

20121998er

1  
2 An act relating to transportation; repealing s.  
3 288.063, F.S., relating to contract requirements for  
4 transportation projects; amending s. 288.0656, F.S.;  
5 conforming a cross-reference; revising the title of  
6 ch. 311, F.S.; amending s. 311.07, F.S.; revising  
7 provisions for the financing of port transportation or  
8 port facilities projects; increasing funding for the  
9 Florida Seaport Transportation and Economic  
10 Development Program; directing the Florida Seaport  
11 Transportation and Economic Development Council to  
12 develop guidelines for project funding; directing  
13 council staff, the Department of Transportation, and  
14 the Department of Economic Opportunity to work in  
15 cooperation to review projects and allocate funds as  
16 specified; revising certain authorized uses of program  
17 funds; revising the list of projects eligible for  
18 funding under the program; removing a cap on  
19 distribution of program funds; removing a requirement  
20 for a specified audit; authorizing the Department of  
21 Transportation to subject projects funded under the  
22 program to a specified audit; amending s. 311.09,  
23 F.S.; revising provisions for rules of the council for  
24 evaluating certain projects; removing provisions for  
25 review by the Department of Community Affairs of the  
26 list of projects approved by the council; revising  
27 provisions for review and evaluation of such projects  
28 by the Department of Transportation and the Department  
29 of Economic Opportunity; increasing the amount of

20121998er

30 funding the Department of Transportation is required  
31 to include in its annual legislative budget request  
32 for the Florida Seaport Transportation and Economic  
33 Development Program; revising provisions relating to  
34 funding to be included in the budget; creating s.  
35 311.10, F.S.; establishing the Strategic Port  
36 Investment Initiative within the Department of  
37 Transportation; providing for a minimum annual amount  
38 from the State Transportation Trust Fund to fund the  
39 initiative; directing the department to work with  
40 deepwater ports to develop and maintain a priority  
41 list of strategic investment projects; providing  
42 project selection criteria; requiring the department  
43 to schedule a publicly noticed workshop with the  
44 Department of Economic Opportunity and the deepwater  
45 ports to review the proposed projects; directing the  
46 department to finalize a prioritized list of potential  
47 projects after considering comments received in the  
48 workshop; directing the department to include the  
49 proposed seaport projects in the tentative work  
50 program; creating s. 311.101, F.S.; creating the  
51 Intermodal Logistics Center Infrastructure Support  
52 Program within the Department of Transportation;  
53 providing purpose of the program; defining the term  
54 "intermodal logistics center"; providing criteria for  
55 consideration by the department when evaluating  
56 projects for program assistance; directing the  
57 department to coordinate and consult with the  
58 Department of Economic Opportunity in the selection of

20121998er

59 projects to be funded; authorizing the department to  
60 administer contracts on behalf of the entity selected  
61 to receive funding; providing for the department's  
62 share of project costs; providing for a certain amount  
63 of funds in the State Transportation Trust Fund to be  
64 made available for eligible projects; directing the  
65 department to include the proposed projects in the  
66 tentative work program; authorizing the department to  
67 adopt rules; amending s. 311.22, F.S.; conforming a  
68 cross-reference; amending s. 316.302, F.S.; requiring  
69 owners or drivers of commercial motor vehicles that  
70 are engaged in intrastate commerce to be subject to  
71 specified federal rules and regulations as such rules  
72 and regulations existed on a certain date; providing  
73 that certain restrictions on the number of consecutive  
74 hours that a commercial motor vehicle may operate do  
75 not apply to a farm labor vehicle operated during a  
76 state of emergency or during an emergency pertaining  
77 to agriculture; correcting terminology; amending s.  
78 318.14, F.S.; authorizing a person who does not hold a  
79 commercial driver license and who is cited for a  
80 noncriminal traffic infraction while driving a  
81 noncommercial motor vehicle to elect to attend a basic  
82 driver improvement course in lieu of a court  
83 appearance; authorizing a person who does not hold a  
84 commercial driver license and who is cited for certain  
85 offenses while driving a noncommercial motor vehicle  
86 to elect to enter a plea of nolo contendere and to  
87 provide proof of compliance in lieu of payment of fine

20121998er

88 or court appearance; amending s. 319.32, F.S.;

89 increasing the amount of the fees deposited into the

90 State Transportation Trust Fund from original and

91 duplicate certificates of title issued for motor

92 vehicles; specifying the allocation and purposes of

93 funds received from increasing the amount of the fees

94 from original and duplicate certificates of title

95 issued for motor vehicles; providing for the transfer

96 of funds to the State Transportation Trust Fund that

97 result from increased revenues from the seaport

98 programs; amending s. 320.20, F.S.; conforming

99 provisions to changes made by the act; repealing s.

100 320.204, F.S., relating to the transfer of funds from

101 the Highway Safety Operating Trust Fund to the

102 Transportation Disadvantaged Trust Fund; amending s.

103 322.07, F.S.; revising provisions relating to

104 temporary commercial instruction permits; amending s.

105 322.53, F.S.; revising an exemption from the

106 requirement to obtain a commercial driver license for

107 farmers transporting agricultural products, farm

108 supplies, or farm machinery under certain

109 circumstances; providing that such exemption applies

110 if the vehicle is not used in the operations of a

111 common or contract motor carrier; amending s. 322.54,

112 F.S.; requiring that persons who drive a motor vehicle

113 having a gross vehicle weight rating or gross vehicle

114 weight of a specified amount or more possess certain

115 classifications of driver licenses; amending s.

116 322.59, F.S.; revising provisions relating to the

20121998er

117 possession of a medical examiner's certificate;  
118 requiring that the department disqualify a driver from  
119 operating a commercial motor vehicle if the driver  
120 holds a commercial driver license and fails to comply  
121 with the medical certification requirements;  
122 authorizing the department to issue, under certain  
123 circumstances, a Class E driver license to a person  
124 who is disqualified from operating a commercial motor  
125 vehicle; amending s. 322.61, F.S.; revising provisions  
126 relating to the disqualification from operating a  
127 commercial motor vehicle; providing that any holder of  
128 a commercial driver license who is convicted of two  
129 violations committed while operating any motor vehicle  
130 is permanently disqualified from operating a  
131 commercial motor vehicle; amending s. 334.30, F.S.,  
132 relating to public-private transportation facilities;  
133 deleting obsolete provisions relating to the Toll  
134 Facilities Revolving Trust Fund; amending s. 335.074,  
135 F.S., relating to bridge safety inspection reports;  
136 requiring the governmental entity having maintenance  
137 responsibility for a bridge to reduce the maximum  
138 weight, size, or speed limit for the bridge or to  
139 close the bridge upon receipt of a report recommending  
140 the reduction or closure; requiring the entity to post  
141 the reduced limits and notify the department;  
142 requiring the department to post the reduced limits or  
143 to close the bridge under certain circumstances;  
144 requiring costs associated with the department posting  
145 the revised limits or closure of the bridge to be

20121998er

146 assessed against and collected from the governmental  
147 entity; creating s. 338.151, F.S.; authorizing the  
148 department to establish tolls on certain  
149 transportation facilities to pay for the cost of such  
150 project; prohibiting the department from establishing  
151 tolls on certain lanes of limited access facilities;  
152 providing an exception; providing for application;  
153 amending s. 338.155, F.S.; authorizing the department  
154 adopt rules to allow public transit vehicles and  
155 certain military-service-related funeral processions  
156 to use certain toll facilities without payment of  
157 tolls; amending s. 338.161, F.S.; authorizing the  
158 Department of Transportation to enter into certain  
159 agreements with a public or private transportation  
160 facility owner if it can increase nontoll revenues or  
161 add convenience or other value; providing criteria;  
162 amending s. 338.165, F.S.; authorizing the Department  
163 of Transportation to transfer the Beachline-East  
164 Expressway to the turnpike system; providing for the  
165 deposit of any funds expended by the Florida Turnpike  
166 Enterprise for the acquisition of the Beachline-East  
167 Expressway into the State Transportation Trust Fund  
168 for allocation to construct the Wekiva Parkway;  
169 defining the term "Wekiva Parkway"; amending s.  
170 338.166, F.S.; revising a provision for issuance of  
171 bonds secured by toll revenues collected on high-  
172 occupancy toll lanes or express lanes; revising  
173 authorized uses of such toll revenues; providing  
174 restrictions on such use; amending s. 338.221, F.S.;

20121998er

175 revising the definition of the term "economically  
176 feasible" for purposes of proposed turnpike projects;  
177 amending s. 338.223, F.S.; revising provisions for  
178 department requests for legislative approval of  
179 proposed turnpike projects; conforming a cross-  
180 reference; repealing s. 338.251, F.S., relating to the  
181 Toll Facilities Revolving Trust Fund; amending s.  
182 339.08, F.S.; conforming a cross-reference; creating  
183 s. 339.139, F.S.; declaring that management of  
184 transportation infrastructure financing to ensure the  
185 fiscal integrity of the State Transportation Trust  
186 Fund is state policy; requiring that the department  
187 provide a debt and debtlike contractual obligations  
188 load report to the Executive Office of the Governor,  
189 the President of the Senate, the Speaker of the House  
190 of Representatives, and the legislative appropriations  
191 committees; requiring that the load report provide  
192 certain data; requiring that the department manage  
193 levels of debt to ensure that no more than a certain  
194 percentage of revenues is committed; providing  
195 exceptions that allow the limitation to be exceeded;  
196 requiring that the department prepare a report on debt  
197 obligations that are secured by and payable from  
198 pledged revenues; requiring that the department  
199 provide the report to the Executive Office of the  
200 Governor, the President of the Senate, the Speaker of  
201 the House of Representatives, and the legislative  
202 appropriations committees; creating s. 339.2821, F.S.;  
203 authorizing the Department of Transportation, in

20121998er

204 consultation with the Department of Economic  
205 Opportunity, to make and approve expenditures and  
206 enter into contracts with an appropriate governmental  
207 body for the direct costs of transportation projects;  
208 providing definitions; authorizing the Department of  
209 Economic Opportunity and the Department of  
210 Environmental Protection to review and comment on  
211 recommended transportation projects; providing  
212 criteria that the Department of Transportation must  
213 follow when reviewing a contract for approval;  
214 providing criteria for the transportation contract  
215 with a governmental body; providing that Space Florida  
216 may serve as a governmental body or as a contracting  
217 agency for transportation projects within spaceport  
218 territory; requiring each governmental body to submit  
219 a financial audit by an independent certified public  
220 accountant to the department; requiring that the  
221 department monitor each construction site receiving  
222 funding; assigning and transferring the rights and  
223 obligations of the Department of Economic Opportunity  
224 under certain contracts to the Department of  
225 Transportation; requiring the contracts to be  
226 administered by the Department of Transportation;  
227 creating s. 339.2825, F.S.; requiring the Department  
228 of Transportation to submit a summary of proposed  
229 public-private transportation projects to the  
230 Executive Office of the Governor, each legislative  
231 appropriations committee, the President of the Senate,  
232 and the Speaker of the House of Representatives;

20121998er

233 providing criteria for the summary; providing for the  
234 department to proceed with a project upon approval by  
235 the Governor; prohibiting the Governor from approving  
236 a transportation project if a legislative  
237 appropriations committee, the President of the Senate,  
238 or the Speaker of the House of Representatives objects  
239 within a certain period after receipt of the summary;  
240 providing for receipt by the department of an  
241 unsolicited proposal for certain transportation  
242 projects; exempting a public-private partnership  
243 agreement involving the lease of a toll facility from  
244 the requirements of the approval process; amending s.  
245 339.63, F.S.; adding military access facilities to the  
246 types of facilities included in the Strategic  
247 Intermodal System and the Emerging Strategic  
248 Intermodal System which form components of an  
249 interconnected transportation system; providing that  
250 an intermodal logistics center meeting certain  
251 criteria shall be designated as part of the Strategic  
252 Intermodal System; providing for a waiver of  
253 transportation concurrency for such facility if it is  
254 located within a described area; amending s. 348.7546,  
255 F.S.; authorizing the Orlando-Orange County Expressway  
256 Authority to construct, finance, operate, own, and  
257 maintain those portions of the Wekiva Parkway which  
258 are identified by agreement between the authority and  
259 the department; providing that the authority's  
260 exercise of certain condemnation powers or acquisition  
261 of any property; requiring the authority to repay

20121998er

262 certain expenditures by the department; requiring that  
263 the funds paid to the department be allocated for  
264 construction of the Wekiva Parkway; providing that the  
265 department's obligations to construct certain portions  
266 of the Wekiva Parkway are contingent upon timely  
267 payment by the authority and receipt of all required  
268 permits and approvals; amending s. 348.755, F.S.;  
269 prohibiting the authority from issuing any bonds,  
270 except as permitted under the terms of a certain  
271 memorandum of understanding between the authority and  
272 the department; amending s. 348.757, F.S.; limiting  
273 certain authorized lease-purchase agreements;  
274 providing for the termination of the department's  
275 obligations under certain lease-purchase agreements;  
276 amending s. 369.317, F.S.; providing for the  
277 Department of Environmental Protection to have  
278 exclusive permitting authority for certain activities  
279 associated with the Wekiva Parkway and related  
280 transportation facilities; requiring the department to  
281 locate the precise corridor and interchanges for the  
282 Wekiva Parkway to be located in Seminole County;  
283 amending s. 377.809, F.S.; conforming a cross-  
284 reference; transferring funds and all future payments  
285 of obligated funds in the Toll Facilities Revolving  
286 Trust Fund to the State Transportation Trust Fund;  
287 requiring that a challenge to a consolidated  
288 environmental resource permit or an associated  
289 variance or a sovereign submerged lands authorization  
290 proposed or issued by the Department of Environmental

20121998er

291 Protection in connection with the state's deepwater  
292 ports be conducted pursuant to certain summary hearing  
293 provisions; providing a timeframe when the summary  
294 proceeding must be conducted; requiring the  
295 administrative law judge's decision be in the form of  
296 a recommended order; providing that the recommended  
297 order does not constitute final agency action of the  
298 department; requiring the department to issue the  
299 final order within 45 working days after receipt of  
300 the recommended order; providing exceptions for  
301 pending administrative proceedings; providing  
302 effective dates.

303  
304 Be It Enacted by the Legislature of the State of Florida:

305  
306 Section 1. Section 288.063, Florida Statutes, is repealed.

307 Section 2. Paragraph (a) of subsection (7) of section  
308 288.0656, Florida Statutes, is amended to read:

309 288.0656 Rural Economic Development Initiative.—

310 (7) (a) REDI may recommend to the Governor up to three rural  
311 areas of critical economic concern. The Governor may by  
312 executive order designate up to three rural areas of critical  
313 economic concern which will establish these areas as priority  
314 assignments for REDI as well as to allow the Governor, acting  
315 through REDI, to waive criteria, requirements, or similar  
316 provisions of any economic development incentive. Such  
317 incentives shall include, but not be limited to: the Qualified  
318 Target Industry Tax Refund Program under s. 288.106, the Quick  
319 Response Training Program under s. 288.047, the Quick Response

20121998er

320 Training Program for participants in the welfare transition  
321 program under s. 288.047(8), transportation projects under s.  
322 339.2821 ~~288.063~~, the brownfield redevelopment bonus refund  
323 under s. 288.107, and the rural job tax credit program under ss.  
324 212.098 and 220.1895.

325 Section 3. Chapter 311, Florida Statutes, is retitled  
326 "SEAPORT PROGRAMS AND FACILITIES."

327 Section 4. Section 311.07, Florida Statutes, is amended to  
328 read:

329 311.07 Florida seaport transportation and economic  
330 development funding.—

331 (1) There is created the Florida Seaport Transportation and  
332 Economic Development Program within the Department of  
333 Transportation to finance port transportation or port facilities  
334 projects that will improve the movement and intermodal  
335 transportation of cargo or passengers in commerce and trade and  
336 that will support the interests, purposes, and requirements of  
337 the ports listed in s. 311.09 ~~located in this state.~~

338 (2) A minimum of \$15 ~~\$8~~ million per year shall be made  
339 available from the State Transportation Trust Fund to fund the  
340 Florida Seaport Transportation and Economic Development Program.  
341 The Florida Seaport Transportation and Economic Development  
342 Council created in s. 311.09 shall develop guidelines for  
343 project funding. Council staff, the Department of  
344 Transportation, and the Department of Economic Opportunity shall  
345 work in cooperation to review projects and allocate funds in  
346 accordance with the schedule required for the Department of  
347 Transportation to include these projects in the tentative work  
348 program developed pursuant to s. 339.135(4).

20121998er

349           (3) (a) Florida Seaport Transportation and Economic  
350 Development Program funds shall be used to fund approved  
351 projects on a 50-50 matching basis with any of the deepwater  
352 ports, as listed in s. 311.09 ~~s. 403.021(9)(b)~~, which is  
353 governed by a public body or any other deepwater port which is  
354 governed by a public body and which complies with the water  
355 quality provisions of s. 403.061, the comprehensive master plan  
356 requirements of s. 163.3178(2)(k), and the local financial  
357 management and reporting provisions of part III of chapter 218.  
358 However, program funds used to fund projects that involve the  
359 rehabilitation of wharves, docks, berths, bulkheads, or similar  
360 structures shall require a 25-percent match of funds. Program  
361 funds also may be used by the Seaport Transportation and  
362 Economic Development Council for data and analysis that ~~to~~  
363 ~~develop trade data information products which~~ will assist  
364 Florida's seaports and international trade.

365           (b) Projects eligible for funding by grants under the  
366 program are limited to the following port facilities or port  
367 transportation projects:

368           1. Transportation facilities within the jurisdiction of the  
369 port.

370           2. The dredging or deepening of channels, turning basins,  
371 or harbors.

372           3. The construction or rehabilitation of wharves, docks,  
373 structures, jetties, piers, storage facilities, cruise  
374 terminals, automated people mover systems, or any facilities  
375 necessary or useful in connection with any of the foregoing.

376           4. The acquisition of vessel tracking systems, container  
377 cranes, or other mechanized equipment used in the movement of

20121998er

378 cargo or passengers in international commerce.

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

380 6. The acquisition, improvement, enlargement, or extension  
381 of existing port facilities.

382 7. Environmental protection projects which are necessary  
383 because of requirements imposed by a state agency as a condition  
384 of a permit or other form of state approval; which are necessary  
385 for environmental mitigation required as a condition of a state,  
386 federal, or local environmental permit; which are necessary for  
387 the acquisition of spoil disposal sites and improvements to  
388 existing and future spoil sites; or which result from the  
389 funding of eligible projects listed in this paragraph.

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

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

395 10. Construction or rehabilitation of port facilities as  
396 defined in s. 315.02, excluding any park or recreational  
397 facilities, in ports listed in s. 311.09(1) with operating  
398 revenues of \$5 million or less, provided that such projects  
399 create economic development opportunities, capital improvements,  
400 and positive financial returns to such ports.

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

403 (c) To be eligible for consideration by the council  
404 pursuant to this section, a project must be consistent with the  
405 port comprehensive master plan which is incorporated as part of  
406 the approved local government comprehensive plan as required by

20121998er

407 s. 163.3178(2)(k) or other provisions of the Community Planning  
408 Act, part II of chapter 163.

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

413 (4)~~(5)~~ Any port which receives funding under the program  
414 shall institute procedures to ensure that jobs created as a  
415 result of the state funding shall be subject to equal  
416 opportunity hiring practices in the manner provided in s.  
417 110.112.

418 (5)~~(6)~~ The Department of Transportation may ~~shall~~ subject  
419 any project that receives funds pursuant to this section and s.  
420 320.20 to a final audit. The department may adopt rules and  
421 perform such other acts as are necessary or convenient to ensure  
422 that the final audits are conducted and that any deficiency or  
423 questioned costs noted by the audit are resolved.

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

426 311.09 Florida Seaport Transportation and Economic  
427 Development Council.—

428 (4) The council shall adopt rules for evaluating projects  
429 which may be funded under ss. 311.07 and 320.20. The rules shall  
430 provide criteria for evaluating the potential project,  
431 including, but not limited to, such factors as consistency with  
432 appropriate plans, economic benefit, readiness for construction,  
433 noncompetition with other Florida ports, and capacity within the  
434 seaport system ~~economic benefit of the project, measured by the~~  
435 ~~potential for the proposed project to maintain or increase cargo~~

20121998er

436 ~~flow, cruise passenger movement, international commerce, port~~  
437 ~~revenues, and the number of jobs for the port's local community.~~

438 (5) The council shall review and approve or disapprove each  
439 project eligible to be funded pursuant to the Florida Seaport  
440 Transportation and Economic Development Program. The council  
441 shall annually submit to the Secretary of Transportation and the  
442 executive director of the Department of Economic Opportunity, or  
443 his or her designee, a list of projects which have been approved  
444 by the council. The list shall specify the recommended funding  
445 level for each project; and, if staged implementation of the  
446 project is appropriate, the funding requirements for each stage  
447 shall be specified.

448 ~~(6) The Department of Community Affairs shall review the~~  
449 ~~list of projects approved by the council to determine~~  
450 ~~consistency with approved local government comprehensive plans~~  
451 ~~of the units of local government in which the port is located~~  
452 ~~and consistency with the port master plan. The Department of~~  
453 ~~Community Affairs shall identify and notify the council of those~~  
454 ~~projects which are not consistent, to the maximum extent~~  
455 ~~feasible, with such comprehensive plans and port master plans.~~

456 (6)~~(7)~~ The Department of Transportation shall review the  
457 list of project applications ~~projects~~ approved by the council  
458 for consistency with the Florida Transportation Plan, the  
459 Statewide Seaport and Waterways System Plan, and the  
460 department's adopted work program. In evaluating the consistency  
461 of a project, the department shall assess the transportation  
462 impacts and economic benefits for each project ~~determine whether~~  
463 ~~the transportation impact of the proposed project is adequately~~  
464 ~~handled by existing state-owned transportation facilities or by~~

20121998er

465 ~~the construction of additional state-owned transportation~~  
466 ~~facilities as identified in the Florida Transportation Plan and~~  
467 ~~the department's adopted work program. In reviewing for~~  
468 ~~consistency a transportation facility project as defined in s.~~  
469 ~~334.03(31) which is not otherwise part of the department's work~~  
470 ~~program, the department shall evaluate whether the project is~~  
471 ~~needed to provide for projected movement of cargo or passengers~~  
472 ~~from the port to a state transportation facility or local road.~~  
473 ~~If the project is needed to provide for projected movement of~~  
474 ~~cargo or passengers, the project shall be approved for~~  
475 ~~consistency as a consideration to facilitate the economic~~  
476 ~~development and growth of the state in a timely manner. The~~  
477 Department of Transportation shall identify those projects that  
478 which are inconsistent with the Florida Transportation Plan, the  
479 Statewide Seaport and Waterways System Plan, or ~~and~~ the adopted  
480 work program and shall notify the council of projects found to  
481 be inconsistent.

482 ~~(7)(8)~~ The Department of Economic Opportunity shall review  
483 the list of project applications ~~projects~~ approved by the  
484 council to evaluate the economic benefit of the project and to  
485 determine whether the project is consistent with the Florida  
486 Seaport Mission Plan and with state economic development goals  
487 and policies. The Department of Economic Opportunity shall  
488 review the proposed project's consistency with state, regional,  
489 and local plans, as appropriate, and the economic benefits of  
490 each project based upon the rules adopted pursuant to subsection  
491 (4). The Department of Economic Opportunity shall identify those  
492 projects that ~~which~~ it has determined do not offer an economic  
493 benefit to the state, are not consistent with an appropriate

20121998er

494 plan, or are not consistent with the Florida Seaport Mission  
495 Plan or state economic development goals and policies and shall  
496 notify the council of its findings.

497 ~~(8)(9)~~ The council shall review the findings of the  
498 Department of Economic Opportunity and the Department of  
499 Transportation. Projects found to be inconsistent pursuant to  
500 subsections (6)~~7~~ or (7)~~7~~ and ~~(8)~~ or and projects that ~~which~~ have  
501 been determined not to offer an economic benefit to the state  
502 pursuant to subsection (7) ~~(8)~~ may ~~shall~~ not be included in the  
503 list of projects to be funded.

504 ~~(9)(10)~~ The Department of Transportation shall include no  
505 less than \$15 million per year in its annual legislative budget  
506 request for the a Florida Seaport Transportation and Economic  
507 Development grant Program funded under s. 311.07 ~~for expenditure~~  
508 ~~of funds of not less than \$8 million per year~~. Such budget shall  
509 include funding for projects approved by the council which have  
510 been determined by each agency to be consistent ~~and which have~~  
511 ~~been determined by the Department of Economic Opportunity to be~~  
512 ~~economically beneficial~~. The department shall include the  
513 specific approved Florida Seaport Transportation and Economic  
514 Development Program seaport projects to be funded under s.  
515 311.07 ~~this section~~ during the ensuing fiscal year in the  
516 tentative work program developed pursuant to s. 339.135(4). The  
517 total amount of funding to be allocated to Florida Seaport  
518 Transportation and Economic Development Program seaport projects  
519 under s. 311.07 during the successive 4 fiscal years shall also  
520 be included in the tentative work program developed pursuant to  
521 s. 339.135(4). The council may submit to the department a list  
522 of approved projects that could be made production-ready within

20121998er

523 the next 2 years. The list shall be submitted by the department  
524 as part of the needs and project list prepared pursuant to s.  
525 339.135(2) (b). However, the department shall, upon written  
526 request of the Florida Seaport Transportation and Economic  
527 Development Council, submit work program amendments pursuant to  
528 s. 339.135(7) to the Governor within 10 days after the later of  
529 the date the request is received by the department or the  
530 effective date of the amendment, termination, or closure of the  
531 applicable funding agreement between the department and the  
532 affected seaport, as required to release the funds from the  
533 existing commitment. Notwithstanding s. 339.135(7) (c), any work  
534 program amendment to transfer prior year funds from one approved  
535 seaport project to another seaport project is subject to the  
536 procedures in s. 339.135(7) (d). Notwithstanding any provision of  
537 law to the contrary, the department may transfer unexpended  
538 budget between the seaport projects as identified in the  
539 approved work program amendments.

540 (10)~~(11)~~ The council shall meet at the call of its  
541 chairperson, at the request of a majority of its membership, or  
542 at such times as may be prescribed in its bylaws. However, the  
543 council must meet at least semiannually. A majority of voting  
544 members of the council constitutes a quorum for the purpose of  
545 transacting the business of the council. All members of the  
546 council are voting members. A vote of the majority of the voting  
547 members present is sufficient for any action of the council,  
548 except that a member representing the Department of  
549 Transportation or the Department of Economic Opportunity may  
550 vote to overrule any action of the council approving a project  
551 pursuant to subsection (5). The bylaws of the council may

20121998er

552 require a greater vote for a particular action.

553       (11)~~(12)~~ Members of the council shall serve without  
554 compensation but are entitled to receive reimbursement for per  
555 diem and travel expenses as provided in s. 112.061. The council  
556 may elect to provide an administrative staff to provide services  
557 to the council on matters relating to the Florida Seaport  
558 Transportation and Economic Development Program and the council.  
559 The cost for such administrative services shall be paid by all  
560 ports that receive funding from the Florida Seaport  
561 Transportation and Economic Development Program, based upon a  
562 pro rata formula measured by each recipient's share of the funds  
563 as compared to the total funds disbursed to all recipients  
564 during the year. The share of costs for administrative services  
565 shall be paid in its total amount by the recipient port upon  
566 execution by the port and the Department of Transportation of a  
567 joint participation agreement for each council-approved project,  
568 and such payment is in addition to the matching funds required  
569 to be paid by the recipient port. Except as otherwise exempted  
570 by law, all moneys derived from the Florida Seaport  
571 Transportation and Economic Development Program shall be  
572 expended in accordance with the provisions of s. 287.057.  
573 Seaports subject to competitive negotiation requirements of a  
574 local governing body shall abide by the provisions of s.  
575 287.055.

576       (12)~~(13)~~ Until July 1, 2014, Citrus County may apply for a  
577 grant through the Florida Seaport Transportation and Economic  
578 Development Council to perform a feasibility study regarding the  
579 establishment of a port in Citrus County. The council shall  
580 evaluate such application pursuant to subsections (5)-(8) ~~(5)-~~

20121998er

581 ~~(9)~~ and, if approved, the Department of Transportation shall  
582 include the feasibility study in its budget request pursuant to  
583 subsection (9) ~~(10)~~. If the study determines that a port in  
584 Citrus County is not feasible, the membership of Port Citrus on  
585 the council shall terminate.

586 Section 6. Section 311.10, Florida Statutes, is created to  
587 read:

588 311.10 Strategic Port Investment Initiative.—

589 (1) There is created the Strategic Port Investment  
590 Initiative within the Department of Transportation. Beginning in  
591 fiscal year 2012-2013, a minimum of \$35 million annually shall  
592 be made available from the State Transportation Trust Fund to  
593 fund the Strategic Port Investment Initiative. The Department of  
594 Transportation shall work with the deepwater ports listed in s.  
595 311.09 to develop and maintain a priority list of strategic  
596 investment projects. Project selection shall be based on  
597 projects that meet the state's economic development goal of  
598 becoming a hub for trade, logistics, and export-oriented  
599 activities by:

600 (a) Providing important access and major on-port capacity  
601 improvements;

602 (b) Providing capital improvements to strategically  
603 position the state to maximize opportunities in international  
604 trade, logistics, or the cruise industry;

605 (c) Achieving state goals of an integrated intermodal  
606 transportation system; and

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

609 (2) Before making final project allocations, the Department

20121998er

610 of Transportation shall schedule a publicly noticed workshop  
611 with the Department of Economic Opportunity and the deepwater  
612 ports listed in s. 311.09 to review the proposed projects. After  
613 considering the comments received, the Department of  
614 Transportation shall finalize a prioritized list of potential  
615 projects.

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

620 Section 7. Section 311.101, Florida Statutes, is created to  
621 read:

622 311.101 Intermodal Logistics Center Infrastructure Support  
623 Program.—

624 (1) There is created within the Department of  
625 Transportation the Intermodal Logistics Center Infrastructure  
626 Support Program. The purpose of the program is to provide funds  
627 for roads, rail facilities, or other means for the conveyance or  
628 shipment of goods through a seaport, thereby enabling the state  
629 to respond to private sector market demands and meet the state's  
630 economic development goal of becoming a hub for trade,  
631 logistics, and export-oriented activities. The department may  
632 provide funds to assist with local government projects or  
633 projects performed by private entities which meet the public  
634 purpose of enhancing transportation facilities for the  
635 conveyance or shipment of goods through a seaport to or from an  
636 intermodal logistics center.

637 (2) As used in this section, the term "intermodal logistics  
638 center" means a facility or group of facilities, including, but

20121998er

639 not limited to, an inland port, serving as a point of intermodal  
640 transfer of freight in a specific area physically separated from  
641 a seaport where activities relating to transport, logistics,  
642 goods distribution, consolidation, or value-added activities are  
643 carried out and whose activities and services are designed to  
644 support or be supported by conveyance or shipping through one or  
645 more seaports listed in s. 311.09.

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

649 (a) The ability of the project to serve a strategic state  
650 interest.

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

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

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

657 (e) A commitment of a funding match.

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

660 (g) The extent to which the owner has commitments,  
661 including memorandums of understanding or memorandums of  
662 agreements, with private sector businesses planning to locate  
663 operations at the intermodal logistics center.

664 (h) Demonstrated local financial support and commitment to  
665 the project.

666 (4) The department shall coordinate and consult with the  
667 Department of Economic Opportunity in the selection of projects

20121998er

668 to be funded by this program.

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

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

674 (7) Beginning in fiscal year 2012-2013, up to \$5 million  
675 per year shall be made available from the State Transportation  
676 Trust Fund for the program. The Department of Transportation  
677 shall include projects proposed to be funded under this section  
678 in the tentative work program developed pursuant so s.  
679 339.135(4).

680 (8) The Department of Transportation may adopt rules to  
681 administer this section.

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

684 311.22 Additional authorization for funding certain  
685 dredging projects.—

686 (2) The council shall adopt rules for evaluating the  
687 projects that may be funded pursuant to this section. The rules  
688 must provide criteria for evaluating the economic benefit of the  
689 project. The rules must include the creation of an  
690 administrative review process by the council which is similar to  
691 the process described in s. 311.09(5)-(11) ~~311.09(5)-(12)~~, and  
692 provide for a review by the Department of Transportation and the  
693 Department of Economic Opportunity of all projects submitted for  
694 funding under this section.

695 Section 9. Paragraph (b) of subsection (1) and paragraph  
696 (c) of subsection (2) of section 316.302, Florida Statutes, are

20121998er

697 amended to read:

698 316.302 Commercial motor vehicles; safety regulations;  
699 transporters and shippers of hazardous materials; enforcement.-

700 (1)

701 (b) Except as otherwise provided in this section, all  
702 owners or drivers of commercial motor vehicles that are engaged  
703 in intrastate commerce are subject to the rules and regulations  
704 contained in 49 C.F.R. parts 382, 385, and 390-397, with the  
705 exception of 49 C.F.R. s. 390.5 as it relates to the definition  
706 of bus, as such rules and regulations existed on October 1, 2011  
707 ~~2009~~.

708 (2)

709 (c) Except as provided in 49 C.F.R. s. 395.1, a person who  
710 operates a commercial motor vehicle solely in intrastate  
711 commerce not transporting any hazardous material in amounts that  
712 require placarding pursuant to 49 C.F.R. part 172 may not drive  
713 after having been on duty more than 70 hours in any period of 7  
714 consecutive days or more than 80 hours in any period of 8  
715 consecutive days if the motor carrier operates every day of the  
716 week. Thirty-four consecutive hours off duty shall constitute  
717 the end of any such period of 7 or 8 consecutive days. This  
718 weekly limit does not apply to a person who operates a  
719 commercial motor vehicle solely within this state while  
720 transporting, during harvest periods, any unprocessed  
721 agricultural products or unprocessed food or fiber that is  
722 subject to seasonal harvesting from place of harvest to the  
723 first place of processing or storage or from place of harvest  
724 directly to market or while transporting livestock, livestock  
725 feed, or farm supplies directly related to growing or harvesting

20121998er

726 agricultural products. Upon request of the Department of Highway  
727 Safety and Motor Vehicles ~~Department of Transportation~~, motor  
728 carriers shall furnish time records or other written  
729 verification to that department so that the Department of  
730 Highway Safety and Motor Vehicles ~~Department of Transportation~~  
731 can determine compliance with this subsection. These time  
732 records must be furnished to the Department of Highway Safety  
733 and Motor Vehicles ~~Department of Transportation~~ within 2 days  
734 after receipt of that department's request. Falsification of  
735 such information is subject to a civil penalty not to exceed  
736 \$100. The provisions of this paragraph do not apply to operators  
737 of farm labor vehicles operated during a state of emergency  
738 declared by the Governor or operated pursuant to s. 570.07(21),  
739 and do not apply to drivers of utility service vehicles as  
740 defined in 49 C.F.R. s. 395.2.

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

743 318.14 Noncriminal traffic infractions; exception;  
744 procedures.—

745 (9) Any person who does not hold a commercial driver  
746 ~~driver's~~ license and who is cited while driving a noncommercial  
747 motor vehicle for an infraction under this section other than a  
748 violation of s. 316.183(2), s. 316.187, or s. 316.189 when the  
749 driver exceeds the posted limit by 30 miles per hour or more, s.  
750 320.0605, s. 320.07(3) (a) or (b), s. 322.065, s. 322.15(1), s.  
751 322.61, or s. 322.62 may, in lieu of a court appearance, elect  
752 to attend in the location of his or her choice within this state  
753 a basic driver improvement course approved by the Department of  
754 Highway Safety and Motor Vehicles. In such a case, adjudication

20121998er

755 must be withheld and points, as provided by s. 322.27, may not  
756 be assessed. However, a person may not make an election under  
757 this subsection if the person has made an election under this  
758 subsection in the preceding 12 months. A person may not make ~~no~~  
759 more than five elections within his or her lifetime under this  
760 subsection. The requirement for community service under s.  
761 318.18(8) is not waived by a plea of nolo contendere or by the  
762 withholding of adjudication of guilt by a court. If a person  
763 makes an election to attend a basic driver improvement course  
764 under this subsection, 18 percent of the civil penalty imposed  
765 under s. 318.18(3) shall be deposited in the State Courts  
766 Revenue Trust Fund; however, that portion is not revenue for  
767 purposes of s. 28.36 and may not be used in establishing the  
768 budget of the clerk of the court under that section or s. 28.35.

769 (10) (a) Any person who does not hold a commercial driver  
770 ~~driver's~~ license and who is cited while driving a noncommercial  
771 motor vehicle for an offense listed under this subsection may,  
772 in lieu of payment of fine or court appearance, elect to enter a  
773 plea of nolo contendere and provide proof of compliance to the  
774 clerk of the court, designated official, or authorized operator  
775 of a traffic violations bureau. In such case, adjudication shall  
776 be withheld; however, a person may not make an ~~no~~ election ~~shall~~  
777 ~~be made~~ under this subsection if the ~~such~~ person has made an  
778 election under this subsection in the preceding 12 months  
779 ~~preceding election hereunder~~. A ~~No~~ person may not make more than  
780 three elections under this subsection. This subsection applies  
781 to the following offenses:

782 1. Operating a motor vehicle without a valid driver  
783 ~~driver's~~ license in violation of ~~the provisions of~~ s. 322.03, s.

20121998er

784 322.065, or s. 322.15(1), or operating a motor vehicle with a  
785 license that has been suspended for failure to appear, failure  
786 to pay civil penalty, or failure to attend a driver improvement  
787 course pursuant to s. 322.291.

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

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

791 4. Operating a motor vehicle with a license that has been  
792 suspended under s. 61.13016 or s. 322.245 for failure to pay  
793 child support or for failure to pay any other financial  
794 obligation as provided in s. 322.245; however, this subparagraph  
795 does not apply if the license has been suspended pursuant to s.  
796 322.245(1).

797 5. Operating a motor vehicle with a license that has been  
798 suspended under s. 322.091 for failure to meet school attendance  
799 requirements.

800 (b) Any person cited for an offense listed in this  
801 subsection shall present proof of compliance before ~~prior to~~ the  
802 scheduled court appearance date. For the purposes of this  
803 subsection, proof of compliance shall consist of a valid,  
804 renewed, or reinstated driver ~~driver's~~ license or registration  
805 certificate and proper proof of maintenance of security as  
806 required by s. 316.646. Notwithstanding waiver of fine, any  
807 person establishing proof of compliance shall be assessed court  
808 costs of \$25, except that a person charged with violation of s.  
809 316.646(1)-(3) may be assessed court costs of \$8. One dollar of  
810 such costs shall be remitted to the Department of Revenue for  
811 deposit into the Child Welfare Training Trust Fund of the  
812 Department of Children and Family Services. One dollar of such

20121998er

813 costs shall be distributed to the Department of Juvenile Justice  
814 for deposit into the Juvenile Justice Training Trust Fund.  
815 Fourteen dollars of such costs shall be distributed to the  
816 municipality and \$9 shall be deposited by the clerk of the court  
817 into the fine and forfeiture fund established pursuant to s.  
818 142.01, if the offense was committed within the municipality. If  
819 the offense was committed in an unincorporated area of a county  
820 or if the citation was for a violation of s. 316.646(1)-(3), the  
821 entire amount shall be deposited by the clerk of the court into  
822 the fine and forfeiture fund established pursuant to s. 142.01,  
823 except for the moneys to be deposited into the Child Welfare  
824 Training Trust Fund and the Juvenile Justice Training Trust  
825 Fund. This subsection does ~~shall not be construed to~~ authorize  
826 the operation of a vehicle without a valid driver ~~driver's~~  
827 license, without a valid vehicle tag and registration, or  
828 without the maintenance of required security.

829 Section 11. Section 319.32, Florida Statutes, is amended to  
830 read:

831 319.32 Fees; service charges; disposition.—

832 (1) The department shall charge a fee of \$70 for each  
833 original certificate of title, except for a certificate of title  
834 for a motor vehicle for hire registered under s. 320.08(6) for  
835 which the title fee shall be \$49; \$70 for each duplicate copy of  
836 a certificate of title, except for a certificate of title for a  
837 motor vehicle for hire registered under s. 320.08(6) for which  
838 the title fee shall be \$49; \$2 for each salvage certificate of  
839 title; and \$3 for each assignment by a lienholder. The  
840 department shall also charge a fee of \$2 for noting a lien on a  
841 title certificate, which fee includes the services for the

20121998er

842 subsequent issuance of a corrected certificate or cancellation  
843 of lien when that lien is satisfied. If an application for a  
844 certificate of title is for a vehicle that is required by s.  
845 319.14(1)(b) to have a physical examination, the department  
846 shall charge an additional fee of \$40 for the initial  
847 examination and \$20 for each subsequent examination. The initial  
848 examination fee shall be deposited into the General Revenue  
849 Fund, and each subsequent examination fee shall be deposited  
850 into the Highway Safety Operating Trust Fund. The physical  
851 examination of the vehicle includes, but is not limited to,  
852 verification of the vehicle identification number and  
853 verification of the bill of sale or title for major components.  
854 In addition to all other fees charged, a sum of \$1 shall be paid  
855 for the issuance of an original or duplicate certificate of  
856 title to cover the cost of materials used for security purposes.  
857 A service fee of \$2.50, to be deposited into the Highway Safety  
858 Operating Trust Fund, shall be charged for shipping and handling  
859 for each paper title mailed by the department.

860 (2) (a) There shall be a service charge of \$4.25 for each  
861 application that ~~which~~ is handled in connection with the  
862 issuance, duplication, or transfer of any certificate of title.  
863 There shall be a service charge of \$1.25 for each application  
864 that ~~which~~ is handled in connection with the recordation or  
865 notation of a lien on a motor vehicle or mobile home which is  
866 not in connection with the purchase of such vehicle.

867 (b) The service charges specified in paragraph (a) shall be  
868 collected by the department on any application handled directly  
869 from its office. Otherwise, these service charges shall be  
870 collected and retained by the tax collector who handles the

20121998er

871 application.

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

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

879 (5) (a) Forty-seven dollars of each fee collected, except  
880 for fees charged on a certificate of title for a motor vehicle  
881 for hire registered under s. 320.08(6), for each applicable  
882 original certificate of title and each applicable duplicate copy  
883 of a certificate of title, after deducting the service charges  
884 imposed by s. 215.20, shall be deposited into the State  
885 Transportation Trust Fund. Deposits to the State Transportation  
886 Trust Fund pursuant to this paragraph may not exceed \$200  
887 million in any fiscal year and any collections in excess of that  
888 amount during the fiscal year shall be paid into the General  
889 Revenue Fund.

890 (b) All fees collected pursuant to subsection (3) shall be  
891 paid into the Nongame Wildlife Trust Fund. Twenty-one dollars of  
892 each fee, except for fees charged on a certificate of title for  
893 a motor vehicle for hire registered under s. 320.08(6), for each  
894 applicable original certificate of title and each applicable  
895 duplicate copy of a certificate of title, after deducting the  
896 service charges imposed by s. 215.20, shall be deposited into  
897 the State Transportation Trust Fund. All other fees collected by  
898 the department under this chapter shall be paid into the General  
899 Revenue Fund.

20121998er

900           (6) Notwithstanding chapter 116, each ~~every~~ county officer  
901 within this state authorized to collect funds provided for in  
902 this chapter shall pay all sums officially received by the  
903 officer into the State Treasury no later than 5 working days  
904 after the close of the business day in which the officer  
905 received the funds. Payment by county officers to the state  
906 shall be made by means of electronic funds transfer.

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

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

914           (b) The Department of Transportation shall transfer the  
915 actual receipts monthly to the General Revenue Fund. These  
916 transfers shall be made in the month following the deposit of  
917 those receipts into the State Transportation Trust Fund.

918           (2) Beginning in 2013-2014 fiscal year and annually for up  
919 to 30 years thereafter, \$10 million shall be for the purpose of  
920 funding any seaport project identified in the adopted work  
921 program of the Department of Transportation, to be known as the  
922 Seaport Investment Program. The revenues may be assigned,  
923 pledged, or set aside as a trust for the payment of principal or  
924 interest on bonds, tax anticipation certificates, or other forms  
925 of indebtedness issued by an individual port or appropriate  
926 local government having jurisdiction thereof, or collectively by  
927 interlocal agreement among any of the ports, or used to purchase  
928 credit support to permit such borrowings. However, the debt is

20121998er

929 not a general obligation of the state. The state covenants with  
930 holders of the revenue bonds or other instruments of  
931 indebtedness issued pursuant to this subsection that it will not  
932 repeal or impair or amend this subsection in any manner that  
933 will materially or adversely affect the rights of holders so  
934 long as bonds authorized by this subsection are outstanding. The  
935 proceeds of any bonds or other indebtedness secured by a pledge  
936 of the funding, after payment of costs of issuance and  
937 establishment of any required reserves, shall be invested in  
938 projects approved by the Department of Transportation and  
939 included in the department's adopted work program, by amendment  
940 if necessary. Any revenues that are not pledged to the repayment  
941 of bonds as authorized by this section may be used for purposes  
942 authorized under the Florida Seaport Transportation and Economic  
943 Development Program. This revenue source is in addition to any  
944 amounts provided for and appropriated in accordance with ss.  
945 311.07 and 320.20(3) and (4), Florida Statutes. Revenue bonds  
946 shall be issued by the Division of Bond Finance at the request  
947 of the Department of Transportation pursuant to the State Bond  
948 Act.

949 (3) Beginning in the 2013-2014 fiscal year and annually for  
950 up to 30 years thereafter, \$35 million shall be transferred to  
951 Florida's Turnpike Enterprise, to be used in accordance with  
952 Florida Turnpike Enterprise Law, to the maximum extent feasible  
953 for feeder roads, structures, interchanges, appurtenances, and  
954 other rights to create or facilitate access to the existing  
955 turnpike system.

956 (4) Beginning in the 2013-2014 fiscal year and annually  
957 thereafter, \$10 million shall be transferred to the

20121998er

958 Transportation Disadvantaged Trust Fund, to be used as specified  
959 in s. 427.0159, Florida Statutes.

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

965 (6) After the distributions required pursuant to  
966 subsections (1)-(5), the remaining funds shall be used annually  
967 for transportation projects within this state for existing or  
968 planned strategic transportation projects which connect major  
969 markets within this state or between this state and other  
970 states, which focus on job creation, and which increase this  
971 state's viability in the national and global markets.

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

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

977 320.20 Disposition of license tax moneys.—The revenue  
978 derived from the registration of motor vehicles, including any  
979 delinquent fees and excluding those revenues collected and  
980 distributed under the provisions of s. 320.081, must be  
981 distributed monthly, as collected, as follows:

982 (3) Notwithstanding any other provision of law except  
983 subsections (1) and (2), ~~on July 1, 1996, and annually~~  
984 ~~thereafter,~~ \$15 million shall be deposited annually into ~~in~~ the  
985 State Transportation Trust Fund solely for the purposes of  
986 funding the Florida Seaport Transportation and Economic

20121998er

987 Development Program as provided ~~for~~ in chapter 311. Such  
988 revenues shall be distributed on a 50-50 matching basis to any  
989 port listed in s. 311.09(1) to be used for funding projects as  
990 described in s. 311.07(3)(b). Such revenues may be assigned,  
991 pledged, or set aside as a trust for the payment of principal or  
992 interest on bonds, tax anticipation certificates, or any other  
993 form of indebtedness issued by an individual port or appropriate  
994 local government having jurisdiction thereof, or collectively by  
995 interlocal agreement among any of the ports, or used to purchase  
996 credit support to permit such borrowings. However, such debt is  
997 ~~shall not constitute~~ a general obligation of the state ~~of~~  
998 ~~Florida~~. The state covenants ~~does hereby covenant~~ with holders  
999 of such revenue bonds or other instruments of indebtedness  
1000 issued ~~hereunder~~ that it will not repeal or impair or amend in  
1001 any manner that ~~which~~ will materially and adversely affect the  
1002 rights of such holders so long as bonds authorized by this  
1003 section are outstanding. Any revenues that ~~which~~ are not pledged  
1004 to the repayment of bonds ~~as~~ authorized by this section may be  
1005 used ~~utilized~~ for purposes authorized under the Florida Seaport  
1006 Transportation and Economic Development Program. This revenue  
1007 source is in addition to any amounts provided ~~for~~ and  
1008 appropriated in accordance with s. 311.07. The Florida Seaport  
1009 Transportation and Economic Development Council shall approve  
1010 the distribution of funds to ports for projects that ~~which~~ have  
1011 been approved pursuant to s. 311.09(5)-(8) ~~311.09(5)-(9)~~. The  
1012 council and the Department of Transportation may ~~are authorized~~  
1013 ~~to~~ perform ~~such~~ acts ~~as are~~ required to facilitate and implement  
1014 the provisions of this subsection. To better enable the ports to  
1015 cooperate to their mutual advantage, the governing body of each

20121998er

1016 port may exercise powers provided to municipalities or counties  
1017 in s. 163.01(7)(d) subject to ~~the provisions of~~ chapter 311 and  
1018 special acts, if any, pertaining to a port. The use of funds  
1019 provided pursuant to this subsection are limited to eligible  
1020 projects listed in this subsection. Income derived from a  
1021 project completed with the use of program funds, beyond  
1022 operating costs and debt service, is shall be restricted solely  
1023 to further port capital improvements consistent with maritime  
1024 purposes ~~and for no other purpose~~. Use of such income for  
1025 nonmaritime purposes is prohibited. ~~The provisions of s.~~  
1026 ~~311.07(4) do not apply to any funds received pursuant to this~~  
1027 ~~subsection.~~ The revenues available under this subsection may  
1028 ~~shall~~ not be pledged to the payment of any bonds other than the  
1029 Florida Ports Financing Commission Series 1996 and Series 1999  
1030 Bonds currently outstanding; ~~provided,~~ however, such revenues  
1031 may be pledged to secure payment of refunding bonds to refinance  
1032 the Florida Ports Financing Commission Series 1996 and Series  
1033 1999 Bonds. ~~No~~ Refunding bonds secured by revenues available  
1034 under this subsection may not be issued with a final maturity  
1035 later than the final maturity of the Florida Ports Financing  
1036 Commission Series 1996 and Series 1999 Bonds or which provide  
1037 for higher debt service in any year than is currently payable on  
1038 such bonds. Any revenue bonds or other indebtedness issued after  
1039 July 1, 2000, other than refunding bonds shall be issued by the  
1040 Division of Bond Finance at the request of the Department of  
1041 Transportation pursuant to the State Bond Act.

1042 (4) Notwithstanding any other provision of law except  
1043 subsections (1), (2), and (3), ~~on July 1, 1999, and annually~~  
1044 ~~thereafter,~~ \$10 million shall be deposited annually into ~~in~~ the

20121998er

1045 State Transportation Trust Fund solely for the purposes of  
1046 funding the Florida Seaport Transportation and Economic  
1047 Development Program as provided in chapter 311 and for funding  
1048 seaport intermodal access projects of statewide significance as  
1049 provided in s. 341.053. Such revenues shall be distributed to  
1050 any port listed in s. 311.09(1), to be used for funding projects  
1051 as follows:

1052 (a) For any seaport intermodal access projects that are  
1053 identified in the 1997-1998 Tentative Work Program of the  
1054 Department of Transportation, up to the amounts needed to offset  
1055 the funding requirements of this section.

1056 (b) For seaport intermodal access projects as described in  
1057 s. 341.053(5) which ~~that~~ are identified in the 5-year Florida  
1058 Seaport Mission Plan as provided in s. 311.09(3). Funding for  
1059 such projects shall be on a matching basis as mutually  
1060 determined by the Florida Seaport Transportation and Economic  
1061 Development Council and the Department of Transportation if,  
1062 ~~provided~~ a minimum of 25 percent of total project funds ~~shall~~  
1063 come from any port funds, local funds, private funds, or  
1064 specifically earmarked federal funds.

1065 (c) On a 50-50 matching basis for projects as described in  
1066 s. 311.07(3)(b).

1067 (d) For seaport intermodal access projects that involve the  
1068 dredging or deepening of channels, turning basins, or harbors;  
1069 or the rehabilitation of wharves, docks, or similar structures.  
1070 Funding for such projects requires ~~shall require~~ a 25 percent  
1071 match of the funds received pursuant to this subsection.  
1072 Matching funds must ~~shall~~ come from any port funds, federal  
1073 funds, local funds, or private funds.

20121998er

1074  
1075 Such revenues may be assigned, pledged, or set aside as a trust  
1076 for the payment of principal or interest on bonds, tax  
1077 anticipation certificates, or ~~any~~ other form of indebtedness  
1078 issued by an individual port or appropriate local government  
1079 having jurisdiction thereof, or collectively by interlocal  
1080 agreement among any of the ports, or used to purchase credit  
1081 support to permit such borrowings. However, such debt is ~~shall~~  
1082 not ~~constitute~~ a general obligation of the state. This state  
1083 covenants ~~does hereby covenant~~ with holders of such revenue  
1084 bonds or other instruments of indebtedness issued hereunder that  
1085 it will not repeal or impair or amend this subsection in any  
1086 manner that ~~which~~ will materially and adversely affect the  
1087 rights of holders so long as bonds authorized by this subsection  
1088 are outstanding. Any revenues that are not pledged to the  
1089 repayment of bonds as authorized by this section may be used  
1090 ~~utilized~~ for purposes authorized under the Florida Seaport  
1091 Transportation and Economic Development Program. This revenue  
1092 source is in addition to any amounts provided for and  
1093 appropriated in accordance with s. 311.07 and subsection (3).  
1094 The Florida Seaport Transportation and Economic Development  
1095 Council shall approve distribution of funds to ports for  
1096 projects that have been approved pursuant to s. 311.09(5)-(8)  
1097 ~~311.09(5)-(9)~~, or for seaport intermodal access projects  
1098 identified in the 5-year Florida Seaport Mission Plan as  
1099 provided in s. 311.09(3) and mutually agreed upon by the FSTED  
1100 Council and the Department of Transportation. All contracts for  
1101 actual construction of projects authorized by this subsection  
1102 must include a provision encouraging employment of participants

20121998er

1103 in the welfare transition program. The goal for such employment  
1104 ~~of participants in the welfare transition program~~ is 25 percent  
1105 of all new employees employed specifically for the project,  
1106 unless the Department of Transportation and the Florida Seaport  
1107 Transportation and Economic Development Council demonstrate that  
1108 such a requirement would severely hamper the successful  
1109 completion of the project. In such an instance, Workforce  
1110 Florida, Inc., shall establish an appropriate percentage of  
1111 employees who are ~~that must be~~ participants in the welfare  
1112 transition program. The council and the Department of  
1113 Transportation may ~~are authorized to~~ perform such acts as are  
1114 required to facilitate and implement the provisions of this  
1115 subsection. To better enable the ports to cooperate to their  
1116 mutual advantage, the governing body of each port may exercise  
1117 powers provided to municipalities or counties in s. 163.01(7)(d)  
1118 subject to the provisions of chapter 311 and special acts, if  
1119 any, pertaining to a port. The use of funds provided pursuant to  
1120 this subsection is limited to eligible projects listed in this  
1121 subsection. ~~The provisions of s. 311.07(4) do not apply to any~~  
1122 ~~funds received pursuant to this subsection.~~ The revenues  
1123 available under this subsection may ~~shall~~ not be pledged to the  
1124 payment of any bonds other than the Florida Ports Financing  
1125 Commission Series 1996 and Series 1999 Bonds currently  
1126 outstanding; ~~provided,~~ however, such revenues may be pledged to  
1127 secure payment of refunding bonds to refinance the Florida Ports  
1128 Financing Commission Series 1996 and Series 1999 Bonds. ~~No~~  
1129 Refunding bonds secured by revenues available under this  
1130 subsection may not be issued with a final maturity later than  
1131 the final maturity of the Florida Ports Financing Commission

20121998er

1132 Series 1996 and Series 1999 Bonds or which provide for higher  
1133 debt service in any year than is currently payable on such  
1134 bonds. Any revenue bonds or other indebtedness issued after July  
1135 1, 2000, other than refunding bonds shall be issued by the  
1136 Division of Bond Finance at the request of the Department of  
1137 Transportation pursuant to the State Bond Act.

1138 Section 14. Section 320.204, Florida Statutes, is repealed.

1139 Section 15. Subsection (3) of section 322.07, Florida  
1140 Statutes, is amended to read:

1141 322.07 Instruction permits and temporary licenses.—

1142 (3) Any person who, except for his or her lack of  
1143 instruction in operating a commercial motor vehicle, would  
1144 otherwise be qualified to obtain a commercial driver ~~driver's~~  
1145 license under this chapter, may apply for a temporary commercial  
1146 instruction permit. The department shall issue such a permit  
1147 entitling the applicant, while having the permit in his or her  
1148 immediate possession, to drive a commercial motor vehicle on the  
1149 highways, if provided that:

1150 (a) The applicant possesses a valid Florida driver ~~driver's~~  
1151 license ~~issued in any state~~; and

1152 (b) The applicant, while operating a commercial motor  
1153 vehicle, is accompanied by a licensed driver who is 21 years of  
1154 age or older, who is licensed to operate the class of vehicle  
1155 being operated, and who is ~~actually~~ occupying the closest seat  
1156 to the right of the driver.

1157 Section 16. Subsection (2) of section 322.53, Florida  
1158 Statutes, is amended to read:

1159 322.53 License required; exemptions.—

1160 (2) The following persons are exempt from the requirement

20121998er

1161 to obtain a commercial driver ~~driver's~~ license:

1162 (a) Drivers of authorized emergency vehicles.

1163 (b) Military personnel driving vehicles operated for  
1164 military purposes.

1165 (c) Farmers transporting agricultural products, farm  
1166 supplies, or farm machinery to or from their farms and within  
1167 150 miles of their farms farm, if the vehicle operated under  
1168 this exemption is not used in the operations of a common or  
1169 contract motor carrier ~~or transporting agricultural products to~~  
1170 ~~or from the first place of storage or processing or directly to~~  
1171 ~~or from market, within 150 miles of their farm.~~

1172 (d) Drivers of recreational vehicles, as defined in s.  
1173 320.01.

1174 (e) Drivers who operate straight trucks, as defined in s.  
1175 316.003, and who ~~that~~ are ~~exclusively~~ transporting exclusively  
1176 their own tangible personal property, which is not for sale.

1177 (f) Employees ~~An employee~~ of a publicly owned transit  
1178 system who are ~~is~~ limited to moving vehicles for maintenance or  
1179 parking purposes exclusively within the restricted-access  
1180 confines of a transit system's property.

1181 Section 17. Subsection (2) of section 322.54, Florida  
1182 Statutes, is amended to read:

1183 322.54 Classification.—

1184 (2) The department shall issue, pursuant to the  
1185 requirements of this chapter, driver ~~drivers'~~ licenses in  
1186 accordance with the following classifications:

1187 (a) Any person who drives a motor vehicle combination  
1188 having a gross vehicle weight rating or gross vehicle weight of  
1189 26,001 pounds or more must possess a valid Class A driver

20121998er

1190 ~~driver's~~ license, if provided the gross vehicle weight rating or  
1191 gross vehicle weight of the vehicle being towed is more than  
1192 10,000 pounds. Any person who possesses a valid Class A driver  
1193 ~~driver's~~ license may, subject to the appropriate restrictions  
1194 and endorsements, drive any class of motor vehicle within this  
1195 state.

1196 (b) Any person, except a person who possesses a valid Class  
1197 A driver ~~driver's~~ license, who drives a motor vehicle having a  
1198 gross vehicle weight rating or gross vehicle weight of 26,001  
1199 pounds or more must possess a valid Class B driver ~~driver's~~  
1200 license. Any person, except a person who possesses a valid Class  
1201 A driver ~~driver's~~ license, who drives such vehicle towing a  
1202 vehicle having a gross vehicle weight rating of 10,000 pounds or  
1203 less must possess a valid Class B driver ~~driver's~~ license. Any  
1204 person who possesses a valid Class B driver ~~driver's~~ license  
1205 may, subject to the appropriate restrictions and endorsements,  
1206 drive any class of motor vehicle, other than the type of motor  
1207 vehicle for which a Class A driver ~~driver's~~ license is required,  
1208 within this state.

1209 (c) Any person, except a person who possesses a valid Class  
1210 A or a valid Class B driver ~~driver's~~ license, who drives a motor  
1211 vehicle having a gross vehicle weight rating of less than 26,001  
1212 pounds and who is required to obtain an endorsement pursuant to  
1213 paragraph (1)(b), paragraph (1)(c), or paragraph (1)(e) of s.  
1214 322.57, must possess a valid Class C driver ~~driver's~~ license.  
1215 Any person who possesses a valid Class C driver ~~driver's~~ license  
1216 may, subject to the appropriate restrictions and endorsements,  
1217 drive any class of motor vehicle, other than the type of motor  
1218 vehicle for which a Class A or a Class B driver ~~driver's~~ license

20121998er

1219 is required, within this state.

1220 (d) Any person, except a person who possesses a valid Class  
1221 A, valid Class B, or valid Class C driver ~~driver's~~ license, who  
1222 drives a motor vehicle must possess a valid Class E driver  
1223 ~~driver's~~ license. Any person who possesses a valid Class E  
1224 driver ~~driver's~~ license may, subject to the appropriate  
1225 restrictions and endorsements, drive any type of motor vehicle,  
1226 other than the type of motor vehicle for which a Class A, Class  
1227 B, or Class C driver ~~driver's~~ license is required, within this  
1228 state.

1229 Section 18. Section 322.59, Florida Statutes, is amended to  
1230 read:

1231 322.59 Possession of medical examiner's certificate.—

1232 (1) The department may ~~shall~~ not issue a commercial driver  
1233 ~~driver's~~ license to a ~~any~~ person who is required by the laws of  
1234 this state or by federal law to possess a medical examiner's  
1235 certificate, unless the ~~such~~ person presents a valid  
1236 certificate, as described in 49 C.F.R. s. 383.71, before ~~prior~~  
1237 ~~to~~ licensure.

1238 (2) The department shall disqualify a driver from operating  
1239 a commercial motor vehicle if the driver holds a commercial  
1240 driver license and fails to comply with the medical  
1241 certification requirements in 49 C.F.R. s. 383.71 ~~This section~~  
1242 ~~does not expand the requirements as to who must possess a~~  
1243 ~~medical examiner's certificate.~~

1244 (3) A person who is disqualified from operating a  
1245 commercial motor vehicle under this section may, if otherwise  
1246 qualified, be issued a Class E driver license pursuant to s.  
1247 322.251.

20121998er

1248 Section 19. Subsections (3) and (5) of section 322.61,  
1249 Florida Statutes, are amended to read:

1250 322.61 Disqualification from operating a commercial motor  
1251 vehicle.—

1252 (3) (a) Except as provided in subsection (4), any person who  
1253 is convicted of one of the offenses listed in paragraph (b)  
1254 while operating a commercial motor vehicle shall, in addition to  
1255 any other applicable penalties, be disqualified from operating a  
1256 commercial motor vehicle for a period of 1 year.÷

1257 (b) Except as provided in subsection (4), any holder of a  
1258 commercial driver ~~driver's~~ license who is convicted of one of  
1259 the offenses listed in this paragraph while operating a  
1260 noncommercial motor vehicle shall, in addition to any other  
1261 applicable penalties, be disqualified from operating a  
1262 commercial motor vehicle for a period of 1 year:

1263 1. Driving a motor vehicle while he or she is under the  
1264 influence of alcohol or a controlled substance;

1265 2. Driving a commercial motor vehicle while the alcohol  
1266 concentration of his or her blood, breath, or urine is .04  
1267 percent or higher;

1268 3. Leaving the scene of a crash involving a motor vehicle  
1269 driven by such person;

1270 4. Using a motor vehicle in the commission of a felony;

1271 5. Driving a commercial motor vehicle while in possession  
1272 of a controlled substance;

1273 6. Refusing to submit to a test to determine his or her  
1274 alcohol concentration while driving a motor vehicle;

1275 7. Driving a commercial vehicle while the licenseholder's  
1276 commercial driver ~~driver's~~ license is suspended, revoked, or

20121998er

1277 canceled or while the licenseholder is disqualified from driving  
1278 a commercial vehicle; or

1279 8. Causing a fatality through the negligent operation of a  
1280 commercial motor vehicle.

1281 (5) A ~~Any~~ person who is convicted of two violations  
1282 specified in subsection (3) which were committed while operating  
1283 a commercial motor vehicle, or any combination thereof, arising  
1284 in separate incidents shall be permanently disqualified from  
1285 operating a commercial motor vehicle. A ~~Any~~ holder of a  
1286 commercial driver ~~driver's~~ license who is convicted of two  
1287 violations specified in subsection (3) which were committed  
1288 while operating any ~~a noncommercial~~ motor vehicle, ~~or any~~  
1289 ~~combination thereof~~, arising in separate incidents shall be  
1290 permanently disqualified from operating a commercial motor  
1291 vehicle. The penalty provided in this subsection is in addition  
1292 to any other applicable penalty.

1293 Section 20. Present subsections (8) through (13) of section  
1294 334.30, Florida Statutes, are redesignated as subsections (7)  
1295 through (12), respectively, and present subsection (7) of that  
1296 section is amended, to read:

1297 334.30 Public-private transportation facilities.—The  
1298 Legislature finds and declares that there is a public need for  
1299 the rapid construction of safe and efficient transportation  
1300 facilities for the purpose of traveling within the state, and  
1301 that it is in the public's interest to provide for the  
1302 construction of additional safe, convenient, and economical  
1303 transportation facilities.

1304 ~~(7) The department may lend funds from the Toll Facilities~~  
1305 ~~Revolving Trust Fund, as outlined in s. 338.251, to private~~

20121998er

1306 ~~entities that construct projects on the State Highway System~~  
1307 ~~containing toll facilities that are approved under this section.~~  
1308 ~~To be eligible, a private entity must comply with s. 338.251 and~~  
1309 ~~must provide an indication from a nationally recognized rating~~  
1310 ~~agency that the senior bonds for the project will be investment~~  
1311 ~~grade, or must provide credit support such as a letter of credit~~  
1312 ~~or other means acceptable to the department, to ensure that the~~  
1313 ~~loans will be fully repaid. The state's liability for the~~  
1314 ~~funding of a facility is limited to the amount approved for that~~  
1315 ~~specific facility in the department's 5-year work program~~  
1316 ~~adopted pursuant to s. 339.135.~~

1317 Section 21. Subsection (5) is added to section 335.074,  
1318 Florida Statutes, to read:

1319 335.074 Safety inspection of bridges.—

1320 (5) Upon receipt of an inspection report that recommends  
1321 reducing the weight, size, or speed limit on a bridge, the  
1322 governmental entity having maintenance responsibility for the  
1323 bridge shall reduce the maximum limits for the bridge in  
1324 accordance with the inspection report and shall post the limits  
1325 in accordance with s. 316.555. The governmental entity shall,  
1326 within 30 days after receipt of an inspection report  
1327 recommending lower limits, notify the department that the  
1328 limitations have been implemented and the limits have been  
1329 posted accordingly. If the required actions are not taken within  
1330 30 days after receipt of an inspection report, the department  
1331 shall post the limits on the bridge in accordance with the  
1332 recommendations in the inspection report. The costs incurred by  
1333 the department in connection with providing notice of the  
1334 bridge's limitations or restrictions shall be assessed against

20121998er

1335 and collected from the governmental entity having maintenance  
1336 responsibility for the bridge. If an inspection report  
1337 recommends closure of a bridge, the bridge shall be immediately  
1338 closed. If the governmental entity does not close the bridge  
1339 immediately upon receipt of an inspection report recommending  
1340 closure, the department shall close the bridge. The costs  
1341 incurred by the department in connection with the bridge closure  
1342 shall be assessed against and collected from the governmental  
1343 entity having maintenance responsibility for the bridge. This  
1344 subsection does not alter existing jurisdictional  
1345 responsibilities for the operation and maintenance of bridges.

1346 Section 22. Section 338.151, Florida Statutes, is created  
1347 to read:

1348 338.151 Authority of the department to establish tolls on  
1349 the State Highway System.—Notwithstanding s. 338.165(8), the  
1350 department may establish tolls on new limited access facilities  
1351 on the State Highway System, lanes added to existing limited  
1352 access facilities on the State Highway System, new major bridges  
1353 on the State Highway System over waterways, and replacements for  
1354 existing major bridges on the State Highway System over  
1355 waterways to pay, fully or partially, for the cost of such  
1356 projects. Except for high-occupancy vehicle lanes, express  
1357 lanes, the turnpike system, and as otherwise authorized by law,  
1358 the department may not establish tolls on lanes of limited  
1359 access facilities that exist on July 1, 2012, unless tolls were  
1360 in effect for the lanes before that date. The authority provided  
1361 in this section is in addition to the authority provided under  
1362 the Florida Turnpike Enterprise Law and s. 338.166.

1363 Section 23. Subsection (1) of section 338.155, Florida

20121998er

1364 Statutes, is amended to read:

1365       338.155 Payment of toll on toll facilities required;  
1366 exemptions.—

1367       (1) A person may not ~~No persons are permitted to~~ use any  
1368 toll facility without payment of tolls, except employees of the  
1369 agency operating the toll project when using the toll facility  
1370 on official state business, state military personnel while on  
1371 official military business, handicapped persons as provided in  
1372 this section, persons exempt from toll payment by the  
1373 authorizing resolution for bonds issued to finance the facility,  
1374 and persons exempt on a temporary basis where use of such toll  
1375 facility is required as a detour route. Any law enforcement  
1376 officer operating a marked official vehicle is exempt from toll  
1377 payment when on official law enforcement business. Any person  
1378 operating a fire vehicle when on official business or a rescue  
1379 vehicle when on official business is exempt from toll payment.  
1380 Any person participating in the funeral procession of a law  
1381 enforcement officer or firefighter killed in the line of duty is  
1382 exempt from toll payment. The secretary~~7~~ or the secretary's  
1383 designee~~7~~ may suspend the payment of tolls on a toll facility  
1384 when necessary to assist in emergency evacuation. The failure to  
1385 pay a prescribed toll constitutes a noncriminal traffic  
1386 infraction, punishable as a moving violation as provided in  
1387 ~~pursuant to~~ s. 318.18. The department may ~~is authorized to~~ adopt  
1388 rules relating to the payment, collection, and enforcement of  
1389 tolls, as authorized in chapters 316, 318, 320, 322, and 338,  
1390 including, but not limited to, rules for the implementation of  
1391 video or other image billing and variable pricing. The  
1392 department may by rule allow the use of toll facilities that it

20121998er

1393 manages by public transit vehicles or by vehicles participating  
1394 in a funeral procession for an active-duty military service  
1395 member without the payment of tolls if the revenues of these  
1396 toll facilities are not pledged to repayment of bonds.

1397 Section 24. Section 338.161, Florida Statutes, is amended  
1398 to read:

1399 338.161 ~~Authority of department or toll agencies to~~  
1400 ~~advertise and promote electronic toll collection;~~ Expanded uses  
1401 of electronic toll collection system; ~~studies authorized.~~

1402 (1) The department may ~~is authorized to~~ incur expenses for  
1403 paid advertising, marketing, and promotion of toll facilities  
1404 and electronic toll collection products and services. Promotions  
1405 may include discounts and free products.

1406 (2) The department may ~~is authorized to~~ receive funds from  
1407 advertising placed on electronic toll collection products and  
1408 promotional materials to defray the costs of products and  
1409 services.

1410 (3) ~~(a)~~ The department or any toll agency created by statute  
1411 may incur expenses to advertise or promote its electronic toll  
1412 collection system to consumers on or off the turnpike or toll  
1413 system.

1414 (4) ~~(b)~~ If the department or ~~any~~ toll agency created by  
1415 statute finds that it can increase nontoll revenues or add  
1416 convenience or other value for its customers, the department or  
1417 toll agency may enter into agreements with a ~~any~~ private or  
1418 public entity allowing the use of its electronic toll collection  
1419 system to pay parking fees for vehicles equipped with a  
1420 transponder or similar device. The department or toll agency may  
1421 initiate feasibility studies of other ~~additional~~ future uses of

20121998er

1422 its electronic toll collection system and make recommendations  
1423 to the Legislature to authorize such uses.

1424 (5) If the department finds that it can increase nontoll  
1425 revenues or add convenience or other value for its customers,  
1426 and if a public or private transportation facility owner agrees  
1427 that its facility will become interoperable with the  
1428 department's electronic toll collection and video billing  
1429 systems, the department may enter into an agreement with the  
1430 owner of such facility under which the department uses its  
1431 systems to collect and enforce for the owner tolls, fares,  
1432 administrative fees, and other applicable charges due in  
1433 connection with use of the owner's facility.

1434 Section 25. Subsection (10) is added to section 338.165,  
1435 Florida Statutes, to read:

1436 338.165 Continuation of tolls.—

1437 (10) The department's Beachline-East Expressway may be  
1438 transferred by the department and become part of the turnpike  
1439 system under the Florida Turnpike Enterprise Law. Any funds  
1440 expended by the Florida Turnpike Enterprise for the acquisition  
1441 of the Beachline-East Expressway shall be deposited into the  
1442 State Transportation Trust Fund, and, notwithstanding any other  
1443 law to the contrary, such funds shall first be allocated by the  
1444 department to fund the department's obligation to construct  
1445 Wekiva Parkway. The term "Wekiva Parkway" means a limited access  
1446 highway or expressway constructed between State Road 429 and  
1447 Interstate 4 specifically incorporating the corridor alignment  
1448 recommended by Recommendation 2 of the Wekiva River Basin Area  
1449 Task Force final report dated January 15, 2003, and the  
1450 recommendations of the SR 429 Working Group which were adopted

20121998er

1451 January 16, 2004, and related transportation facilities.

1452 Section 26. Section 338.166, Florida Statutes, is amended  
1453 to read:

1454 338.166 High-occupancy toll lanes or express lanes.—

1455 (1) Under s. 11, Art. VII of the State Constitution, the  
1456 department may request the Division of Bond Finance to issue  
1457 bonds secured by toll revenues collected on high-occupancy toll  
1458 lanes or express lanes established on facilities owned by the  
1459 department located on Interstate 95 in Miami-Dade and Broward  
1460 Counties.

1461 (2) The department may continue to collect the toll on the  
1462 high-occupancy toll lanes or express lanes after the discharge  
1463 of any bond indebtedness related to such project. All tolls so  
1464 collected shall first be used to pay the annual cost of the  
1465 operation, maintenance, and improvement of the high-occupancy  
1466 toll lanes or express lanes project or associated transportation  
1467 system.

1468 (3) Any remaining toll revenue from the high-occupancy toll  
1469 lanes or express lanes shall be used by the department for the  
1470 construction, maintenance, or improvement of any road on the  
1471 State Highway System within the county or counties in which the  
1472 toll revenues were collected or to support express bus service  
1473 on the facility where the toll revenues were collected.

1474 (4) The department may implement variable rate tolls on  
1475 high-occupancy toll lanes or express lanes.

1476 (5) Except for high-occupancy toll lanes or express lanes,  
1477 tolls may not be charged for use of an interstate highway where  
1478 tolls were not charged as of July 1, 1997.

1479 (6) This section does not apply to the turnpike system as

20121998er

1480 defined under the Florida Turnpike Enterprise Law.

1481 Section 27. Paragraph (a) of subsection (8) of section  
1482 338.221, Florida Statutes, is amended to read:

1483 338.221 Definitions of terms used in ss. 338.22-338.241.—As  
1484 used in ss. 338.22-338.241, the following words and terms have  
1485 the following meanings, unless the context indicates another or  
1486 different meaning or intent:

1487 (8) "Economically feasible" means:

1488 (a) For a proposed turnpike project, that, as determined by  
1489 the department before the issuance of revenue bonds for the  
1490 project, the estimated net revenues of the proposed turnpike  
1491 project, excluding feeder roads and turnpike improvements, will  
1492 be sufficient to pay at least 50 percent of the annual debt  
1493 service on the bonds associated with the project by the end of  
1494 the 12th year of operation and to pay at least 100 percent of  
1495 the debt service on the bonds by the end of the 30th ~~22nd~~ year  
1496 of operation. In implementing this paragraph, up to 50 percent  
1497 of the adopted work program costs of the project may be funded  
1498 from turnpike revenues.

1499  
1500 This subsection does not prohibit the pledging of revenues from  
1501 the entire turnpike system to bonds issued to finance or  
1502 refinance a turnpike project or group of turnpike projects.

1503 Section 28. Paragraphs (a) and (b) of subsection (1) of  
1504 section 338.223, Florida Statutes, are amended to read:

1505 338.223 Proposed turnpike projects.—

1506 (1) (a) Any proposed project to be constructed or acquired  
1507 as part of the turnpike system and any turnpike improvement  
1508 shall be included in the tentative work program. A ~~No~~ proposed

20121998er

1509 project or group of proposed projects may not ~~shall~~ be added to  
1510 the turnpike system unless such project or projects are  
1511 determined to be economically feasible and a statement of  
1512 environmental feasibility has been completed for such project or  
1513 projects and such projects are determined to be consistent, to  
1514 the maximum extent feasible, with approved local government  
1515 comprehensive plans of the local governments in which such  
1516 projects are located. The department may authorize engineering  
1517 studies, traffic studies, environmental studies, and other  
1518 expert studies of the location, costs, economic feasibility, and  
1519 practicality of proposed turnpike projects throughout the state  
1520 and may proceed with the design phase of such projects. The  
1521 department may ~~shall~~ not request legislative approval of a  
1522 proposed turnpike project until the design phase of that project  
1523 is at least 30 ~~60~~ percent complete. If a proposed project or  
1524 group of proposed projects is found to be economically feasible,  
1525 consistent, to the maximum extent feasible, with approved local  
1526 government comprehensive plans of the local governments in which  
1527 such projects are located, and a favorable statement of  
1528 environmental feasibility has been completed, the department,  
1529 with the approval of the Legislature, shall, after the receipt  
1530 of all necessary permits, construct, maintain, and operate such  
1531 turnpike projects.

1532 (b) Any proposed turnpike project or improvement shall be  
1533 developed in accordance with the Florida Transportation Plan and  
1534 the work program pursuant to s. 339.135. Turnpike projects that  
1535 add capacity, alter access, affect feeder roads, or affect the  
1536 operation of the local transportation system shall be included  
1537 in the transportation improvement plan of the affected

20121998er

1538 metropolitan planning organization. If such turnpike project  
1539 does not fall within the jurisdiction of a metropolitan planning  
1540 organization, the department shall notify the affected county  
1541 and provide for public hearings in accordance with s.  
1542 339.155(6)(c).

1543 Section 29. Section 338.251, Florida Statutes, is repealed.

1544 Section 30. Paragraph (f) of subsection (1) of section  
1545 339.08, Florida Statutes, is amended to read:

1546 339.08 Use of moneys in State Transportation Trust Fund.—

1547 (1) The department shall expend moneys in the State  
1548 Transportation Trust Fund accruing to the department, in  
1549 accordance with its annual budget. The use of such moneys shall  
1550 be restricted to the following purposes:

1551 (f) To pay the cost of economic development transportation  
1552 projects in accordance with s. 339.2821 ~~288.063~~.

1553 Section 31. Section 339.139, Florida Statutes, is created  
1554 to read:

1555 339.139 Transportation debt assessment.—

1556 (1) It is the policy of the state to manage the financing  
1557 of transportation infrastructure in a manner that ensures the  
1558 fiscal integrity of the State Transportation Trust Fund.

1559 (2) The department shall provide a debt and debtlike  
1560 contractual obligations load report to the Executive Office of  
1561 the Governor, the President of the Senate, the Speaker of the  
1562 House of Representatives, and the legislative appropriations  
1563 committees in conjunction with the tentative work program  
1564 required under s. 339.135. The debt and debtlike contractual  
1565 obligations load report must include the following data on  
1566 current and planned department commitments that are payable from

20121998er

1567 the State Transportation Trust Fund:

1568 (a) Debt service payments that are required to be made  
1569 under any resolution for the issuance of bonds secured by a lien  
1570 on federal highway aid reimbursements or motor fuel and diesel  
1571 fuel taxes.

1572 (b) Funding for seaports which has been pledged to the  
1573 payment of principal and interest on bonds issued by the Florida  
1574 Ports Financing Commission pursuant to s. 320.20.

1575 (c) Commitments of the department to pay the costs of  
1576 operating, maintaining, repairing, and rehabilitating expressway  
1577 and bridge systems under the terms of lease-purchase agreements  
1578 which are enforceable by the holders of bonds issued by  
1579 expressway and bridge authorities pursuant to chapter 348.

1580 (d) Availability, milestone, and final acceptance payments  
1581 that are required by public-private partnerships pursuant to s.  
1582 334.30 and that are not payments for the cost of operation or  
1583 maintenance of a facility.

1584 (e) Agreed-on payments to a department contractor for work  
1585 performed in the current fiscal year for which payment is  
1586 deferred to a later fiscal year pursuant to s. 334.30.

1587 (f) Reimbursements to local governments for work performed  
1588 on a project if the reimbursement is deferred to a later fiscal  
1589 year pursuant to s. 339.12.

1590 (g) Loan repayments on state infrastructure bank loans  
1591 extended to a department district pursuant to s. 339.55.

1592 (3) The department shall manage all levels of debt to  
1593 ensure that by the beginning of the 2017-2018 fiscal year, not  
1594 more than 20 percent of total projected available state and  
1595 federal revenues from the State Transportation Trust Fund,

20121998er

1596 together with any local funds committed to department projects,  
1597 are committed to the obligations identified in subsection (2) in  
1598 any year.

1599 (4) If the department believes that a critical project  
1600 would justify exceeding the limitation established in this  
1601 section, the department shall notify the Governor, the President  
1602 of the Senate, the Speaker of the House of Representatives, and  
1603 the chairs of the legislative appropriations committees. The  
1604 notification must identify the critical project and the  
1605 projected impact on the department's total debt load. The  
1606 department may proceed with the project upon approval by the  
1607 Governor. If either chair of the legislative appropriations  
1608 committees, the President of the Senate, or the Speaker of the  
1609 House of Representatives objects in writing to a proposed  
1610 project within 14 days after submittal of a department request  
1611 to exceed debt limits and specifies the reasons for such  
1612 objection, the Governor may not approve the project.

1613 (5) The department shall prepare a separate report on debt  
1614 obligations that are secured by and payable solely from pledged  
1615 revenues. The department shall provide the report on pledged  
1616 revenue debt to the Executive Office of the Governor, the  
1617 President of the Senate, the Speaker of the House of  
1618 Representatives, and the legislative appropriations committees  
1619 in conjunction with the tentative work program required under s.  
1620 339.135.

1621 Section 32. Section 339.2821, Florida Statutes, is created  
1622 to read:

1623 339.2821 Economic development transportation projects.—

1624 (1) (a) The department, in consultation with the Department

20121998er

1625 of Economic Opportunity, may make and approve expenditures and  
1626 contract with the appropriate governmental body for the direct  
1627 costs of transportation projects. The Department of Economic  
1628 Opportunity and the Department of Environmental Protection may  
1629 formally review and comment on recommended transportation  
1630 projects, although the department has final approval authority  
1631 for any project authorized under this section.

1632 (b) As used in this section, the term:

1633 1. "Governmental body" means an instrumentality of the  
1634 state or a county, municipality, district, authority, board, or  
1635 commission, or an agency thereof, within which jurisdiction the  
1636 transportation project is located and which is responsible to  
1637 the department for the transportation project.

1638 2. "Transportation project" means a transportation  
1639 facility, as defined in s. 334.03, which the department, in  
1640 consultation with the Department of Economic Opportunity, deems  
1641 necessary to facilitate the economic development and growth of  
1642 the state.

1643 (2) The department, in consultation with the Department of  
1644 Economic Opportunity, shall review each transportation project  
1645 for approval and funding. In the review, the department must  
1646 consider:

1647 (a) The cost per job created or retained considering the  
1648 amount of transportation funds requested;

1649 (b) The average hourly rate of wages for jobs created;

1650 (c) The reliance on any program as an inducement for  
1651 determining the transportation project's location;

1652 (d) The amount of capital investment to be made by a  
1653 business;

20121998er

1654           (e) The demonstrated local commitment;  
1655           (f) The location of the transportation project in an  
1656 enterprise zone as designated in s. 290.0055;  
1657           (g) The location of the transportation project in a  
1658 spaceport territory as defined in s. 331.304;  
1659           (h) The unemployment rate of the surrounding area; and  
1660           (i) The poverty rate of the community.  
1661  
1662 The department may contact any agency it deems appropriate for  
1663 additional information regarding the approval of a  
1664 transportation project. A transportation project must be  
1665 approved by the department to be eligible for funding.  
1666           (3) (a) The department must approve a transportation project  
1667 if it determines that the transportation project will:  
1668           1. Attract new employment opportunities to the state or  
1669 expand or retain employment in existing companies operating  
1670 within the state.  
1671           2. Allow for the construction or expansion of a state or  
1672 federal correctional facility in a county having a population of  
1673 75,000 or fewer which creates new employment opportunities or  
1674 expands or retains employment in the county.  
1675           (b) The department must ensure that small and minority  
1676 businesses have equal access to participate in transportation  
1677 projects funded pursuant to this section.  
1678           (c) In addition to administrative costs and equipment  
1679 purchases specified in the contract, funds for approved  
1680 transportation projects may be used for expenses that are  
1681 necessary for building new, or improving existing,  
1682 transportation facilities. Funds made available pursuant to this

20121998er

1683 section may not be expended for the relocation of a business  
1684 from one community to another community in this state unless the  
1685 department determines that, without the relocation, the business  
1686 will move outside the state or determines that the business has  
1687 a compelling economic reason for the relocation, such as  
1688 creating additional jobs.

1689 (4) A contract between the department and a governmental  
1690 body for a transportation project must:

1691 (a) Specify that the transportation project is for the  
1692 construction of a new or expanding business and specify the  
1693 number of full-time permanent jobs that will result from the  
1694 project.

1695 (b) Identify the governmental body and require that the  
1696 governmental body award the construction of the particular  
1697 transportation project to the lowest and best bidder in  
1698 accordance with applicable state and federal statutes or rules  
1699 unless the transportation project can be constructed using  
1700 existing local governmental employees within the contract period  
1701 specified by the department.

1702 (c) Require that the governmental body provide the  
1703 department with quarterly progress reports. Each quarterly  
1704 progress report must contain:

1705 1. A narrative description of the work completed and  
1706 whether the work is proceeding according to the transportation  
1707 project schedule;

1708 2. A description of each change order executed by the  
1709 governmental body;

1710 3. A budget summary detailing planned expenditures compared  
1711 to actual expenditures; and

20121998er

1712 4. The identity of each small or minority business used as  
1713 a contractor or subcontractor.

1714 (d) Require that the governmental body make and maintain  
1715 records in accordance with accepted governmental accounting  
1716 principles and practices for each progress payment made for work  
1717 performed in connection with the transportation project, each  
1718 change order executed by the governmental body, and each payment  
1719 made pursuant to a change order. The records are subject to  
1720 financial audit as required by law.

1721 (e) Require that the governmental body, upon completion and  
1722 acceptance of the transportation project, certify to the  
1723 department that the transportation project has been completed in  
1724 compliance with the terms and conditions of the contract between  
1725 the department and the governmental body and meets the minimum  
1726 construction standards established in accordance with s.  
1727 336.045.

1728 (f) Specify that the department transfer funds to the  
1729 governmental body not more often than quarterly, upon receipt of  
1730 a request for funds from the governmental body and consistent  
1731 with the needs of the transportation project. The governmental  
1732 body shall expend funds received from the department in a timely  
1733 manner. The department may not transfer funds unless  
1734 construction has begun on the facility of a business on whose  
1735 behalf the award was made. A contract totaling less than  
1736 \$200,000 is exempt from the transfer requirement.

1737 (g) Require that funds be used only on a transportation  
1738 project that has been properly reviewed and approved in  
1739 accordance with the criteria set forth in this section.

1740 (h) Require that the governing board of the governmental

20121998er

1741 body adopt a resolution accepting future maintenance and other  
1742 attendant costs occurring after completion of the transportation  
1743 project if the transportation project is constructed on a county  
1744 or municipal system.

1745 (5) For purposes of this section, Space Florida may serve  
1746 as the governmental body or as the contracting agency for a  
1747 transportation project within spaceport territory as defined by  
1748 s. 331.304.

1749 (6) Each governmental body receiving funds under this  
1750 section shall submit to the department a financial audit of the  
1751 governmental body conducted by an independent certified public  
1752 accountant. The department, in consultation with the Department  
1753 of Economic Opportunity, shall develop procedures to ensure that  
1754 audits are received and reviewed in a timely manner and that  
1755 deficiencies or questioned costs noted in the audit are  
1756 resolved.

1757 (7) The department shall monitor the construction or  
1758 building site for each transportation project that receives  
1759 funding under this section, including, but not limited to, the  
1760 construction of the business facility, to ensure compliance with  
1761 contractual requirements.

1762 Section 33. In order to implement sections 1 and 32 of this  
1763 act, which transfer the responsibility of administering economic  
1764 development transportation projects from the Department of  
1765 Economic Opportunity to the Department of Transportation, with  
1766 minimal disruption of services, the Department of Economic  
1767 Opportunity shall transfer the following to the Department of  
1768 Transportation:

1769 (1) All powers, duties, functions, records, pending issues,

20121998er

1770 existing contracts, administrative authority, administrative  
1771 rules, and unexpended balances of appropriations, allocations,  
1772 or other funds relating to the Economic Development  
1773 Transportation program.

1774 (2) Any unexpended balances of released appropriations and  
1775 appropriations that remain unreleased, and any funds remaining  
1776 in the Economic Development Trust Fund relating to economic  
1777 development transportation projects.

1778 (3) Any binding contract or interagency agreement in effect  
1779 between the Department of Economic Opportunity and any other  
1780 agency, entity, or person shall continue as a binding contract  
1781 or agreement for the remainder of the term of such contract or  
1782 agreement on the successor department responsible for the  
1783 program.

1784 Section 34. Section 339.2825, Florida Statutes, is created  
1785 to read:

1786 339.2825 Approval of contractor-financed projects.—

1787 (1) Before the department solicits proposals pursuant to s.  
1788 334.30 to advance a project programmed in the adopted 5-year  
1789 work program or in the 10-year Strategic Intermodal Plan using  
1790 funds provided by a public-private partnership or a private  
1791 entity to be reimbursed from department funds for the project as  
1792 programmed in the adopted work program, the department must  
1793 provide a summary of the proposed project to the Executive  
1794 Office of the Governor, the chair of each legislative  
1795 appropriations committee, the President of the Senate, and the  
1796 Speaker of the House of Representatives. The summary must  
1797 include a description of any anticipated commitment by the  
1798 department for the years outside the adopted work program, a

20121998er

1799 description of the anticipated impacts on the department's  
1800 overall debt load, and sufficient information to demonstrate  
1801 that the project will not cause the department to exceed the  
1802 overall debt limitation provided in s. 339.139. The department  
1803 may proceed with the project upon approval of the Governor. If  
1804 the chair of either legislative appropriations committee, the  
1805 President of the Senate, or the Speaker of the House of  
1806 Representatives objects to the proposed project in writing  
1807 within 14 days after receipt of the summary, the Governor may  
1808 not approve the project.

1809 (2) If the department receives an unsolicited proposal  
1810 pursuant to s. 334.30 to advance a project programmed in the  
1811 adopted 5-year work program or in the 10-year Strategic  
1812 Intermodal Plan using funds provided by public-private  
1813 partnerships or private entities to be reimbursed from  
1814 department funds for the project as programmed in the adopted  
1815 work program, the department shall provide a summary of the  
1816 proposed project to the Executive Office of the Governor, the  
1817 chair of each legislative appropriations committee, the  
1818 President of the Senate, and the Speaker of the House of  
1819 Representatives before the department advertises receipt of the  
1820 proposal as provided in s. 334.30. The summary must include a  
1821 description of any anticipated commitments by the department for  
1822 the years outside the adopted work program, a description of any  
1823 anticipated impacts on the department's overall debt load, and  
1824 sufficient information to demonstrate that the project will not  
1825 cause the department to exceed the overall debt limitation  
1826 provided in s. 339.14. The department may not accept the  
1827 unsolicited proposal, advertise receipt of the unsolicited

20121998er

1828 proposal, or solicit other proposals for the same project  
1829 purpose without the approval of the Executive Office of the  
1830 Governor. If the chair of either legislative appropriations  
1831 committee, the President of the Senate, or the Speaker of the  
1832 House of Representatives objects to the proposed project in  
1833 writing within 14 days after receipt of the summary, the  
1834 Executive Office of the Governor may not approve the proposed  
1835 project.

1836 (3) This section does not apply to a public-private  
1837 partnership agreement authorized in s. 334.30(2)(a).

1838 Section 35. Subsection (5) is added to section 339.63,  
1839 Florida Statutes, to read:

1840 339.63 System facilities designated; additions and  
1841 deletions.—

1842 (5)(a) The Secretary of Transportation shall designate a  
1843 planned facility as part of the Strategic Intermodal System upon  
1844 request of the facility if it meets the criteria and thresholds  
1845 established by the department pursuant to subsection (4), meets  
1846 the definition of an intermodal logistics center, and has been  
1847 designated in a local comprehensive plan or local government  
1848 development order as an intermodal logistics center or an  
1849 equivalent planning term. For the purpose of this section, the  
1850 term "intermodal logistics center" means a facility or group of  
1851 facilities, including, but not limited to, an inland port,  
1852 serving as a point of intermodal transfer of freight in a  
1853 specific area physically separated from a seaport whose  
1854 activities relating to transport, logistics, goods distribution,  
1855 consolidation, or value-added activities are carried out and  
1856 whose activities and services are designed to support or be

20121998er

1857 supported by one or more seaports, as provided in s. 311.09, or  
1858 an airport whose activities and services are designed to support  
1859 the transport, logistics, goods distribution, consolidation, or  
1860 value added activities related to airborne cargo.

1861 (b) A facility designated part of the Strategic Intermodal  
1862 System pursuant to paragraph (a) which is within the  
1863 jurisdiction of a local government and which maintains a  
1864 transportation concurrency system shall receive a waiver of  
1865 transportation concurrency requirements applicable to Strategic  
1866 Intermodal System facilities in order to accommodate any  
1867 development at the facility which occurs pursuant to a building  
1868 permit issued on or before December 31, 2017, but only if such  
1869 facility is located:

1870 1. Within an area designated pursuant to s. 288.0656(7) as  
1871 a rural area of critical economic concern;

1872 2. Within a rural enterprise zone as defined in s.  
1873 290.004(5); or

1874 3. Within 15 miles of the boundary of a rural area of  
1875 critical economic concern or a rural enterprise zone.

1876 Section 36. Section 348.7546, Florida Statutes, is amended  
1877 to read:

1878 348.7546 Wekiva Parkway, construction authorized;  
1879 financing. ~~Notwithstanding s. 338.2275,~~

1880 (1) The Orlando-Orange County Expressway Authority is  
1881 hereby authorized to exercise its condemnation powers and to  
1882 construct, finance, operate, own, and maintain those portions of  
1883 the Wekiva Parkway which are identified by agreement between the  
1884 authority and the department and which are included as part of  
1885 the authority's long-range capital improvement plan. The "Wekiva

20121998er

1886 Parkway” means any limited access highway or expressway  
1887 constructed between State Road 429 and Interstate 4 specifically  
1888 incorporating the corridor alignment recommended by  
1889 Recommendation 2 of the Wekiva River Basin Area Task Force final  
1890 report dated January 15, 2003, and the recommendations of the SR  
1891 429 Working Group which ~~that~~ were adopted January 16, 2004. This  
1892 project may be financed with any funds available to the  
1893 authority for such purpose or revenue bonds issued by the  
1894 authority under s. 11, Art. VII of the State Constitution and s.  
1895 348.755(1)(b). This section does not invalidate the exercise by  
1896 the authority of its condemnation powers or the acquisition of  
1897 any property for the Wekiva Parkway before July 1, 2012.

1898 (2) Notwithstanding any other provision of law to the  
1899 contrary, in order to ensure that funds are available to the  
1900 department for its portion of the Wekiva Parkway, beginning July  
1901 1, 2012, the authority shall repay the expenditures by the  
1902 department for costs of operation and maintenance of the  
1903 Orlando-Orange County Expressway System in accordance with the  
1904 terms of the memorandum of understanding between the authority  
1905 and the department as ratified by the authority board on  
1906 February 22, 2012, which requires the authority to pay the  
1907 department \$10 million on July 1, 2012, and \$20 million on each  
1908 successive July 1 until the department has been fully reimbursed  
1909 for all costs of the Orlando-Orange County Expressway System  
1910 which were paid, advanced, or reimbursed to the authority by the  
1911 department, with a final payment in the amount of the balance  
1912 remaining. Notwithstanding any other law to the contrary, the  
1913 funds paid to the department pursuant to this subsection shall  
1914 be allocated by the department for construction of the Wekiva

20121998er

1915 Parkway.

1916 (3) The department's obligation to construct its portions  
1917 of the Wekiva Parkway is contingent upon the timely payment by  
1918 the authority of the annual payments required of the authority,  
1919 and receipt of the required environmental permits and approvals  
1920 by the Federal Government.

1921 Section 37. Subsection (6) is added to section 348.755,  
1922 Florida Statutes, to read:

1923 348.755 Bonds of the authority.—

1924 (6) Notwithstanding any other provision of law to the  
1925 contrary, on and after July 1, 2012, the authority may not issue  
1926 any bonds except as permitted under the terms of the memorandum  
1927 of understanding between the authority and the department as  
1928 ratified by the authority board on February 22, 2012.

1929 Section 38. Subsections (8) and (9) are added to section  
1930 348.757, Florida Statutes, to read:

1931 348.757 Lease-purchase agreement.—

1932 (8) The only lease-purchase agreement authorized by this  
1933 section is the lease-purchase agreement between the department  
1934 and the authority dated December 23, 1985, as supplemented by a  
1935 first supplement to the lease-purchase agreement dated November  
1936 25, 1986, and a second supplement to the lease-purchase  
1937 agreement dated October 27, 1988.

1938 (9) Upon the earlier of the defeasance, redemption, or  
1939 payment in full of the authority bonds issued before July 1,  
1940 2012, or the earlier date to which the purchasers of the  
1941 authority bonds have consented:

1942 (a) The obligations of the department under the lease-  
1943 purchase agreement with the authority, including any obligation

20121998er

1944 to pay any cost of operation, maintenance, repair, or  
1945 rehabilitation of the expressway system, terminate;

1946 (b) The lease purchase agreement terminates;

1947 (c) The expressway system remains the property of the  
1948 authority and may not be transferred to the department; and

1949 (d) The authority remains obligated to reimburse the  
1950 department in accordance with the terms of the memorandum of  
1951 understanding between the authority and the department as  
1952 ratified by the authority board on February 22, 2012.

1953 Section 39. Subsections (2) and (5) of section 369.317,  
1954 Florida Statutes, are amended to read:

1955 369.317 Wekiva Parkway.—

1956 (2) The Wekiva Parkway and related transportation  
1957 facilities shall follow the design criteria contained in the  
1958 recommendations of the Wekiva River Basin Area Task Force  
1959 adopted by reference by the Wekiva River Basin Coordinating  
1960 Committee in its final report of March 16, 2004, and the  
1961 recommendations of the Wekiva Coordinating Committee contained  
1962 in its final report of March 16, 2004, subject to reasonable  
1963 environmental, economic, and engineering considerations. For  
1964 those activities associated with the Wekiva Parkway and related  
1965 transportation facilities which require authorization pursuant  
1966 to part IV of chapter 373, the Department of Environmental  
1967 Protection is the exclusive permitting authority.

1968 (5) In Seminole County, ~~the Seminole County Expressway~~  
1969 ~~Authority,~~ the Department of Transportation, ~~and the Florida~~  
1970 ~~Turnpike Enterprise~~ shall locate the precise corridor and  
1971 interchanges for the Wekiva Parkway consistent with the  
1972 legislative intent expressed in this act and other provisions of

20121998er

1973 this act.

1974 Section 40. Paragraph (a) of subsection (4) of section  
1975 377.809, Florida Statutes, is amended to read:

1976 377.809 Energy Economic Zone Pilot Program.—

1977 (4) (a) Beginning July 1, 2012, all the incentives and  
1978 benefits provided for enterprise zones pursuant to state law  
1979 shall be available to the energy economic zones designated  
1980 pursuant to this section on or before July 1, 2010. In order to  
1981 provide incentives, by March 1, 2012, each local governing body  
1982 that has jurisdiction over an energy economic zone must, by  
1983 local ordinance, establish the boundary of the energy economic  
1984 zone, specify applicable energy-efficiency standards, and  
1985 determine eligibility criteria for the application of state and  
1986 local incentives and benefits in the energy economic zone.  
1987 However, in order to receive benefits provided under s. 288.106,  
1988 a business must be a qualified target industry business under s.  
1989 288.106 for state purposes. An energy economic zone's boundary  
1990 may be revised by local ordinance. Such incentives and benefits  
1991 include those in ss. 212.08, 212.096, 220.181, 220.182, 220.183,  
1992 288.106, and 624.5105 and the public utility discounts provided  
1993 in s. 290.007(8). The exemption provided in s. 212.08(5)(c)  
1994 shall be for renewable energy as defined in s. 377.803. For  
1995 purposes of this section, any applicable requirements for  
1996 employee residency for higher refund or credit thresholds must  
1997 be based on employee residency in the energy economic zone or an  
1998 enterprise zone. A business in an energy economic zone may also  
1999 be eligible for funding under ss. 288.047 and 445.003, and a  
2000 transportation project in an energy economic zone shall be  
2001 provided priority in funding under s. 339.2821 ~~288.063~~. Other

20121998er

2002 projects shall be given priority ranking to the extent  
2003 practicable for grants administered under state energy programs.

2004 Section 41. The funds in the Toll Facilities Revolving  
2005 Trust Fund and all future payments of obligated funds shall be  
2006 deposited into the State Transportation Trust Fund to be  
2007 expended for the purposes specified in s. 339.08, Florida  
2008 Statutes.

2009 Section 42. Notwithstanding s. 120.569, s. 120.57, or s.  
2010 373.427, Florida Statutes, or any other provision of law to the  
2011 contrary, a challenge to a consolidated environmental resource  
2012 permit or an associated variance or a sovereign submerged lands  
2013 authorization proposed or issued by the Department of  
2014 Environmental Protection in connection with the state's  
2015 deepwater ports, as listed in s. 403.021(9), Florida Statutes,  
2016 shall be conducted pursuant to the summary hearing provisions of  
2017 s. 120.574, Florida Statutes. However, the summary proceeding  
2018 shall be conducted within 30 days after a party files a motion  
2019 for a summary hearing, regardless of whether the parties agree  
2020 to the summary proceeding, and the administrative law judge's  
2021 decision shall be in the form of a recommended order and does  
2022 not constitute final agency action of the department. The  
2023 Department of Environmental Protection shall issue the final  
2024 order within 45 working days after receipt of the administrative  
2025 law judge's recommended order. The summary hearing provisions of  
2026 this section apply to pending administrative proceedings,  
2027 however, s. 120.574(1)(b) and (d) and (2)(a)3. and 5., Florida  
2028 Statutes, do not apply to pending administrative proceedings.  
2029 This section shall take effect upon this act becoming a law.

2030 Section 43. Except as otherwise expressly provided in this

20121998er

2031 act and except for this section, which shall take effect upon  
2032 this act becoming a law, this act shall take effect July 1,  
2033 2012.