legislative budget request;  
2720 definitions; preparation, adoption, execution, and amendment.—

2721 (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.—

2722 (c)1. For purposes of this section, the board of county  
2723 commissioners shall serve as the metropolitan planning  
2724 organization in those counties that ~~which~~ are not located in a  
2725 metropolitan planning organization and shall be involved in the  
2726 development of the district work program to the same extent as a

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2727 metropolitan planning organization.

2728         2. The district work program shall be developed  
2729 cooperatively from the outset with the various metropolitan  
2730 planning organizations ~~of the state~~ and include, to the maximum  
2731 extent feasible, the project priorities of metropolitan planning  
2732 organizations which have been submitted to the district by  
2733 October 1 of each year pursuant to s. 339.175(8)(b); however,  
2734 the department and a metropolitan planning organization may, in  
2735 writing, cooperatively agree to vary the ~~this~~ submittal date. To  
2736 assist the metropolitan planning organizations in developing  
2737 their lists of project priorities, the district shall disclose  
2738 to each metropolitan planning organization any anticipated  
2739 changes in the allocation or programming of state and federal  
2740 funds which may affect the inclusion of metropolitan planning  
2741 organization project priorities in the district work program.

2742         3. Before ~~Prior to~~ submittal of the district work program  
2743 to the central office, the district shall provide the affected  
2744 metropolitan planning organization with written justification  
2745 for any project proposed to be rescheduled or deleted from the  
2746 district work program which ~~project~~ is part of the metropolitan  
2747 planning organization's transportation improvement program and  
2748 is contained in the last 4 years of the previous adopted work  
2749 program. Within ~~By no later than~~ 14 days after submittal of the  
2750 district work program to the central office, the affected  
2751 metropolitan planning organization may file an objection to such  
2752 rescheduling or deletion. If ~~When~~ an objection is filed with the  
2753 secretary, the rescheduling or deletion may ~~shall~~ not be  
2754 included in the district work program unless the inclusion of  
2755 the ~~such~~ rescheduling or deletion is specifically approved by

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2756 the secretary. The Florida Transportation Commission shall  
2757 include such objections in its evaluation of the tentative work  
2758 program only when the secretary has approved the rescheduling or  
2759 deletion.

2760 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

2761 (e) The department may amend the adopted work program to  
2762 transfer fixed capital outlay appropriations for projects within  
2763 the same appropriations category or between appropriations  
2764 categories, including the following amendments, which are ~~shall~~  
2765 ~~be~~ subject to ~~the procedures in~~ paragraph (f):

2766 1. An ~~Any~~ amendment that ~~which~~ deletes any project or  
2767 project phase estimated to cost more than \$150,000;

2768 2. An ~~Any~~ amendment that ~~which~~ adds a project estimated to  
2769 cost over \$500,000 ~~\$150,000~~ in funds appropriated by the  
2770 Legislature;

2771 3. An ~~Any~~ amendment that ~~which~~ advances or defers to  
2772 another fiscal year, a right-of-way phase, a construction phase,  
2773 or a public transportation project phase estimated to cost over  
2774 \$1.5 million ~~\$500,000~~ in funds appropriated by the Legislature,  
2775 except an amendment advancing a phase by 1 year to the current  
2776 fiscal year or deferring a phase for ~~a period of~~ 90 days or  
2777 less; or

2778 4. An ~~Any~~ amendment that ~~which~~ advances or defers to  
2779 another fiscal year, a ~~any~~ preliminary engineering phase or  
2780 design phase estimated to cost over \$500,000 ~~\$150,000~~ in funds  
2781 appropriated by the Legislature, except an amendment advancing a  
2782 phase by 1 year to the current fiscal year or deferring a phase  
2783 for a period of 90 days or less.

2784



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2785 Beginning July 1, 2013, the department shall index the budget  
2786 amendment threshold amounts established in this paragraph to the  
2787 Consumer Price Index or similar inflation indicators. Threshold  
2788 adjustments for inflation may not be made more than once per  
2789 year. Adjustments for inflation are subject to the notice and  
2790 review procedures in s. 216.177.

2791 Section 55. Section 339.155, Florida Statutes, is amended  
2792 to read:

2793 339.155 Transportation planning.—

2794 (1) THE FLORIDA TRANSPORTATION PLAN.—The department shall  
2795 develop ~~and annually update~~ a statewide transportation plan, to  
2796 be known as the Florida Transportation Plan. The plan shall be  
2797 designed ~~so as~~ to be easily read and understood by the general  
2798 public. The plan must ~~shall~~ consider the needs of the entire  
2799 state transportation system and examine the use of all modes of  
2800 transportation in order to effectively and efficiently meet such  
2801 needs. The purpose of the ~~Florida Transportation~~ plan is to  
2802 establish and define the state's long-range transportation goals  
2803 and objectives to be accomplished over a period of at least 20  
2804 years within the context of the State Comprehensive Plan, and  
2805 any other statutory mandates and authorizations and based upon  
2806 the prevailing principles of:

2807 (a) Preserving the existing transportation infrastructure.

2808 (b) Enhancing the state's ~~Florida's~~ economic  
2809 competitiveness.

2810 (c) Improving travel choices to ensure mobility.

2811 (d) Expanding the state's role as a hub for trade and  
2812 investment.

2813 (2) SCOPE OF PLANNING PROCESS.—The department shall carry

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2814 out a transportation planning process in conformance with s.  
 2815 334.046(1) and 23 U.S.C. s. 135 ~~which provides for consideration~~  
 2816 ~~of projects and strategies that will:~~

2817 ~~(a) Support the economic vitality of the United States,~~  
 2818 ~~Florida, and the metropolitan areas, especially by enabling~~  
 2819 ~~global competitiveness, productivity, and efficiency;~~

2820 ~~(b) Increase the safety and security of the transportation~~  
 2821 ~~system for motorized and nonmotorized users;~~

2822 ~~(c) Increase the accessibility and mobility options~~  
 2823 ~~available to people and for freight;~~

2824 ~~(d) Protect and enhance the environment, promote energy~~  
 2825 ~~conservation, and improve quality of life;~~

2826 ~~(e) Enhance the integration and connectivity of the~~  
 2827 ~~transportation system, across and between modes throughout~~  
 2828 ~~Florida, for people and freight;~~

2829 ~~(f) Promote efficient system management and operation; and~~

2830 ~~(g) Emphasize the preservation of the existing~~  
 2831 ~~transportation system.~~

2832 (3) FORMAT, SCHEDULE, AND REVIEW.—The Florida  
 2833 Transportation Plan must ~~shall~~ be a unified, concise planning  
 2834 document that clearly defines the state's long-range  
 2835 transportation goals and objectives ~~and documents the~~  
 2836 ~~department's short-range objectives developed to further such~~  
 2837 ~~goals and objectives.~~ The plan must: ~~shall~~

2838 (a) Include a glossary that clearly and succinctly defines  
 2839 any and all phrases, words, or terms of art included in the  
 2840 plan, ~~with which the general public may be unfamiliar.~~ and shall  
 2841 ~~consist of, at a minimum, the following components:~~

2842 (b) ~~(a)~~ Document A long-range component documenting the

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2843 goals and long-term objectives necessary to implement the  
2844 results of the department's findings from its examination of the  
2845 criteria specified ~~listed~~ in ~~subsection (2) and~~ s. 334.046(1)  
2846 and 23 U.S.C. s. 135. ~~The long-range component must~~

2847 (c) Be developed in cooperation with the metropolitan  
2848 planning organizations and reconciled, to the maximum extent  
2849 feasible, with the long-range plans developed by metropolitan  
2850 planning organizations pursuant to s. 339.175. ~~The plan must~~  
2851 ~~also~~

2852 (d) Be developed in consultation with affected local  
2853 officials in nonmetropolitan areas and with any affected Indian  
2854 tribal governments. ~~The plan must~~

2855 (e) Provide an examination of transportation issues likely  
2856 to arise during at least a 20-year period. ~~The long-range~~  
2857 ~~component shall~~

2858 (f) Be updated at least once every 5 years, or more often  
2859 as necessary, to reflect substantive changes to federal or state  
2860 law.

2861 ~~(b) A short-range component documenting the short-term~~  
2862 ~~objectives and strategies necessary to implement the goals and~~  
2863 ~~long-term objectives contained in the long-range component. The~~  
2864 ~~short-range component must define the relationship between the~~  
2865 ~~long-range goals and the short-range objectives, specify those~~  
2866 ~~objectives against which the department's achievement of such~~  
2867 ~~goals will be measured, and identify transportation strategies~~  
2868 ~~necessary to efficiently achieve the goals and objectives in the~~  
2869 ~~plan. It must provide a policy framework within which the~~  
2870 ~~department's legislative budget request, the strategic~~  
2871 ~~information resource management plan, and the work program are~~

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2872 developed. ~~The short-range component shall serve as the~~  
2873 ~~department's annual agency strategic plan pursuant to s.~~  
2874 ~~186.021. The short-range component shall be developed consistent~~  
2875 ~~with available and forecasted state and federal funds. The~~  
2876 ~~short-range component shall also be submitted to the Florida~~  
2877 ~~Transportation Commission.~~

2878 ~~(4) ANNUAL PERFORMANCE REPORT. The department shall develop~~  
2879 ~~an annual performance report evaluating the operation of the~~  
2880 ~~department for the preceding fiscal year. The report shall also~~  
2881 ~~include a summary of the financial operations of the department~~  
2882 ~~and shall annually evaluate how well the adopted work program~~  
2883 ~~meets the short-term objectives contained in the short-range~~  
2884 ~~component of the Florida Transportation Plan. This performance~~  
2885 ~~report shall be submitted to the Florida Transportation~~  
2886 ~~Commission and the legislative appropriations and transportation~~  
2887 ~~committees.~~

2888 ~~(4)~~ (5) ADDITIONAL TRANSPORTATION PLANS.—

2889 (a) Upon request by local governmental entities, the  
2890 department may in its discretion develop and design  
2891 transportation corridors, arterial and collector streets,  
2892 vehicular parking areas, and other support facilities that ~~which~~  
2893 are consistent with the department's ~~of the department~~ plans for  
2894 major transportation facilities. The department may render to  
2895 local governmental entities or their planning agencies ~~such~~  
2896 technical assistance and services as ~~are~~ necessary so that local  
2897 plans and facilities are coordinated with the plans and  
2898 facilities of the department.

2899 (b) Each regional planning council, as provided ~~for~~ in s.  
2900 186.504, or any successor agency ~~thereto~~, shall develop, as an

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2901 element of its strategic regional policy plan, transportation  
2902 goals and policies. The transportation goals and policies must  
2903 be prioritized to comply with the prevailing principles provided  
2904 in subsection (1) ~~(2)~~ and s. 334.046(1). The transportation  
2905 goals and policies must ~~shall~~ be consistent, to the maximum  
2906 extent feasible, with the goals and policies of the metropolitan  
2907 planning organization and the Florida Transportation Plan. The  
2908 transportation goals and policies of the regional planning  
2909 council are ~~will be~~ advisory only and must ~~shall~~ be submitted to  
2910 the department and any affected metropolitan planning  
2911 organization for their consideration and comments. Metropolitan  
2912 planning organization plans and other local transportation plans  
2913 must ~~shall~~ be developed to be consistent, to the maximum extent  
2914 feasible, with the regional transportation goals and policies.  
2915 The regional planning council shall review urbanized area  
2916 transportation plans and any other planning products stipulated  
2917 in s. 339.175 and provide the department and respective  
2918 metropolitan planning organizations with written recommendations  
2919 that ~~which~~ the department and the metropolitan planning  
2920 organizations shall take under advisement. ~~Further,~~ The regional  
2921 planning councils shall also directly assist local governments  
2922 that ~~which~~ are not part of a metropolitan area transportation  
2923 planning process in the development of the transportation  
2924 element of their comprehensive plans as required by s. 163.3177.

2925 (c) Regional transportation plans may be developed in  
2926 regional transportation areas in accordance with an interlocal  
2927 agreement entered into pursuant to s. 163.01 by two or more  
2928 contiguous metropolitan planning organizations; one or more  
2929 metropolitan planning organizations and one or more contiguous

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2930 counties, none of which is a member of a metropolitan planning  
2931 organization; a multicounty regional transportation authority  
2932 created by or pursuant to law; two or more contiguous counties  
2933 that are not members of a metropolitan planning organization; or  
2934 metropolitan planning organizations comprised of three or more  
2935 counties.

2936 (d) The interlocal agreement must, at a minimum, identify  
2937 the entity that will coordinate the development of the regional  
2938 transportation plan; delineate the boundaries of the regional  
2939 transportation area; provide the duration of the agreement and  
2940 specify how the agreement may be terminated, modified, or  
2941 rescinded; describe the process by which the regional  
2942 transportation plan will be developed; and provide how members  
2943 of the entity will resolve disagreements regarding  
2944 interpretation of the interlocal agreement or disputes relating  
2945 to the development or content of the regional transportation  
2946 plan. Such interlocal agreement becomes ~~shall become~~ effective  
2947 upon ~~its~~ recordation in the official public records of each  
2948 county in the regional transportation area.

2949 (e) The regional transportation plan developed pursuant to  
2950 this section must, at a minimum, identify regionally significant  
2951 transportation facilities located within a regional  
2952 transportation area and contain a prioritized list of regionally  
2953 significant projects. The projects shall be adopted into the  
2954 capital improvements schedule of the local government  
2955 comprehensive plan pursuant to s. 163.3177(3).

2956 (5) ~~(6)~~ PROCEDURES FOR PUBLIC PARTICIPATION IN  
2957 TRANSPORTATION PLANNING.—

2958 (a) During the development of the ~~long-range component of~~

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2959 the Florida Transportation Plan, and before ~~prior to~~ substantive  
2960 revisions, the department shall provide citizens, affected  
2961 public agencies, representatives of transportation agency  
2962 employees, other affected employee representatives, private  
2963 providers of transportation, and other known interested parties  
2964 with an opportunity to comment on the proposed plan or  
2965 revisions. These opportunities ~~shall include~~, at a minimum,  
2966 include publishing a notice in the Florida Administrative Weekly  
2967 and within a newspaper of general circulation within the area of  
2968 each department district office.

2969 (b) During development of major transportation  
2970 improvements, such as those increasing the capacity of a  
2971 facility through the addition of new lanes or providing new  
2972 access to a limited or controlled access facility or  
2973 construction of a facility in a new location, the department  
2974 shall hold one or more hearings before selecting ~~prior to the~~  
2975 ~~selection of~~ the facility to be provided, selecting; ~~prior to~~  
2976 ~~the selection of~~ the site or corridor of the proposed facility,  
2977 and selecting and committing; ~~and prior to the selection of and~~  
2978 ~~commitment~~ to a specific design proposal for the proposed  
2979 facility. Such public hearings must ~~shall~~ be conducted so as to  
2980 provide an opportunity for effective participation by interested  
2981 persons in the process of transportation planning and site and  
2982 route selection and in the specific location and design of  
2983 transportation facilities. The various factors involved in the  
2984 decision or decisions and any alternative proposals must ~~shall~~  
2985 be clearly presented so that the persons attending the hearing  
2986 may present their views relating to the decision or decisions to  
2987 ~~which will~~ be made.

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- 2988 (c) Opportunity for design hearings:
- 2989 1. The department, before ~~prior to~~ holding a design
- 2990 hearing, must ~~shall~~ ~~duly~~ notify all affected property owners of
- 2991 record, as recorded in the property appraiser's office, by mail
- 2992 at least 20 days before ~~prior to~~ the date set for the hearing.
- 2993 The affected property owners are ~~shall be~~:
- 2994 a. Those whose property lies in whole or in part within 300
- 2995 feet on either side of the centerline of the proposed facility.
- 2996 b. Those whom the department determines will be
- 2997 substantially affected environmentally, economically, socially,
- 2998 or safetywise.
- 2999 2. For each subsequent hearing, the department shall
- 3000 publish notice before ~~prior to~~ the hearing date in a newspaper
- 3001 of general circulation for the area affected. The ~~These~~ notices
- 3002 must be published twice, with the first notice appearing at
- 3003 least 15 days, but no later than 30 days, before the hearing.
- 3004 3. A copy of the notice of opportunity for the hearing must
- 3005 be furnished to the United States Department of Transportation
- 3006 and to the appropriate departments of the state government at
- 3007 the time of publication.
- 3008 4. The opportunity for another hearing must be provided
- 3009 ~~shall be afforded~~ in any case where ~~when~~ proposed locations or
- 3010 designs are so changed from those presented in the notices
- 3011 specified in this paragraph ~~above~~ or at a hearing as to have a
- 3012 substantially different social, economic, or environmental
- 3013 effect.
- 3014 5. The opportunity for a hearing must be provided ~~shall be~~
- 3015 ~~afforded~~ in any ~~each~~ case in which the department is in doubt as
- 3016 to whether a hearing is required.



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3017 Section 56. Paragraph (a) of subsection (2), paragraph (a)  
3018 of subsection (4), and paragraph (b) of subsection (8) of  
3019 section 339.175, Florida Statutes, are amended to read:

3020 339.175 Metropolitan planning organization.—

3021 (2) DESIGNATION.—

3022 (a)1. An M.P.O. shall be designated for each urbanized area  
3023 of the state; however, ~~this does not require that~~ an individual  
3024 M.P.O. does not have to be designated for each such area. Such  
3025 designation shall be accomplished by agreement between the  
3026 Governor and units of general-purpose local government  
3027 representing at least 75 percent of the population of the  
3028 urbanized area; however, the unit of general-purpose local  
3029 government that represents the central municipality ~~city or~~  
3030 ~~cities~~ within the M.P.O. jurisdiction, as defined by the United  
3031 States Bureau of the Census, must be a party to such agreement.

3032 2. To the extent possible, only one M.P.O. shall be  
3033 designated for each urbanized area or group of contiguous  
3034 urbanized areas. More than one M.P.O. may be designated within  
3035 an existing urbanized ~~metropolitan planning~~ area only if the  
3036 Governor and the existing M.P.O. determine that the size and  
3037 complexity of the existing urbanized ~~metropolitan planning~~ area  
3038 makes the designation of more than one M.P.O. for the area  
3039 appropriate.

3040  
3041 Each M.P.O. required under this section must be fully operative  
3042 no later than 6 months following its designation.

3043 (4) APPORTIONMENT.—

3044 (a) The Governor ~~shall~~, with the agreement of the affected  
3045 units of general-purpose local government as required by federal

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3046 rules and regulations, shall apportion the membership on the  
3047 applicable M.P.O. among the various governmental entities within  
3048 the area. At the request of a majority of the affected units of  
3049 general-purpose local government comprising an M.P.O., the  
3050 Governor and a majority of units of general-purpose local  
3051 government serving on an M.P.O. shall cooperatively agree upon  
3052 and prescribe who may serve as an alternate member and a method  
3053 for appointing alternate members who may vote at any M.P.O.  
3054 meeting that an alternate member attends in place of a regular  
3055 member. The method must ~~shall~~ be set forth as a part of the  
3056 interlocal agreement describing the M.P.O.'s membership or in  
3057 the M.P.O.'s operating procedures and bylaws. The governmental  
3058 entity so designated shall appoint the appropriate number of  
3059 members to the M.P.O. from eligible officials. Representatives  
3060 of the department shall serve as nonvoting advisors ~~members~~ of  
3061 the M.P.O. governing board. Additional nonvoting advisers may be  
3062 appointed by the M.P.O. as deemed necessary; however, to the  
3063 maximum extent feasible, each M.P.O. shall seek to appoint  
3064 nonvoting representatives of various multimodal forms of  
3065 transportation not otherwise represented by voting members of  
3066 the M.P.O. An M.P.O. shall appoint nonvoting advisers  
3067 representing major military installations located within the  
3068 jurisdictional boundaries of the M.P.O. upon the request of the  
3069 ~~aforsaid~~ major military installations and subject to the  
3070 agreement of the M.P.O. All nonvoting advisers may attend and  
3071 participate fully in governing board meetings but may ~~shall~~ not  
3072 ~~have a vote and~~ may ~~shall~~ not be members of the governing board.  
3073 The Governor shall review the composition of the M.P.O.  
3074 membership in conjunction with the decennial census as prepared

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3075 by the United States Department of Commerce, Bureau of the  
3076 Census, and reapportion it as necessary to comply with  
3077 subsection (3).

3078 (8) TRANSPORTATION IMPROVEMENT PROGRAM.—Each M.P.O. shall,  
3079 in cooperation with the state and affected public transportation  
3080 operators, develop a transportation improvement program for the  
3081 area within the jurisdiction of the M.P.O. In the development of  
3082 the transportation improvement program, each M.P.O. must provide  
3083 the public, affected public agencies, representatives of  
3084 transportation agency employees, freight shippers, providers of  
3085 freight transportation services, private providers of  
3086 transportation, representatives of users of public transit, and  
3087 other interested parties with a reasonable opportunity to  
3088 comment on the proposed transportation improvement program.

3089 (b) Each M.P.O. annually shall prepare a list of project  
3090 priorities and ~~shall~~ submit the list to the appropriate district  
3091 of the department by October 1 of each year; however, the  
3092 department and a metropolitan planning organization may, in  
3093 writing, agree to vary this submittal date. If more than one  
3094 M.P.O. exists within an urbanized area, the M.P.O.s must  
3095 coordinate in the development of regionally significant project  
3096 priorities. The list of project priorities must be formally  
3097 reviewed by the technical and citizens' advisory committees, and  
3098 approved by the M.P.O., before it is transmitted to the  
3099 district. The approved list of project priorities must be used  
3100 by the district in developing the district work program and ~~must~~  
3101 ~~be used~~ by the M.P.O. in developing its transportation  
3102 improvement program. The annual list of project priorities must  
3103 be based upon project selection criteria that, at a minimum,

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3104 consider ~~the following~~:

- 3105 1. The approved M.P.O. long-range transportation plan;
- 3106 2. The Strategic Intermodal System Plan developed under s.
- 3107 339.64.
- 3108 3. The priorities developed pursuant to s. 339.2819(4).
- 3109 4. The results of the transportation management systems;
- 3110 and
- 3111 5. The M.P.O.'s public-involvement procedures.

3112 Section 57. Subsections (1), (2), (3), and (4) of section

3113 339.2819, Florida Statutes, are amended to read:

3114 339.2819 Transportation Regional Incentive Program.—

3115 (1) ~~The There is created within the Department of~~

3116 ~~Transportation a~~ Transportation Regional Incentive Program is

3117 created within the Department of Transportation for the purpose

3118 of providing funds to improve regionally significant

3119 transportation facilities in regional transportation areas

3120 created pursuant to s. 339.155(4) ~~339.155(5)~~.

3121 (2) ~~The percentage of matching funds provided from the~~

3122 Transportation Regional Incentive Program shall provide matching

3123 funds of up to ~~be~~ 50 percent of project costs.

3124 (3) The department shall allocate funding available for the

3125 Transportation Regional Incentive Program to the districts based

3126 on a factor derived from equal parts of population and motor

3127 fuel collections for eligible counties in regional

3128 transportation areas created pursuant to s. 339.155(4)

3129 ~~339.155(5)~~.

3130 (4) (a) Projects to be funded with Transportation Regional

3131 Incentive Program funds ~~shall~~, at a minimum, must:

3132 1. ~~Support those transportation facilities that~~ Serve

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3133 national, statewide, or regional functions and function as part  
3134 of an integrated regional transportation system.

3135 2. Be identified in the capital improvements element of a  
3136 comprehensive plan that has been determined to be in compliance  
3137 with part II of chapter 163, after July 1, 2005. ~~Further,~~ The  
3138 project must also ~~shall~~ be in compliance with local government  
3139 comprehensive plan policies relative to corridor management.

3140 3. Be consistent with the Strategic Intermodal System Plan  
3141 developed under s. 339.64.

3142 4. Have a commitment for local, regional, or private  
3143 financial matching funds as a percentage of the overall project  
3144 cost.

3145 (b) Projects funded under this section must be included in  
3146 the department's work program developed pursuant to s. 339.135.  
3147 In identifying projects to be funded with allocating  
3148 Transportation Regional Incentive Program funds, the department  
3149 must ensure that such projects meet the requirements of this  
3150 section and give priority ~~shall be given~~ to projects that:

3151 1. Provide connectivity to the Strategic Intermodal System  
3152 developed under s. 339.64.

3153 2. Support economic development and the movement of goods  
3154 in rural areas of critical economic concern designated under s.  
3155 288.0656(7).

3156 3. Are subject to a local ordinance that establishes  
3157 corridor management techniques, including access management  
3158 strategies, right-of-way acquisition and protection measures,  
3159 appropriate land use strategies, zoning, and setback  
3160 requirements for adjacent land uses.

3161 4. Improve connectivity between military installations and

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3162 the Strategic Highway Network or the Strategic Rail Corridor  
3163 Network.

3164 Section 58. Subsection (6) of section 339.285, Florida  
3165 Statutes, is amended to read:

3166 339.285 Enhanced Bridge Program for Sustainable  
3167 Transportation.—

3168 (6) Preference shall be given to bridge projects located on  
3169 corridors that connect to the Strategic Intermodal System~~7~~  
3170 created under s. 339.64, and that have been identified as  
3171 regionally significant in accordance with s. 339.155(4)(c)-(e)  
3172 ~~339.155(5)(c), (d), and (e).~~

3173 Section 59. Subsections (1) and (6) of section 339.62,  
3174 Florida Statutes, are amended to read:

3175 339.62 System components.—The Strategic Intermodal System  
3176 shall consist of appropriate components of:

3177 (1) Highway corridors ~~The Florida Intrastate Highway System~~  
3178 established under s. 339.65 ~~338.001~~.

3179 (6) Other existing or planned corridors that serve a  
3180 statewide or interregional purpose.

3181 Section 60. Subsections (2) and (4) of section 339.63,  
3182 Florida Statutes, are amended, and subsections (5) and (6) are  
3183 added to that section, to read:

3184 339.63 System facilities designated; additions and  
3185 deletions.—

3186 (2) The Strategic Intermodal System and the Emerging  
3187 Strategic Intermodal System include the following five ~~four~~  
3188 different types of facilities which ~~that~~ each form one component  
3189 of an interconnected transportation system ~~which types include:~~

3190 (a) Existing or planned hubs that are ports and terminals

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3191 including airports, seaports, spaceports, passenger terminals,  
3192 and rail terminals that ~~servi~~ng to move goods or people between  
3193 ~~Florida~~ regions of the state or between this state ~~Florida~~ and  
3194 other markets in the United States and the rest of the world.

3195 (b) Existing or planned corridors that are highways, rail  
3196 lines, waterways, and other exclusive-use facilities connecting  
3197 major markets within the state ~~Florida~~ or between this state  
3198 ~~Florida~~ and other states or nations.

3199 (c) Existing or planned intermodal connectors that are  
3200 highways, rail lines, waterways or local public transit systems  
3201 that serve ~~servi~~ng as connectors between the components listed  
3202 in paragraphs (a) and (b).

3203 (d) Existing or planned military access facilities that are  
3204 highways or rail lines linking Strategic Intermodal System  
3205 corridors to the state's strategic military installations.

3206 (e) ~~(d)~~ Existing or planned facilities that significantly  
3207 improve the state's competitive position to compete for the  
3208 movement of additional goods into and through this state.

3209 (4) Except as provided in subsections (5) and (6), after  
3210 the initial designation of the Strategic Intermodal System under  
3211 subsection (1), the department shall, in coordination with the  
3212 metropolitan planning organizations, local governments, regional  
3213 planning councils, transportation providers, and affected public  
3214 agencies, add facilities to or delete facilities from the  
3215 Strategic Intermodal System described in paragraph (2)(a) based  
3216 upon criteria adopted by the department.

3217 (5) ~~However,~~ An airport that is designated as a reliever  
3218 airport to a Strategic Intermodal System airport which has at  
3219 least 75,000 itinerant operations per year, has a runway length

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3220 of at least 5,500 linear feet, is capable of handling aircraft  
3221 weighing at least 60,000 pounds with a dual wheel configuration  
3222 which is served by at least one precision instrument approach,  
3223 and serves a cluster of aviation-dependent industries, shall be  
3224 designated as part of the Strategic Intermodal System by the  
3225 Secretary of Transportation upon the request of a reliever  
3226 airport meeting this criteria.

3227 (6) (a) Upon the request of a facility that is described in  
3228 subsection (2), that meets the definition of an intermodal  
3229 logistics center as defined in s. 311.101(1), and that has been  
3230 designated in the local comprehensive plan as an intermodal  
3231 logistics center or an equivalent planning term, the Secretary  
3232 of Transportation shall designate such planned facility as part  
3233 of the Strategic Intermodal System.

3234 (b) If a facility is designated as part of the Strategic  
3235 Intermodal System pursuant to paragraph (a) and is within the  
3236 jurisdiction of a local government that maintains a  
3237 transportation concurrency system, such facility shall receive a  
3238 waiver of transportation concurrency requirements applicable to  
3239 Strategic Intermodal System facilities in order to accommodate  
3240 any development at the facility which occurs pursuant to a  
3241 building permit issued on or before December 31, 2017, but only  
3242 if such facility is located:

3243 1. Within an area designated as a rural area of critical  
3244 economic concern pursuant to s. 288.0656(7);

3245 2. Within a rural enterprise zone as defined in s.  
3246 290.004(5); or

3247 3. Within 10 miles of the boundary of a rural area of  
3248 critical economic concern or a rural enterprise zone.



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3249 Section 61. Section 339.64, Florida Statutes, is amended to  
3250 read:

3251 339.64 Strategic Intermodal System Plan.—

3252 (1) The department shall develop, in cooperation with  
3253 metropolitan planning organizations, regional planning councils,  
3254 local governments, ~~the Statewide Intermodal Transportation~~  
3255 ~~Advisory Council~~ and other transportation providers, a Strategic  
3256 Intermodal System Plan. The plan must ~~shall~~ be consistent with  
3257 the Florida Transportation Plan developed pursuant to s. 339.155  
3258 and ~~shall~~ be updated at least once every 5 years, subsequent to  
3259 updates of the Florida Transportation Plan.

3260 (2) In association with the continued development of the  
3261 Strategic Intermodal System Plan, the Florida Transportation  
3262 Commission, as part of its work program review process, shall  
3263 conduct an annual assessment of the progress that the department  
3264 and its transportation partners have made in realizing the goals  
3265 of economic development, improved mobility, and increased  
3266 intermodal connectivity of the Strategic Intermodal System. The  
3267 Florida Transportation Commission shall coordinate with the  
3268 department, ~~the Statewide Intermodal Transportation Advisory~~  
3269 ~~Council~~, and other appropriate entities when developing this  
3270 assessment. The Florida Transportation Commission shall deliver  
3271 a report to the Governor and Legislature within ~~no later than~~ 14  
3272 days after the regular session begins, with recommendations as  
3273 necessary to fully implement the Strategic Intermodal System.

3274 (3) (a) During the development of updates to the Strategic  
3275 Intermodal System Plan, the department shall provide  
3276 metropolitan planning organizations, regional planning councils,  
3277 local governments, transportation providers, affected public

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3278 agencies, and citizens with an opportunity to participate in and  
3279 comment on the development of the update.

3280 (b) The department also shall coordinate ~~with federal,~~  
3281 ~~regional, and local partners~~ the planning for the Strategic  
3282 Highway Network and the Strategic Rail Corridor Network  
3283 transportation facilities that ~~either~~ are included in the  
3284 Strategic Intermodal System, or that provide a direct connection  
3285 between military installations and the Strategic Intermodal  
3286 System, with federal, regional, and local partners. ~~In addition,~~  
3287 The department shall also coordinate with regional and local  
3288 partners to determine whether the road and other transportation  
3289 infrastructure that connect military installations to the  
3290 Strategic Intermodal System, the Strategic Highway Network, or  
3291 the Strategic Rail Corridor is regionally significant and should  
3292 be included in the Strategic Intermodal System Plan.

3293 (4) The Strategic Intermodal System Plan must ~~shall~~ include  
3294 ~~the following~~:

3295 (a) A needs assessment.

3296 (b) A project prioritization process.

3297 (c) A map of facilities designated as Strategic Intermodal  
3298 System facilities; facilities that are emerging in importance  
3299 and that are likely to become part of the system in the future;  
3300 and planned facilities that will meet the established criteria.

3301 (d) A finance plan based on reasonable projections of  
3302 anticipated revenues, including both 10-year and at least 20-  
3303 year cost-feasible components.

3304 (e) An assessment of the impacts of proposed improvements  
3305 to Strategic Intermodal System corridors on military  
3306 installations that are ~~either~~ located directly on the Strategic

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3307 Intermodal System or located on the Strategic Highway Network or  
3308 Strategic Rail Corridor Network.

3309 ~~(5) STATEWIDE INTERMODAL TRANSPORTATION ADVISORY COUNCIL.~~

3310 ~~(a) The Statewide Intermodal Transportation Advisory~~  
3311 ~~Council is created to advise and make recommendations to the~~  
3312 ~~Legislature and the department on policies, planning, and~~  
3313 ~~funding of intermodal transportation projects. The council's~~  
3314 ~~responsibilities shall include:~~

3315 ~~1. Advising the department on the policies, planning, and~~  
3316 ~~implementation of strategies related to intermodal~~  
3317 ~~transportation.~~

3318 ~~2. Providing advice and recommendations to the Legislature~~  
3319 ~~on funding for projects to move goods and people in the most~~  
3320 ~~efficient and effective manner for the State of Florida.~~

3321 ~~(b) MEMBERSHIP. Members of the Statewide Intermodal~~  
3322 ~~Transportation Advisory Council shall consist of the following:~~

3323 ~~1. Six intermodal industry representatives selected by the~~  
3324 ~~Governor as follows:~~

3325 ~~a. One representative from an airport involved in the~~  
3326 ~~movement of freight and people from their airport facility to~~  
3327 ~~another transportation mode.~~

3328 ~~b. One individual representing a fixed route, local~~  
3329 ~~government transit system.~~

3330 ~~c. One representative from an intercity bus company~~  
3331 ~~providing regularly scheduled bus travel as determined by~~  
3332 ~~federal regulations.~~

3333 ~~d. One representative from a spaceport.~~

3334 ~~e. One representative from intermodal trucking companies.~~

3335 ~~f. One representative having command responsibilities of a~~

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3336 ~~major military installation.~~

3337 ~~2. Three intermodal industry representatives selected by~~

3338 ~~the President of the Senate as follows:~~

3339 ~~a. One representative from major-line railroads.~~

3340 ~~b. One representative from seaports listed in s. 311.09(1)~~

3341 ~~from the Atlantic Coast.~~

3342 ~~e. One representative from an airport involved in the~~

3343 ~~movement of freight and people from their airport facility to~~

3344 ~~another transportation mode.~~

3345 ~~3. Three intermodal industry representatives selected by~~

3346 ~~the Speaker of the House of Representatives as follows:~~

3347 ~~a. One representative from short-line railroads.~~

3348 ~~b. One representative from seaports listed in s. 311.09(1)~~

3349 ~~from the Gulf Coast.~~

3350 ~~e. One representative from intermodal trucking companies.~~

3351 ~~In no event may this representative be employed by the same~~

3352 ~~company that employs the intermodal trucking company~~

3353 ~~representative selected by the Governor.~~

3354 ~~(c) Initial appointments to the council must be made no~~

3355 ~~later than 30 days after the effective date of this section.~~

3356 ~~1. The initial appointments made by the President of the~~

3357 ~~Senate and the Speaker of the House of Representatives shall~~

3358 ~~serve terms concurrent with those of the respective appointing~~

3359 ~~officer. Beginning January 15, 2005, and for all subsequent~~

3360 ~~appointments, council members appointed by the President of the~~

3361 ~~Senate and the Speaker of the House of Representatives shall~~

3362 ~~serve 2-year terms, concurrent with the term of the respective~~

3363 ~~appointing officer.~~

3364 ~~2. The initial appointees, and all subsequent appointees,~~

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3365 ~~made by the Governor shall serve 2-year terms.~~

3366 ~~3. Vacancies on the council shall be filled in the same~~  
3367 ~~manner as the initial appointments.~~

3368 ~~(d) Each member of the council shall be allowed one vote.~~  
3369 ~~The council shall select a chair from among its membership.~~  
3370 ~~Meetings shall be held at the call of the chair, but not less~~  
3371 ~~frequently than quarterly. The members of the council shall be~~  
3372 ~~reimbursed for per diem and travel expenses as provided in s.~~  
3373 ~~112.061.~~

3374 ~~(e) The department shall provide administrative staff~~  
3375 ~~support and shall ensure that council meetings are~~  
3376 ~~electronically recorded. Such recordings and all documents~~  
3377 ~~received, prepared for, or used by the council in conducting its~~  
3378 ~~business shall be preserved pursuant to chapters 119 and 257.~~

3379 Section 62. Section 339.65, Florida Statutes, is created to  
3380 read:

3381 339.65 Strategic Intermodal System highway corridors.-

3382 (1) The department shall plan and develop Strategic  
3383 Intermodal System highway corridors, including limited and  
3384 controlled access facilities, allowing for high-speed and high-  
3385 volume traffic movements within the state. The primary function  
3386 of the corridors is to provide for traffic movement. Access to  
3387 abutting land is subordinate to this function and must be  
3388 prohibited or highly regulated.

3389 (2) Strategic Intermodal System highway corridors must  
3390 include facilities from the following components of the State  
3391 Highway System which meet the criteria adopted by the department  
3392 pursuant to s. 339.63:

3393 (a) Interstate highways.

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- 3394       (b) The Florida Turnpike System.
- 3395       (c) Interregional and intercity limited access facilities.
- 3396       (d) Existing interregional and intercity arterial highways  
3397 previously upgraded or upgraded in the future to limited access  
3398 or controlled access facility standards.
- 3399       (e) New limited access facilities necessary to complete a  
3400 balanced statewide system.
- 3401       (3) The department shall adhere to the following policy  
3402 guidelines in the development of Strategic Intermodal System  
3403 highway corridors:
- 3404           (a) Making capacity improvements to existing facilities, if  
3405 feasible, in order to minimize costs and environmental impacts.
- 3406           (b) Identifying appropriate arterial highways in major  
3407 transportation corridors for inclusion in a program to bring  
3408 these facilities up to limited access or controlled access  
3409 facility standards.
- 3410           (c) Coordinating proposed projects with appropriate limited  
3411 access projects undertaken by expressway authorities and local  
3412 governmental entities.
- 3413           (d) Maximizing the use of limited access facility standards  
3414 when constructing new arterial highways.
- 3415           (e) Identifying appropriate new limited access highways for  
3416 inclusion in the Florida Turnpike System.
- 3417           (f) To the maximum extent feasible, ensuring that proposed  
3418 projects are consistent with approved local government  
3419 comprehensive plans of the local jurisdictions in which such  
3420 facilities are to be located and with the transportation  
3421 improvement program of any metropolitan planning organization  
3422 where such facilities are to be located.

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3423       (4) The department shall develop and maintain a plan of  
3424 Strategic Intermodal System highway corridor projects that are  
3425 anticipated to be let to contract for construction within a time  
3426 period of at least 20 years. The plan must also identify when  
3427 segments of the corridor will meet the standards and criteria  
3428 developed pursuant to subsection (5).

3429       (5) The department shall establish the standards and  
3430 criteria for the functional characteristics and design of  
3431 facilities proposed as part of Strategic Intermodal System  
3432 highway corridors.

3433       (6) For the purposes of developing the proposed Strategic  
3434 Intermodal System highway corridors, beginning in the 2012-2013  
3435 fiscal year and for each fiscal year thereafter, the minimum  
3436 amount allocated shall be based on the 2003-2004 fiscal year  
3437 allocation of \$450 million adjusted annually by the change in  
3438 the Consumer Price Index for the prior fiscal year compared to  
3439 the Consumer Price Index for the 2003-2004 fiscal year.

3440       (7) Any project to be constructed as part of a Strategic  
3441 Intermodal System highway corridor must be included in the  
3442 department's adopted work program. Corridor projects that are  
3443 added to or deleted from the previous adopted work program, or  
3444 modifications to corridor projects contained in the previous  
3445 adopted work program, must be specifically identified and  
3446 submitted as a separate part of the tentative work program.

3447       Section 63. Subsection (2) of section 341.053, Florida  
3448 Statutes, is amended to read:

3449       341.053 Intermodal Development Program; administration;  
3450 eligible projects; limitations.-

3451       (2) In recognition of the department's role in the economic

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3452 development of this state, the department shall develop a  
3453 proposed intermodal development plan to connect Florida's  
3454 airports, deepwater seaports, rail systems serving both  
3455 passenger and freight, and major intermodal connectors to the  
3456 Strategic Intermodal System highway corridors ~~Florida Intrastate~~  
3457 ~~Highway System~~ facilities as the primary system for the movement  
3458 of people and freight in this state in order to make the  
3459 intermodal development plan a fully integrated and  
3460 interconnected system. The intermodal development plan must:

3461 (a) Define and assess the state's freight intermodal  
3462 network, including airports, seaports, rail lines and terminals,  
3463 intercity bus lines and terminals, and connecting highways.

3464 (b) Prioritize statewide infrastructure investments,  
3465 including the acceleration of current projects, which are found  
3466 by the Freight Stakeholders Task Force to be priority projects  
3467 for the efficient movement of people and freight.

3468 (c) Be developed in a manner that will assure maximum use  
3469 of existing facilities and optimum integration and coordination  
3470 of the various modes of transportation, including both  
3471 government-owned and privately owned resources, in the most  
3472 cost-effective manner possible.

3473 Section 64. Section 341.840, Florida Statutes, is amended  
3474 to read:

3475 341.840 Tax exemption.—

3476 (1) The exercise of the powers granted by this act will be  
3477 in all respects for the benefit of the people of this state, for  
3478 the increase of their commerce, welfare, and prosperity, and for  
3479 the improvement of their health and living conditions. The  
3480 design, construction, operation, maintenance, and financing of a



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3481 high-speed rail system by the department authority, its agent,  
3482 or the owner or lessee thereof, as herein authorized,  
3483 constitutes the performance of an essential public function.

3484 (2) (a) For the purposes of this section, the term  
3485 "department" "~~authority~~" does not include agents of the  
3486 department authority other than contractors who qualify as such  
3487 pursuant to subsection (7).

3488 (b) For the purposes of this section, any item or property  
3489 that is within the definition of "associated development" in s.  
3490 ~~341.8203(1)~~ is ~~shall not be considered to be~~ part of the high-  
3491 speed rail system as defined in s. 341.8203(3) ~~341.8203(6)~~.

3492 (3) (a) Purchases or leases of tangible personal property or  
3493 real property by the department authority, excluding agents of  
3494 the department authority, are exempt from taxes imposed by  
3495 chapter 212 as provided in s. 212.08(6). Purchases or leases of  
3496 tangible personal property that is incorporated into the high-  
3497 speed rail system as a component part ~~thereof~~, as determined by  
3498 the department authority, by agents of the department authority  
3499 or the owner of the high-speed rail system are exempt from sales  
3500 or use taxes imposed by chapter 212. Leases, rentals, or  
3501 licenses to use real property granted to agents of the  
3502 department authority or the owner of the high-speed rail system  
3503 are exempt from taxes imposed by s. 212.031 if the real property  
3504 becomes part of such system. The exemptions ~~granted in this~~  
3505 ~~subsection~~ do not apply to sales, leases, or licenses by the  
3506 department authority, agents of the department authority, or the  
3507 owner of the high-speed rail system.

3508 (b) The exemption granted in paragraph (a) to purchases or  
3509 leases of tangible personal property by agents of the department

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3510 ~~authority~~ or by the owner of the high-speed rail system applies  
3511 only to property that becomes a component part of such system.  
3512 It does not apply to ~~items, including, but not limited to,~~  
3513 cranes, bulldozers, forklifts, other machinery and equipment,  
3514 tools and supplies, or other items of tangible personal property  
3515 used in the construction, operation, or maintenance of the high-  
3516 speed rail system if ~~when~~ such items are not incorporated into  
3517 the high-speed rail system as a component part ~~thereof~~.

3518 (4) Any bonds or other security, and all notes, mortgages,  
3519 security agreements, letters of credit, or other instruments  
3520 that arise out of or are given to secure the repayment of bonds  
3521 or other security, issued by the department authority, or on  
3522 behalf of the department authority, their transfer, and the  
3523 income therefrom, including any profit made on the sale thereof,  
3524 is shall at all times be free from taxation of every kind by the  
3525 state, the counties, and the municipalities and other political  
3526 subdivisions in the state. ~~This subsection, However, does not~~  
3527 ~~exempt from taxation or assessment~~ the leasehold interest of a  
3528 lessee in any project or any other property or interest owned by  
3529 the lessee is not exempt from taxation or assessment. The  
3530 exemption granted by this subsection does ~~is~~ not apply  
3531 ~~applicable~~ to any tax imposed by chapter 220 on interest income  
3532 or profits on the sale of debt obligations owned by  
3533 corporations.

3534 (5) If ~~When~~ property of the department authority is leased  
3535 to another person or entity, the property is ~~shall be~~ exempt  
3536 from ad valorem taxation only if the use by the lessee qualifies  
3537 the property for exemption under s. 196.199.

3538 (6) A leasehold interest held by the department authority

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3539 is not subject to intangible tax. However, if the ~~a~~ leasehold  
3540 interest ~~held by the authority~~ is subleased to a nongovernmental  
3541 lessee, the ~~such~~ subleasehold interest is ~~shall be~~ deemed to be  
3542 an interest described in s. 199.023(1)(d), Florida Statutes  
3543 2005, and is subject to the intangible tax.

3544 (7)(a) In order to be considered an agent of the department  
3545 ~~authority~~ for purposes of the exemption from sales and use tax  
3546 granted by subsection (3) for tangible personal property  
3547 incorporated into the high-speed rail system, a contractor of  
3548 the department authority that purchases or fabricates such  
3549 tangible personal property must be certified by the department  
3550 ~~authority~~ as provided in this subsection.

3551 (b)1. A contractor must apply for a renewal of the  
3552 exemption by ~~not later than~~ December 1 of each calendar year.

3553 2. A contractor must apply to the department authority on  
3554 the application form developed by the department ~~adopted by the~~  
3555 ~~authority, which shall develop the form~~ in consultation with the  
3556 Department of Revenue, and adopted by department rule.

3557 3. The department authority shall review each submitted  
3558 application and determine whether it is complete. The department  
3559 ~~authority~~ shall notify the applicant of any deficiencies in the  
3560 application within 30 days. Upon receipt of a completed  
3561 application, the department authority shall evaluate the  
3562 application for exemption under this subsection and issue a  
3563 certification that the contractor is qualified to act as an  
3564 agent of the department authority for purposes of this section  
3565 or a denial of ~~such~~ certification within 30 days. The department  
3566 ~~authority~~ shall provide the Department of Revenue with a copy of  
3567 each certification issued upon approval of an application. Upon

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3568 receipt of a certification from the department authority, the  
3569 Department of Revenue shall issue an exemption permit to the  
3570 contractor.

3571 (c)1. The contractor may extend a copy of its exemption  
3572 permit to its vendors in lieu of paying sales tax on purchases  
3573 of tangible personal property which qualify ~~qualifying~~ for  
3574 exemption under this section. Possession of a copy of the  
3575 exemption permit relieves the seller of ~~the~~ responsibility for  
3576 ~~of~~ collecting tax on the sale, and the Department of Revenue  
3577 shall look solely to the contractor for recovery of tax upon  
3578 determining ~~a determination~~ that the contractor was not entitled  
3579 to the exemption.

3580 2. The contractor may extend a copy of its exemption permit  
3581 to real property subcontractors supplying and installing  
3582 tangible personal property that is exempt under subsection (3).  
3583 Any such subcontractor may ~~is authorized to~~ extend a copy of the  
3584 permit to the subcontractor's vendors in order to purchase  
3585 qualifying tangible personal property tax-exempt. If the  
3586 subcontractor uses the exemption permit to purchase tangible  
3587 personal property that is determined not to qualify for  
3588 exemption under subsection (3), the Department of Revenue may  
3589 assess and collect any tax, penalties, and interest that are due  
3590 from ~~either~~ the contractor holding the exemption permit or the  
3591 subcontractor that extended the exemption permit to the seller.

3592 (d) A ~~Any~~ contractor authorized to act as an agent of the  
3593 department authority under this section shall maintain the  
3594 necessary books and records to document the exempt status of  
3595 purchases and fabrication costs made or incurred under the  
3596 permit. ~~In addition,~~ An authorized contractor extending its

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3597 exemption permit to its subcontractors shall also maintain a  
3598 copy of the subcontractor's books, records, and invoices  
3599 indicating all purchases made by the subcontractor under the  
3600 authorized contractor's permit. If, in an audit conducted by the  
3601 Department of Revenue, it is determined that tangible personal  
3602 property purchased or fabricated claiming exemption under this  
3603 section does not meet the criteria for exemption, the amount of  
3604 taxes not paid at the time of purchase or fabrication are ~~shall~~  
3605 ~~be~~ immediately due and payable to the Department of Revenue,  
3606 together with the appropriate interest and penalty, computed  
3607 from the date of purchase, in the manner prescribed under ~~by~~  
3608 chapter 212.

3609 (e) If a contractor fails to apply for a high-speed rail  
3610 system exemption permit, or if a contractor initially determined  
3611 by the department authority to not qualify for exemption is  
3612 subsequently determined to be eligible, the contractor shall  
3613 receive the benefit of the exemption ~~in this subsection~~ through  
3614 a refund of previously paid taxes for transactions that  
3615 otherwise would have been exempt. A refund may not be made for  
3616 such taxes without the issuance of a certification by the  
3617 department authority that the contractor was authorized to make  
3618 purchases tax-exempt and a determination by the Department of  
3619 Revenue that the purchases qualified for the exemption.

3620 (f) The department authority may adopt rules governing the  
3621 application process for exemption of a contractor as an  
3622 authorized agent of the department authority.

3623 (g) The Department of Revenue may adopt rules governing the  
3624 issuance and form of high-speed rail system exemption permits,  
3625 the audit of contractors and subcontractors using such permits,

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3626 the recapture of taxes on nonqualified purchases, and the manner  
3627 and form of refund applications.

3628 Section 65. Paragraphs (c) and (e) of subsection (2) of  
3629 section 343.53, Florida Statutes, are amended to read:

3630 343.53 South Florida Regional Transportation Authority.—

3631 (2) The governing board of the authority shall consist of  
3632 nine voting members, as follows:

3633 (c) The Secretary of ~~the Department of~~ Transportation shall  
3634 appoint one of the district secretaries, or his or her designee,  
3635 for the districts within which the area served by the South  
3636 Florida Regional Transportation Authority is located. However,  
3637 the secretary's appointee shall serve in an ex officio,  
3638 nonvoting capacity.

3639 (e) The Governor shall appoint three ~~two~~ members to the  
3640 board who are residents and qualified electors in the area  
3641 served by the authority but who are not residents of the same  
3642 county ~~and also not residents of the county in which the~~  
3643 ~~district secretary who was appointed pursuant to paragraph (c)~~  
3644 ~~is a resident.~~

3645 Section 66. Transfer to the Florida Turnpike Enterprise.—  
3646 The governance and control of the Mid-Bay Bridge Authority  
3647 system, created pursuant to chapter 2000-411, Laws of Florida,  
3648 is transferred to the Florida Turnpike Enterprise.

3649 (1) The assets, facilities, tangible and intangible  
3650 property, any rights in such property, and any other legal  
3651 rights of the authority, including the bridge system operated by  
3652 the authority, are transferred to the turnpike enterprise. All  
3653 powers of the authority shall succeed to the turnpike  
3654 enterprise, and the operations and maintenance of the bridge

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3655 system shall be under the control of the turnpike enterprise,  
3656 pursuant to this section. Revenues collected on the bridge  
3657 system may be considered turnpike revenues and the Mid-Bay  
3658 Bridge may be considered part of the turnpike system if bonds of  
3659 the authority are not outstanding. The turnpike enterprise also  
3660 assumes all liability for bonds of the bridge authority pursuant  
3661 to subsection (2). The turnpike enterprise may review other  
3662 contracts, financial obligations, and contractual obligations  
3663 and liabilities of the authority and may assume legal liability  
3664 for such obligations that are determined to be necessary for the  
3665 continued operation of the bridge system.

3666 (2) The transfer pursuant to this section is subject to the  
3667 terms and covenants provided for the protection of the holders  
3668 of the Mid-Bay Bridge Authority bonds in the lease-purchase  
3669 agreement and the resolutions adopted in connection with the  
3670 issuance of the bonds. Further, the transfer does not impair the  
3671 terms of the contract between the authority and the bondholders,  
3672 does not act to the detriment of the bondholders, and does not  
3673 diminish the security for the bonds. After the transfer, the  
3674 turnpike enterprise shall operate and maintain the bridge system  
3675 and any other facilities of the authority in accordance with the  
3676 terms, conditions, and covenants contained in the bond  
3677 resolutions and lease-purchase agreement securing the bonds of  
3678 the authority. The turnpike enterprise shall collect toll  
3679 revenues and apply them to the payment of debt service as  
3680 provided in the bond resolution securing the bonds and shall  
3681 expressly assume all obligations relating to the bonds to ensure  
3682 that the transfer will have no adverse impact on the security  
3683 for the bonds of the authority. The transfer does not make the

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3684 obligation to pay the principal and interest on the bonds a  
3685 general liability of the turnpike or pledge the turnpike system  
3686 revenues to payment of the bonds. Revenues that are generated by  
3687 the bridge system and other facilities of the authority and that  
3688 were pledged by the authority to the payment of the bonds remain  
3689 subject to the pledge for the benefit of the bondholders. The  
3690 transfer does not modify or eliminate any prior obligation of  
3691 the Department of Transportation to pay certain costs of the  
3692 bridge system from sources other than revenues of the bridge  
3693 system. With regard to the authority's current long-term debt of  
3694 \$16.1 million due to the department as of June 30, 2011, and to  
3695 the extent permitted by the bond resolutions and lease-purchase  
3696 agreement securing the bonds, the turnpike enterprise shall make  
3697 payment annually to the State Transportation Trust Fund for the  
3698 purpose of repaying the authority's long-term debt due to the  
3699 department from any bridge system revenues obtained under this  
3700 section which remain after the payment of the costs of  
3701 operations, maintenance, renewal, and replacement of the bridge  
3702 system, the payment of current debt service, and other payments  
3703 required in relation to the bonds. The turnpike enterprise shall  
3704 make such annual payments, not to exceed \$1 million per year, to  
3705 the State Transportation Trust Fund until all remaining  
3706 authority long-term debt due to the department has been repaid.

3707 (3) Any remaining toll revenue from the facilities of the  
3708 Mid-Bay Bridge Authority collected by the Florida Turnpike  
3709 Enterprise after meeting the requirements of subsections (1) and  
3710 (2) shall be used for the construction, maintenance, or  
3711 improvement of any toll facility of the Florida Turnpike  
3712 Enterprise within the county or counties in which the revenue



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3713 was collected.

3714 Section 67. Paragraph (c) of subsection (4) of section  
3715 348.0003, Florida Statutes, is amended to read:

3716 348.0003 Expressway authority; formation; membership.—  
3717 (4)

3718 (c) Members of each expressway authority, transportation  
3719 authority, bridge authority, or toll authority, ~~created pursuant~~  
3720 to this chapter ~~or~~ chapter 343, ~~or chapter 349~~ or any other  
3721 general legislative enactment, ~~must~~ shall comply with the  
3722 applicable financial disclosure requirements of s. 8, Art. II of  
3723 the State Constitution. This paragraph does not subject any  
3724 statutorily created authority, other than an expressway  
3725 authority created under this part, to any other requirement of  
3726 this part except the requirement of this paragraph.

3727 Section 68. Paragraph (j) of subsection (2) of section  
3728 348.0004, Florida Statutes, is amended to read:

3729 348.0004 Purposes and powers.—

3730 (2) Each authority may exercise all powers necessary,  
3731 appurtenant, convenient, or incidental to the carrying out of  
3732 its purposes, including, but not limited to, the following  
3733 rights and powers:

3734 (j) To pledge, hypothecate, or otherwise encumber all or  
3735 any part of the revenues, tolls, rates, fees, rentals, or other  
3736 charges or receipts of the authority, including all or any  
3737 portion of county gasoline tax funds received by the authority  
3738 ~~pursuant to the terms of any lease purchase agreement between~~  
3739 ~~the authority and the department,~~ as security for all or any of  
3740 the obligations of the authority.

3741 Section 69. Subsection (1) of section 348.0005, Florida

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3742 Statutes, is amended, and subsection (3) is added to that  
3743 section, to read:

3744 348.0005 Bonds.—

3745 (1) Bonds may be issued on behalf of an authority as  
3746 provided by the State Bond Act. Bonds may not be issued under  
3747 this section unless the resolution authorizing the bonds and  
3748 pledging the revenues of a facility requires that the revenues  
3749 of the facility be deposited into appropriate accounts in such  
3750 sums as are sufficient to pay the costs of operation and  
3751 maintenance of any facility for the current fiscal year as set  
3752 forth in the annual budget of the authority before any revenues  
3753 of the facility are applied to the payment of interest or  
3754 principal owing or that may become owing on such bonds.

3755 (3) The provisions of subsection (2) do not apply to any  
3756 authority formed on or after July 1, 2012.

3757 Section 70. Section 348.0013, Florida Statutes, is created  
3758 to read:

3759 348.0013 Department to construct, operate, and maintain  
3760 facilities.—

3761 (1) Notwithstanding any other provision of law, this  
3762 section applies to an authority formed on or after July 1, 2012.

3763 (2) The department is the agent of each authority for the  
3764 purpose of performing all phases of a project, including, but  
3765 not limited to, constructing improvements and extensions to an  
3766 expressway system and for the completion of the construction.  
3767 The division and the authority shall provide to the department  
3768 complete copies of the documents, agreements, resolutions,  
3769 contracts, and instruments relating to the construction and  
3770 shall request that the department perform the construction work,

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3771 including the planning, surveying, design, and actual  
3772 construction of the completion, extensions, and improvements to  
3773 the expressway system. After the issuance of bonds to finance  
3774 the construction of an expressway system or improvements to an  
3775 expressway system, the division shall transfer to the credit of  
3776 an account of the department in the State Treasury the necessary  
3777 funds for construction. The department shall proceed with  
3778 construction and use the funds for the purpose authorized and as  
3779 otherwise provided by law for the construction of roads and  
3780 bridges. The authority may alternatively, with the consent and  
3781 approval of the department, elect to appoint a local agency  
3782 certified by the department to administer federal aid projects  
3783 in accordance with federal law as its agent for the purpose of  
3784 performing all phases of a project.

3785 (3) An authority that desires to construct an expressway  
3786 shall identify the expressway project in a work plan and submit  
3787 the work plan along with its budget. The work plan must include  
3788 a finance plan that demonstrates the financial feasibility of  
3789 the expressway project, including the authority's ability to  
3790 reimburse the department for all costs of operation and  
3791 maintenance of the project from the revenues of the authority's  
3792 expressway system. The department shall operate and maintain the  
3793 expressway system, and the costs incurred by the department for  
3794 operation and maintenance must be reimbursed from revenues of  
3795 the expressway system. Each expressway system constructed under  
3796 the provisions of this section is a part of the State Highway  
3797 System as defined in s. 334.03.

3798 (4) An authority subject to this section may fix, alter,  
3799 charge, establish, and collect tolls, rates, fees, rentals, and

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3800 other charges for the authority's facilities, as otherwise  
3801 provided in this part.

3802 Section 71. Subsection (4) of section 348.52, Florida  
3803 Statutes, is amended to read:

3804 348.52 Tampa-Hillsborough County Expressway Authority.—

3805 (4) The authority may employ an executive a secretary, an  
3806 ~~and~~ executive director, its own counsel and legal staff, ~~and~~  
3807 ~~such legal, financial, and other professional consultants,~~  
3808 technical experts, engineers, and employees, permanent or  
3809 temporary, as it may require and may determine the  
3810 qualifications and fix the compensation of such persons, firms,  
3811 or corporations. The authority may contract with the Division of  
3812 Bond Finance of the State Board of Administration for any  
3813 financial services authorized herein.

3814 Section 72. Subsection (5) of section 348.54, Florida  
3815 Statutes, is amended to read:

3816 348.54 Powers of the authority.—Except as otherwise limited  
3817 herein, the authority shall have the power:

3818 (5) To enter into and make lease-purchase agreements as  
3819 provided in s. 348.60 for terms not exceeding 40 years, or until  
3820 all bonds secured by a pledge thereunder, and all refundings  
3821 thereof, are fully paid as to both principal and interest,  
3822 whichever is longer. The authority is a party to a lease-  
3823 purchase agreement between the department and the authority  
3824 dated November 18, 1997, as supplemented by a supplemental  
3825 lease-purchase agreement dated February 7, 2002, and a second  
3826 supplemental lease-purchase agreement dated June 23, 2005. The  
3827 authority may not enter into other lease-purchase agreements  
3828 with the department and may not amend the existing agreement in

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3829 a manner that expands or increases the department's obligations,  
3830 unless the department determines that the agreement or amendment  
3831 is necessary to permit the refunding of bonds issued before July  
3832 1, 2012. The department's obligations under the lease-purchase  
3833 agreement, as supplemented, terminate upon the earlier of:

3834 (a) The defeasance, redemption, or payment in full of the  
3835 authority's bonds issued and outstanding as of July 1, 2012;

3836 (b) The date to which the purchasers of the authority bonds  
3837 have consented; or

3838 (c) The date on which termination of the department's  
3839 obligations will occur under the terms of the memorandum of  
3840 agreement dated October 26, 2010, between the department and the  
3841 authority.

3842 Section 73. Section 348.545, Florida Statutes, is amended  
3843 to read:

3844 348.545 Facility improvement; bond financing authority.—  
3845 Pursuant to s. 11(f), Art. VII of the State Constitution, the  
3846 Legislature hereby approves for bond financing by the Tampa-  
3847 Hillsborough County Expressway Authority improvements to toll  
3848 collection facilities, interchanges to the legislatively  
3849 approved expressway system, and any other facility appurtenant,  
3850 necessary, or incidental to the approved system. Subject to  
3851 terms and conditions of applicable revenue bond resolutions and  
3852 covenants, such costs may be financed in whole or in part by  
3853 revenue bonds issued pursuant to s. 348.56 ~~348.56(1)(a) or (b)~~,  
3854 whether currently issued or issued in the future, ~~or by a~~  
3855 ~~combination of such bonds.~~

3856 Section 74. Subsections (9), (10), (11), and (12) are added  
3857 to section 348.56, Florida Statutes, to read:

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3858 348.56 Bonds of the authority.—

3859 (9) Notwithstanding any other provision of law to the  
3860 contrary, on and after July 1, 2012, the authority may not,  
3861 without the department's consent, request the issuance of any  
3862 bonds secured by a pledge of any revenues of the authority which  
3863 is senior to, or on a parity with, the authority's obligation to  
3864 fully reimburse the department for the costs of operation,  
3865 maintenance, repair, and rehabilitation of the expressway system  
3866 paid by the department, except that the authority may request  
3867 the issuance of bonds secured by a senior pledge for the purpose  
3868 of refunding any authority bonds issued and outstanding as of  
3869 July 1, 2012. Refunding bonds authorized by this subsection may  
3870 not be issued if such bonds have a final maturity later than the  
3871 final maturity of the bonds refunded or if the refunding bonds  
3872 provide for higher debt service in any year than the debt  
3873 service that is currently paid on such bonds.

3874 (10) Notwithstanding any other provision of law, on and  
3875 after July 1, 2012, the authority may not request the issuance  
3876 of any bonds, except bonds issued to refund bonds issued before  
3877 July 1, 2012, which provide any rights against the department  
3878 which may be enforced by the holders of such bonds or debt.  
3879 Refunding bonds authorized by this subsection may not be issued  
3880 if the bonds have a final maturity later than the final maturity  
3881 of the bonds refunded or if the refunding bonds provide for  
3882 higher debt service in any year than the debt service that is  
3883 currently paid on such bonds. The obligations of the department  
3884 under any lease-purchase agreement with the authority, including  
3885 any obligation to pay any cost of operation, maintenance,  
3886 repair, or rehabilitation of the expressway system, terminate

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3887 upon the earlier of:

3888 (a) The defeasance or payment of all authority bonds issued  
3889 before July 1, 2012, and authority bonds issued to refund such  
3890 bonds;

3891 (b) The earlier date to which the purchasers of the  
3892 authority bonds have consented; or

3893 (c) The date on which termination of the department's  
3894 obligations will occur under the terms of the memorandum of  
3895 agreement dated October 26, 2010, between the department and the  
3896 authority.

3897 (11) Beginning July 1, 2012, except for bonds issued to  
3898 refund bonds issued before that date, bonds may not be issued  
3899 under this section unless the resolution authorizing the bonds  
3900 and pledging the revenues of the expressway system requires that  
3901 the revenues of the expressway system be deposited into  
3902 appropriate accounts in such sums as are sufficient to pay the  
3903 costs of operation and maintenance of the expressway system for  
3904 the current fiscal year as set forth in the annual budget of the  
3905 authority before any revenues of the expressway system are  
3906 applied to the payment of interest or principal owing or that  
3907 may become owing on such bonds.

3908 (12) The provisions of paragraph (1) (b) do not apply in any  
3909 fiscal year in which the department's obligations under the  
3910 lease-purchase agreement between the department and authority  
3911 have not been terminated as provided in s. 348.60 or in which  
3912 the authority has not fully reimbursed the department for the  
3913 amounts expended, advanced, or paid to the authority in prior  
3914 fiscal years for the costs of operation, maintenance, repair,  
3915 and rehabilitation of the expressway system. During any such

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3916 fiscal year, bonds may be issued only on behalf of the authority  
3917 pursuant to the State Bond Act.

3918 Section 75. Section 348.565, Florida Statutes, is amended  
3919 to read:

3920 348.565 Revenue bonds for specified projects.—The existing  
3921 facilities that constitute the Tampa-Hillsborough County  
3922 Expressway System may ~~are hereby approved to~~ be refinanced by  
3923 revenue bonds issued by the Division of Bond Finance of the  
3924 State Board of Administration pursuant to s. 11(d) ~~11(f)~~, Art.  
3925 VII of the State Constitution and s. 348.56 ~~the State Bond Act~~  
3926 ~~or by revenue bonds issued by the authority pursuant to s.~~  
3927 ~~348.56(1)(b)~~. In addition, the following projects of the Tampa-  
3928 Hillsborough County Expressway Authority may ~~are approved to~~ be  
3929 financed or refinanced by the issuance of revenue bonds in  
3930 accordance with this part and s. 11(f), Art. VII of the State  
3931 Constitution:

3932 (1) Brandon area feeder roads.

3933 (2) Capital improvements to the expressway system,  
3934 including safety and operational improvements and toll  
3935 collection equipment.

3936 (3) Lee Roy Selmon Crosstown Expressway System widening.

3937 ~~(4) The connector highway linking the Lee Roy Selmon~~  
3938 ~~Crosstown Expressway to Interstate 4.~~

3939 Section 76. Subsection (1) of section 348.57, Florida  
3940 Statutes, is amended to read:

3941 348.57 Refunding bonds.—

3942 (1) Subject to public notice as provided in s. 348.54, the  
3943 authority may request or ~~is authorized to~~ provide by resolution  
3944 for the issuance from time to time of bonds pursuant to s.



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3945 348.56(1)(b) for the purpose of refunding any bonds then  
3946 outstanding ~~regardless of whether the bonds being refunded were~~  
3947 ~~issued by the authority pursuant to this chapter or on behalf of~~  
3948 ~~the authority pursuant to the State Bond Act.~~ The authority may  
3949 further request or is further authorized to provide by  
3950 resolution for the issuance of bonds pursuant to s. 348.56 for  
3951 the combined purpose of:

3952 (a) Paying the cost of constructing, reconstructing,  
3953 improving, extending, repairing, maintaining, and operating the  
3954 expressway system.

3955 (b) Refunding bonds then outstanding. The authorization,  
3956 sale, and issuance of such obligations, the maturities and other  
3957 details of the refunding bonds thereof, the rights and remedies  
3958 of the holders of the refunding bonds thereof, and the rights,  
3959 powers, privileges, duties, and obligations of the authority  
3960 with respect to the refunding bonds ~~same are~~ shall be governed  
3961 by the foregoing provisions of this part insofar as the same may  
3962 be applicable.

3963 Section 77. Subsections (7) and (8) are added to section  
3964 348.60, Florida Statutes, to read:

3965 348.60 Lease-purchase agreements.—

3966 (7) The authority is a party to a lease-purchase agreement  
3967 between the department and the authority dated November 18,  
3968 1997, as supplemented by a supplemental lease-purchase agreement  
3969 dated February 7, 2002, and a second supplemental lease-purchase  
3970 agreement dated June 23, 2005. The authority may not enter into  
3971 any other lease-purchase agreement, or amend the lease-purchase  
3972 agreement, unless the department determines that such an  
3973 agreement or amendment is necessary to permit the refunding of

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3974 bonds issued before July 1, 2012.

3975 (8) Upon the earlier of the defeasance or payment of the  
3976 authority bonds issued before July 1, 2012, and any bonds issued  
3977 to refund the bonds, or the earlier date to which the purchasers  
3978 of the authority bonds have consented:

3979 (a) The obligations of the department under the lease-  
3980 purchase agreement with the authority, including any obligation  
3981 to pay any cost of operation, maintenance, repair, or  
3982 rehabilitation of the expressway system, terminates;

3983 (b) The lease-purchase agreement terminates;

3984 (c) The expressway system remains the property of the  
3985 authority and may not be transferred to the department;

3986 (d) The authority remains obligated to reimburse the  
3987 department for the amounts paid by the department from a source  
3988 other than revenues of the expressway system for any cost of  
3989 operation, maintenance, repair, or rehabilitation of the  
3990 expressway system; and

3991 (e) The department collects tolls for the use of the system  
3992 as the agent of the authority as provided in this part.

3993 Section 78. Section 348.615, Florida Statutes, is created  
3994 to read:

3995 348.615 Department to collect tolls.-

3996 (1) The department is the agent of the authority for the  
3997 purpose of collecting tolls for the use of the authority's  
3998 expressway system. The department must be reimbursed for the  
3999 costs of collecting such charges from the revenues of the  
4000 expressway system. The department may modify its rules regarding  
4001 toll collection procedures and the imposition of administrative  
4002 charges applicable to the authority's toll facilities. This

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4003 section does not limit the authority of the department under any  
4004 other provision of law or under any agreement entered into  
4005 before July 1, 2012.

4006 (2) The authority may fix, alter, charge, and establish,  
4007 tolls, rates, fees, rentals, and other charges for the  
4008 authority's facilities, as otherwise provided in this part.

4009 Section 79. Paragraph (a) of subsection (4) of section  
4010 348.753, Florida Statutes, is amended to read:

4011 348.753 Orlando-Orange County Expressway Authority.-

4012 (4) (a) The authority may employ an executive secretary, an  
4013 executive director, its own counsel and legal staff, technical  
4014 experts, ~~such~~ engineers, and ~~such~~ employees, permanent or  
4015 temporary, as it may require and may determine the  
4016 qualifications and fix the compensation of such persons, firms,  
4017 or corporations ~~and may employ a fiscal agent or agents,~~  
4018 ~~provided, however, that the authority shall solicit sealed~~  
4019 ~~proposals from at least three persons, firms, or corporations~~  
4020 ~~for the performance of any services as fiscal agents. The~~  
4021 authority may contract with the Division of Bond Finance of the  
4022 State Board of Administration for any financial services  
4023 authorized in this section. The authority may delegate to one or  
4024 more of its agents or employees such of its power as it deems  
4025 ~~shall deem~~ necessary to carry out the purposes of this part,  
4026 subject always to the supervision and control of the authority.  
4027 Members of the authority may be removed from their office by the  
4028 Governor for misconduct, malfeasance, misfeasance, or  
4029 nonfeasance in office.

4030 Section 80. Paragraph (e) of subsection (2) of section  
4031 348.754, Florida Statutes, is amended to read:

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4032 348.754 Purposes and powers.—

4033 (2) The authority is hereby granted, and shall have and may  
4034 exercise all powers necessary, appurtenant, convenient or  
4035 incidental to the carrying out of the aforesaid purposes,  
4036 including, but without being limited to, the following rights  
4037 and powers:

4038 (e) To enter into and make lease-purchase agreements with  
4039 the department for terms not exceeding 40 years, or until any  
4040 bonds secured by a pledge of rentals thereunder, and any  
4041 refundings thereof, are fully paid as to both principal and  
4042 interest, whichever is longer. The authority is a party to a  
4043 lease-purchase agreement between the department and the  
4044 authority dated December 23, 1985, as supplemented by a first  
4045 supplement to the lease-purchase agreement dated November 25,  
4046 1986, and a second supplement to the lease-purchase agreement  
4047 dated October 27, 1988. The authority may not enter into other  
4048 lease-purchase agreements with the department and may not amend  
4049 the existing agreement in a manner that expands or increases the  
4050 department's obligations, unless the department determines that  
4051 the agreement or amendment is necessary to permit the refunding  
4052 of bonds issued before July 1, 2012.

4053 Section 81. Section 348.7543, Florida Statutes, is amended  
4054 to read:

4055 348.7543 Improvements, bond financing authority for.—  
4056 Pursuant to s. 11(f), Art. VII of the State Constitution, the  
4057 Legislature hereby approves for bond financing by the Orlando-  
4058 Orange County Expressway Authority improvements to toll  
4059 collection facilities, interchanges to the legislatively  
4060 approved expressway system, and any other facility appurtenant,

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4061 necessary, or incidental to the approved system. Subject to  
4062 terms and conditions of applicable revenue bond resolutions and  
4063 covenants, such costs may be financed in whole or in part by  
4064 revenue bonds issued pursuant to s. 348.755 ~~348.755(1)(a) or (b)~~  
4065 whether currently issued or issued in the future, ~~or by a~~  
4066 ~~combination of such bonds.~~

4067 Section 82. Section 348.7545, Florida Statutes, is amended  
4068 to read:

4069 348.7545 Western Beltway Part C, construction authorized;  
4070 financing.—Notwithstanding s. 338.2275, the Orlando-Orange  
4071 County Expressway Authority is authorized to exercise its  
4072 condemnation powers, construct, finance, operate, own, and  
4073 maintain that portion of the Western Beltway known as the  
4074 Western Beltway Part C, extending from Florida's Turnpike near  
4075 Ocoee in Orange County southerly through Orange and Osceola  
4076 Counties to an interchange with I-4 near the Osceola-Polk County  
4077 line, as part of the authority's 20-year capital projects plan.  
4078 This project may be financed with any funds available to the  
4079 authority for such purpose or revenue bonds issued by the  
4080 Division of Bond Finance of the State Board of Administration on  
4081 behalf of the authority pursuant to s. 11, Art. VII of the State  
4082 Constitution and the State Bond Act, ss. 215.57-215.83. This  
4083 project may be refinanced with bonds issued by the authority  
4084 pursuant to s. ~~348.755(1)(d)~~.

4085 Section 83. Section 348.7547, Florida Statutes, is amended  
4086 to read:

4087 348.7547 Maitland Boulevard Extension and Northwest Beltway  
4088 Part A Realignment construction authorized; financing.—  
4089 Notwithstanding s. 338.2275, the Orlando-Orange County

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4090 Expressway Authority is hereby authorized to exercise its  
4091 condemnation powers, construct, finance, operate, own, and  
4092 maintain the portion of State Road 414 known as the Maitland  
4093 Boulevard Extension and the realigned portion of the Northwest  
4094 Beltway Part A as part of the authority's long-range capital  
4095 improvement plan. The Maitland Boulevard Extension will extend  
4096 from the current terminus of State Road 414 at U.S. 441 west to  
4097 State Road 429 in west Orange County. The realigned portion of  
4098 the Northwest Beltway Part A will run from the point at or near  
4099 where the Maitland Boulevard Extension will connect with State  
4100 Road 429 and will proceed to the west and then north resulting  
4101 in the northern terminus of State Road 429 moving farther west  
4102 before reconnecting with U.S. 441. However, under no  
4103 circumstances shall the realignment of the Northwest Beltway  
4104 Part A conflict or contradict with the alignment of the Wekiva  
4105 Parkway as defined in s. 348.7546. This project may be financed  
4106 with any funds available to the authority for such purpose or  
4107 revenue bonds issued by or on behalf of the authority under s.  
4108 11, Art. VII of the State Constitution and s. 348.755-~~(1)-(b)~~.

4109 Section 84. Subsections (6), (7), (8), and (9) are added to  
4110 section 348.755, Florida Statutes, to read:

4111 348.755 Bonds of the authority.-

4112 (6) Notwithstanding any other provision of law to the  
4113 contrary, on and after July 1, 2012, the authority may not  
4114 request the issuance of any bonds, except bonds issued to refund  
4115 bonds issued before July 1, 2012, which provide any rights  
4116 against the department which may be enforced by the holders of  
4117 such bonds or debt. Refunding bonds may not be issued if the  
4118 bonds have a final maturity later than the final maturity of the

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4119 bonds refunded or if the refunding bonds provide for higher debt  
4120 service in any year than the debt service that is currently paid  
4121 on such bonds. Upon the earlier of the defeasance or payment of  
4122 all authority bonds issued before July 1, 2012, or the  
4123 defeasance or payment of the authority bonds issued to refund  
4124 such bonds, or such earlier date to which the purchasers of the  
4125 authority bonds have consented, the obligations of the  
4126 department under any lease-purchase agreement with the  
4127 authority, including any obligation to pay any cost of  
4128 operation, maintenance, repair, or rehabilitation of the  
4129 Orlando-Orange County Expressway System, terminate.

4130 (7) Notwithstanding any other provision of law to the  
4131 contrary, on and after July 1, 2012, the authority may not,  
4132 without the department's consent, request the issuance of any  
4133 bonds secured by a pledge of any revenues of the authority which  
4134 is senior to, or on a parity with, the authority's obligation to  
4135 fully reimburse the department for the costs of operation,  
4136 maintenance, repair, and rehabilitation of the Orlando-Orange  
4137 County Expressway System paid by the department, except that the  
4138 authority may request the issuance of bonds secured by a senior  
4139 pledge for the purpose of refunding authority bonds issued and  
4140 outstanding as of July 1, 2012. Refunding bonds authorized by  
4141 this subsection may not be issued if the bonds have a final  
4142 maturity later than the final maturity of the bonds refunded or  
4143 if the refunding bonds provide for higher debt service in any  
4144 year than the debt service that is currently paid on the bonds.

4145 (8) Beginning July 1, 2012, the authority may not issue  
4146 bonds, except bonds issued to refund bonds issued before such  
4147 date, unless the resolution authorizing the bonds and pledging

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4148 the revenues of the Orlando-Orange County Expressway System  
4149 requires that the revenues of the expressway system be deposited  
4150 into appropriate accounts in such sums as are sufficient to pay  
4151 the costs of operation and maintenance of the Orlando-Orange  
4152 County Expressway System for the current fiscal year as set  
4153 forth in the annual budget of the authority before any revenues  
4154 of the Orlando-Orange County Expressway System are applied to  
4155 the payment of interest or principal owing or that may become  
4156 owing on such bonds.

4157 (9) The provisions of paragraphs (1) (b) and (d) do not  
4158 apply in any fiscal year in which the department's obligations  
4159 under the lease-purchase agreement between the department and  
4160 authority have not been terminated as provided in s. 348.757 or  
4161 in which the authority has not fully reimbursed the department  
4162 for all amounts expended, advanced, or paid to the authority in  
4163 prior fiscal years for the costs of operation, maintenance,  
4164 repair, and rehabilitation of the expressway system. During any  
4165 such fiscal year, bonds may only be issued on behalf of the  
4166 authority pursuant to the State Bond Act.

4167 Section 85. Subsections (8) and (9) are added to section  
4168 348.757, Florida Statutes, to read:

4169 348.757 Lease-purchase agreement.—

4170 (8) The only lease-purchase agreement authorized by this  
4171 section is the lease-purchase agreement between the department  
4172 and the authority dated December 23, 1985, as supplemented by a  
4173 first supplement to the lease-purchase agreement dated November  
4174 25, 1986, and a second supplement to the lease-purchase  
4175 agreement dated October 27, 1988. The authority may not enter  
4176 into any other lease-purchase agreements with the department and



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4177 may not amend the existing agreement in a manner that expands  
4178 the scope of the department's obligations, unless the department  
4179 determines the agreement or amendment is necessary to permit the  
4180 refunding of bonds issued before July 1, 2012.

4181 (9) The department's obligations under the lease-purchase  
4182 agreement between the department and the authority dated  
4183 December 23, 1985, as supplemented by a first supplement to the  
4184 lease-purchase agreement dated November 25, 1986, and a second  
4185 supplement to the lease-purchase agreement dated October 27,  
4186 1988, terminate upon the earlier of the defeasance, redemption,  
4187 or payment in full of the authority's bonds issued and  
4188 outstanding as of July 1, 2012, or bonds to refund such bonds,  
4189 or such earlier date to which the purchasers of the authority  
4190 bonds have consented.

4191 Section 86. Section 348.7585, Florida Statutes, is created  
4192 to read:

4193 348.7585 Department to collect tolls.-

4194 (1) The department is the agent of the authority for the  
4195 purpose of collecting tolls for the use of the authority's  
4196 expressway system. The department shall be reimbursed from the  
4197 revenues of the expressway system for the costs of collecting  
4198 the tolls. The department may modify its rules regarding toll  
4199 collection procedures and the imposition of administrative  
4200 charges to be applicable to the authority's toll facilities.  
4201 This section does not limit the authority of the department  
4202 under any other provision of law or under any agreement entered  
4203 into prior to July 1, 2012.

4204 (2) The authority may fix, alter, charge, and establish  
4205 tolls, rates, fees, rentals, and other charges for the

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4206 authority's facilities, as otherwise provided in this section.

4207 Section 87. Paragraph (a) of subsection (4) of section  
4208 348.9952, Florida Statutes, is amended to read:

4209 348.9952 Osceola County Expressway Authority.—

4210 (4) (a) The authority may employ an executive secretary, an  
4211 executive director, its own counsel and legal staff, technical  
4212 experts, engineers, and other employees, permanent or temporary,  
4213 as it may require, and may determine the qualifications and fix  
4214 the compensation of such persons, firms, or corporations.

4215 ~~Additionally, the authority may employ a fiscal agent or agents.~~

4216 ~~However, the authority shall solicit sealed proposals from at~~  
4217 ~~least three persons, firms, or corporations for the performance~~  
4218 ~~of any services as fiscal agents.~~ The authority may delegate to  
4219 one or more of its agents or employees such of its power as it  
4220 deems necessary to carry out the purposes of this part, subject  
4221 always to the supervision and control of the authority.

4222 Section 88. Section 348.9956, Florida Statutes, is  
4223 repealed.

4224 Section 89. Section 348.99565, Florida Statutes, is created  
4225 to read:

4226 348.99565 Department to construct, operate, and maintain  
4227 facilities.—

4228 (1) The department is the agent of the authority for the  
4229 purpose of performing all phases of a project, including, but  
4230 not limited to, constructing improvements and extensions to the  
4231 expressway system. The division and the authority shall provide  
4232 to the department complete copies of all documents, agreements,  
4233 resolutions, contracts, and instruments relating to the project  
4234 and shall request that the department perform the construction

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4235 work, including the planning, surveying, design, and actual  
4236 construction of the completion, extensions, and improvements to  
4237 the expressway system. After the issuance of bonds to finance  
4238 construction of any improvements or additions to the expressway  
4239 system, the division shall transfer to the credit of an account  
4240 of the department in the State Treasury the necessary funds for  
4241 construction. The department shall proceed with construction and  
4242 use the funds for the purpose authorized and as provided by law  
4243 for the construction of roads and bridges. The authority may  
4244 alternatively, with the consent and approval of the department,  
4245 elect to appoint a local agency certified by the department to  
4246 administer federal aid projects in accordance with federal law  
4247 as its agent for the purpose of performing all phases of a  
4248 project.

4249 (2) If the authority desires to construct improvements or  
4250 extensions to the expressway system, it shall identify the  
4251 expressway improvement project in a work plan and submit the  
4252 work plan with its budget. The work plan must include a finance  
4253 plan that demonstrates the financial feasibility of the  
4254 expressway project, including the authority's ability to  
4255 reimburse the department for all costs of operation and  
4256 maintenance of the improvements or extensions from the revenues  
4257 of the expressway system. The department shall operate and  
4258 maintain the expressway system, and the costs incurred by the  
4259 department for operation and maintenance shall be reimbursed  
4260 from revenues of the expressway system. The expressway system  
4261 shall be part of the State Highway System as defined in s.  
4262 334.03.

4263 (3) The authority may fix, alter, charge, establish, and

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4264 collect tolls, rates, fees, rentals, and other charges for the  
4265 authority's facilities, as otherwise provided in this part.

4266 Section 90. The Florida Transportation Commission shall  
4267 conduct a study of the potential for cost savings that might be  
4268 realized through increased efficiencies through sharing of  
4269 resources for the accomplishment of design, construction, and  
4270 maintenance activities by or on behalf of expressway authorities  
4271 in the state. The commission may retain such experts as are  
4272 reasonably necessary to complete the study, and the department  
4273 shall pay the expenses of such experts. The commission shall  
4274 complete the study and provide a written report of its findings  
4275 and conclusions to the Governor, the President of the Senate,  
4276 the Speaker of the House of Representatives, and the chairs of  
4277 each of the appropriations committees by December 31, 2012.

4278 Section 91. Subsection (3) of section 349.03, Florida  
4279 Statutes, is amended to read:

4280 349.03 Jacksonville Transportation Authority.—

4281 (3) The terms of appointed members shall be for 4 years and  
4282 deemed to have commenced on June 1 of the year in which they are  
4283 appointed. Each member shall hold office until a successor has  
4284 been appointed and has qualified. A vacancy during a term shall  
4285 be filled by the respective appointing authority only for the  
4286 balance of the unexpired term. Any member appointed to the  
4287 authority for two consecutive full terms ~~may shall~~ not be  
4288 appointed eligible for appointment to the next succeeding term.  
4289 One of the members so appointed shall be designated annually by  
4290 the members as chair of the authority, one member shall be  
4291 designated annually as the vice chair of the authority, one  
4292 member shall be designated annually as the secretary of the

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4293 authority, and one member shall be designated annually as the  
4294 treasurer of the authority. The members of the authority are  
4295 ~~shall not be~~ entitled to compensation, but shall be reimbursed  
4296 for travel expenses or other expenses actually incurred in their  
4297 duties as provided by law. Four voting members of the authority  
4298 ~~shall~~ constitute a quorum, and no resolution adopted by the  
4299 authority is ~~shall become~~ effective without ~~unless with~~ the  
4300 affirmative vote of at least four members. Members of the  
4301 authority shall file a statement of financial interest with the  
4302 Commission on Ethics as provided in s. 112.3145(2) (b) as their  
4303 mandatory financial disclosure.

4304 (a) The authority shall employ an executive director, and  
4305 the executive director may hire such staff, permanent or  
4306 temporary, as he or she may determine and may organize the staff  
4307 of the authority into such departments and units as he or she  
4308 may determine. The executive director may appoint department  
4309 directors, deputy directors, division chiefs, and staff  
4310 assistants to the executive director, as he or she may  
4311 determine. In so appointing the executive director, the  
4312 authority may fix the compensation of such appointee, who shall  
4313 serve at the pleasure of the authority. ~~All employees of the~~  
4314 ~~authority shall be exempt from the provisions of part II of~~  
4315 ~~chapter 110.~~

4316 (b) The authority may employ such financial advisers and  
4317 consultants, technical experts, engineers, and agents and  
4318 employees, permanent or temporary, as it may require and may fix  
4319 the compensation and qualifications of such persons, firms, or  
4320 corporations. The authority may delegate to one or more of its  
4321 agents or employees such of its powers as it deems ~~shall deem~~

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4322 necessary to carry out the purposes of this chapter, subject  
4323 always to the supervision and control of the governing body of  
4324 the authority.

4325 (c) All employees of the authority are exempt from part II  
4326 of chapter 110.

4327 Section 92. Present subsections (5), (6), and (7) of  
4328 section 349.04, Florida Statutes, are redesignated as  
4329 subsections (6), (7), and (8), respectively, and a new  
4330 subsection (5) is added to that section, to read:

4331 349.04 Purposes and powers.—

4332 (5) The authority may conduct public meetings and workshops  
4333 by means of communications media technology as provided under s.  
4334 120.54(5).

4335 Section 93. Subsection (6) is added to section 373.413,  
4336 Florida Statutes, to read:

4337 373.413 Permits for construction or alteration.—

4338 (6) It is the intent of the Legislature that the governing  
4339 board or the department exercise flexibility when permitting the  
4340 construction or alteration of stormwater management systems  
4341 -serving state transportation projects and facilities. Because of  
4342 the unique limitations of linear facilities, the governing board  
4343 or department shall balance the expenditure of public funds for  
4344 stormwater treatment for state transportation projects and  
4345 facilities with the public benefit of providing the most cost-  
4346 efficient and effective method of achieving treatment  
4347 objectives. The governing board or department shall therefore  
4348 allow alternatives to on-site treatment, including, but not  
4349 limited to, regional stormwater treatment systems. The  
4350 Department of Transportation is responsible for treating

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4351 stormwater generated from state transportation projects, but is  
4352 not responsible for the abatement of pollutants and flows  
4353 entering its stormwater management systems from offsite sources.  
4354 However, this subsection does not prohibit the Department of  
4355 Transportation from receiving and managing such pollutants and  
4356 flows if cost-effective and prudent. The Department of  
4357 Transportation is also responsible for providing stormwater  
4358 treatment and attenuation for a right-of-way acquired for a  
4359 state transportation project, but is not responsible for  
4360 modifying permits for adjacent lands affected by right-of-way  
4361 acquisition if it is not the permittee. The governing board or  
4362 department may establish specific criteria by rule to implement  
4363 these management and treatment alternatives and activities.

4364 Section 94. Subsections (1) and (2), paragraph (c) of  
4365 subsection (3), subsections (4) and (5) of section 373.4137,  
4366 Florida Statutes, are amended to read:

4367 373.4137 Mitigation requirements for specified  
4368 transportation projects.—

4369 (1) The Legislature finds that environmental mitigation for  
4370 the impact of transportation projects proposed by the Department  
4371 of Transportation or a transportation authority established  
4372 pursuant to chapter 348 or chapter 349 can be more effectively  
4373 achieved by regional, long-range mitigation planning ~~rather~~ than  
4374 on a project-by-project basis. It is therefore the intent of the  
4375 Legislature that mitigation, including the use of mitigation  
4376 banks and other mitigation options that satisfy state and  
4377 federal requirements, to offset the adverse effects of ~~these~~  
4378 transportation projects be funded by the Department of  
4379 Transportation and be carried out by the water management

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4380 districts, ~~including the use of mitigation banks established~~  
4381 ~~pursuant to this part.~~

4382 (2) Environmental impact inventories for transportation  
4383 projects proposed by the Department of Transportation or a  
4384 transportation authority established pursuant to chapter 348 or  
4385 chapter 349 shall be developed as follows:

4386 (a) By July 1 of each year, the Department of  
4387 Transportation, or a transportation authority established  
4388 pursuant to chapter 348 or chapter 349 which chooses to  
4389 participate in the program, shall submit to the water management  
4390 districts a list ~~copy~~ of its projects for the adopted work  
4391 program and an environmental impact inventory of habitats  
4392 addressed in the rules adopted pursuant to this part and s. 404  
4393 of the Clean Water Act, 33 U.S.C. s. 1344, which may be impacted  
4394 by its plan of construction for transportation projects in the  
4395 next 3 years of the tentative work program. The Department of  
4396 Transportation or the ~~a~~ transportation authority ~~established~~  
4397 ~~pursuant to chapter 348 or chapter 349~~ may also include in its  
4398 environmental impact inventory the habitat impacts of any future  
4399 transportation project. The Department of Transportation and the  
4400 ~~each~~ transportation authority ~~established pursuant to chapter~~  
4401 ~~348 or chapter 349~~ may fund any mitigation activities for future  
4402 projects using current year funds.

4403 (b) The environmental impact inventory must ~~shall~~ include a  
4404 description of these habitat impacts, including their location,  
4405 acreage, and type; state water quality classification of  
4406 impacted wetlands and other surface waters; any other state or  
4407 regional designations for these habitats; and a list ~~survey~~ of  
4408 threatened species, endangered species, and species of special



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4409 concern affected by the proposed project.

4410 (3)

4411 (c) Except for current mitigation projects in the  
4412 monitoring and maintenance phase and except as allowed by  
4413 paragraph (d), the water management districts may request a  
4414 transfer of funds from an escrow account no sooner than 30 days  
4415 before ~~prior to~~ the date the funds are needed to pay for  
4416 activities associated with development or implementation of the  
4417 approved mitigation plan described in subsection (4) for the  
4418 current fiscal year, including, but not limited to, design,  
4419 engineering, production, and staff support. Actual conceptual  
4420 plan preparation costs incurred before plan approval may be  
4421 submitted to the Department of Transportation or the appropriate  
4422 transportation authority each year with the plan. The conceptual  
4423 plan preparation costs of each water management district shall  
4424 ~~will~~ be paid from mitigation funds associated with the  
4425 environmental impact inventory for the current year. The amount  
4426 transferred to the escrow accounts each year by the Department  
4427 of Transportation and participating transportation authorities  
4428 established pursuant to chapter 348 or chapter 349 must ~~shall~~  
4429 correspond to a cost per acre of \$75,000 multiplied by the  
4430 projected acres of impact identified in the environmental impact  
4431 inventory described in subsection (2). However, the \$75,000 cost  
4432 per acre does not constitute an admission against interest by  
4433 the state or its subdivisions nor is the cost admissible as  
4434 evidence of full compensation for any property acquired by  
4435 eminent domain or through inverse condemnation. Each July 1, the  
4436 cost per acre shall be adjusted by the percentage change in the  
4437 average of the Consumer Price Index issued by the United States

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4438 Department of Labor for the most recent 12-month period ending  
4439 September 30, compared to the base year average, which is the  
4440 average for the 12-month period ending September 30, 1996. Each  
4441 quarter, the projected acreage of impact shall be reconciled  
4442 with the acreage of impact of projects as permitted, including  
4443 permit modifications, pursuant to this part and s. 404 of the  
4444 Clean Water Act, 33 U.S.C. s. 1344. The subject year's transfer  
4445 of funds shall be adjusted accordingly to reflect the acreage of  
4446 impacts as permitted. The Department of Transportation and  
4447 participating transportation authorities established pursuant to  
4448 chapter 348 or chapter 349 may ~~are authorized to~~ transfer such  
4449 funds from the escrow accounts to the water management districts  
4450 to carry out the mitigation programs. Environmental mitigation  
4451 funds that are identified for or maintained in an escrow account  
4452 for the benefit of a water management district may be released  
4453 if the associated transportation project is excluded, in whole  
4454 or in part, from the mitigation plan. For a mitigation project  
4455 that is in the maintenance and monitoring phase, the water  
4456 management district may request and receive a one-time payment  
4457 based on the project's expected future maintenance and  
4458 monitoring costs. Upon disbursement of the final maintenance and  
4459 monitoring payment, the obligation of the Department of  
4460 Transportation or the participating transportation authority is  
4461 satisfied, the escrow account for the project established by the  
4462 Department of Transportation or the participating transportation  
4463 authority may be closed, and the water management district  
4464 assumes continuing responsibility for the mitigation project.  
4465 Any interest earned on these disbursed funds remains ~~shall~~  
4466 ~~remain~~ with the water management district and must be used as

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4467 authorized under this section.

4468 (4) Before ~~Prior to~~ March 1 of each year, each water  
4469 management district, in consultation with the Department of  
4470 Environmental Protection, the United States Army Corps of  
4471 Engineers, the Department of Transportation, participating  
4472 transportation authorities established under ~~pursuant to~~ chapter  
4473 348 or chapter 349, ~~and~~ other appropriate federal, state, and  
4474 local governments, and other interested parties, including  
4475 entities operating mitigation banks, shall develop a plan for  
4476 the primary purpose of complying with the mitigation  
4477 requirements adopted pursuant to this part and 33 U.S.C. s.  
4478 1344. In developing such plans, the districts shall use ~~utilize~~  
4479 sound ecosystem management practices to address significant  
4480 water resource needs and ~~shall~~ focus on activities of the  
4481 Department of Environmental Protection and the water management  
4482 districts, such as surface water improvement and management  
4483 (SWIM) projects and lands identified for potential acquisition  
4484 for preservation, restoration or enhancement, and the control of  
4485 invasive and exotic plants in wetlands and other surface waters,  
4486 to the extent that such activities comply with the mitigation  
4487 requirements adopted under this part and 33 U.S.C. s. 1344. In  
4488 determining the activities to be included in such plans, the  
4489 districts shall also consider the purchase of credits from  
4490 public or private mitigation banks permitted under s. 373.4136  
4491 and associated federal authorization and ~~shall~~ include such  
4492 purchase as a part of the mitigation plan if ~~when~~ such purchase  
4493 offsets ~~would offset~~ the impact of the transportation project,  
4494 provide equal benefits to the water resources than other  
4495 mitigation options being considered, and provide the most cost-

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4496 effective mitigation option. The mitigation plan shall be  
4497 submitted to the water management district governing board, or  
4498 its designee, for review and approval. At least 14 days before  
4499 ~~prior to~~ approval, the water management district shall provide a  
4500 copy of the draft mitigation plan to any person who requests ~~has~~  
4501 ~~requested~~ a copy.

4502 (a) For each transportation project with a funding request  
4503 for the next fiscal year, the mitigation plan must include a  
4504 brief explanation of why a mitigation bank was or was not chosen  
4505 as a mitigation option, including an estimation of identifiable  
4506 costs of the mitigation bank and nonbank options to the extent  
4507 practicable.

4508 (b) Specific projects may be excluded from the mitigation  
4509 plan, in whole or in part, and are ~~shall~~ not be subject to this  
4510 section upon the election agreement of the Department of  
4511 Transportation, ~~or~~ a transportation authority if applicable, or  
4512 and the appropriate water management district ~~that the inclusion~~  
4513 ~~of such projects would hamper the efficiency or timeliness of~~  
4514 ~~the mitigation planning and permitting process. The water~~  
4515 ~~management district may choose to exclude a project in whole or~~  
4516 ~~in part if the district is unable to identify mitigation that~~  
4517 ~~would offset impacts of the project.~~

4518 (5) The water management district must ensure ~~shall be~~  
4519 ~~responsible for ensuring~~ that mitigation requirements under  
4520 ~~pursuant to~~ 33 U.S.C. s. 1344 are met for the impacts identified  
4521 in the environmental impact inventory described in subsection  
4522 (2), by implementation of the approved plan described in  
4523 subsection (4) to the extent funding is provided by the  
4524 Department of Transportation, or a transportation authority

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4525 established pursuant to chapter 348 or chapter 349, if  
4526 applicable. During the federal permitting process, the water  
4527 management district may deviate from the approved mitigation  
4528 plan in order to comply with federal permitting requirements.

4529 Section 95. Paragraph (a) of subsection (2) of section  
4530 403.7211, Florida Statutes, is amended to read:

4531 403.7211 Hazardous waste facilities managing hazardous  
4532 wastes generated offsite; federal facilities managing hazardous  
4533 waste.—

4534 (2) The department shall not issue any permit under s.  
4535 403.722 for the construction, initial operation, or substantial  
4536 modification of a facility for the disposal, storage, or  
4537 treatment of hazardous waste generated offsite which is proposed  
4538 to be located in any of the following locations:

4539 (a) Any area where life-threatening concentrations of  
4540 hazardous substances could accumulate at a any residence or  
4541 residential subdivision as the result of a catastrophic event at  
4542 the proposed facility, unless ~~each~~ such residence or residential  
4543 subdivision is served by at least one arterial road or urban  
4544 minor arterial road, as defined in s. 334.03, using procedures  
4545 developed by the Federal Highway Administration, which provides  
4546 safe and direct egress by land to an area where such life-  
4547 threatening concentrations of hazardous substances could not  
4548 accumulate in a catastrophic event. Egress by any road leading  
4549 from any residence or residential subdivision to any point  
4550 located within 1,000 yards of the proposed facility is unsafe  
4551 for the purposes of this paragraph. In determining whether  
4552 egress proposed by the applicant is safe and direct, the  
4553 department shall also consider, at a minimum, the following

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4554 factors:

4555 1. Natural barriers such as water bodies, and whether a ~~any~~  
4556 road in the proposed evacuation route is impaired by a natural  
4557 barrier such as a water body;

4558 2. Potential exposure during egress and potential increases  
4559 in the duration of exposure;

4560 3. Whether any road in a proposed evacuation route passes  
4561 in close proximity to the facility; and

4562 4. Whether any portion of the evacuation route is  
4563 inherently directed toward the facility.

4564

4565 For the purposes of this subsection, all distances shall be  
4566 measured from the outer limit of the active hazardous waste  
4567 management area. "Substantial modification" includes: any  
4568 physical change in, change in the operations of, or addition to  
4569 a facility which could increase the potential offsite impact, or  
4570 risk of impact, from a release at that facility; and any change  
4571 in permit conditions which is reasonably expected to lead to  
4572 greater potential impacts or risks of impacts, from a release at  
4573 that facility. "Substantial modification" does not include a  
4574 change in operations, structures, or permit conditions which  
4575 does not substantially increase either the potential impact  
4576 from, or the risk of, a release. Physical or operational changes  
4577 to a facility related solely to the management of nonhazardous  
4578 waste at the facility shall not be considered a substantial  
4579 modification. The department shall, by rule, adopt criteria to  
4580 determine whether a facility has been substantially modified.  
4581 "Initial operation" means the initial commencement of operations  
4582 at the facility.

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4583       Section 96. Section 479.28, Florida Statutes, is repealed.

4584       Section 97. Road marking materials.-

4585       (1) A county, municipality, local governing authority, or  
4586 other political subdivision of this state may not cause or allow  
4587 markings to be placed on a street, roadway, or highway under its  
4588 jurisdiction which are made with paint that has been mixed, in  
4589 whole or in part, with reflective glass beads that contain 75  
4590 parts per million or more of inorganic arsenic as determined  
4591 using EPA Method 6010B in conjunction with EPA Method 3052 for  
4592 sample preparation.

4593       (2) A person may not manufacture, sell, offer for sale, or  
4594 offer for promotional purposes in this state reflective glass  
4595 beads that are used to reflect light when applied to markings on  
4596 a street, roadway, or highway in this state if the glass beads  
4597 contain 75 parts per million or more of inorganic arsenic as  
4598 determined by using EPA Method 6010B in conjunction with EPA  
4599 Method 3052 for sample preparation.

4600       (3) A person who violates this section is subject to a  
4601 civil penalty of at least \$500 but not more than \$1,000 for each  
4602 violation. If the violation is of a continuing nature, each day  
4603 of continuing violation is a separate offense.

4604       Section 98. The Department of Transportation may seek  
4605 Federal Highway Administration approval of a tourist-oriented  
4606 commerce sign pilot program for small businesses, as defined in  
4607 s. 288.703, Florida Statutes, in a rural area of critical  
4608 economic concern as defined by s. 288.0656(2)(d) and (e),  
4609 Florida Statutes. Upon federal approval, the department shall  
4610 submit the pilot program for legislative approval in the next  
4611 regular legislative session.

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4612           Section 99. It is the intent of the Legislature to  
4613 encourage and facilitate a review by the Pinellas Suncoast  
4614 Transit Authority (PSTA) and the Hillsborough Area Regional  
4615 Transit Authority (HART) in order to achieve improvements in  
4616 regional transit connectivity and implementation of operational  
4617 efficiencies and service enhancements that are consistent with  
4618 the regional approach to transit identified in the Tampa Bay  
4619 Area Regional Transportation Authority's (TBARTA's) Regional  
4620 Transportation Master Plan. The Legislature finds that such  
4621 improvements and efficiencies can best be achieved through a  
4622 joint review, evaluation, and recommendations by PSTA and HART.

4623           (1) The governing bodies or a designated subcommittee of  
4624 both the PSTA and HART shall hold a joint meeting within 30 days  
4625 after July 1, 2012, and as often as deemed necessary thereafter,  
4626 in order to consider and identify opportunities for greater  
4627 efficiency and service improvements, including specific methods  
4628 for increasing service connectivity between the jurisdictions of  
4629 each agency. The elements to be reviewed must also include:

4630           (a) Governance structure, including governing board  
4631 membership, terms, responsibilities, officers, powers, duties,  
4632 and responsibilities;

4633           (b) Funding options and implementation;

4634           (c) Facilities ownership and management;

4635           (d) Current financial obligations and resources; and

4636           (e) Actions to be taken that are consistent with TBARTA's  
4637 master plan.

4638           (2) PSTA and HART shall jointly submit a report to the  
4639 Speaker of the House of Representatives and the President of the  
4640 Senate on the elements described in this section by February 1,



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4641 2013. The report must include proposed legislation to implement  
4642 each recommendation and specific recommendations concerning the  
4643 reorganization of each agency, the organizational merger of both  
4644 agencies, or the consolidation of functions within and between  
4645 each agency.

4646 (3) TBARTA shall assist and facilitate PSTA and HART in  
4647 carrying out the purposes of this section. TBARTA shall provide  
4648 technical assistance and information regarding its master plan,  
4649 make recommendations for achieving consistency and improved  
4650 regional connectivity, and provide support to PSTA and HART in  
4651 the preparation of their joint report and recommendations to the  
4652 Legislature. For this purpose, PSTA and HART shall reimburse  
4653 TBARTA for necessary and reasonable expense in a total amount  
4654 not to exceed \$100,000.

4655 Section 100. Any governmental unit that is authorized to  
4656 regulate the operation of public vehicles for hire and other  
4657 for-hire transportation within its geographic boundaries may  
4658 request and receive criminal history record information for the  
4659 purpose of screening applicants for licenses and for-hire  
4660 vehicle driver licenses and pay a fee for any such record. Such  
4661 record information may include a national criminal history  
4662 records check with the Federal Bureau of Investigation. The  
4663 fingerprints may be submitted by the governmental unit to the  
4664 Department of Law Enforcement for state processing, and the  
4665 department shall forward such fingerprints to the Federal Bureau  
4666 of Investigation for a national criminal history records check.  
4667 All costs associated with transmittal and processing shall be  
4668 borne by the governmental unit, the employer, or the person who  
4669 is the subject of the background check. The department shall

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4670 submit an invoice to the governmental unit for the fingerprints  
4671 submitted each month. The governmental unit shall screen  
4672 background results to determine if an applicant meets its  
4673 licensure requirements.

4674 Section 101. This act shall take effect July 1, 2012.