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LEGISLATIVE ACTION

Senate	.	House
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03/09/2012 09:26 PM	.	
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The Conference Committee on SB 1998, 1st Eng. recommended the following:

1 **Senate Conference Committee Amendment (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

6 Section 1. Section 288.063, Florida Statutes, is repealed.

7 Section 2. Paragraph (a) of subsection (7) of section
8 288.0656, Florida Statutes, is amended to read:

9 288.0656 Rural Economic Development Initiative.—

10 (7) (a) REDI may recommend to the Governor up to three rural
11 areas of critical economic concern. The Governor may by
12 executive order designate up to three rural areas of critical



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13 economic concern which will establish these areas as priority
14 assignments for REDI as well as to allow the Governor, acting
15 through REDI, to waive criteria, requirements, or similar
16 provisions of any economic development incentive. Such
17 incentives shall include, but not be limited to: the Qualified
18 Target Industry Tax Refund Program under s. 288.106, the Quick
19 Response Training Program under s. 288.047, the Quick Response
20 Training Program for participants in the welfare transition
21 program under s. 288.047(8), transportation projects under s.
22 339.2821 ~~288.063~~, the brownfield redevelopment bonus refund
23 under s. 288.107, and the rural job tax credit program under ss.
24 212.098 and 220.1895.

25 Section 3. Chapter 311, Florida Statutes, is retitled
26 "SEAPORT PROGRAMS AND FACILITIES."

27 Section 4. Section 311.07, Florida Statutes, is amended to
28 read:

29 311.07 Florida seaport transportation and economic
30 development funding.—

31 (1) There is created the Florida Seaport Transportation and
32 Economic Development Program within the Department of
33 Transportation to finance port transportation or port facilities
34 projects that will improve the movement and intermodal
35 transportation of cargo or passengers in commerce and trade and
36 that will support the interests, purposes, and requirements of
37 the ports listed in s. 311.09 ~~located in this state.~~

38 (2) A minimum of \$15 ~~\$8~~ million per year shall be made
39 available from the State Transportation Trust Fund to fund the
40 Florida Seaport Transportation and Economic Development Program.
41 The Florida Seaport Transportation and Economic Development



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42 Council created in s. 311.09 shall develop guidelines for
43 project funding. Council staff, the Department of
44 Transportation, and the Department of Economic Opportunity shall
45 work in cooperation to review projects and allocate funds in
46 accordance with the schedule required for the Department of
47 Transportation to include these projects in the tentative work
48 program developed pursuant to s. 339.135(4).

49 (3) (a) Florida Seaport Transportation and Economic
50 Development Program funds shall be used to fund approved
51 projects on a 50-50 matching basis with any of the deepwater
52 ports, as listed in s. 311.09 ~~s. 403.021(9)(b)~~, which is
53 governed by a public body or any other deepwater port which is
54 governed by a public body and which complies with the water
55 quality provisions of s. 403.061, the comprehensive master plan
56 requirements of s. 163.3178(2)(k), and the local financial
57 management and reporting provisions of part III of chapter 218.
58 However, program funds used to fund projects that involve the
59 rehabilitation of wharves, docks, berths, bulkheads, or similar
60 structures shall require a 25-percent match of funds. Program
61 funds also may be used by the Seaport Transportation and
62 Economic Development Council for data and analysis that ~~to~~
63 ~~develop trade data information products which~~ will assist
64 Florida's seaports and international trade.

65 (b) Projects eligible for funding by grants under the
66 program are limited to the following port facilities or port
67 transportation projects:

- 68 1. Transportation facilities within the jurisdiction of the
69 port.
- 70 2. The dredging or deepening of channels, turning basins,



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71 or harbors.

72 3. The construction or rehabilitation of wharves, docks,
73 structures, jetties, piers, storage facilities, cruise
74 terminals, automated people mover systems, or any facilities
75 necessary or useful in connection with any of the foregoing.

76 4. The acquisition of vessel tracking systems, container
77 cranes, or other mechanized equipment used in the movement of
78 cargo or passengers in international commerce.

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

80 6. The acquisition, improvement, enlargement, or extension
81 of existing port facilities.

82 7. Environmental protection projects which are necessary
83 because of requirements imposed by a state agency as a condition
84 of a permit or other form of state approval; which are necessary
85 for environmental mitigation required as a condition of a state,
86 federal, or local environmental permit; which are necessary for
87 the acquisition of spoil disposal sites and improvements to
88 existing and future spoil sites; or which result from the
89 funding of eligible projects listed in this paragraph.

90 8. Transportation facilities as defined in s. 334.03(31)
91 which are not otherwise part of the Department of
92 Transportation's adopted work program.

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

95 10. Construction or rehabilitation of port facilities as
96 defined in s. 315.02, excluding any park or recreational
97 facilities, in ports listed in s. 311.09(1) with operating
98 revenues of \$5 million or less, provided that such projects
99 create economic development opportunities, capital improvements,



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100 and positive financial returns to such ports.

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

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

109 ~~(4) A port eligible for matching funds under the program~~
110 ~~may receive a distribution of not more than \$7 million during~~
111 ~~any 1 calendar year and a distribution of not more than \$30~~
112 ~~million during any 5 calendar year period.~~

113 ~~(4)(5)~~ Any port which receives funding under the program
114 shall institute procedures to ensure that jobs created as a
115 result of the state funding shall be subject to equal
116 opportunity hiring practices in the manner provided in s.
117 110.112.

118 ~~(5)(6)~~ The Department of Transportation ~~may shall~~ subject
119 any project that receives funds pursuant to this section and s.
120 320.20 to a final audit. The department may adopt rules and
121 perform such other acts as are necessary or convenient to ensure
122 that the final audits are conducted and that any deficiency or
123 questioned costs noted by the audit are resolved.

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

126 311.09 Florida Seaport Transportation and Economic
127 Development Council.—

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



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129 which may be funded under ss. 311.07 and 320.20. The rules shall
130 provide criteria for evaluating the potential project,
131 including, but not limited to, such factors as consistency with
132 appropriate plans, economic benefit, readiness for construction,
133 noncompetition with other Florida ports, and capacity within the
134 seaport system ~~economic benefit of the project, measured by the~~
135 ~~potential for the proposed project to maintain or increase cargo~~
136 ~~flow, cruise passenger movement, international commerce, port~~
137 ~~revenues, and the number of jobs for the port's local community.~~

138 (5) The council shall review and approve or disapprove each
139 project eligible to be funded pursuant to the Florida Seaport
140 Transportation and Economic Development Program. The council
141 shall annually submit to the Secretary of Transportation and the
142 executive director of the Department of Economic Opportunity, or
143 his or her designee, a list of projects which have been approved
144 by the council. The list shall specify the recommended funding
145 level for each project; and, if staged implementation of the
146 project is appropriate, the funding requirements for each stage
147 shall be specified.

148 ~~(6) The Department of Community Affairs shall review the~~
149 ~~list of projects approved by the council to determine~~
150 ~~consistency with approved local government comprehensive plans~~
151 ~~of the units of local government in which the port is located~~
152 ~~and consistency with the port master plan. The Department of~~
153 ~~Community Affairs shall identify and notify the council of those~~
154 ~~projects which are not consistent, to the maximum extent~~
155 ~~feasible, with such comprehensive plans and port master plans.~~

156 (6)(7) The Department of Transportation shall review the
157 list of project applications ~~projects~~ approved by the council



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158 for consistency with the Florida Transportation Plan, the
159 Statewide Seaport and Waterways System Plan, and the
160 department's adopted work program. In evaluating the consistency
161 of a project, the department shall assess the transportation
162 impacts and economic benefits for each project ~~determine whether~~
163 ~~the transportation impact of the proposed project is adequately~~
164 ~~handled by existing state-owned transportation facilities or by~~
165 ~~the construction of additional state-owned transportation~~
166 ~~facilities as identified in the Florida Transportation Plan and~~
167 ~~the department's adopted work program. In reviewing for~~
168 ~~consistency a transportation facility project as defined in s.~~
169 ~~334.03(31) which is not otherwise part of the department's work~~
170 ~~program, the department shall evaluate whether the project is~~
171 ~~needed to provide for projected movement of cargo or passengers~~
172 ~~from the port to a state transportation facility or local road.~~
173 ~~If the project is needed to provide for projected movement of~~
174 ~~cargo or passengers, the project shall be approved for~~
175 ~~consistency as a consideration to facilitate the economic~~
176 ~~development and growth of the state in a timely manner. The~~
177 Department of Transportation shall identify those projects that
178 ~~which~~ are inconsistent with the Florida Transportation Plan, the
179 Statewide Seaport and Waterways System Plan, or ~~and~~ the adopted
180 work program and shall notify the council of projects found to
181 be inconsistent.

182 (7)-(8) The Department of Economic Opportunity shall review
183 the list of project applications ~~projects~~ approved by the
184 council to evaluate the economic benefit of the project and to
185 determine whether the project is consistent with the Florida
186 Seaport Mission Plan and with state economic development goals



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187 and policies. The Department of Economic Opportunity shall
188 review the proposed project's consistency with state, regional,
189 and local plans, as appropriate, and the economic benefits of
190 each project based upon the rules adopted pursuant to subsection
191 (4). The Department of Economic Opportunity shall identify those
192 projects that ~~which~~ it has determined do not offer an economic
193 benefit to the state, are not consistent with an appropriate
194 plan, or are not consistent with the Florida Seaport Mission
195 Plan or state economic development goals and policies and shall
196 notify the council of its findings.

197 ~~(8)-(9)~~ The council shall review the findings of the
198 Department of Economic Opportunity and the Department of
199 Transportation. Projects found to be inconsistent pursuant to
200 subsections (6) ~~or~~ or (7) ~~and~~ ~~(8)~~ or ~~and~~ projects that ~~which~~ have
201 been determined not to offer an economic benefit to the state
202 pursuant to subsection (7) ~~(8)~~ may ~~shall~~ not be included in the
203 list of projects to be funded.

204 ~~(9)-(10)~~ The Department of Transportation shall include no
205 less than \$15 million per year in its annual legislative budget
206 request for the ~~a~~ Florida Seaport Transportation and Economic
207 Development ~~grant~~ Program funded under s. 311.07 ~~for expenditure~~
208 ~~of funds of not less than \$8 million per year~~. Such budget shall
209 include funding for projects approved by the council which have
210 been determined by each agency to be consistent ~~and which have~~
211 ~~been determined by the Department of Economic Opportunity to be~~
212 ~~economically beneficial~~. The department shall include the
213 specific approved Florida Seaport Transportation and Economic
214 Development Program ~~seaport~~ projects to be funded under s.
215 311.07 ~~this section~~ during the ensuing fiscal year in the



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216 tentative work program developed pursuant to s. 339.135(4). The
217 total amount of funding to be allocated to Florida Seaport
218 Transportation and Economic Development Program ~~seaport~~ projects
219 under s. 311.07 during the successive 4 fiscal years shall also
220 be included in the tentative work program developed pursuant to
221 s. 339.135(4). The council may submit to the department a list
222 of approved projects that could be made production-ready within
223 the next 2 years. The list shall be submitted by the department
224 as part of the needs and project list prepared pursuant to s.
225 339.135(2)(b). However, the department shall, upon written
226 request of the Florida Seaport Transportation and Economic
227 Development Council, submit work program amendments pursuant to
228 s. 339.135(7) to the Governor within 10 days after the later of
229 the date the request is received by the department or the
230 effective date of the amendment, termination, or closure of the
231 applicable funding agreement between the department and the
232 affected seaport, as required to release the funds from the
233 existing commitment. Notwithstanding s. 339.135(7)(c), any work
234 program amendment to transfer prior year funds from one approved
235 seaport project to another seaport project is subject to the
236 procedures in s. 339.135(7)(d). Notwithstanding any provision of
237 law to the contrary, the department may transfer unexpended
238 budget between the seaport projects as identified in the
239 approved work program amendments.

240 (10)~~(11)~~ The council shall meet at the call of its
241 chairperson, at the request of a majority of its membership, or
242 at such times as may be prescribed in its bylaws. However, the
243 council must meet at least semiannually. A majority of voting
244 members of the council constitutes a quorum for the purpose of



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245 transacting the business of the council. All members of the
246 council are voting members. A vote of the majority of the voting
247 members present is sufficient for any action of the council,
248 except that a member representing the Department of
249 Transportation or the Department of Economic Opportunity may
250 vote to overrule any action of the council approving a project
251 pursuant to subsection (5). The bylaws of the council may
252 require a greater vote for a particular action.

253 (11)~~(12)~~ Members of the council shall serve without
254 compensation but are entitled to receive reimbursement for per
255 diem and travel expenses as provided in s. 112.061. The council
256 may elect to provide an administrative staff to provide services
257 to the council on matters relating to the Florida Seaport
258 Transportation and Economic Development Program and the council.
259 The cost for such administrative services shall be paid by all
260 ports that receive funding from the Florida Seaport
261 Transportation and Economic Development Program, based upon a
262 pro rata formula measured by each recipient's share of the funds
263 as compared to the total funds disbursed to all recipients
264 during the year. The share of costs for administrative services
265 shall be paid in its total amount by the recipient port upon
266 execution by the port and the Department of Transportation of a
267 joint participation agreement for each council-approved project,
268 and such payment is in addition to the matching funds required
269 to be paid by the recipient port. Except as otherwise exempted
270 by law, all moneys derived from the Florida Seaport
271 Transportation and Economic Development Program shall be
272 expended in accordance with the provisions of s. 287.057.
273 Seaports subject to competitive negotiation requirements of a



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274 local governing body shall abide by the provisions of s.
275 287.055.

276 ~~(12)-(13)~~ Until July 1, 2014, Citrus County may apply for a
277 grant through the Florida Seaport Transportation and Economic
278 Development Council to perform a feasibility study regarding the
279 establishment of a port in Citrus County. The council shall
280 evaluate such application pursuant to subsections ~~(5)-(8)~~ ~~(5)-~~
281 ~~(9)~~ and, if approved, the Department of Transportation shall
282 include the feasibility study in its budget request pursuant to
283 subsection (9) ~~(10)~~. If the study determines that a port in
284 Citrus County is not feasible, the membership of Port Citrus on
285 the council shall terminate.

286 Section 6. Section 311.10, Florida Statutes, is created to
287 read:

288 311.10 Strategic Port Investment Initiative.-

289 (1) There is created the Strategic Port Investment
290 Initiative within the Department of Transportation. Beginning in
291 fiscal year 2012-2013, a minimum of \$35 million annually shall
292 be made available from the State Transportation Trust Fund to
293 fund the Strategic Port Investment Initiative. The Department of
294 Transportation shall work with the deepwater ports listed in s.
295 311.09 to develop and maintain a priority list of strategic
296 investment projects. Project selection shall be based on
297 projects that meet the state's economic development goal of
298 becoming a hub for trade, logistics, and export-oriented
299 activities by:

300 (a) Providing important access and major on-port capacity
301 improvements;

302 (b) Providing capital improvements to strategically



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303 position the state to maximize opportunities in international
304 trade, logistics, or the cruise industry;

305 (c) Achieving state goals of an integrated intermodal
306 transportation system; and

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

309 (2) Before making final project allocations, the Department
310 of Transportation shall schedule a publicly noticed workshop
311 with the Department of Economic Opportunity and the deepwater
312 ports listed in s. 311.09 to review the proposed projects. After
313 considering the comments received, the Department of
314 Transportation shall finalize a prioritized list of potential
315 projects.

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

320 Section 7. Section 311.101, Florida Statutes, is created to
321 read:

322 311.101 Intermodal Logistics Center Infrastructure Support
323 Program.—

324 (1) There is created within the Department of
325 Transportation the Intermodal Logistics Center Infrastructure
326 Support Program. The purpose of the program is to provide funds
327 for roads, rail facilities, or other means for the conveyance or
328 shipment of goods through a seaport, thereby enabling the state
329 to respond to private sector market demands and meet the state's
330 economic development goal of becoming a hub for trade,
331 logistics, and export-oriented activities. The department may



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332 provide funds to assist with local government projects or
333 projects performed by private entities which meet the public
334 purpose of enhancing transportation facilities for the
335 conveyance or shipment of goods through a seaport to or from an
336 intermodal logistics center.

337 (2) As used in this section, the term "intermodal logistics
338 center" means a facility or group of facilities, including, but
339 not limited to, an inland port, serving as a point of intermodal
340 transfer of freight in a specific area physically separated from
341 a seaport where activities relating to transport, logistics,
342 goods distribution, consolidation, or value-added activities are
343 carried out and whose activities and services are designed to
344 support or be supported by conveyance or shipping through one or
345 more seaports listed in s. 311.09.

346 (3) The department must consider, but is not limited to,
347 the following criteria when evaluating a project for Intermodal
348 Logistics Center Infrastructure Support Program assistance:

349 (a) The ability of the project to serve a strategic state
350 interest.

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

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

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

357 (e) A commitment of a funding match.

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

360 (g) The extent to which the owner has commitments,



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361 including memorandums of understanding or memorandums of
362 agreements, with private sector businesses planning to locate
363 operations at the intermodal logistics center.

364 (h) Demonstrated local financial support and commitment to
365 the project.

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

369 (5) The department may administer contracts on behalf of
370 the entity selected to receive funding for a project under this
371 section.

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

374 (7) Beginning in fiscal year 2012-2013, up to \$5 million
375 per year shall be made available from the State Transportation
376 Trust Fund for the program. The Department of Transportation
377 shall include projects proposed to be funded under this section
378 in the tentative work program developed pursuant so s.
379 339.135(4).

380 (8) The Department of Transportation may adopt rules to
381 administer this section.

382 Section 8. Subsection (2) of section 311.22, Florida
383 Statutes, is amended to read:

384 311.22 Additional authorization for funding certain
385 dredging projects.—

386 (2) The council shall adopt rules for evaluating the
387 projects that may be funded pursuant to this section. The rules
388 must provide criteria for evaluating the economic benefit of the
389 project. The rules must include the creation of an



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390 administrative review process by the council which is similar to
391 the process described in s. 311.09(5)-(11) ~~311.09(5)-(12)~~, and
392 provide for a review by the Department of Transportation and the
393 Department of Economic Opportunity of all projects submitted for
394 funding under this section.

395 Section 9. Paragraph (b) of subsection (1) and paragraph
396 (c) of subsection (2) of section 316.302, Florida Statutes, are
397 amended to read:

398 316.302 Commercial motor vehicles; safety regulations;
399 transporters and shippers of hazardous materials; enforcement.-

400 (1)

401 (b) Except as otherwise provided in this section, all
402 owners or drivers of commercial motor vehicles that are engaged
403 in intrastate commerce are subject to the rules and regulations
404 contained in 49 C.F.R. parts 382, 385, and 390-397, with the
405 exception of 49 C.F.R. s. 390.5 as it relates to the definition
406 of bus, as such rules and regulations existed on October 1, 2011
407 ~~2009~~.

408 (2)

409 (c) Except as provided in 49 C.F.R. s. 395.1, a person who
410 operates a commercial motor vehicle solely in intrastate
411 commerce not transporting any hazardous material in amounts that
412 require placarding pursuant to 49 C.F.R. part 172 may not drive
413 after having been on duty more than 70 hours in any period of 7
414 consecutive days or more than 80 hours in any period of 8
415 consecutive days if the motor carrier operates every day of the
416 week. Thirty-four consecutive hours off duty shall constitute
417 the end of any such period of 7 or 8 consecutive days. This
418 weekly limit does not apply to a person who operates a



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419 commercial motor vehicle solely within this state while
420 transporting, during harvest periods, any unprocessed
421 agricultural products or unprocessed food or fiber that is
422 subject to seasonal harvesting from place of harvest to the
423 first place of processing or storage or from place of harvest
424 directly to market or while transporting livestock, livestock
425 feed, or farm supplies directly related to growing or harvesting
426 agricultural products. Upon request of the Department of Highway
427 Safety and Motor Vehicles ~~Department of Transportation~~, motor
428 carriers shall furnish time records or other written
429 verification to that department so that the Department of
430 Highway Safety and Motor Vehicles ~~Department of Transportation~~
431 can determine compliance with this subsection. These time
432 records must be furnished to the Department of Highway Safety
433 and Motor Vehicles ~~Department of Transportation~~ within 2 days
434 after receipt of that department's request. Falsification of
435 such information is subject to a civil penalty not to exceed
436 \$100. The provisions of this paragraph do not apply to operators
437 of farm labor vehicles operated during a state of emergency
438 declared by the Governor or operated pursuant to s. 570.07(21),
439 and do not apply to drivers of utility service vehicles as
440 defined in 49 C.F.R. s. 395.2.

441 Section 10. Subsections (9) and (10) of section 318.14,
442 Florida Statutes, are amended to read:

443 318.14 Noncriminal traffic infractions; exception;
444 procedures.—

445 (9) Any person who does not hold a commercial driver
446 ~~driver's~~ license and who is cited while driving a noncommercial
447 motor vehicle for an infraction under this section other than a



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448 violation of s. 316.183(2), s. 316.187, or s. 316.189 when the
449 driver exceeds the posted limit by 30 miles per hour or more, s.
450 320.0605, s. 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s.
451 322.61, or s. 322.62 may, in lieu of a court appearance, elect
452 to attend in the location of his or her choice within this state
453 a basic driver improvement course approved by the Department of
454 Highway Safety and Motor Vehicles. In such a case, adjudication
455 must be withheld and points, as provided by s. 322.27, may not
456 be assessed. However, a person may not make an election under
457 this subsection if the person has made an election under this
458 subsection in the preceding 12 months. A person may not make ~~no~~
459 more than five elections within his or her lifetime under this
460 subsection. The requirement for community service under s.
461 318.18(8) is not waived by a plea of nolo contendere or by the
462 withholding of adjudication of guilt by a court. If a person
463 makes an election to attend a basic driver improvement course
464 under this subsection, 18 percent of the civil penalty imposed
465 under s. 318.18(3) shall be deposited in the State Courts
466 Revenue Trust Fund; however, that portion is not revenue for
467 purposes of s. 28.36 and may not be used in establishing the
468 budget of the clerk of the court under that section or s. 28.35.

469 (10) (a) Any person who does not hold a commercial driver
470 ~~driver's~~ license and who is cited while driving a noncommercial
471 motor vehicle for an offense listed under this subsection may,
472 in lieu of payment of fine or court appearance, elect to enter a
473 plea of nolo contendere and provide proof of compliance to the
474 clerk of the court, designated official, or authorized operator
475 of a traffic violations bureau. In such case, adjudication shall
476 be withheld; however, a person may not make an ~~no~~ election ~~shall~~



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477 ~~be made~~ under this subsection if the ~~such~~ person has made an
478 election under this subsection in the preceding 12 months
479 ~~preceding election hereunder~~. A ~~No~~ person may not make more than
480 three elections under this subsection. This subsection applies
481 to the following offenses:

482 1. Operating a motor vehicle without a valid driver
483 ~~driver's~~ license in violation of ~~the provisions of~~ s. 322.03, s.
484 322.065, or s. 322.15(1), or operating a motor vehicle with a
485 license that has been suspended for failure to appear, failure
486 to pay civil penalty, or failure to attend a driver improvement
487 course pursuant to s. 322.291.

488 2. Operating a motor vehicle without a valid registration
489 in violation of s. 320.0605, s. 320.07, or s. 320.131.

490 3. Operating a motor vehicle in violation of s. 316.646.

491 4. Operating a motor vehicle with a license that has been
492 suspended under s. 61.13016 or s. 322.245 for failure to pay
493 child support or for failure to pay any other financial
494 obligation as provided in s. 322.245; however, this subparagraph
495 does not apply if the license has been suspended pursuant to s.
496 322.245(1).

497 5. Operating a motor vehicle with a license that has been
498 suspended under s. 322.091 for failure to meet school attendance
499 requirements.

500 (b) Any person cited for an offense listed in this
501 subsection shall present proof of compliance before ~~prior to~~ the
502 scheduled court appearance date. For the purposes of this
503 subsection, proof of compliance shall consist of a valid,
504 renewed, or reinstated driver ~~driver's~~ license or registration
505 certificate and proper proof of maintenance of security as



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506 required by s. 316.646. Notwithstanding waiver of fine, any
507 person establishing proof of compliance shall be assessed court
508 costs of \$25, except that a person charged with violation of s.
509 316.646(1)-(3) may be assessed court costs of \$8. One dollar of
510 such costs shall be remitted to the Department of Revenue for
511 deposit into the Child Welfare Training Trust Fund of the
512 Department of Children and Family Services. One dollar of such
513 costs shall be distributed to the Department of Juvenile Justice
514 for deposit into the Juvenile Justice Training Trust Fund.
515 Fourteen dollars of such costs shall be distributed to the
516 municipality and \$9 shall be deposited by the clerk of the court
517 into the fine and forfeiture fund established pursuant to s.
518 142.01, if the offense was committed within the municipality. If
519 the offense was committed in an unincorporated area of a county
520 or if the citation was for a violation of s. 316.646(1)-(3), the
521 entire amount shall be deposited by the clerk of the court into
522 the fine and forfeiture fund established pursuant to s. 142.01,
523 except for the moneys to be deposited into the Child Welfare
524 Training Trust Fund and the Juvenile Justice Training Trust
525 Fund. This subsection does ~~shall not be construed to~~ authorize
526 the operation of a vehicle without a valid driver ~~driver's~~
527 license, without a valid vehicle tag and registration, or
528 without the maintenance of required security.

529 Section 11. Section 319.32, Florida Statutes, is amended to
530 read:

531 319.32 Fees; service charges; disposition.—

532 (1) The department shall charge a fee of \$70 for each
533 original certificate of title, except for a certificate of title
534 for a motor vehicle for hire registered under s. 320.08(6) for



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535 which the title fee shall be \$49; \$70 for each duplicate copy of
536 a certificate of title, except for a certificate of title for a
537 motor vehicle for hire registered under s. 320.08(6) for which
538 the title fee shall be \$49; \$2 for each salvage certificate of
539 title; and \$3 for each assignment by a lienholder. The
540 department shall also charge a fee of \$2 for noting a lien on a
541 title certificate, which fee includes the services for the
542 subsequent issuance of a corrected certificate or cancellation
543 of lien when that lien is satisfied. If an application for a
544 certificate of title is for a vehicle that is required by s.
545 319.14(1)(b) to have a physical examination, the department
546 shall charge an additional fee of \$40 for the initial
547 examination and \$20 for each subsequent examination. The initial
548 examination fee shall be deposited into the General Revenue
549 Fund, and each subsequent examination fee shall be deposited
550 into the Highway Safety Operating Trust Fund. The physical
551 examination of the vehicle includes, but is not limited to,
552 verification of the vehicle identification number and
553 verification of the bill of sale or title for major components.
554 In addition to all other fees charged, a sum of \$1 shall be paid
555 for the issuance of an original or duplicate certificate of
556 title to cover the cost of materials used for security purposes.
557 A service fee of \$2.50, to be deposited into the Highway Safety
558 Operating Trust Fund, shall be charged for shipping and handling
559 for each paper title mailed by the department.

560 (2)(a) There shall be a service charge of \$4.25 for each
561 application that ~~which~~ is handled in connection with the
562 issuance, duplication, or transfer of any certificate of title.
563 There shall be a service charge of \$1.25 for each application



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564 that ~~which~~ is handled in connection with the recordation or
565 notation of a lien on a motor vehicle or mobile home which is
566 not in connection with the purchase of such vehicle.

567 (b) The service charges specified in paragraph (a) shall be
568 collected by the department on any application handled directly
569 from its office. Otherwise, these service charges shall be
570 collected and retained by the tax collector who handles the
571 application.

572 (3) The department shall charge a fee of \$10 in addition to
573 that charged in subsection (1) for each original certificate of
574 title issued for a vehicle previously registered outside this
575 state.

576 (4) The department shall charge a fee of \$7 for each lien
577 placed on a motor vehicle by the state child support enforcement
578 program pursuant to s. 319.24.

579 (5) (a) Forty-seven dollars of each fee collected, except
580 for fees charged on a certificate of title for a motor vehicle
581 for hire registered under s. 320.08(6), for each applicable
582 original certificate of title and each applicable duplicate copy
583 of a certificate of title, after deducting the service charges
584 imposed by s. 215.20, shall be deposited into the State
585 Transportation Trust Fund. Deposits to the State Transportation
586 Trust Fund pursuant to this paragraph may not exceed \$200
587 million in any fiscal year and any collections in excess of that
588 amount during the fiscal year shall be paid into the General
589 Revenue Fund.

590 (b) All fees collected pursuant to subsection (3) shall be
591 paid into the Nongame Wildlife Trust Fund. Twenty-one dollars of
592 each fee, except for fees charged on a certificate of title for



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593 a motor vehicle for hire registered under s. 320.08(6), for each
594 applicable original certificate of title and each applicable
595 duplicate copy of a certificate of title, after deducting the
596 service charges imposed by s. 215.20, shall be deposited into
597 the State Transportation Trust Fund. All other fees collected by
598 the department under this chapter shall be paid into the General
599 Revenue Fund.

600 (6) Notwithstanding chapter 116, each ~~every~~ county officer
601 within this state authorized to collect funds provided for in
602 this chapter shall pay all sums officially received by the
603 officer into the State Treasury no later than 5 working days
604 after the close of the business day in which the officer
605 received the funds. Payment by county officers to the state
606 shall be made by means of electronic funds transfer.

607 Section 12. Funds that result from increased revenues to
608 the State Transportation Trust Fund derived from the amendments
609 to s. 319.32(5)(a), Florida Statutes, made by this act must be
610 used as follows, notwithstanding any other provision of law:

611 (1) (a) In the 2012-2013 fiscal year, \$200 million, or
612 actual receipts up to \$200 million, shall be transferred to the
613 General Revenue Fund.

614 (b) The Department of Transportation shall transfer the
615 actual receipts monthly to the General Revenue Fund. These
616 transfers shall be made in the month following the deposit of
617 those receipts into the State Transportation Trust Fund.

618 (2) Beginning in 2013-2014 fiscal year and annually for up
619 to 30 years thereafter, \$10 million shall be for the purpose of
620 funding any seaport project identified in the adopted work
621 program of the Department of Transportation, to be known as the



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622 Seaport Investment Program. The revenues may be assigned,
623 pledged, or set aside as a trust for the payment of principal or
624 interest on bonds, tax anticipation certificates, or other forms
625 of indebtedness issued by an individual port or appropriate
626 local government having jurisdiction thereof, or collectively by
627 interlocal agreement among any of the ports, or used to purchase
628 credit support to permit such borrowings. However, the debt is
629 not a general obligation of the state. The state covenants with
630 holders of the revenue bonds or other instruments of
631 indebtedness issued pursuant to this subsection that it will not
632 repeal or impair or amend this subsection in any manner that
633 will materially or adversely affect the rights of holders so
634 long as bonds authorized by this subsection are outstanding. The
635 proceeds of any bonds or other indebtedness secured by a pledge
636 of the funding, after payment of costs of issuance and
637 establishment of any required reserves, shall be invested in
638 projects approved by the Department of Transportation and
639 included in the department's adopted work program, by amendment
640 if necessary. Any revenues that are not pledged to the repayment
641 of bonds as authorized by this section may be used for purposes
642 authorized under the Florida Seaport Transportation and Economic
643 Development Program. This revenue source is in addition to any
644 amounts provided for and appropriated in accordance with ss.
645 311.07 and 320.20(3) and (4), Florida Statutes. Revenue bonds
646 shall be issued by the Division of Bond Finance at the request
647 of the Department of Transportation pursuant to the State Bond
648 Act.

649 (3) Beginning in the 2013-2014 fiscal year and annually for
650 up to 30 years thereafter, \$35 million shall be transferred to



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651 Florida's Turnpike Enterprise, to be used in accordance with
652 Florida Turnpike Enterprise Law, to the maximum extent feasible
653 for feeder roads, structures, interchanges, appurtenances, and
654 other rights to create or facilitate access to the existing
655 turnpike system.

656 (4) Beginning in the 2013-2014 fiscal year and annually
657 thereafter, \$10 million shall be transferred to the
658 Transportation Disadvantaged Trust Fund, to be used as specified
659 in s. 427.0159, Florida Statutes.

660 (5) Beginning in the 2013-2014 fiscal year and annually
661 thereafter, \$10 million shall be allocated to the Small County
662 Outreach Program, to be used as specified in s. 339.2818,
663 Florida Statutes. These funds are in addition to the funds
664 provided in s. 201.15(1)(c)1.b., Florida Statutes.

665 (6) After the distributions required pursuant to
666 subsections (1)-(5), the remaining funds shall be used annually
667 for transportation projects within this state for existing or
668 planned strategic transportation projects which connect major
669 markets within this state or between this state and other
670 states, which focus on job creation, and which increase this
671 state's viability in the national and global markets.

672 (7) Pursuant to s. 339.135(7), Florida Statutes, the
673 department shall amend the work program to add the projects
674 provided for in this section.

675 Section 13. Subsections (3) and (4) of section 320.20,
676 Florida Statutes, are amended to read:

677 320.20 Disposition of license tax moneys.—The revenue
678 derived from the registration of motor vehicles, including any
679 delinquent fees and excluding those revenues collected and



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680 distributed under the provisions of s. 320.081, must be
681 distributed monthly, as collected, as follows:
682 (3) Notwithstanding any other provision of law except
683 subsections (1) and (2), ~~on July 1, 1996, and annually~~
684 ~~thereafter~~, \$15 million shall be deposited annually into ~~in~~ the
685 State Transportation Trust Fund solely for the purposes of
686 funding the Florida Seaport Transportation and Economic
687 Development Program as provided ~~for~~ in chapter 311. Such
688 revenues shall be distributed on a 50-50 matching basis to any
689 port listed in s. 311.09(1) to be used for funding projects as
690 described in s. 311.07(3)(b). Such revenues may be assigned,
691 pledged, or set aside as a trust for the payment of principal or
692 interest on bonds, tax anticipation certificates, or any other
693 form of indebtedness issued by an individual port or appropriate
694 local government having jurisdiction thereof, or collectively by
695 interlocal agreement among any of the ports, or used to purchase
696 credit support to permit such borrowings. However, such debt is
697 ~~shall not constitute~~ a general obligation of the state ~~of~~
698 ~~Florida~~. The state covenants ~~does hereby covenant~~ with holders
699 of such revenue bonds or other instruments of indebtedness
700 issued ~~hereunder~~ that it will not repeal or impair or amend in
701 any manner that ~~which~~ will materially and adversely affect the
702 rights of such holders so long as bonds authorized by this
703 section are outstanding. Any revenues that ~~which~~ are not pledged
704 to the repayment of bonds ~~as~~ authorized by this section may be
705 used ~~utilized~~ for purposes authorized under the Florida Seaport
706 Transportation and Economic Development Program. This revenue
707 source is in addition to any amounts provided ~~for~~ and
708 appropriated in accordance with s. 311.07. The Florida Seaport



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709 Transportation and Economic Development Council shall approve
710 the distribution of funds to ports for projects that ~~which~~ have
711 been approved pursuant to s. 311.09(5)-(8) ~~311.09(5)-(9)~~. The
712 council and the Department of Transportation may ~~are authorized~~
713 ~~to~~ perform ~~such~~ acts ~~as are~~ required to facilitate and implement
714 the provisions of this subsection. To better enable the ports to
715 cooperate to their mutual advantage, the governing body of each
716 port may exercise powers provided to municipalities or counties
717 in s. 163.01(7)(d) subject to ~~the provisions of~~ chapter 311 and
718 special acts, if any, pertaining to a port. The use of funds
719 provided pursuant to this subsection are limited to eligible
720 projects listed in this subsection. Income derived from a
721 project completed with the use of program funds, beyond
722 operating costs and debt service, is ~~shall be~~ restricted solely
723 to further port capital improvements consistent with maritime
724 purposes ~~and for no other purpose~~. Use of such income for
725 nonmaritime purposes is prohibited. ~~The provisions of s.~~
726 ~~311.07(4) do not apply to any funds received pursuant to this~~
727 ~~subsection~~. The revenues available under this subsection may
728 ~~shall~~ not be pledged to the payment of any bonds other than the
729 Florida Ports Financing Commission Series 1996 and Series 1999
730 Bonds currently outstanding; ~~provided,~~ however, such revenues
731 may be pledged to secure payment of refunding bonds to refinance
732 the Florida Ports Financing Commission Series 1996 and Series
733 1999 Bonds. ~~No~~ Refunding bonds secured by revenues available
734 under this subsection may not be issued with a final maturity
735 later than the final maturity of the Florida Ports Financing
736 Commission Series 1996 and Series 1999 Bonds or which provide
737 for higher debt service in any year than is currently payable on



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738 such bonds. Any revenue bonds or other indebtedness issued after
739 July 1, 2000, other than refunding bonds shall be issued by the
740 Division of Bond Finance at the request of the Department of
741 Transportation pursuant to the State Bond Act.

742 (4) Notwithstanding any other provision of law except
743 subsections (1), (2), and (3), ~~on July 1, 1999, and annually~~
744 ~~thereafter~~, \$10 million shall be deposited annually into ~~in~~ the
745 State Transportation Trust Fund solely for the purposes of
746 funding the Florida Seaport Transportation and Economic
747 Development Program as provided in chapter 311 and for funding
748 seaport intermodal access projects of statewide significance as
749 provided in s. 341.053. Such revenues shall be distributed to
750 any port listed in s. 311.09(1), to be used for funding projects
751 as follows:

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

756 (b) For seaport intermodal access projects as described in
757 s. 341.053(5) which ~~that~~ are identified in the 5-year Florida
758 Seaport Mission Plan as provided in s. 311.09(3). Funding for
759 such projects shall be on a matching basis as mutually
760 determined by the Florida Seaport Transportation and Economic
761 Development Council and the Department of Transportation if,
762 ~~provided~~ a minimum of 25 percent of total project funds ~~shall~~
763 come from any port funds, local funds, private funds, or
764 specifically earmarked federal funds.

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



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767 (d) For seaport intermodal access projects that involve the
768 dredging or deepening of channels, turning basins, or harbors;
769 or the rehabilitation of wharves, docks, or similar structures.
770 Funding for such projects requires ~~shall require~~ a 25 percent
771 match of the funds received pursuant to this subsection.
772 Matching funds must ~~shall~~ come from any port funds, federal
773 funds, local funds, or private funds.

774
775 Such revenues may be assigned, pledged, or set aside as a trust
776 for the payment of principal or interest on bonds, tax
777 anticipation certificates, or ~~any~~ other form of indebtedness
778 issued by an individual port or appropriate local government
779 having jurisdiction thereof, or collectively by interlocal
780 agreement among any of the ports, or used to purchase credit
781 support to permit such borrowings. However, such debt is ~~shall~~
782 not ~~constitute~~ a general obligation of the state. This state
783 covenants ~~does hereby covenant~~ with holders of such revenue
784 bonds or other instruments of indebtedness issued hereunder that
785 it will not repeal or impair or amend this subsection in any
786 manner that ~~which~~ will materially and adversely affect the
787 rights of holders so long as bonds authorized by this subsection
788 are outstanding. Any revenues that are not pledged to the
789 repayment of bonds as authorized by this section may be used
790 ~~utilized~~ for purposes authorized under the Florida Seaport
791 Transportation and Economic Development Program. This revenue
792 source is in addition to any amounts provided for and
793 appropriated in accordance with s. 311.07 and subsection (3).
794 The Florida Seaport Transportation and Economic Development
795 Council shall approve distribution of funds to ports for



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796 projects that have been approved pursuant to s. 311.09(5)-(8)
797 ~~311.09(5)-(9)~~, or for seaport intermodal access projects
798 identified in the 5-year Florida Seaport Mission Plan as
799 provided in s. 311.09(3) and mutually agreed upon by the FSTED
800 Council and the Department of Transportation. All contracts for
801 actual construction of projects authorized by this subsection
802 must include a provision encouraging employment of participants
803 in the welfare transition program. The goal for such employment
804 ~~of participants in the welfare transition program~~ is 25 percent
805 of all new employees employed specifically for the project,
806 unless the Department of Transportation and the Florida Seaport
807 Transportation and Economic Development Council demonstrate that
808 such a requirement would severely hamper the successful
809 completion of the project. In such an instance, Workforce
810 Florida, Inc., shall establish an appropriate percentage of
811 employees who are ~~that must be~~ participants in the welfare
812 transition program. The council and the Department of
813 Transportation may ~~are authorized to~~ perform such acts as are
814 required to facilitate and implement the provisions of this
815 subsection. To better enable the ports to cooperate to their
816 mutual advantage, the governing body of each port may exercise
817 powers provided to municipalities or counties in s. 163.01(7)(d)
818 subject to the provisions of chapter 311 and special acts, if
819 any, pertaining to a port. The use of funds provided pursuant to
820 this subsection is limited to eligible projects listed in this
821 subsection. ~~The provisions of s. 311.07(4) do not apply to any~~
822 ~~funds received pursuant to this subsection.~~ The revenues
823 available under this subsection may ~~shall~~ not be pledged to the
824 payment of any bonds other than the Florida Ports Financing



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825 Commission Series 1996 and Series 1999 Bonds currently
826 outstanding; ~~provided~~, however, such revenues may be pledged to
827 secure payment of refunding bonds to refinance the Florida Ports
828 Financing Commission Series 1996 and Series 1999 Bonds. ~~No~~
829 Refunding bonds secured by revenues available under this
830 subsection may not be issued with a final maturity later than
831 the final maturity of the Florida Ports Financing Commission
832 Series 1996 and Series 1999 Bonds or which provide for higher
833 debt service in any year than is currently payable on such
834 bonds. Any revenue bonds or other indebtedness issued after July
835 1, 2000, other than refunding bonds shall be issued by the
836 Division of Bond Finance at the request of the Department of
837 Transportation pursuant to the State Bond Act.

838 Section 14. Section 320.204, Florida Statutes, is repealed.

839 Section 15. Subsection (3) of section 322.07, Florida
840 Statutes, is amended to read:

841 322.07 Instruction permits and temporary licenses.—

842 (3) Any person who, except for his or her lack of
843 instruction in operating a commercial motor vehicle, would
844 otherwise be qualified to obtain a commercial driver ~~driver's~~
845 license under this chapter, may apply for a temporary commercial
846 instruction permit. The department shall issue such a permit
847 entitling the applicant, while having the permit in his or her
848 immediate possession, to drive a commercial motor vehicle on the
849 highways, if provided that:

850 (a) The applicant possesses a valid Florida driver ~~driver's~~
851 license ~~issued in any state~~; and

852 (b) The applicant, while operating a commercial motor
853 vehicle, is accompanied by a licensed driver who is 21 years of



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854 age or older, who is licensed to operate the class of vehicle
855 being operated, and who is ~~actually~~ occupying the closest seat
856 to the right of the driver.

857 Section 16. Subsection (2) of section 322.53, Florida
858 Statutes, is amended to read:

859 322.53 License required; exemptions.—

860 (2) The following persons are exempt from the requirement
861 to obtain a commercial driver ~~driver's~~ license:

862 (a) Drivers of authorized emergency vehicles.

863 (b) Military personnel driving vehicles operated for
864 military purposes.

865 (c) Farmers transporting agricultural products, farm
866 supplies, or farm machinery to or from their farms and within
867 150 miles of their farms farm, if the vehicle operated under
868 this exemption is not used in the operations of a common or
869 contract motor carrier or transporting agricultural products to
870 or from the first place of storage or processing or directly to
871 or from market, within 150 miles of their farm.

872 (d) Drivers of recreational vehicles, as defined in s.
873 320.01.

874 (e) Drivers who operate straight trucks, as defined in s.
875 316.003, and who that are ~~exclusively~~ exclusively
876 their own tangible personal property, which is not for sale.

877 (f) Employees ~~An employee~~ of a publicly owned transit
878 system who are ~~is~~ limited to moving vehicles for maintenance or
879 parking purposes exclusively within the restricted-access
880 confines of a transit system's property.

881 Section 17. Subsection (2) of section 322.54, Florida
882 Statutes, is amended to read:



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883 322.54 Classification.—

884 (2) The department shall issue, pursuant to the
885 requirements of this chapter, driver ~~drivers'~~ licenses in
886 accordance with the following classifications:

887 (a) Any person who drives a motor vehicle combination
888 having a gross vehicle weight rating or gross vehicle weight of
889 26,001 pounds or more must possess a valid Class A driver
890 ~~driver's~~ license, if provided the gross vehicle weight rating or
891 gross vehicle weight of the vehicle being towed is more than
892 10,000 pounds. Any person who possesses a valid Class A driver
893 ~~driver's~~ license may, subject to the appropriate restrictions
894 and endorsements, drive any class of motor vehicle within this
895 state.

896 (b) Any person, except a person who possesses a valid Class
897 A driver ~~driver's~~ license, who drives a motor vehicle having a
898 gross vehicle weight rating or gross vehicle weight of 26,001
899 pounds or more must possess a valid Class B driver ~~driver's~~
900 license. Any person, except a person who possesses a valid Class
901 A driver ~~driver's~~ license, who drives such vehicle towing a
902 vehicle having a gross vehicle weight rating of 10,000 pounds or
903 less must possess a valid Class B driver ~~driver's~~ license. Any
904 person who possesses a valid Class B driver ~~driver's~~ license
905 may, subject to the appropriate restrictions and endorsements,
906 drive any class of motor vehicle, other than the type of motor
907 vehicle for which a Class A driver ~~driver's~~ license is required,
908 within this state.

909 (c) Any person, except a person who possesses a valid Class
910 A or a valid Class B driver ~~driver's~~ license, who drives a motor
911 vehicle having a gross vehicle weight rating of less than 26,001



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912 pounds and who is required to obtain an endorsement pursuant to
913 paragraph (1)(b), paragraph (1)(c), or paragraph (1)(e) of s.
914 322.57, must possess a valid Class C driver ~~driver's~~ license.
915 Any person who possesses a valid Class C driver ~~driver's~~ license
916 may, subject to the appropriate restrictions and endorsements,
917 drive any class of motor vehicle, other than the type of motor
918 vehicle for which a Class A or a Class B driver ~~driver's~~ license
919 is required, within this state.

920 (d) Any person, except a person who possesses a valid Class
921 A, valid Class B, or valid Class C driver ~~driver's~~ license, who
922 drives a motor vehicle must possess a valid Class E driver
923 ~~driver's~~ license. Any person who possesses a valid Class E
924 driver ~~driver's~~ license may, subject to the appropriate
925 restrictions and endorsements, drive any type of motor vehicle,
926 other than the type of motor vehicle for which a Class A, Class
927 B, or Class C driver ~~driver's~~ license is required, within this
928 state.

929 Section 18. Section 322.59, Florida Statutes, is amended to
930 read:

931 322.59 Possession of medical examiner's certificate.-

932 (1) The department may ~~shall~~ not issue a commercial driver
933 ~~driver's~~ license to a ~~any~~ person who is required by the laws of
934 this state or by federal law to possess a medical examiner's
935 certificate, unless the ~~such~~ person presents a valid
936 certificate, as described in 49 C.F.R. s. 383.71, before ~~prior~~
937 ~~to~~ licensure.

938 (2) The department shall disqualify a driver from operating
939 a commercial motor vehicle if the driver holds a commercial
940 driver license and fails to comply with the medical



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941 certification requirements in 49 C.F.R. s. 383.71 ~~This section~~
942 ~~does not expand the requirements as to who must possess a~~
943 ~~medical examiner's certificate.~~

944 (3) A person who is disqualified from operating a
945 commercial motor vehicle under this section may, if otherwise
946 qualified, be issued a Class E driver license pursuant to s.
947 322.251.

948 Section 19. Subsections (3) and (5) of section 322.61,
949 Florida Statutes, are amended to read:

950 322.61 Disqualification from operating a commercial motor
951 vehicle.-

952 (3) (a) Except as provided in subsection (4), any person who
953 is convicted of one of the offenses listed in paragraph (b)
954 while operating a commercial motor vehicle shall, in addition to
955 any other applicable penalties, be disqualified from operating a
956 commercial motor vehicle for a period of 1 year.±

957 (b) Except as provided in subsection (4), any holder of a
958 commercial driver ~~driver's~~ license who is convicted of one of
959 the offenses listed in this paragraph while operating a
960 noncommercial motor vehicle shall, in addition to any other
961 applicable penalties, be disqualified from operating a
962 commercial motor vehicle for a period of 1 year:

963 1. Driving a motor vehicle while he or she is under the
964 influence of alcohol or a controlled substance;

965 2. Driving a commercial motor vehicle while the alcohol
966 concentration of his or her blood, breath, or urine is .04
967 percent or higher;

968 3. Leaving the scene of a crash involving a motor vehicle
969 driven by such person;



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- 970 4. Using a motor vehicle in the commission of a felony;
971 5. Driving a commercial motor vehicle while in possession
972 of a controlled substance;
973 6. Refusing to submit to a test to determine his or her
974 alcohol concentration while driving a motor vehicle;
975 7. Driving a commercial vehicle while the licenseholder's
976 commercial driver ~~driver's~~ license is suspended, revoked, or
977 canceled or while the licenseholder is disqualified from driving
978 a commercial vehicle; or
979 8. Causing a fatality through the negligent operation of a
980 commercial motor vehicle.

981 (5) A ~~Any~~ person who is convicted of two violations
982 specified in subsection (3) which were committed while operating
983 a commercial motor vehicle, or any combination thereof, arising
984 in separate incidents shall be permanently disqualified from
985 operating a commercial motor vehicle. A ~~Any~~ holder of a
986 commercial driver ~~driver's~~ license who is convicted of two
987 violations specified in subsection (3) which were committed
988 while operating any ~~a noncommercial~~ motor vehicle, ~~or any~~
989 ~~combination thereof~~, arising in separate incidents shall be
990 permanently disqualified from operating a commercial motor
991 vehicle. The penalty provided in this subsection is in addition
992 to any other applicable penalty.

993 Section 20. Present subsections (8) through (13) of section
994 334.30, Florida Statutes, are redesignated as subsections (7)
995 through (12), respectively, and present subsection (7) of that
996 section is amended, to read:

997 334.30 Public-private transportation facilities.—The
998 Legislature finds and declares that there is a public need for



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999 the rapid construction of safe and efficient transportation
1000 facilities for the purpose of traveling within the state, and
1001 that it is in the public's interest to provide for the
1002 construction of additional safe, convenient, and economical
1003 transportation facilities.

1004 ~~(7) The department may lend funds from the Toll Facilities~~
1005 ~~Revolving Trust Fund, as outlined in s. 338.251, to private~~
1006 ~~entities that construct projects on the State Highway System~~
1007 ~~containing toll facilities that are approved under this section.~~
1008 ~~To be eligible, a private entity must comply with s. 338.251 and~~
1009 ~~must provide an indication from a nationally recognized rating~~
1010 ~~agency that the senior bonds for the project will be investment~~
1011 ~~grade, or must provide credit support such as a letter of credit~~
1012 ~~or other means acceptable to the department, to ensure that the~~
1013 ~~loans will be fully repaid. The state's liability for the~~
1014 ~~funding of a facility is limited to the amount approved for that~~
1015 ~~specific facility in the department's 5-year work program~~
1016 ~~adopted pursuant to s. 339.135.~~

1017 Section 21. Subsection (5) is added to section 335.074,
1018 Florida Statutes, to read:

1019 335.074 Safety inspection of bridges.—

1020 (5) Upon receipt of an inspection report that recommends
1021 reducing the weight, size, or speed limit on a bridge, the
1022 governmental entity having maintenance responsibility for the
1023 bridge shall reduce the maximum limits for the bridge in
1024 accordance with the inspection report and shall post the limits
1025 in accordance with s. 316.555. The governmental entity shall,
1026 within 30 days after receipt of an inspection report
1027 recommending lower limits, notify the department that the



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1028 limitations have been implemented and the limits have been
1029 posted accordingly. If the required actions are not taken within
1030 30 days after receipt of an inspection report, the department
1031 shall post the limits on the bridge in accordance with the
1032 recommendations in the inspection report. The costs incurred by
1033 the department in connection with providing notice of the
1034 bridge's limitations or restrictions shall be assessed against
1035 and collected from the governmental entity having maintenance
1036 responsibility for the bridge. If an inspection report
1037 recommends closure of a bridge, the bridge shall be immediately
1038 closed. If the governmental entity does not close the bridge
1039 immediately upon receipt of an inspection report recommending
1040 closure, the department shall close the bridge. The costs
1041 incurred by the department in connection with the bridge closure
1042 shall be assessed against and collected from the governmental
1043 entity having maintenance responsibility for the bridge. This
1044 subsection does not alter existing jurisdictional
1045 responsibilities for the operation and maintenance of bridges.

1046 Section 22. Section 338.151, Florida Statutes, is created
1047 to read:

1048 338.151 Authority of the department to establish tolls on
1049 the State Highway System.—Notwithstanding s. 338.165(8), the
1050 department may establish tolls on new limited access facilities
1051 on the State Highway System, lanes added to existing limited
1052 access facilities on the State Highway System, new major bridges
1053 on the State Highway System over waterways, and replacements for
1054 existing major bridges on the State Highway System over
1055 waterways to pay, fully or partially, for the cost of such
1056 projects. Except for high-occupancy vehicle lanes, express



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1057 lanes, the turnpike system, and as otherwise authorized by law,
1058 the department may not establish tolls on lanes of limited
1059 access facilities that exist on July 1, 2012, unless tolls were
1060 in effect for the lanes before that date. The authority provided
1061 in this section is in addition to the authority provided under
1062 the Florida Turnpike Enterprise Law and s. 338.166.

1063 Section 23. Subsection (1) of section 338.155, Florida
1064 Statutes, is amended to read:

1065 338.155 Payment of toll on toll facilities required;
1066 exemptions.—

1067 (1) A person may not ~~No persons are permitted to~~ use any
1068 toll facility without payment of tolls, except employees of the
1069 agency operating the toll project when using the toll facility
1070 on official state business, state military personnel while on
1071 official military business, handicapped persons as provided in
1072 this section, persons exempt from toll payment by the
1073 authorizing resolution for bonds issued to finance the facility,
1074 and persons exempt on a temporary basis where use of such toll
1075 facility is required as a detour route. Any law enforcement
1076 officer operating a marked official vehicle is exempt from toll
1077 payment when on official law enforcement business. Any person
1078 operating a fire vehicle when on official business or a rescue
1079 vehicle when on official business is exempt from toll payment.
1080 Any person participating in the funeral procession of a law
1081 enforcement officer or firefighter killed in the line of duty is
1082 exempt from toll payment. The secretary~~r~~ or the secretary's
1083 designee~~r~~ may suspend the payment of tolls on a toll facility
1084 when necessary to assist in emergency evacuation. The failure to
1085 pay a prescribed toll constitutes a noncriminal traffic



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1086 infraction, punishable as a moving violation as provided in
1087 ~~pursuant to~~ s. 318.18. The department may ~~is authorized to~~ adopt
1088 rules relating to the payment, collection, and enforcement of
1089 tolls, as authorized in chapters 316, 318, 320, 322, and 338,
1090 including, but not limited to, rules for the implementation of
1091 video or other image billing and variable pricing. The
1092 department may by rule allow the use of toll facilities that it
1093 manages by public transit vehicles or by vehicles participating
1094 in a funeral procession for an active-duty military service
1095 member without the payment of tolls if the revenues of these
1096 toll facilities are not pledged to repayment of bonds.

1097 Section 24. Section 338.161, Florida Statutes, is amended
1098 to read:

1099 ~~338.161 Authority of department or toll agencies to~~
1100 ~~advertise and promote electronic toll collection;~~ Expanded uses
1101 of electronic toll collection system; ~~studies authorized.-~~

1102 (1) The department may ~~is authorized to~~ incur expenses for
1103 paid advertising, marketing, and promotion of toll facilities
1104 and electronic toll collection products and services. Promotions
1105 may include discounts and free products.

1106 (2) The department may ~~is authorized to~~ receive funds from
1107 advertising placed on electronic toll collection products and
1108 promotional materials to defray the costs of products and
1109 services.

1110 (3) ~~(a)~~ The department or any toll agency created by statute
1111 may incur expenses to advertise or promote its electronic toll
1112 collection system to consumers on or off the turnpike or toll
1113 system.

1114 (4) ~~(b)~~ If the department or ~~any~~ toll agency created by



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1115 statute finds that it can increase nontoll revenues or add
1116 convenience or other value for its customers, the department or
1117 toll agency may enter into agreements with a ~~any~~ private or
1118 public entity allowing the use of its electronic toll collection
1119 system to pay parking fees for vehicles equipped with a
1120 transponder or similar device. The department or toll agency may
1121 initiate feasibility studies of other ~~additional~~ future uses of
1122 its electronic toll collection system and make recommendations
1123 to the Legislature to authorize such uses.

1124 (5) If the department finds that it can increase nontoll
1125 revenues or add convenience or other value for its customers,
1126 and if a public or private transportation facility owner agrees
1127 that its facility will become interoperable with the
1128 department's electronic toll collection and video billing
1129 systems, the department may enter into an agreement with the
1130 owner of such facility under which the department uses its
1131 systems to collect and enforce for the owner tolls, fares,
1132 administrative fees, and other applicable charges due in
1133 connection with use of the owner's facility.

1134 Section 25. Subsection (10) is added to section 338.165,
1135 Florida Statutes, to read:

1136 338.165 Continuation of tolls.—

1137 (10) The department's Beachline-East Expressway may be
1138 transferred by the department and become part of the turnpike
1139 system under the Florida Turnpike Enterprise Law. Any funds
1140 expended by the Florida Turnpike Enterprise for the acquisition
1141 of the Beachline-East Expressway shall be deposited into the
1142 State Transportation Trust Fund, and, notwithstanding any other
1143 law to the contrary, such funds shall first be allocated by the



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1144 department to fund the department's obligation to construct
1145 Wekiva Parkway. The term "Wekiva Parkway" means a limited access
1146 highway or expressway constructed between State Road 429 and
1147 Interstate 4 specifically incorporating the corridor alignment
1148 recommended by Recommendation 2 of the Wekiva River Basin Area
1149 Task Force final report dated January 15, 2003, and the
1150 recommendations of the SR 429 Working Group which were adopted
1151 January 16, 2004, and related transportation facilities.

1152 Section 26. Section 338.166, Florida Statutes, is amended
1153 to read:

1154 338.166 High-occupancy toll lanes or express lanes.—

1155 (1) Under s. 11, Art. VII of the State Constitution, the
1156 department may request the Division of Bond Finance to issue
1157 bonds secured by toll revenues collected on high-occupancy toll
1158 lanes or express lanes established on facilities owned by the
1159 department located on Interstate 95 in Miami-Dade and Broward
1160 Counties.

1161 (2) The department may continue to collect the toll on the
1162 high-occupancy toll lanes or express lanes after the discharge
1163 of any bond indebtedness related to such project. All tolls so
1164 collected shall first be used to pay the annual cost of the
1165 operation, maintenance, and improvement of the high-occupancy
1166 toll lanes or express lanes project or associated transportation
1167 system.

1168 (3) Any remaining toll revenue from the high-occupancy toll
1169 lanes or express lanes shall be used by the department for the
1170 construction, maintenance, or improvement of any road on the
1171 State Highway System within the county or counties in which the
1172 toll revenues were collected or to support express bus service



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1173 on the facility where the toll revenues were collected.

1174 (4) The department may implement variable rate tolls on
1175 high-occupancy toll lanes or express lanes.

1176 (5) Except for high-occupancy toll lanes or express lanes,
1177 tolls may not be charged for use of an interstate highway where
1178 tolls were not charged as of July 1, 1997.

1179 (6) This section does not apply to the turnpike system as
1180 defined under the Florida Turnpike Enterprise Law.

1181 Section 27. Paragraph (a) of subsection (8) of section
1182 338.221, Florida Statutes, is amended to read:

1183 338.221 Definitions of terms used in ss. 338.22-338.241.—As
1184 used in ss. 338.22-338.241, the following words and terms have
1185 the following meanings, unless the context indicates another or
1186 different meaning or intent:

1187 (8) "Economically feasible" means:

1188 (a) For a proposed turnpike project, that, as determined by
1189 the department before the issuance of revenue bonds for the
1190 project, the estimated net revenues of the proposed turnpike
1191 project, excluding feeder roads and turnpike improvements, will
1192 be sufficient to pay at least 50 percent of the annual debt
1193 service on the bonds associated with the project by the end of
1194 the 12th year of operation and to pay at least 100 percent of
1195 the debt service on the bonds by the end of the 30th ~~22nd~~ year
1196 of operation. In implementing this paragraph, up to 50 percent
1197 of the adopted work program costs of the project may be funded
1198 from turnpike revenues.

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1200 This subsection does not prohibit the pledging of revenues from
1201 the entire turnpike system to bonds issued to finance or



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1202 refinance a turnpike project or group of turnpike projects.

1203 Section 28. Paragraphs (a) and (b) of subsection (1) of
1204 section 338.223, Florida Statutes, are amended to read:

1205 338.223 Proposed turnpike projects.—

1206 (1) (a) Any proposed project to be constructed or acquired
1207 as part of the turnpike system and any turnpike improvement
1208 shall be included in the tentative work program. A ~~No~~ proposed
1209 project or group of proposed projects may not ~~shall~~ be added to
1210 the turnpike system unless such project or projects are
1211 determined to be economically feasible and a statement of
1212 environmental feasibility has been completed for such project or
1213 projects and such projects are determined to be consistent, to
1214 the maximum extent feasible, with approved local government
1215 comprehensive plans of the local governments in which such
1216 projects are located. The department may authorize engineering
1217 studies, traffic studies, environmental studies, and other
1218 expert studies of the location, costs, economic feasibility, and
1219 practicality of proposed turnpike projects throughout the state
1220 and may proceed with the design phase of such projects. The
1221 department may ~~shall~~ not request legislative approval of a
1222 proposed turnpike project until the design phase of that project
1223 is at least 30 ~~60~~ percent complete. If a proposed project or
1224 group of proposed projects is found to be economically feasible,
1225 consistent, to the maximum extent feasible, with approved local
1226 government comprehensive plans of the local governments in which
1227 such projects are located, and a favorable statement of
1228 environmental feasibility has been completed, the department,
1229 with the approval of the Legislature, shall, after the receipt
1230 of all necessary permits, construct, maintain, and operate such



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1231 turnpike projects.

1232 (b) Any proposed turnpike project or improvement shall be
1233 developed in accordance with the Florida Transportation Plan and
1234 the work program pursuant to s. 339.135. Turnpike projects that
1235 add capacity, alter access, affect feeder roads, or affect the
1236 operation of the local transportation system shall be included
1237 in the transportation improvement plan of the affected
1238 metropolitan planning organization. If such turnpike project
1239 does not fall within the jurisdiction of a metropolitan planning
1240 organization, the department shall notify the affected county
1241 and provide for public hearings in accordance with s.
1242 339.155(6)(c).

1243 Section 29. Section 338.251, Florida Statutes, is repealed.

1244 Section 30. Paragraph (f) of subsection (1) of section
1245 339.08, Florida Statutes, is amended to read:

1246 339.08 Use of moneys in State Transportation Trust Fund.—

1247 (1) The department shall expend moneys in the State
1248 Transportation Trust Fund accruing to the department, in
1249 accordance with its annual budget. The use of such moneys shall
1250 be restricted to the following purposes:

1251 (f) To pay the cost of economic development transportation
1252 projects in accordance with s. 339.2821 ~~288.063~~.

1253 Section 31. Section 339.139, Florida Statutes, is created
1254 to read:

1255 339.139 Transportation debt assessment.—

1256 (1) It is the policy of the state to manage the financing
1257 of transportation infrastructure in a manner that ensures the
1258 fiscal integrity of the State Transportation Trust Fund.

1259 (2) The department shall provide a debt and debtlike



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1260 contractual obligations load report to the Executive Office of
1261 the Governor, the President of the Senate, the Speaker of the
1262 House of Representatives, and the legislative appropriations
1263 committees in conjunction with the tentative work program
1264 required under s. 339.135. The debt and debtlike contractual
1265 obligations load report must include the following data on
1266 current and planned department commitments that are payable from
1267 the State Transportation Trust Fund:

1268 (a) Debt service payments that are required to be made
1269 under any resolution for the issuance of bonds secured by a lien
1270 on federal highway aid reimbursements or motor fuel and diesel
1271 fuel taxes.

1272 (b) Funding for seaports which has been pledged to the
1273 payment of principal and interest on bonds issued by the Florida
1274 Ports Financing Commission pursuant to s. 320.20.

1275 (c) Commitments of the department to pay the costs of
1276 operating, maintaining, repairing, and rehabilitating expressway
1277 and bridge systems under the terms of lease-purchase agreements
1278 which are enforceable by the holders of bonds issued by
1279 expressway and bridge authorities pursuant to chapter 348.

1280 (d) Availability, milestone, and final acceptance payments
1281 that are required by public-private partnerships pursuant to s.
1282 334.30 and that are not payments for the cost of operation or
1283 maintenance of a facility.

1284 (e) Agreed-on payments to a department contractor for work
1285 performed in the current fiscal year for which payment is
1286 deferred to a later fiscal year pursuant to s. 334.30.

1287 (f) Reimbursements to local governments for work performed
1288 on a project if the reimbursement is deferred to a later fiscal



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1289 year pursuant to s. 339.12.

1290 (g) Loan repayments on state infrastructure bank loans
1291 extended to a department district pursuant to s. 339.55.

1292 (3) The department shall manage all levels of debt to
1293 ensure that by the beginning of the 2017-2018 fiscal year, not
1294 more than 20 percent of total projected available state and
1295 federal revenues from the State Transportation Trust Fund,
1296 together with any local funds committed to department projects,
1297 are committed to the obligations identified in subsection (2) in
1298 any year.

1299 (4) If the department believes that a critical project
1300 would justify exceeding the limitation established in this
1301 section, the department shall notify the Governor, the President
1302 of the Senate, the Speaker of the House of Representatives, and
1303 the chairs of the legislative appropriations committees. The
1304 notification must identify the critical project and the
1305 projected impact on the department's total debt load. The
1306 department may proceed with the project upon approval by the
1307 Governor. If either chair of the legislative appropriations
1308 committees, the President of the Senate, or the Speaker of the
1309 House of Representatives objects in writing to a proposed
1310 project within 14 days after submittal of a department request
1311 to exceed debt limits and specifies the reasons for such
1312 objection, the Governor may not approve the project.

1313 (5) The department shall prepare a separate report on debt
1314 obligations that are secured by and payable solely from pledged
1315 revenues. The department shall provide the report on pledged
1316 revenue debt to the Executive Office of the Governor, the
1317 President of the Senate, the Speaker of the House of



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1318 Representatives, and the legislative appropriations committees
1319 in conjunction with the tentative work program required under s.
1320 339.135.

1321 Section 32. Section 339.2821, Florida Statutes, is created
1322 to read:

1323 339.2821 Economic development transportation projects.—

1324 (1) (a) The department, in consultation with the Department
1325 of Economic Opportunity, may make and approve expenditures and
1326 contract with the appropriate governmental body for the direct
1327 costs of transportation projects. The Department of Economic
1328 Opportunity and the Department of Environmental Protection may
1329 formally review and comment on recommended transportation
1330 projects, although the department has final approval authority
1331 for any project authorized under this section.

1332 (b) As used in this section, the term:

1333 1. "Governmental body" means an instrumentality of the
1334 state or a county, municipality, district, authority, board, or
1335 commission, or an agency thereof, within which jurisdiction the
1336 transportation project is located and which is responsible to
1337 the department for the transportation project.

1338 2. "Transportation project" means a transportation
1339 facility, as defined in s. 334.03, which the department, in
1340 consultation with the Department of Economic Opportunity, deems
1341 necessary to facilitate the economic development and growth of
1342 the state.

1343 (2) The department, in consultation with the Department of
1344 Economic Opportunity, shall review each transportation project
1345 for approval and funding. In the review, the department must
1346 consider:



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1347 (a) The cost per job created or retained considering the
1348 amount of transportation funds requested;

1349 (b) The average hourly rate of wages for jobs created;

1350 (c) The reliance on any program as an inducement for
1351 determining the transportation project's location;

1352 (d) The amount of capital investment to be made by a
1353 business;

1354 (e) The demonstrated local commitment;

1355 (f) The location of the transportation project in an
1356 enterprise zone as designated in s. 290.0055;

1357 (g) The location of the transportation project in a
1358 spaceport territory as defined in s. 331.304;

1359 (h) The unemployment rate of the surrounding area; and

1360 (i) The poverty rate of the community.

1361
1362 The department may contact any agency it deems appropriate for
1363 additional information regarding the approval of a
1364 transportation project. A transportation project must be
1365 approved by the department to be eligible for funding.

1366 (3) (a) The department must approve a transportation project
1367 if it determines that the transportation project will:

1368 1. Attract new employment opportunities to the state or
1369 expand or retain employment in existing companies operating
1370 within the state.

1371 2. Allow for the construction or expansion of a state or
1372 federal correctional facility in a county having a population of
1373 75,000 or fewer which creates new employment opportunities or
1374 expands or retains employment in the county.

1375 (b) The department must ensure that small and minority



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1376 businesses have equal access to participate in transportation
1377 projects funded pursuant to this section.

1378 (c) In addition to administrative costs and equipment
1379 purchases specified in the contract, funds for approved
1380 transportation projects may be used for expenses that are
1381 necessary for building new, or improving existing,
1382 transportation facilities. Funds made available pursuant to this
1383 section may not be expended for the relocation of a business
1384 from one community to another community in this state unless the
1385 department determines that, without the relocation, the business
1386 will move outside the state or determines that the business has
1387 a compelling economic reason for the relocation, such as
1388 creating additional jobs.

1389 (4) A contract between the department and a governmental
1390 body for a transportation project must:

1391 (a) Specify that the transportation project is for the
1392 construction of a new or expanding business and specify the
1393 number of full-time permanent jobs that will result from the
1394 project.

1395 (b) Identify the governmental body and require that the
1396 governmental body award the construction of the particular
1397 transportation project to the lowest and best bidder in
1398 accordance with applicable state and federal statutes or rules
1399 unless the transportation project can be constructed using
1400 existing local governmental employees within the contract period
1401 specified by the department.

1402 (c) Require that the governmental body provide the
1403 department with quarterly progress reports. Each quarterly
1404 progress report must contain:



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1405 1. A narrative description of the work completed and
1406 whether the work is proceeding according to the transportation
1407 project schedule;

1408 2. A description of each change order executed by the
1409 governmental body;

1410 3. A budget summary detailing planned expenditures compared
1411 to actual expenditures; and

1412 4. The identity of each small or minority business used as
1413 a contractor or subcontractor.

1414 (d) Require that the governmental body make and maintain
1415 records in accordance with accepted governmental accounting
1416 principles and practices for each progress payment made for work
1417 performed in connection with the transportation project, each
1418 change order executed by the governmental body, and each payment
1419 made pursuant to a change order. The records are subject to
1420 financial audit as required by law.

1421 (e) Require that the governmental body, upon completion and
1422 acceptance of the transportation project, certify to the
1423 department that the transportation project has been completed in
1424 compliance with the terms and conditions of the contract between
1425 the department and the governmental body and meets the minimum
1426 construction standards established in accordance with s.
1427 336.045.

1428 (f) Specify that the department transfer funds to the
1429 governmental body not more often than quarterly, upon receipt of
1430 a request for funds from the governmental body and consistent
1431 with the needs of the transportation project. The governmental
1432 body shall expend funds received from the department in a timely
1433 manner. The department may not transfer funds unless



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1434 construction has begun on the facility of a business on whose
1435 behalf the award was made. A contract totaling less than
1436 \$200,000 is exempt from the transfer requirement.

1437 (g) Require that funds be used only on a transportation
1438 project that has been properly reviewed and approved in
1439 accordance with the criteria set forth in this section.

1440 (h) Require that the governing board of the governmental
1441 body adopt a resolution accepting future maintenance and other
1442 attendant costs occurring after completion of the transportation
1443 project if the transportation project is constructed on a county
1444 or municipal system.

1445 (5) For purposes of this section, Space Florida may serve
1446 as the governmental body or as the contracting agency for a
1447 transportation project within spaceport territory as defined by
1448 s. 331.304.

1449 (6) Each governmental body receiving funds under this
1450 section shall submit to the department a financial audit of the
1451 governmental body conducted by an independent certified public
1452 accountant. The department, in consultation with the Department
1453 of Economic Opportunity, shall develop procedures to ensure that
1454 audits are received and reviewed in a timely manner and that
1455 deficiencies or questioned costs noted in the audit are
1456 resolved.

1457 (7) The department shall monitor the construction or
1458 building site for each transportation project that receives
1459 funding under this section, including, but not limited to, the
1460 construction of the business facility, to ensure compliance with
1461 contractual requirements.

1462 Section 33. In order to implement sections 1 and 32 of this



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1463 act, which transfer the responsibility of administering economic
1464 development transportation projects from the Department of
1465 Economic Opportunity to the Department of Transportation, with
1466 minimal disruption of services, the Department of Economic
1467 Opportunity shall transfer the following to the Department of
1468 Transportation:

1469 (1) All powers, duties, functions, records, pending issues,
1470 existing contracts, administrative authority, administrative
1471 rules, and unexpended balances of appropriations, allocations,
1472 or other funds relating to the Economic Development
1473 Transportation program.

1474 (2) Any unexpended balances of released appropriations and
1475 appropriations that remain unreleased, and any funds remaining
1476 in the Economic Development Trust Fund relating to economic
1477 development transportation projects.

1478 (3) Any binding contract or interagency agreement in effect
1479 between the Department of Economic Opportunity and any other
1480 agency, entity, or person shall continue as a binding contract
1481 or agreement for the remainder of the term of such contract or
1482 agreement on the successor department responsible for the
1483 program.

1484 Section 34. Section 339.2825, Florida Statutes, is created
1485 to read:

1486 339.2825 Approval of contractor-financed projects.—

1487 (1) Before the department solicits proposals pursuant to s.
1488 334.30 to advance a project programmed in the adopted 5-year
1489 work program or in the 10-year Strategic Intermodal Plan using
1490 funds provided by a public-private partnership or a private
1491 entity to be reimbursed from department funds for the project as



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1492 programmed in the adopted work program, the department must
1493 provide a summary of the proposed project to the Executive
1494 Office of the Governor, the chair of each legislative
1495 appropriations committee, the President of the Senate, and the
1496 Speaker of the House of Representatives. The summary must
1497 include a description of any anticipated commitment by the
1498 department for the years outside the adopted work program, a
1499 description of the anticipated impacts on the department's
1500 overall debt load, and sufficient information to demonstrate
1501 that the project will not cause the department to exceed the
1502 overall debt limitation provided in s. 339.139. The department
1503 may proceed with the project upon approval of the Governor. If
1504 the chair of either legislative appropriations committee, the
1505 President of the Senate, or the Speaker of the House of
1506 Representatives objects to the proposed project in writing
1507 within 14 days after receipt of the summary, the Governor may
1508 not approve the project.

1509 (2) If the department receives an unsolicited proposal
1510 pursuant to s. 334.30 to advance a project programmed in the
1511 adopted 5-year work program or in the 10-year Strategic
1512 Intermodal Plan using funds provided by public-private
1513 partnerships or private entities to be reimbursed from
1514 department funds for the project as programmed in the adopted
1515 work program, the department shall provide a summary of the
1516 proposed project to the Executive Office of the Governor, the
1517 chair of each legislative appropriations committee, the
1518 President of the Senate, and the Speaker of the House of
1519 Representatives before the department advertises receipt of the
1520 proposal as provided in s. 334.30. The summary must include a



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1521 description of any anticipated commitments by the department for
1522 the years outside the adopted work program, a description of any
1523 anticipated impacts on the department's overall debt load, and
1524 sufficient information to demonstrate that the project will not
1525 cause the department to exceed the overall debt limitation
1526 provided in s. 339.14. The department may not accept the
1527 unsolicited proposal, advertise receipt of the unsolicited
1528 proposal, or solicit other proposals for the same project
1529 purpose without the approval of the Executive Office of the
1530 Governor. If the chair of either legislative appropriations
1531 committee, the President of the Senate, or the Speaker of the
1532 House of Representatives objects to the proposed project in
1533 writing within 14 days after receipt of the summary, the
1534 Executive Office of the Governor may not approve the proposed
1535 project.

1536 (3) This section does not apply to a public-private
1537 partnership agreement authorized in s. 334.30(2)(a).

1538 Section 35. Subsection (5) is added to section 339.63,
1539 Florida Statutes, to read:

1540 339.63 System facilities designated; additions and
1541 deletions.—

1542 (5)(a) The Secretary of Transportation shall designate a
1543 planned facility as part of the Strategic Intermodal System upon
1544 request of the facility if it meets the criteria and thresholds
1545 established by the department pursuant to subsection (4), meets
1546 the definition of an intermodal logistics center, and has been
1547 designated in a local comprehensive plan or local government
1548 development order as an intermodal logistics center or an
1549 equivalent planning term. For the purpose of this section, the



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1550 term "intermodal logistics center" means a facility or group of
1551 facilities, including, but not limited to, an inland port,
1552 serving as a point of intermodal transfer of freight in a
1553 specific area physically separated from a seaport whose
1554 activities relating to transport, logistics, goods distribution,
1555 consolidation, or value-added activities are carried out and
1556 whose activities and services are designed to support or be
1557 supported by one or more seaports, as provided in s. 311.09, or
1558 an airport whose activities and services are designed to support
1559 the transport, logistics, goods distribution, consolidation, or
1560 value added activities related to airborne cargo.

1561 (b) A facility designated part of the Strategic Intermodal
1562 System pursuant to paragraph (a) which is within the
1563 jurisdiction of a local government and which maintains a
1564 transportation concurrency system shall receive a waiver of
1565 transportation concurrency requirements applicable to Strategic
1566 Intermodal System facilities in order to accommodate any
1567 development at the facility which occurs pursuant to a building
1568 permit issued on or before December 31, 2017, but only if such
1569 facility is located:

1570 1. Within an area designated pursuant to s. 288.0656(7) as
1571 a rural area of critical economic concern;

1572 2. Within a rural enterprise zone as defined in s.
1573 290.004(5); or

1574 3. Within 15 miles of the boundary of a rural area of
1575 critical economic concern or a rural enterprise zone.

1576 Section 36. Section 348.7546, Florida Statutes, is amended
1577 to read:

1578 348.7546 Wekiva Parkway, construction authorized;



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1579 financing. ~~Notwithstanding s. 338.2275,~~

1580 (1) The Orlando-Orange County Expressway Authority is
1581 ~~hereby~~ authorized to exercise its condemnation powers and to
1582 construct, finance, operate, own, and maintain those portions of
1583 the Wekiva Parkway which are identified by agreement between the
1584 authority and the department and which are included as part of
1585 the authority's long-range capital improvement plan. The "Wekiva
1586 Parkway" means any limited access highway or expressway
1587 constructed between State Road 429 and Interstate 4 specifically
1588 incorporating the corridor alignment recommended by
1589 Recommendation 2 of the Wekiva River Basin Area Task Force final
1590 report dated January 15, 2003, and the recommendations of the SR
1591 429 Working Group which that were adopted January 16, 2004. This
1592 project may be financed with any funds available to the
1593 authority for such purpose or revenue bonds issued by the
1594 authority under s. 11, Art. VII of the State Constitution and s.
1595 348.755(1)(b). This section does not invalidate the exercise by
1596 the authority of its condemnation powers or the acquisition of
1597 any property for the Wekiva Parkway before July 1, 2012.

1598 (2) Notwithstanding any other provision of law to the
1599 contrary, in order to ensure that funds are available to the
1600 department for its portion of the Wekiva Parkway, beginning July
1601 1, 2012, the authority shall repay the expenditures by the
1602 department for costs of operation and maintenance of the
1603 Orlando-Orange County Expressway System in accordance with the
1604 terms of the memorandum of understanding between the authority
1605 and the department as ratified by the authority board on
1606 February 22, 2012, which requires the authority to pay the
1607 department \$10 million on July 1, 2012, and \$20 million on each



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1608 successive July 1 until the department has been fully reimbursed
1609 for all costs of the Orlando-Orange County Expressway System
1610 which were paid, advanced, or reimbursed to the authority by the
1611 department, with a final payment in the amount of the balance
1612 remaining. Notwithstanding any other law to the contrary, the
1613 funds paid to the department pursuant to this subsection shall
1614 be allocated by the department for construction of the Wekiva
1615 Parkway.

1616 (3) The department's obligation to construct its portions
1617 of the Wekiva Parkway is contingent upon the timely payment by
1618 the authority of the annual payments required of the authority,
1619 and receipt of the required environmental permits and approvals
1620 by the Federal Government.

1621 Section 37. Subsection (6) is added to section 348.755,
1622 Florida Statutes, to read:

1623 348.755 Bonds of the authority.—

1624 (6) Notwithstanding any other provision of law to the
1625 contrary, on and after July 1, 2012, the authority may not issue
1626 any bonds except as permitted under the terms of the memorandum
1627 of understanding between the authority and the department as
1628 ratified by the authority board on February 22, 2012.

1629 Section 38. Subsections (8) and (9) are added to section
1630 348.757, Florida Statutes, to read:

1631 348.757 Lease-purchase agreement.—

1632 (8) The only lease-purchase agreement authorized by this
1633 section is the lease-purchase agreement between the department
1634 and the authority dated December 23, 1985, as supplemented by a
1635 first supplement to the lease-purchase agreement dated November
1636 25, 1986, and a second supplement to the lease-purchase



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1637 agreement dated October 27, 1988.

1638 (9) Upon the earlier of the defeasance, redemption, or
1639 payment in full of the authority bonds issued before July 1,
1640 2012, or the earlier date to which the purchasers of the
1641 authority bonds have consented:

1642 (a) The obligations of the department under the lease-
1643 purchase agreement with the authority, including any obligation
1644 to pay any cost of operation, maintenance, repair, or
1645 rehabilitation of the expressway system, terminate;

1646 (b) The lease purchase agreement terminates;

1647 (c) The expressway system remains the property of the
1648 authority and may not be transferred to the department; and

1649 (d) The authority remains obligated to reimburse the
1650 department in accordance with the terms of the memorandum of
1651 understanding between the authority and the department as
1652 ratified by the authority board on February 22, 2012.

1653 Section 39. Subsections (2) and (5) of section 369.317,
1654 Florida Statutes, are amended to read:

1655 369.317 Wekiva Parkway.—

1656 (2) The Wekiva Parkway and related transportation
1657 facilities shall follow the design criteria contained in the
1658 recommendations of the Wekiva River Basin Area Task Force
1659 adopted by reference by the Wekiva River Basin Coordinating
1660 Committee in its final report of March 16, 2004, and the
1661 recommendations of the Wekiva Coordinating Committee contained
1662 in its final report of March 16, 2004, subject to reasonable
1663 environmental, economic, and engineering considerations. For
1664 those activities associated with the Wekiva Parkway and related
1665 transportation facilities which require authorization pursuant



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1666 to part IV of chapter 373, the Department of Environmental
1667 Protection is the exclusive permitting authority.

1668 (5) In Seminole County, ~~the Seminole County Expressway~~
1669 ~~Authority,~~ the Department of Transportation, ~~and the Florida~~
1670 ~~Turnpike Enterprise~~ shall locate the precise corridor and
1671 interchanges for the Wekiva Parkway consistent with the
1672 legislative intent expressed in this act and other provisions of
1673 this act.

1674 Section 40. Paragraph (a) of subsection (4) of section
1675 377.809, Florida Statutes, is amended to read:

1676 377.809 Energy Economic Zone Pilot Program.—

1677 (4) (a) Beginning July 1, 2012, all the incentives and
1678 benefits provided for enterprise zones pursuant to state law
1679 shall be available to the energy economic zones designated
1680 pursuant to this section on or before July 1, 2010. In order to
1681 provide incentives, by March 1, 2012, each local governing body
1682 that has jurisdiction over an energy economic zone must, by
1683 local ordinance, establish the boundary of the energy economic
1684 zone, specify applicable energy-efficiency standards, and
1685 determine eligibility criteria for the application of state and
1686 local incentives and benefits in the energy economic zone.
1687 However, in order to receive benefits provided under s. 288.106,
1688 a business must be a qualified target industry business under s.
1689 288.106 for state purposes. An energy economic zone's boundary
1690 may be revised by local ordinance. Such incentives and benefits
1691 include those in ss. 212.08, 212.096, 220.181, 220.182, 220.183,
1692 288.106, and 624.5105 and the public utility discounts provided
1693 in s. 290.007(8). The exemption provided in s. 212.08(5)(c)
1694 shall be for renewable energy as defined in s. 377.803. For



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1695 purposes of this section, any applicable requirements for
1696 employee residency for higher refund or credit thresholds must
1697 be based on employee residency in the energy economic zone or an
1698 enterprise zone. A business in an energy economic zone may also
1699 be eligible for funding under ss. 288.047 and 445.003, and a
1700 transportation project in an energy economic zone shall be
1701 provided priority in funding under s. 339.2821 ~~288.063~~. Other
1702 projects shall be given priority ranking to the extent
1703 practicable for grants administered under state energy programs.

1704 Section 41. The funds in the Toll Facilities Revolving
1705 Trust Fund and all future payments of obligated funds shall be
1706 deposited into the State Transportation Trust Fund to be
1707 expended for the purposes specified in s. 339.08, Florida
1708 Statutes.

1709 Section 42. Notwithstanding s. 120.569, s. 120.57, or s.
1710 373.427, Florida Statutes, or any other provision of law to the
1711 contrary, a challenge to a consolidated environmental resource
1712 permit or an associated variance or a sovereign submerged lands
1713 authorization proposed or issued by the Department of
1714 Environmental Protection in connection with the state's
1715 deepwater ports, as listed in s. 403.021(9), Florida Statutes,
1716 shall be conducted pursuant to the summary hearing provisions of
1717 s. 120.574, Florida Statutes. However, the summary proceeding
1718 shall be conducted within 30 days after a party files a motion
1719 for a summary hearing, regardless of whether the parties agree
1720 to the summary proceeding, and the administrative law judge's
1721 decision shall be in the form of a recommended order and does
1722 not constitute final agency action of the department. The
1723 Department of Environmental Protection shall issue the final



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1724 order within 45 working days after receipt of the administrative
1725 law judge's recommended order. The summary hearing provisions of
1726 this section apply to pending administrative proceedings,
1727 however, s. 120.574(1)(b) and (d) and (2)(a)3. and 5., Florida
1728 Statutes, do not apply to pending administrative proceedings.
1729 This section shall take effect upon this act becoming a law.

1730 Section 43. Except as otherwise expressly provided in this
1731 act and except for this section, which shall take effect upon
1732 this act becoming a law, this act shall take effect July 1,
1733 2012.

1734
1735 ===== T I T L E A M E N D M E N T =====

1736 And the title is amended as follows:

1737 Delete everything before the enacting clause
1738 and insert:

1739 A bill to be entitled
1740 An act relating to transportation; repealing s.
1741 288.063, F.S., relating to contract requirements for
1742 transportation projects; amending s. 288.0656, F.S.;
1743 conforming a cross-reference; revising the title of
1744 ch. 311, F.S.; amending s. 311.07, F.S.; revising
1745 provisions for the financing of port transportation or
1746 port facilities projects; increasing funding for the
1747 Florida Seaport Transportation and Economic
1748 Development Program; directing the Florida Seaport
1749 Transportation and Economic Development Council to
1750 develop guidelines for project funding; directing
1751 council staff, the Department of Transportation, and
1752 the Department of Economic Opportunity to work in



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1753 cooperation to review projects and allocate funds as
1754 specified; revising certain authorized uses of program
1755 funds; revising the list of projects eligible for
1756 funding under the program; removing a cap on
1757 distribution of program funds; removing a requirement
1758 for a specified audit; authorizing the Department of
1759 Transportation to subject projects funded under the
1760 program to a specified audit; amending s. 311.09,
1761 F.S.; revising provisions for rules of the council for
1762 evaluating certain projects; removing provisions for
1763 review by the Department of Community Affairs of the
1764 list of projects approved by the council; revising
1765 provisions for review and evaluation of such projects
1766 by the Department of Transportation and the Department
1767 of Economic Opportunity; increasing the amount of
1768 funding the Department of Transportation is required
1769 to include in its annual legislative budget request
1770 for the Florida Seaport Transportation and Economic
1771 Development Program; revising provisions relating to
1772 funding to be included in the budget; creating s.
1773 311.10, F.S.; establishing the Strategic Port
1774 Investment Initiative within the Department of
1775 Transportation; providing for a minimum annual amount
1776 from the State Transportation Trust Fund to fund the
1777 initiative; directing the department to work with
1778 deepwater ports to develop and maintain a priority
1779 list of strategic investment projects; providing
1780 project selection criteria; requiring the department
1781 to schedule a publicly noticed workshop with the



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1782 Department of Economic Opportunity and the deepwater
1783 ports to review the proposed projects; directing the
1784 department to finalize a prioritized list of potential
1785 projects after considering comments received in the
1786 workshop; directing the department to include the
1787 proposed seaport projects in the tentative work
1788 program; creating s. 311.101, F.S.; creating the
1789 Intermodal Logistics Center Infrastructure Support
1790 Program within the Department of Transportation;
1791 providing purpose of the program; defining the term
1792 "intermodal logistics center"; providing criteria for
1793 consideration by the department when evaluating
1794 projects for program assistance; directing the
1795 department to coordinate and consult with the
1796 Department of Economic Opportunity in the selection of
1797 projects to be funded; authorizing the department to
1798 administer contracts on behalf of the entity selected
1799 to receive funding; providing for the department's
1800 share of project costs; providing for a certain amount
1801 of funds in the State Transportation Trust Fund to be
1802 made available for eligible projects; directing the
1803 department to include the proposed projects in the
1804 tentative work program; authorizing the department to
1805 adopt rules; amending s. 311.22, F.S.; conforming a
1806 cross-reference; amending s. 316.302, F.S.; requiring
1807 owners or drivers of commercial motor vehicles that
1808 are engaged in intrastate commerce to be subject to
1809 specified federal rules and regulations as such rules
1810 and regulations existed on a certain date; providing



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1811 that certain restrictions on the number of consecutive
1812 hours that a commercial motor vehicle may operate do
1813 not apply to a farm labor vehicle operated during a
1814 state of emergency or during an emergency pertaining
1815 to agriculture; correcting terminology; amending s.
1816 318.14, F.S.; authorizing a person who does not hold a
1817 commercial driver license and who is cited for a
1818 noncriminal traffic infraction while driving a
1819 noncommercial motor vehicle to elect to attend a basic
1820 driver improvement course in lieu of a court
1821 appearance; authorizing a person who does not hold a
1822 commercial driver license and who is cited for certain
1823 offenses while driving a noncommercial motor vehicle
1824 to elect to enter a plea of nolo contendere and to
1825 provide proof of compliance in lieu of payment of fine
1826 or court appearance; amending s. 319.32, F.S.;
1827 increasing the amount of the fees deposited into the
1828 State Transportation Trust Fund from original and
1829 duplicate certificates of title issued for motor
1830 vehicles; specifying the allocation and purposes of
1831 funds received from increasing the amount of the fees
1832 from original and duplicate certificates of title
1833 issued for motor vehicles; providing for the transfer
1834 of funds to the State Transportation Trust Fund that
1835 result from increased revenues from the seaport
1836 programs; amending s. 320.20, F.S.; conforming
1837 provisions to changes made by the act; repealing s.
1838 320.204, F.S., relating to the transfer of funds from
1839 the Highway Safety Operating Trust Fund to the



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1840 Transportation Disadvantaged Trust Fund; amending s.
1841 322.07, F.S.; revising provisions relating to
1842 temporary commercial instruction permits; amending s.
1843 322.53, F.S.; revising an exemption from the
1844 requirement to obtain a commercial driver license for
1845 farmers transporting agricultural products, farm
1846 supplies, or farm machinery under certain
1847 circumstances; providing that such exemption applies
1848 if the vehicle is not used in the operations of a
1849 common or contract motor carrier; amending s. 322.54,
1850 F.S.; requiring that persons who drive a motor vehicle
1851 having a gross vehicle weight rating or gross vehicle
1852 weight of a specified amount or more possess certain
1853 classifications of driver licenses; amending s.
1854 322.59, F.S.; revising provisions relating to the
1855 possession of a medical examiner's certificate;
1856 requiring that the department disqualify a driver from
1857 operating a commercial motor vehicle if the driver
1858 holds a commercial driver license and fails to comply
1859 with the medical certification requirements;
1860 authorizing the department to issue, under certain
1861 circumstances, a Class E driver license to a person
1862 who is disqualified from operating a commercial motor
1863 vehicle; amending s. 322.61, F.S.; revising provisions
1864 relating to the disqualification from operating a
1865 commercial motor vehicle; providing that any holder of
1866 a commercial driver license who is convicted of two
1867 violations committed while operating any motor vehicle
1868 is permanently disqualified from operating a



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1869 commercial motor vehicle; amending s. 334.30, F.S.,
1870 relating to public-private transportation facilities;
1871 deleting obsolete provisions relating to the Toll
1872 Facilities Revolving Trust Fund; amending s. 335.074,
1873 F.S., relating to bridge safety inspection reports;
1874 requiring the governmental entity having maintenance
1875 responsibility for a bridge to reduce the maximum
1876 weight, size, or speed limit for the bridge or to
1877 close the bridge upon receipt of a report recommending
1878 the reduction or closure; requiring the entity to post
1879 the reduced limits and notify the department;
1880 requiring the department to post the reduced limits or
1881 to close the bridge under certain circumstances;
1882 requiring costs associated with the department posting
1883 the revised limits or closure of the bridge to be
1884 assessed against and collected from the governmental
1885 entity; creating s. 338.151, F.S.; authorizing the
1886 department to establish tolls on certain
1887 transportation facilities to pay for the cost of such
1888 project; prohibiting the department from establishing
1889 tolls on certain lanes of limited access facilities;
1890 providing an exception; providing for application;
1891 amending s. 338.155, F.S.; authorizing the department
1892 adopt rules to allow public transit vehicles and
1893 certain military-service-related funeral processions
1894 to use certain toll facilities without payment of
1895 tolls; amending s. 338.161, F.S.; authorizing the
1896 Department of Transportation to enter into certain
1897 agreements with a public or private transportation



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1898 facility owner if it can increase nontoll revenues or
1899 add convenience or other value; providing criteria;
1900 amending s. 338.165, F.S.; authorizing the Department
1901 of Transportation to transfer the Beachline-East
1902 Expressway to the turnpike system; providing for the
1903 deposit of any funds expended by the Florida Turnpike
1904 Enterprise for the acquisition of the Beachline-East
1905 Expressway into the State Transportation Trust Fund
1906 for allocation to construct the Wekiva Parkway;
1907 defining the term "Wekiva Parkway"; amending s.
1908 338.166, F.S.; revising a provision for issuance of
1909 bonds secured by toll revenues collected on high-
1910 occupancy toll lanes or express lanes; revising
1911 authorized uses of such toll revenues; providing
1912 restrictions on such use; amending s. 338.221, F.S.;
1913 revising the definition of the term "economically
1914 feasible" for purposes of proposed turnpike projects;
1915 amending s. 338.223, F.S.; revising provisions for
1916 department requests for legislative approval of
1917 proposed turnpike projects; conforming a cross-
1918 reference; repealing s. 338.251, F.S., relating to the
1919 Toll Facilities Revolving Trust Fund; amending s.
1920 339.08, F.S.; conforming a cross-reference; creating
1921 s. 339.139, F.S.; declaring that management of
1922 transportation infrastructure financing to ensure the
1923 fiscal integrity of the State Transportation Trust
1924 Fund is state policy; requiring that the department
1925 provide a debt and debtlike contractual obligations
1926 load report to the Executive Office of the Governor,



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1927 the President of the Senate, the Speaker of the House
1928 of Representatives, and the legislative appropriations
1929 committees; requiring that the load report provide
1930 certain data; requiring that the department manage
1931 levels of debt to ensure that no more than a certain
1932 percentage of revenues is committed; providing
1933 exceptions that allow the limitation to be exceeded;
1934 requiring that the department prepare a report on debt
1935 obligations that are secured by and payable from
1936 pledged revenues; requiring that the department
1937 provide the report to the Executive Office of the
1938 Governor, the President of the Senate, the Speaker of
1939 the House of Representatives, and the legislative
1940 appropriations committees; creating s. 339.2821, F.S.;
1941 authorizing the Department of Transportation, in
1942 consultation with the Department of Economic
1943 Opportunity, to make and approve expenditures and
1944 enter into contracts with an appropriate governmental
1945 body for the direct costs of transportation projects;
1946 providing definitions; authorizing the Department of
1947 Economic Opportunity and the Department of
1948 Environmental Protection to review and comment on
1949 recommended transportation projects; providing
1950 criteria that the Department of Transportation must
1951 follow when reviewing a contract for approval;
1952 providing criteria for the transportation contract
1953 with a governmental body; providing that Space Florida
1954 may serve as a governmental body or as a contracting
1955 agency for transportation projects within spaceport



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1956 territory; requiring each governmental body to submit
1957 a financial audit by an independent certified public
1958 accountant to the department; requiring that the
1959 department monitor each construction site receiving
1960 funding; assigning and transferring the rights and
1961 obligations of the Department of Economic Opportunity
1962 under certain contracts to the Department of
1963 Transportation; requiring the contracts to be
1964 administered by the Department of Transportation;
1965 creating s. 339.2825, F.S.; requiring the Department
1966 of Transportation to submit a summary of proposed
1967 public-private transportation projects to the
1968 Executive Office of the Governor, each legislative
1969 appropriations committee, the President of the Senate,
1970 and the Speaker of the House of Representatives;
1971 providing criteria for the summary; providing for the
1972 department to proceed with a project upon approval by
1973 the Governor; prohibiting the Governor from approving
1974 a transportation project if a legislative
1975 appropriations committee, the President of the Senate,
1976 or the Speaker of the House of Representatives objects
1977 within a certain period after receipt of the summary;
1978 providing for receipt by the department of an
1979 unsolicited proposal for certain transportation
1980 projects; exempting a public-private partnership
1981 agreement involving the lease of a toll facility from
1982 the requirements of the approval process; amending s.
1983 339.63, F.S.; adding military access facilities to the
1984 types of facilities included in the Strategic



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1985 Intermodal System and the Emerging Strategic
1986 Intermodal System which form components of an
1987 interconnected transportation system; providing that
1988 an intermodal logistics center meeting certain
1989 criteria shall be designated as part of the Strategic
1990 Intermodal System; providing for a waiver of
1991 transportation concurrency for such facility if it is
1992 located within a described area; amending s. 348.7546,
1993 F.S.; authorizing the Orlando-Orange County Expressway
1994 Authority to construct, finance, operate, own, and
1995 maintain those portions of the Wekiva Parkway which
1996 are identified by agreement between the authority and
1997 the department; providing that the authority's
1998 exercise of certain condemnation powers or acquisition
1999 of any property; requiring the authority to repay
2000 certain expenditures by the department; requiring that
2001 the funds paid to the department be allocated for
2002 construction of the Wekiva Parkway; providing that the
2003 department's obligations to construction certain
2004 portions of the Wekiva Parkway are contingent upon
2005 timely payment by the authority and receipt of all
2006 required permits and approvals; amending s. 348.755,
2007 F.S.; prohibiting the authority from issuing any
2008 bonds, except as permitted under the terms of a
2009 certain memorandum of understanding between the
2010 authority and the department; amending s. 348.757,
2011 F.S.; limiting certain authorized lease-purchase
2012 agreements; providing for the termination of the
2013 department's obligations under certain lease-purchase



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2014 agreements; amending s. 369.317, F.S.; providing for
2015 the Department of Environmental Protection to have
2016 exclusive permitting authority for certain activities
2017 associated with the Wekiva Parkway and related
2018 transportation facilities; requiring the department to
2019 locate the precise corridor and interchanges for the
2020 Wekiva Parkway to be located in Seminole County;
2021 amending s. 377.809, F.S.; conforming a cross-
2022 reference; transferring funds and all future payments
2023 of obligated funds in the Toll Facilities Revolving
2024 Trust Fund to the State Transportation Trust Fund;
2025 requiring that a challenge to a consolidated
2026 environmental resource permit or an associated
2027 variance or a sovereign submerged lands authorization
2028 proposed or issued by the Department of Environmental
2029 Protection in connection with the state's deepwater
2030 ports be conducted pursuant to certain summary hearing
2031 provisions; providing a timeframe when the summary
2032 proceeding must be conducted; requiring the
2033 administrative law judge's decision be in the form of
2034 a recommended order; providing that the recommended
2035 order does not constitute final agency action of the
2036 department; requiring the department to issue the
2037 final order within 45 working days after receipt of
2038 the recommended order; providing exceptions for
2039 pending administrative proceedings; providing
2040 effective dates.