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LEGISLATIVE ACTION

Senate	.	House
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Floor: 2/AD/2R	.	Floor: SENA2/C
03/09/2012 11:01 PM	.	03/09/2012 11:51 PM
	.	

Senator Dean moved the following:

Senate Amendment (with title amendment)

Delete line 567

and insert:

Section 6. Paragraphs (a) and (b) of subsection (5) of section 20.23, Florida Statutes, are amended to read:

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

(5) (a) The operations of the department shall be organized into seven districts, each headed by a district secretary, and a turnpike enterprise and a rail enterprise, each enterprise headed by an executive director. The district secretaries and



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14 the executive directors shall be registered professional
15 engineers in accordance with the provisions of chapter 471 or
16 the laws of another state, or, in lieu of professional engineer
17 registration, a district secretary or executive director may
18 hold an advanced degree in an appropriate related discipline,
19 such as a Master of Business Administration. The headquarters of
20 the districts shall be located in Polk, Columbia, Washington,
21 Broward, Volusia, Miami-Dade, and Hillsborough Counties. The
22 headquarters of the turnpike enterprise shall be located in
23 Orange County. The headquarters of the rail enterprise shall be
24 located in Leon County. In order to provide for efficient
25 operations and to expedite the decisionmaking process, the
26 department shall provide for maximum decentralization to the
27 districts.

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

32 Section 7. Paragraph (c) of subsection (4) of section
33 206.41, Florida Statutes, is amended to read:

34 206.41 State taxes imposed on motor fuel.—

35 (4)

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

41 2. For the purposes of this paragraph, "agricultural and
42 aquacultural purposes" means motor fuel used in any tractor,



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43 vehicle, or other farm equipment which is used exclusively on a
44 farm or for processing farm products on the farm, and no part of
45 which fuel is used in any vehicle or equipment driven or
46 operated upon the public highways of this state. This
47 restriction does not apply to the movement of a farm vehicle, ~~or~~
48 farm equipment, citrus harvesting equipment, or citrus fruit
49 loaders between farms. The transporting of bees by water and the
50 operating of equipment used in the apiary of a beekeeper shall
51 be also deemed an agricultural purpose.

52 3. For the purposes of this paragraph, "commercial fishing
53 and aquacultural purposes" means motor fuel used in the
54 operation of boats, vessels, or equipment used exclusively for
55 the taking of fish, crayfish, oysters, shrimp, or sponges from
56 salt or fresh waters under the jurisdiction of the state for
57 resale to the public, and no part of which fuel is used in any
58 vehicle or equipment driven or operated upon the highways of
59 this state; however, the term may in no way be construed to
60 include fuel used for sport or pleasure fishing.

61 4. For the purposes of this paragraph, "commercial aviation
62 purposes" means motor fuel used in the operation of aviation
63 ground support vehicles or equipment, no part of which fuel is
64 used in any vehicle or equipment driven or operated upon the
65 public highways of this state.

66 Section 8. Chapter 311, Florida Statutes, is retitled
67 "SEAPORT PROGRAMS AND FACILITIES."

68 Section 9. Section 311.07, Florida Statutes, is amended to
69 read:

70 311.07 Florida seaport transportation and economic
71 development funding.—



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72 (1) There is created the Florida Seaport Transportation and
73 Economic Development Program within the Department of
74 Transportation to finance port transportation or port facilities
75 projects that will improve the movement and intermodal
76 transportation of cargo or passengers in commerce and trade and
77 ~~that will~~ support the interests, purposes, and requirements of
78 all ports listed in s. 311.09 located in this state.

79 (2) A minimum of \$15 ~~\$8~~ million per year shall be made
80 available from the State Transportation Trust Fund to fund the
81 Florida Seaport Transportation and Economic Development Program.
82 The Florida Seaport Transportation and Economic Development
83 Council created in s. 311.09 shall develop guidelines for
84 project funding. Council staff, the Department of
85 Transportation, and the Department of Economic Opportunity shall
86 work in cooperation to review projects and allocate funds in
87 accordance with the schedule required for the Department of
88 Transportation to include these projects in the tentative work
89 program developed pursuant to s. 339.135(4).

90 (3) (a) Florida Seaport Transportation and Economic
91 Development Program funds shall be used to fund approved
92 projects on a 50-50 matching basis with any of the deepwater
93 ports, as listed in s. 311.09 ~~s. 403.021(9)(b)~~, which is
94 governed by a public body or any other deepwater port which is
95 governed by a public body and which complies with the water
96 quality provisions of s. 403.061, the comprehensive master plan
97 requirements of s. 163.3178(2)(k), and the local financial
98 management and reporting provisions of part III of chapter 218.
99 However, program funds used to fund projects that involve the
100 rehabilitation of wharves, docks, berths, bulkheads, or similar



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101 structures shall require a 25-percent match of funds. Program
102 funds also may be used by the Seaport Transportation and
103 Economic Development Council for data and analysis that to
104 ~~develop trade data information products which~~ will assist
105 Florida's seaports and international trade.

106 (b) Projects eligible for funding by grants under the
107 program are limited to the following port facilities or port
108 transportation projects:

109 1. Transportation facilities within the jurisdiction of the
110 port.

111 2. The dredging or deepening of channels, turning basins,
112 or harbors.

113 3. The construction or rehabilitation of wharves, docks,
114 structures, jetties, piers, storage facilities, cruise
115 terminals, automated people mover systems, or any facilities
116 necessary or useful in connection with any of the foregoing.

117 4. The acquisition of vessel tracking systems, container
118 cranes, or other mechanized equipment used in the movement of
119 cargo or passengers in international commerce.

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

121 6. The acquisition, improvement, enlargement, or extension
122 of existing port facilities.

123 7. Environmental protection projects which are necessary
124 because of requirements imposed by a state agency as a condition
125 of a permit or other form of state approval; which are necessary
126 for environmental mitigation required as a condition of a state,
127 federal, or local environmental permit; which are necessary for
128 the acquisition of spoil disposal sites and improvements to
129 existing and future spoil sites; or which result from the



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130 funding of eligible projects listed in this paragraph.

131 8. Transportation facilities as defined in s. 334.03(30) ~~s.~~
132 ~~334.03(31)~~ which are not otherwise part of the Department of
133 Transportation's adopted work program.

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

136 10. Construction or rehabilitation of port facilities as
137 defined in s. 315.02, excluding any park or recreational
138 facilities, in ports listed in s. 311.09(1) with operating
139 revenues of \$5 million or less, provided that such projects
140 create economic development opportunities, capital improvements,
141 and positive financial returns to such ports.

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

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

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

154 (4) ~~(5)~~ Any port which receives funding under the program
155 shall institute procedures to ensure that jobs created as a
156 result of the state funding shall be subject to equal
157 opportunity hiring practices in the manner provided in s.
158 110.112.



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159 (5)~~(6)~~ The Department of Transportation may ~~shall~~ subject
160 any project that receives funds pursuant to this section and s.
161 320.20 to a final audit. The department may adopt rules and
162 perform such other acts as are necessary or convenient to ensure
163 that the final audits are conducted and that any deficiency or
164 questioned costs noted by the audit are resolved.

165 Section 10. Subsections (4) through (13) of section 311.09,
166 Florida Statutes, are amended to read:

167 311.09 Florida Seaport Transportation and Economic
168 Development Council.—

169 (4) The council shall adopt rules for evaluating projects
170 which may be funded under ss. 311.07 and 320.20. The rules shall
171 provide criteria for evaluating the potential project,
172 including, but not limited to, such factors as consistency with
173 appropriate plans, economic benefit, readiness for construction,
174 noncompetition with other Florida ports, and capacity within the
175 seaport system ~~economic benefit of the project, measured by the~~
176 ~~potential for the proposed project to maintain or increase cargo~~
177 ~~flow, cruise passenger movement, international commerce, port~~
178 ~~revenues, and the number of jobs for the port's local community.~~

179 (5) The council shall review and approve or disapprove each
180 project eligible to be funded pursuant to the Florida Seaport
181 Transportation and Economic Development Program. The council
182 shall annually submit to the Secretary of Transportation and the
183 executive director of the Department of Economic Opportunity, or
184 his or her designee, a list of projects which have been approved
185 by the council. The list shall specify the recommended funding
186 level for each project; and, if staged implementation of the
187 project is appropriate, the funding requirements for each stage



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188 shall be specified.

189 ~~(6) The Department of Community Affairs shall review the~~
190 ~~list of projects approved by the council to determine~~
191 ~~consistency with approved local government comprehensive plans~~
192 ~~of the units of local government in which the port is located~~
193 ~~and consistency with the port master plan. The Department of~~
194 ~~Community Affairs shall identify and notify the council of those~~
195 ~~projects which are not consistent, to the maximum extent~~
196 ~~feasible, with such comprehensive plans and port master plans.~~

197 (6)(7) The Department of Transportation shall review the
198 list of project applications ~~projects~~ approved by the council
199 for consistency with the Florida Transportation Plan, the
200 Statewide Seaport and Waterways System Plan, and the
201 department's adopted work program. In evaluating the consistency
202 of a project, the department shall assess the transportation
203 impacts and economic benefits for each project ~~determine whether~~
204 ~~the transportation impact of the proposed project is adequately~~
205 ~~handled by existing state-owned transportation facilities or by~~
206 ~~the construction of additional state-owned transportation~~
207 ~~facilities as identified in the Florida Transportation Plan and~~
208 ~~the department's adopted work program. In reviewing for~~
209 ~~consistency a transportation facility project as defined in s.~~
210 ~~334.03(31) which is not otherwise part of the department's work~~
211 ~~program, the department shall evaluate whether the project is~~
212 ~~needed to provide for projected movement of cargo or passengers~~
213 ~~from the port to a state transportation facility or local road.~~
214 ~~If the project is needed to provide for projected movement of~~
215 ~~cargo or passengers, the project shall be approved for~~
216 ~~consistency as a consideration to facilitate the economic~~



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217 ~~development and growth of the state in a timely manner.~~ The
218 Department of Transportation shall identify those projects which
219 are inconsistent with the Florida Transportation Plan, the
220 Statewide Seaport and Waterways System Plan, ~~or and~~ the adopted
221 work program and shall notify the council of projects found to
222 be inconsistent.

223 ~~(7)-(8)~~ The Department of Economic Opportunity shall review
224 the list of project applications ~~projects~~ approved by the
225 council to evaluate the economic benefit of the project and to
226 determine whether the project is consistent with the Florida
227 Seaport Mission Plan and with state economic development goals
228 and policies. The Department of Economic Opportunity shall
229 review the proposed project's consistency with state, regional,
230 and local plans, as appropriate, and the economic benefits of
231 each project based upon the rules adopted pursuant to subsection
232 (4). The Department of Economic Opportunity shall identify those
233 projects which it has determined do not offer an economic
234 benefit to the state, are not consistent with an appropriate
235 plan, or are not consistent with the Florida Seaport Mission
236 Plan or state economic development goals and policies and shall
237 notify the council of its findings.

238 ~~(8)-(9)~~ The council shall review the findings of the
239 Department of Economic Opportunity and the Department of
240 Transportation. Projects found to be inconsistent pursuant to
241 subsections (6) ~~r~~ or (7) ~~r~~ and ~~(8)~~ or ~~and~~ projects which have been
242 determined not to offer an economic benefit to the state
243 pursuant to subsection (7) ~~(8)~~ may ~~shall~~ not be included in the
244 list of projects to be funded.

245 ~~(9)-(10)~~ The Department of Transportation shall include no



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246 less than \$15 million per year in its annual legislative budget
247 request for the a Florida Seaport Transportation and Economic
248 Development ~~grant~~ Program funded under s. 311.07 ~~for expenditure~~
249 ~~of funds of not less than \$8 million per year~~. Such budget shall
250 include funding for projects approved by the council which have
251 been determined by each agency to be consistent ~~and which have~~
252 ~~been determined by the Department of Economic Opportunity to be~~
253 ~~economically beneficial~~. The department shall include the
254 specific approved Florida Seaport Transportation and Economic
255 Development Program seaport projects to be funded under s.
256 311.07 ~~this section~~ during the ensuing fiscal year in the
257 tentative work program developed pursuant to s. 339.135(4). The
258 total amount of funding to be allocated to Florida Seaport
259 Transportation and Economic Development Program seaport projects
260 under s. 311.07 during the successive 4 fiscal years shall also
261 be included in the tentative work program developed pursuant to
262 s. 339.135(4). The council may submit to the department a list
263 of approved projects that could be made production-ready within
264 the next 2 years. The list shall be submitted by the department
265 as part of the needs and project list prepared pursuant to s.
266 339.135(2) (b). However, the department shall, upon written
267 request of the Florida Seaport Transportation and Economic
268 Development Council, submit work program amendments pursuant to
269 s. 339.135(7) to the Governor within 10 days after the later of
270 the date the request is received by the department or the
271 effective date of the amendment, termination, or closure of the
272 applicable funding agreement between the department and the
273 affected seaport, as required to release the funds from the
274 existing commitment. Notwithstanding s. 339.135(7) (c), any work



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275 program amendment to transfer prior year funds from one approved
276 seaport project to another seaport project is subject to the
277 procedures in s. 339.135(7)(d). Notwithstanding any provision of
278 law to the contrary, the department may transfer unexpended
279 budget between the seaport projects as identified in the
280 approved work program amendments.

281 (10)~~(11)~~ The council shall meet at the call of its
282 chairperson, at the request of a majority of its membership, or
283 at such times as may be prescribed in its bylaws. However, the
284 council must meet at least semiannually. A majority of voting
285 members of the council constitutes a quorum for the purpose of
286 transacting the business of the council. All members of the
287 council are voting members. A vote of the majority of the voting
288 members present is sufficient for any action of the council,
289 except that a member representing the Department of
290 Transportation or the Department of Economic Opportunity may
291 vote to overrule any action of the council approving a project
292 pursuant to subsection (5). The bylaws of the council may
293 require a greater vote for a particular action.

294 (11)~~(12)~~ Members of the council shall serve without
295 compensation but are entitled to receive reimbursement for per
296 diem and travel expenses as provided in s. 112.061. The council
297 may elect to provide an administrative staff to provide services
298 to the council on matters relating to the Florida Seaport
299 Transportation and Economic Development Program and the council.
300 The cost for such administrative services shall be paid by all
301 ports that receive funding from the Florida Seaport
302 Transportation and Economic Development Program, based upon a
303 pro rata formula measured by each recipient's share of the funds



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304 as compared to the total funds disbursed to all recipients
305 during the year. The share of costs for administrative services
306 shall be paid in its total amount by the recipient port upon
307 execution by the port and the Department of Transportation of a
308 joint participation agreement for each council-approved project,
309 and such payment is in addition to the matching funds required
310 to be paid by the recipient port. Except as otherwise exempted
311 by law, all moneys derived from the Florida Seaport
312 Transportation and Economic Development Program shall be
313 expended in accordance with the provisions of s. 287.057.
314 Seaports subject to competitive negotiation requirements of a
315 local governing body shall abide by the provisions of s.
316 287.055.

317 (12)~~(13)~~ Until July 1, 2014, Citrus County may apply for a
318 grant through the Florida Seaport Transportation and Economic
319 Development Council to perform a feasibility study regarding the
320 establishment of a port in Citrus County. The council shall
321 evaluate such application pursuant to subsections (5)-(8) ~~(5)-~~
322 ~~(9)~~ and, if approved, the Department of Transportation shall
323 include the feasibility study in its budget request pursuant to
324 subsection (9) ~~(10)~~. If the study determines that a port in
325 Citrus County is not feasible, the membership of Port Citrus on
326 the council shall terminate.

327 Section 11. Section 311.10, Florida Statutes, is created to
328 read:

329 311.10 Strategic Port Investment Initiative.-

330 (1) There is created the Strategic Port Investment
331 Initiative within the Department of Transportation. Beginning in
332 fiscal year 2012-2013, a minimum of \$35 million annually shall



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333 be made available from the State Transportation Trust Fund to
334 fund the Strategic Port Investment Initiative. The Department of
335 Transportation shall work with the deepwater ports listed in s.
336 311.09 to develop and maintain a priority list of strategic
337 investment projects. Project selection shall be based on
338 projects that meet the state's economic development goal of
339 becoming a hub for trade, logistics, and export-oriented
340 activities by:

341 (a) Providing important access and major on-port capacity
342 improvements;

343 (b) Providing capital improvements to strategically
344 position the state to maximize opportunities in international
345 trade, logistics, or the cruise industry;

346 (c) Achieving state goals of an integrated intermodal
347 transportation system; and

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

350 (2) Prior to making final project allocations, the
351 Department of Transportation shall schedule a publicly noticed
352 workshop with the Department of Economic Opportunity and the
353 deepwater ports listed in s. 311.09 to review the proposed
354 projects. After considering the comments received, the
355 Department of Transportation shall finalize a prioritized list
356 of potential projects.

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

361 Section 12. Section 311.101, Florida Statutes, is created



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362 to read:

363 311.101 Intermodal Logistics Center Infrastructure Support
364 Program.—

365 (1) There is created within the Department of
366 Transportation the Intermodal Logistics Center Infrastructure
367 Support Program. The purpose of the program is to provide funds
368 for roads, rail facilities, or other means for the conveyance or
369 shipment of goods through a seaport, thereby enabling the state
370 to respond to private sector market demands and meet the state's
371 economic development goal of becoming a hub for trade,
372 logistics, and export-oriented activities. The department may
373 provide funds to assist with local government projects or
374 projects performed by private entities that meet the public
375 purpose of enhancing transportation facilities for the
376 conveyance or shipment of goods through a seaport to or from an
377 intermodal logistics center.

378 (2) For the purposes of this section, "intermodal logistics
379 center," including, but not limited to, an "inland port," means
380 a facility or group of facilities serving as a point of
381 intermodal transfer of freight in a specific area physically
382 separated from a seaport where activities relating to transport,
383 logistics, goods distribution, consolidation, or value-added
384 activities are carried out and whose activities and services are
385 designed to support or be supported by conveyance or shipping
386 through one or more seaports listed in s. 311.09.

387 (3) The department must consider, but is not limited to,
388 the following criteria when evaluating projects for Intermodal
389 Logistics Center Infrastructure Support Program assistance:

390 (a) The ability of the project to serve a strategic state



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391 interest.

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

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

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

398 (e) A commitment of a funding match.

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

401 (g) The extent to which the owner has commitments,
402 including memorandums of understanding or memorandums of
403 agreements, with private sector businesses planning to locate
404 operations at the intermodal logistics center.

405 (h) Demonstrated local financial support and commitment to
406 the project.

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

410 (5) The department is authorized to administer contracts on
411 behalf of the entity selected to receive funding for a project
412 under this section.

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

415 (7) Beginning in fiscal year 2012-2013, up to \$5 million
416 per year shall be made available from the State Transportation
417 Trust Fund for the program. The Department of Transportation
418 shall include projects proposed to be funded under this section
419 in the tentative work program developed pursuant so s.



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420 339.135(4).

421 (8) The Department of Transportation is authorized to adopt
422 rules to implement this section.

423 Section 13. Section 311.106, Florida Statutes, is created
424 to read:

425 311.106 Seaport stormwater permitting and mitigation.—A
426 seaport listed in s. 403.021(9)(b) is authorized to provide for
427 onsite or offsite stormwater treatment for water quality impacts
428 caused by a proposed port activity that requires a permit and
429 that causes or contributes to pollution from stormwater runoff.
430 Offsite stormwater treatment may occur outside of the
431 established boundaries of the port, but must be within the same
432 drainage basin in which the port activity occurs. A port offsite
433 stormwater treatment project must be constructed and maintained
434 by the seaport or by the seaport in conjunction with an adjacent
435 local government. In order to limit stormwater treatment from
436 individual parcels within a port, a seaport may provide for a
437 regional stormwater treatment facility that must be constructed
438 and maintained by the seaport or by the seaport in conjunction
439 with an adjacent local government.

440 Section 14. Section 311.14, Florida Statutes, is amended to
441 read:

442 311.14 Seaport planning.—

443 (1) The Department of Transportation shall develop, in
444 coordination with the ports listed in s. 311.09(1) and other
445 partners, a Statewide Seaport and Waterways System Plan. This
446 plan shall be consistent with the goals of the Florida
447 Transportation Plan developed pursuant to s. 339.155 and shall
448 consider needs identified in individual port master plans and



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449 those from the seaport strategic plans required under this
450 section. The plan will identify 5-year, 10-year, and 20-year
451 needs for the seaport system and will include seaport, waterway,
452 road, and rail projects that are needed to ensure the success of
453 the transportation system as a whole in supporting state
454 economic development goals ~~The Florida Seaport Transportation~~
455 ~~and Economic Development Council, in cooperation with the Office~~
456 ~~of the State Public Transportation Administrator within the~~
457 ~~Department of Transportation, shall develop freight-mobility and~~
458 ~~trade-corridor plans to assist in making freight-mobility~~
459 ~~investments that contribute to the economic growth of the state.~~
460 ~~Such plans should enhance the integration and connectivity of~~
461 ~~the transportation system across and between transportation~~
462 ~~modes throughout Florida for people and freight.~~

463 ~~(2) The Office of the State Public Transportation~~
464 ~~Administrator shall act to integrate freight-mobility and trade-~~
465 ~~corridor plans into the Florida Transportation Plan developed~~
466 ~~pursuant to s. 339.155 and into the plans and programs of~~
467 ~~metropolitan planning organizations as provided in s. 339.175.~~
468 ~~The office may also provide assistance in expediting the~~
469 ~~transportation permitting process relating to the construction~~
470 ~~of seaport freight-mobility projects located outside the~~
471 ~~physical borders of seaports. The Department of Transportation~~
472 ~~may contract, as provided in s. 334.044, with any port listed in~~
473 ~~s. 311.09(1) or any such other statutorily authorized seaport~~
474 ~~entity to act as an agent in the construction of seaport~~
475 ~~freight-mobility projects.~~

476 (2)~~(3)~~ Each port shall develop a strategic plan with a 10-
477 year horizon. Each plan must include the following:



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478 (a) An economic development component that identifies
479 targeted business opportunities for increasing business and
480 attracting new business for which a particular facility has a
481 strategic advantage over its competitors, identifies financial
482 resources and other inducements to encourage growth of existing
483 business and acquisition of new business, and provides a
484 projected schedule for attainment of the plan's goals.

485 (b) An infrastructure development and improvement component
486 that identifies all projected infrastructure improvements within
487 the plan area which require improvement, expansion, or
488 development in order for a port to attain a strategic advantage
489 for competition with national and international competitors.

490 (c) A component that identifies all intermodal
491 transportation facilities, including sea, air, rail, or road
492 facilities, which are available or have potential, with
493 improvements, to be available for necessary national and
494 international commercial linkages and provides a plan for the
495 integration of port, airport, and railroad activities with
496 existing and planned transportation infrastructure.

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

500 (e) An intergovernmental coordination component that
501 specifies modes and methods to coordinate plan goals and
502 missions with the missions of the Department of Transportation,
503 other state agencies, and affected local, general-purpose
504 governments.

505
506 To the extent feasible, the port strategic plan must be



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507 consistent with the local government comprehensive plans of the
508 units of local government in which the port is located. Upon
509 approval of a plan by the port's board, the plan shall be
510 submitted to the Florida Seaport Transportation and Economic
511 Development Council.

512 (3)~~(4)~~ The Florida Seaport Transportation and Economic
513 Development Council shall review the strategic plans submitted
514 by each port and prioritize strategic needs for inclusion in the
515 Florida Seaport Mission Plan prepared pursuant to s. 311.09(3).

516 Section 15. Subsection (21) of section 316.003, Florida
517 Statutes, is amended to read:

518 316.003 Definitions.—The following words and phrases, when
519 used in this chapter, shall have the meanings respectively
520 ascribed to them in this section, except where the context
521 otherwise requires:

522 (21) MOTOR VEHICLE.—Except when used in s. 316.1001, any
523 self-propelled vehicle not operated upon rails or guideway, but
524 not including any bicycle, motorized scooter, electric personal
525 assistive mobility device, or moped. For purposes of s.
526 316.1001, "motor vehicle" has the same meaning as in s.
527 320.01(1)(a).

528 Section 16. Subsection (4) of section 316.091, Florida
529 Statutes, is amended, subsection (5) is renumbered as subsection
530 (7), and new subsections (5) and (6) are added to that section,
531 to read:

532 316.091 Limited access facilities; interstate highways; use
533 restricted.—

534 (4) No person shall operate a bicycle or other human-
535 powered vehicle on the roadway or along the shoulder of a a



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536 limited access highway, including bridges, unless official signs
537 and a designated, marked bicycle lane are present at the
538 entrance of the section of highway indicating that such use is
539 permitted pursuant to a pilot program of the Department of
540 Transportation an interstate highway.

541 (5) The Department of Transportation and expressway
542 authorities are authorized to designate use of shoulders of
543 limited access facilities and interstate highways under their
544 jurisdiction for such vehicular traffic determined to improve
545 safety, reliability, and transportation system efficiency.
546 Appropriate traffic signs or dynamic lane control signals shall
547 be erected along those portions of the facility affected to give
548 notice to the public of the action to be taken, clearly
549 indicating when the shoulder is open to designated vehicular
550 traffic. This section may not be deemed to authorize such
551 designation in violation of any federal law or any covenant
552 established in a resolution or trust indenture relating to the
553 issuance of turnpike bonds, expressway authority bonds, or other
554 bonds.

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

561 (a) The limited access highway approaches and bridge
562 segments chosen must cross a river, lake, bay, inlet, or surface
563 water where no street or highway crossing the water body is
564 available for use within 2 miles of the entrance to the limited



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565 access facility measured along the shortest public right-of-way.

566 (b) The Department of Transportation, with the concurrence
567 of the Federal Highway Administration on the interstate
568 facilities, shall establish the three highway approaches and
569 bridge segments for the pilot project by October 1, 2012. In
570 selecting the highway approaches and bridge segments, the
571 Department of Transportation shall consider, without limitation,
572 a minimum size of population in the urban area within 5 miles of
573 the highway approach and bridge segment, the lack of bicycle
574 access by other means, cost, safety, and operational impacts.

575 (c) The Department of Transportation shall begin the pilot
576 program by erecting signs and designating marked bicycle lanes
577 indicating highway approaches and bridge segments of limited
578 access highways, as qualified by the conditions described in
579 this subsection, as open to use by operators of bicycles and
580 other human-powered vehicles no later than March 1, 2013.

581 (d) The Department of Transportation shall conduct the
582 pilot program for a minimum of 2 years following the
583 implementation date.

584 (e) The Department of Transportation shall submit a report
585 of its findings and recommendations from the pilot program to
586 the Governor, the President of the Senate, and the Speaker of
587 the House of Representatives by September 1, 2015. The report
588 shall include, at a minimum, bicycle crash data occurring in the
589 designated segments of the pilot program, usage by operators of
590 bicycles and other human-powered vehicles, enforcement issues,
591 operational impacts, and the cost of the pilot program.

592 Section 17. Paragraph (b) of subsection (2) of section
593 316.1001, Florida Statutes, is amended to read:



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594 316.1001 Payment of toll on toll facilities required;
595 penalties.-

596 (2)

597 (b) A citation issued under this subsection may be issued
598 by mailing the citation by first-class mail or by certified
599 mail, return receipt requested, to the address of the registered
600 owner of the motor vehicle involved in the violation. Mailing
601 Receipt of the citation to such address constitutes
602 notification. In the case of joint ownership of a motor vehicle,
603 the traffic citation must be mailed to the first name appearing
604 on the registration, unless the first name appearing on the
605 registration is a business organization, in which case the
606 second name appearing on the registration may be used. A
607 citation issued under this paragraph must be mailed to the
608 registered owner of the motor vehicle involved in the violation
609 within 14 days after the date of issuance of the citation. In
610 addition to the citation, notification must be sent to the
611 registered owner of the motor vehicle involved in the violation
612 specifying remedies available under ss. 318.14(12) and
613 318.18(7).

614 Section 18. Subsection (5) of section 316.2068, Florida
615 Statutes, is amended to read:

616 316.2068 Electric personal assistive mobility devices;
617 regulations.-

618 (5) A county or municipality may regulate ~~prohibit~~ the
619 operation of electric personal assistive mobility devices on any
620 road, street, sidewalk, or bicycle path under its jurisdiction
621 if the governing body of the county or municipality determines
622 that regulation ~~such a prohibition~~ is necessary in the interest



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623 of safety.

624 Section 19. Paragraph (a) of subsection (3) and paragraphs
625 (a) and (c) of subsection (5) of section 316.515, Florida
626 Statutes, are amended to read:

627 316.515 Maximum width, height, length.—

628 (3) LENGTH LIMITATION.—Except as otherwise provided in this
629 section, length limitations apply solely to a semitrailer or
630 trailer, and not to a truck tractor or to the overall length of
631 a combination of vehicles. No combination of commercial motor
632 vehicles coupled together and operating on the public roads may
633 consist of more than one truck tractor and two trailing units.
634 Unless otherwise specifically provided for in this section, a
635 combination of vehicles not qualifying as commercial motor
636 vehicles may consist of no more than two units coupled together;
637 such nonqualifying combination of vehicles may not exceed a
638 total length of 65 feet, inclusive of the load carried thereon,
639 but exclusive of safety and energy conservation devices approved
640 by the department for use on vehicles using public roads.
641 Notwithstanding any other provision of this section, a truck
642 tractor-semitrailer combination engaged in the transportation of
643 automobiles or boats may transport motor vehicles or boats on
644 part of the power unit; and, except as may otherwise be mandated
645 under federal law, an automobile or boat transporter semitrailer
646 may not exceed 50 feet in length, exclusive of the load;
647 however, the load may extend up to an additional 6 feet beyond
648 the rear of the trailer. The 50-foot length limitation does not
649 apply to non-stinger-steered automobile or boat transporters
650 that are 65 feet or less in overall length, exclusive of the
651 load carried thereon, or to stinger-steered automobile or boat



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652 transporters that are 75 feet or less in overall length,
653 exclusive of the load carried thereon. For purposes of this
654 subsection, a "stinger-steered automobile or boat transporter"
655 is an automobile or boat transporter configured as a semitrailer
656 combination wherein the fifth wheel is located on a drop frame
657 located behind and below the rearmost axle of the power unit.
658 Notwithstanding paragraphs (a) and (b), any straight truck or
659 truck tractor-semitrailer combination engaged in the
660 transportation of horticultural trees may allow the load to
661 extend up to an additional 10 feet beyond the rear of the
662 vehicle, provided said trees are resting against a retaining bar
663 mounted above the truck bed so that the root balls of the trees
664 rest on the floor and to the front of the truck bed and the tops
665 of the trees extend up over and to the rear of the truck bed,
666 and provided the overhanging portion of the load is covered with
667 protective fabric.

668 (a) *Straight trucks.*—~~A No~~ straight truck may not exceed a
669 length of 40 feet in extreme overall dimension, exclusive of
670 safety and energy conservation devices approved by the
671 department for use on vehicles using public roads. A straight
672 truck may tow no more than one trailer, and the overall length
673 of the truck-trailer combination may not exceed 68 feet ~~such~~
674 ~~trailer may not exceed a length of 28 feet. However, such~~
675 ~~trailer limitation does not apply if the overall length of the~~
676 ~~truck-trailer combination is 65 feet or less, including the load~~
677 thereon. Notwithstanding any other provisions of this section, a
678 truck-trailer combination engaged in the transportation of
679 boats, or boat trailers whose design dictates a front-to-rear
680 stacking method may ~~shall~~ not exceed the length limitations of



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681 this paragraph exclusive of the load; however, the load may
682 extend up to an additional 6 feet beyond the rear of the
683 trailer.

684 (5) IMPLEMENTS OF HUSBANDRY AND FARM EQUIPMENT;
685 AGRICULTURAL TRAILERS; FORESTRY EQUIPMENT; SAFETY REQUIREMENTS.-

686 (a) Notwithstanding any other provisions of law, straight
687 trucks, agricultural tractors, citrus harvesting equipment,
688 citrus fruit loaders, and cotton module movers, not exceeding 50
689 feet in length, or any combination of up to and including three
690 implements of husbandry, including the towing power unit, and
691 any single agricultural trailer with a load thereon or any
692 agricultural implements attached to a towing power unit, or a
693 self-propelled agricultural implement or an agricultural
694 tractor, is authorized for the purpose of transporting peanuts,
695 grains, soybeans, citrus, cotton, hay, straw, or other
696 perishable farm products from their point of production to the
697 first point of change of custody or of long-term storage, and
698 for the purpose of returning to such point of production, or for
699 the purpose of moving such tractors, movers, and implements from
700 one point of agricultural production to another, by a person
701 engaged in the production of any such product or custom hauler,
702 if such vehicle or combination of vehicles otherwise complies
703 with this section. The Department of Transportation may issue
704 overlength permits for cotton module movers greater than 50 feet
705 but not more than 55 feet in overall length. Such vehicles shall
706 be operated in accordance with all safety requirements
707 prescribed by law and rules of the Department of Transportation.

708 (c) The width and height limitations of this section do not
709 apply to farming or agricultural equipment, whether self-



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710 propelled, pulled, or hauled, when temporarily operated during
711 daylight hours upon a public road that is not a limited access
712 facility as defined in s. 334.03(12) ~~s. 334.03(13)~~, and the
713 width and height limitations may be exceeded by such equipment
714 without a permit. To be eligible for this exemption, the
715 equipment shall be operated within a radius of 50 miles of the
716 real property owned, rented, or leased by the equipment owner.
717 However, equipment being delivered by a dealer to a purchaser is
718 not subject to the 50-mile limitation. Farming or agricultural
719 equipment greater than 174 inches in width must have one warning
720 lamp mounted on each side of the equipment to denote the width
721 and must have a slow-moving vehicle sign. Warning lamps required
722 by this paragraph must be visible from the front and rear of the
723 vehicle and must be visible from a distance of at least 1,000
724 feet.

725 Section 20. Subsection (42) of section 320.01, Florida
726 Statutes, is amended to read:

727 320.01 Definitions, general.—As used in the Florida
728 Statutes, except as otherwise provided, the term:

729 (42) "Low-speed vehicle" means any four-wheeled ~~electric~~
730 vehicle whose top speed is greater than 20 miles per hour but
731 not greater than 25 miles per hour, including, but not limited
732 to, neighborhood electric vehicles. Low-speed vehicles must
733 comply with the safety standards in 49 C.F.R. s. 571.500 and s.
734 316.2122.

735 Section 21. Section 332.08, Florida Statutes, is amended to
736 read:

737 332.08 Additional powers.—

738 (1) In addition to the general powers in ss. 332.01-332.12



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739 conferred and without limitation thereof, a municipality which
740 has established or may hereafter establish airports, restricted
741 landing areas, or other air navigation facilities, or which has
742 acquired or set apart or may hereafter acquire or set apart real
743 property for such purposes, is hereby authorized:

744 (a) ~~(1)~~ To vest authority for the construction, enlargement,
745 improvement, maintenance, equipment, operation, and regulation
746 thereof in an officer, a board or body of such municipality by
747 ordinance or resolution which shall prescribe the powers and
748 duties of such officer, board or body. The expense of such
749 construction, enlargement, improvement, maintenance, equipment,
750 operation, and regulation shall be a responsibility of the
751 municipality.

752 (b) 1. ~~(2)~~ ~~(a)~~ To adopt and amend all needful rules,
753 regulations, and ordinances for the management, government, and
754 use of any properties under its control, whether within or
755 without the territorial limits of the municipality; to appoint
756 airport guards or police, with full police powers; to fix by
757 ordinance or resolution, as may be appropriate, penalties for
758 the violation of such ~~said~~ rules, regulations, and ordinances,
759 and enforce such ~~said~~ penalties in the same manner in which
760 penalties prescribed by other rules, regulations, and ordinances
761 of the municipality are enforced.

762 2. ~~(b)~~ ~~Provided,~~ Where a county operates one or more
763 airports, its regulations for the government thereof shall be by
764 resolution of the board of county commissioners, ~~shall be~~
765 recorded in the minutes of the board, and promulgated by posting
766 a copy at the courthouse and at every such airport for 4
767 consecutive weeks or by publication once a week in a newspaper



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768 published in the county for the same period. Such regulations
769 shall be enforced as are the criminal laws. Violation thereof
770 shall be a misdemeanor of the second degree, punishable as
771 provided in s. 775.082 or s. 775.083.

772 (c)~~(3)~~ To lease for a term not exceeding 30 years such
773 airports or other air navigation facilities, or real property
774 acquired or set apart for airport purposes, to private parties,
775 any municipal or state government or the national government, or
776 any department of either thereof, for operation; to lease or
777 assign for a term not exceeding 30 years to private parties, any
778 municipal or state government or the national government, or any
779 department of either thereof, for operation or use consistent
780 with the purposes of ss. 332.01-332.12, space, area,
781 improvements, or equipment on such airports; to sell any part of
782 such airports, other air navigation facilities, or real property
783 to any municipal or state government, or the United States or
784 any department or instrumentality thereof, for aeronautical
785 purposes or purposes incidental thereto, and to confer the
786 privileges of concessions of supplying upon its airports goods,
787 commodities, things, services, and facilities; provided, that in
788 each case in so doing the public is not deprived of its rightful
789 equal and uniform use thereof.

790 (d)~~(4)~~ To sell or lease any property, real or personal,
791 acquired for airport purposes and belonging to the municipality,
792 which, in the judgment of its governing body, may not be
793 required for aeronautic purposes, in accordance with the laws of
794 this state, or the provisions of the charter of the
795 municipality, governing the sale or leasing of similar
796 municipally owned property.



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797 (e)~~(5)~~ To exercise all powers necessarily incidental to the
798 exercise of the general and special powers herein granted, and
799 is specifically authorized to assess and shall assess against
800 and collect from the owner or operator of each and every
801 airplane using such airports a sufficient fee or service charge
802 to cover the cost of the service furnished airplanes using such
803 airports, including the liquidation of bonds or other
804 indebtedness for construction and improvements.

805 (2) Notwithstanding any other provision of this section, a
806 municipality participating in the Federal Aviation
807 Administration's Airport Privatization Pilot Program pursuant to
808 49 U.S.C. s. 47134 may lease or sell an airport or other air
809 navigation facility or real property, together with improvements
810 and equipment, acquired or set apart for airport purposes to a
811 private party under such terms and conditions as negotiated by
812 the municipality. If state funds were provided to the
813 municipality pursuant to s. 332.007, the municipality must
814 obtain approval of the agreement from the Department of
815 Transportation, which is authorized to approve the agreement if
816 it determines the state's investment has been adequately
817 considered and protected consistent with the applicable
818 conditions specified in 49 U.S.C. s. 47134.

819 Section 22. Subsections (11) through (37) of section
820 334.03, Florida Statutes, are renumbered as subsections (10)
821 through (36), respectively, and present subsections (10), (11),
822 and (25) of that section are amended to read:

823 334.03 Definitions.—When used in the Florida Transportation
824 Code, the term:

825 ~~(10) "Florida Intrastate Highway System" means a system of~~



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826 ~~limited access and controlled access facilities on the State~~
827 ~~Highway System which have the capacity to provide high-speed and~~
828 ~~high-volume traffic movements in an efficient and safe manner.~~

829 ~~(10)-(11) "Functional classification" means the assignment~~
830 ~~of roads into systems according to the character of service they~~
831 ~~provide in relation to the total road network using procedures~~
832 ~~developed by the Federal Highway Administration. Basic~~
833 ~~functional categories include arterial roads, collector roads,~~
834 ~~and local roads which may be subdivided into principal, major,~~
835 ~~or minor levels. Those levels may be additionally divided into~~
836 ~~rural and urban categories.~~

837 ~~(24)-(25) "State Highway System" means the following, which~~
838 ~~shall be facilities to which access is regulated:~~

839 ~~(a) the interstate system and all other roads within the~~
840 ~~state which were under the jurisdiction of the state on June 10,~~
841 ~~1995, and roads constructed by an agency of the state for the~~
842 ~~State Highway System, plus roads transferred to the state's~~
843 ~~jurisdiction after that date by mutual consent with another~~
844 ~~governmental entity, but not including roads so transferred from~~
845 ~~the state's jurisdiction. These facilities shall be facilities~~
846 ~~to which access is regulated.~~

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

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

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

853
854 ~~However, not less than 2 percent of the public road mileage of~~



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855 ~~each urbanized area on record as of June 30, 1986, shall be~~
856 ~~included as minor arterials in the State Highway System.~~
857 ~~Urbanized areas not meeting the foregoing minimum requirement~~
858 ~~shall have transferred to the State Highway System additional~~
859 ~~minor arterials of the highest significance in which case the~~
860 ~~total minor arterials in the State Highway System from any~~
861 ~~urbanized area shall not exceed 2.5 percent of that area's total~~
862 ~~public urban road mileage.~~

863 Section 23. Subsections (11), (13), and (26) of section
864 334.044, Florida Statutes, are amended, and subsection (33) is
865 added to that section, to read:

866 334.044 Department; powers and duties.—The department shall
867 have the following general powers and duties:

868 (11) To establish a numbering system for public roads, and
869 to functionally classify such roads, ~~and to assign~~
870 ~~jurisdictional responsibility.~~

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

874 (26) To provide for the enhancement of environmental
875 benefits, including air and water quality; to prevent roadside
876 erosion; to conserve the natural roadside growth and scenery;
877 and to provide for the implementation and maintenance of
878 roadside conservation, enhancement, and stabilization programs.
879 No less than 1.5 percent of the amount contracted for
880 construction projects shall be allocated by the department on a
881 statewide basis for the purchase of plant materials. Department
882 districts may not expend funds for landscaping in connection
883 with any project that is limited to resurfacing existing lanes



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884 unless the expenditure has been approved by the department's
885 secretary or the secretary's designee.~~with~~ To the greatest
886 extent practical, a minimum of 50 percent of the these funds
887 allocated under this subsection shall be allocated for large
888 plant materials and the remaining funds for other plant
889 materials. All ~~such~~ plant materials shall be purchased from
890 Florida commercial nursery stock in this state on a uniform
891 competitive bid basis. The department shall ~~will~~ develop grades
892 and standards for landscaping materials purchased through this
893 process. To accomplish these activities, the department may
894 contract with nonprofit organizations having the primary purpose
895 of developing youth employment opportunities.

896 (33) To develop, in coordination with its partners and
897 stakeholders, a Freight Mobility and Trade Plan to assist in
898 making freight mobility investments that contribute to the
899 economic growth of the state. Such plan should enhance the
900 integration and connectivity of the transportation system across
901 and between transportation modes throughout the state. The
902 department shall deliver the Freight Mobility and Trade Plan to
903 the Governor, the President of the Senate, and the Speaker of
904 the House of Representatives by July 1, 2013.

905 (a) The Freight Mobility and Trade Plan shall include, but
906 need not be limited to, proposed policies and investments that
907 promote the following:

908 1. Increasing the flow of domestic and international trade
909 through the state's seaports and airports, including specific
910 policies and investments that will recapture cargo currently
911 shipped through seaports and airports located outside the state.

912 2. Increasing the development of intermodal logistic



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913 centers in the state, including specific strategies, policies,
914 and investments that capitalize on the empty backhaul trucking
915 and rail market in the state.

916 3. Increasing the development of manufacturing industries
917 in the state, including specific policies and investments in
918 transportation facilities that will promote the successful
919 development and expansion of manufacturing facilities.

920 4. Increasing the implementation of compressed natural gas
921 (CNG), liquefied natural gas (LNG), and propane energy policies
922 that reduce transportation costs for businesses and residents
923 located in the state.

924 (b) Freight issues and needs shall also be given emphasis
925 in all appropriate transportation plans, including the Florida
926 Transportation Plan and the Strategic Intermodal System Plan.

927 Section 24. Section 334.047, Florida Statutes, is amended
928 to read:

929 334.047 Prohibition.—Notwithstanding any other provision of
930 law to the contrary, the Department of Transportation may not
931 establish a cap on the number of miles in the State Highway
932 System ~~or a maximum number of miles of urban principal arterial~~
933 ~~roads, as defined in s. 334.03, within a district or county.~~

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

936 335.074 Safety inspection of bridges.—

937 (5) Upon receipt of an inspection report that recommends
938 reducing the weight, size, or speed limit on a bridge, the
939 governmental entity having maintenance responsibility for the
940 bridge must reduce the maximum limits for the bridge in
941 accordance with the inspection report and post the limits in



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942 accordance with s. 316.555. The governmental entity must, within
943 30 days after receipt of an inspection report recommending lower
944 limits, notify the department that the limitations have been
945 implemented and the bridge has been posted accordingly. If the
946 required actions are not taken within 30 days after receipt of
947 an inspection report, the department shall post the bridge in
948 accordance with the recommendations in the inspection report.
949 All costs incurred by the department in connection with
950 providing notice of the bridge's limitations or restrictions
951 shall be assessed against and collected from the governmental
952 entity having maintenance responsibility for the bridge. If an
953 inspection report recommends closure of a bridge, the bridge
954 shall be immediately closed. If the governmental entity does not
955 close the bridge immediately upon receipt of an inspection
956 report recommending closure, the department shall close the
957 bridge. All costs incurred by the department in connection with
958 the bridge closure shall be assessed against and collected from
959 the governmental entity having maintenance responsibility for
960 the bridge. Nothing in this subsection alters existing
961 jurisdictional responsibilities for the operation and
962 maintenance of bridges.

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

965 335.17 State highway construction; means of noise
966 abatement.—

967 (1) The department shall make use of noise-control methods
968 as part of highway construction projects involving new location
969 or capacity expansion in the construction of all new state
970 highways, with particular emphasis on those highways located in



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971 or near urban-residential developments which abut such highway
972 rights-of-way.

973 (2) All highway projects by the department, regardless of
974 funding source, shall be developed in conformity with federal
975 standards for noise abatement as contained in 23 C.F.R. 772 as
976 such regulations existed on July 13, 2011 ~~March 1, 1989~~. The
977 department shall, at a minimum, comply with federal requirements
978 in the following areas:

979 (a) Analysis of traffic noise impacts and abatement
980 measures;

981 (b) Noise abatement;

982 (c) Information for local officials;

983 (d) Traffic noise prediction; and

984 (e) Construction noise.

985 Section 27. Subsection (5) of section 336.021, Florida
986 Statutes, is amended to read:

987 336.021 County transportation system; levy of ninth-cent
988 fuel tax on motor fuel and diesel fuel.—

989 (5) All impositions of the tax shall be levied before
990 October ~~July~~ 1 of each year to be effective January 1 of the
991 following year. However, levies of the tax which were in effect
992 on July 1, 2002, and which expire on August 31 of any year may
993 be reimposed at the current authorized rate to be effective
994 September 1 of the year of expiration. All impositions shall be
995 required to end on December 31 of a year. A decision to rescind
996 the tax shall not take effect on any date other than December 31
997 and shall require a minimum of 60 days' notice to the department
998 of such decision.

999 Section 28. Paragraphs (a) and (b) of subsection (1),



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1000 paragraph (a) of subsection (5), and subsection (7) of section
1001 336.025, Florida Statutes, are amended to read:

1002 336.025 County transportation system; levy of local option
1003 fuel tax on motor fuel and diesel fuel.—

1004 (1) (a) In addition to other taxes allowed by law, there may
1005 be levied as provided in ss. 206.41(1) (e) and 206.87(1) (c) a 1-
1006 cent, 2-cent, 3-cent, 4-cent, 5-cent, or 6-cent local option
1007 fuel tax upon every gallon of motor fuel and diesel fuel sold in
1008 a county and taxed under the provisions of part I or part II of
1009 chapter 206.

1010 1. All impositions and rate changes of the tax shall be
1011 levied before October ~~July~~ 1 to be effective January 1 of the
1012 following year for a period not to exceed 30 years, and the
1013 applicable method of distribution shall be established pursuant
1014 to subsection (3) or subsection (4). However, levies of the tax
1015 which were in effect on July 1, 2002, and which expire on August
1016 31 of any year may be reimposed at the current authorized rate
1017 effective September 1 of the year of expiration. Upon
1018 expiration, the tax may be relieved provided that a
1019 redetermination of the method of distribution is made as
1020 provided in this section.

1021 2. County and municipal governments shall utilize moneys
1022 received pursuant to this paragraph only for transportation
1023 expenditures.

1024 3. Any tax levied pursuant to this paragraph may be
1025 extended on a majority vote of the governing body of the county.
1026 A redetermination of the method of distribution shall be
1027 established pursuant to subsection (3) or subsection (4), if,
1028 after July 1, 1986, the tax is extended or the tax rate changed,



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1029 for the period of extension or for the additional tax.

1030 (b) In addition to other taxes allowed by law, there may be
1031 levied as provided in s. 206.41(1)(e) a 1-cent, 2-cent, 3-cent,
1032 4-cent, or 5-cent local option fuel tax upon every gallon of
1033 motor fuel sold in a county and taxed under the provisions of
1034 part I of chapter 206. The tax shall be levied by an ordinance
1035 adopted by a majority plus one vote of the membership of the
1036 governing body of the county or by referendum.

1037 1. All impositions and rate changes of the tax shall be
1038 levied before October ~~July~~ 1, to be effective January 1 of the
1039 following year. However, levies of the tax which were in effect
1040 on July 1, 2002, and which expire on August 31 of any year may
1041 be reimposed at the current authorized rate effective September
1042 1 of the year of expiration.

1043 2. The county may, prior to levy of the tax, establish by
1044 interlocal agreement with one or more municipalities located
1045 therein, representing a majority of the population of the
1046 incorporated area within the county, a distribution formula for
1047 dividing the entire proceeds of the tax among county government
1048 and all eligible municipalities within the county. If no
1049 interlocal agreement is adopted before the effective date of the
1050 tax, tax revenues shall be distributed pursuant to the
1051 provisions of subsection (4). If no interlocal agreement exists,
1052 a new interlocal agreement may be established prior to June 1 of
1053 any year pursuant to this subparagraph. However, any interlocal
1054 agreement agreed to under this subparagraph after the initial
1055 levy of the tax or change in the tax rate authorized in this
1056 section shall under no circumstances materially or adversely
1057 affect the rights of holders of outstanding bonds which are



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1058 backed by taxes authorized by this paragraph, and the amounts
1059 distributed to the county government and each municipality shall
1060 not be reduced below the amount necessary for the payment of
1061 principal and interest and reserves for principal and interest
1062 as required under the covenants of any bond resolution
1063 outstanding on the date of establishment of the new interlocal
1064 agreement.

1065 3. County and municipal governments shall use moneys
1066 received pursuant to this paragraph for transportation
1067 expenditures needed to meet the requirements of the capital
1068 improvements element of an adopted comprehensive plan or for
1069 expenditures needed to meet immediate local transportation
1070 problems and for other transportation-related expenditures that
1071 are critical for building comprehensive roadway networks by
1072 local governments. For purposes of this paragraph, expenditures
1073 for the construction of new roads, the reconstruction or
1074 resurfacing of existing paved roads, or the paving of existing
1075 graded roads shall be deemed to increase capacity and such
1076 projects shall be included in the capital improvements element
1077 of an adopted comprehensive plan. Expenditures for purposes of
1078 this paragraph shall not include routine maintenance of roads.

1079 (5) (a) By October ~~July~~ 1 of each year, the county shall
1080 notify the Department of Revenue of the rate of the taxes levied
1081 pursuant to paragraphs (1) (a) and (b), and of its decision to
1082 rescind or change the rate of a tax, if applicable, and shall
1083 provide the department with a certified copy of the interlocal
1084 agreement established under subparagraph (1) (b)2. or
1085 subparagraph (3) (a)1. with distribution proportions established
1086 by such agreement or pursuant to subsection (4), if applicable.



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1087 A decision to rescind a tax may ~~shall~~ not take effect on any
1088 date other than December 31 and requires ~~shall require~~ a minimum
1089 of 60 days' notice to the Department of Revenue of such
1090 decision.

1091 (7) For the purposes of this section, "transportation
1092 expenditures" means expenditures by the local government from
1093 local or state shared revenue sources, excluding expenditures of
1094 bond proceeds, for the following programs:

1095 (a) Public transportation operations and maintenance.

1096 (b) Roadway and right-of-way maintenance and equipment and
1097 structures used primarily for the storage and maintenance of
1098 such equipment.

1099 (c) Roadway and right-of-way drainage.

1100 (d) Street lighting installation, operation, maintenance,
1101 and repair.

1102 (e) Traffic signs, traffic engineering, signalization, and
1103 pavement markings, installation, operation, maintenance, and
1104 repair.

1105 (f) Bridge maintenance and operation.

1106 (g) Debt service and current expenditures for
1107 transportation capital projects in the foregoing program areas,
1108 including construction or reconstruction of roads and sidewalks.

1109 Section 29. Subsection (4) of section 337.111, Florida
1110 Statutes, is amended to read:

1111 337.111 Contracting for monuments and memorials to military
1112 veterans at rest areas.—The Department of Transportation is
1113 authorized to enter into contract with any not-for-profit group
1114 or organization that has been operating for not less than 2
1115 years for the installation of monuments and memorials honoring



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1116 Florida's military veterans at highway rest areas around the
1117 state pursuant to the provisions of this section.

1118 (4) The group or organization making the proposal shall
1119 provide an annual renewable ~~a 10-year~~ bond, an irrevocable
1120 letter of credit, or another form of security as approved by the
1121 department's comptroller, for the purpose of securing the cost
1122 of removal of the monument and any modifications made to the
1123 site as part of the placement of the monument should the
1124 Department of Transportation determine it necessary to remove or
1125 relocate the monument. Such removal or relocation shall be
1126 approved by the committee described in subsection (1). ~~Prior to~~
1127 ~~expiration, the bond shall be renewed for another 10-year period~~
1128 ~~if the memorial is to remain in place.~~

1129 Section 30. Subsection (1) of section 337.125, Florida
1130 Statutes, is amended to read:

1131 337.125 Socially and economically disadvantaged business
1132 enterprises; notice requirements.-

1133 (1) When contract goals are established, in order to
1134 document that a subcontract is with a certified socially and
1135 economically disadvantaged business enterprise, the prime
1136 contractor must either submit a disadvantaged business
1137 enterprise utilization form which has been signed by the
1138 socially and economically disadvantaged business enterprise and
1139 the prime contractor, or submit the written or oral quotation of
1140 the socially and economically disadvantaged business enterprise,
1141 and information contained in the quotation must be confirmed as
1142 determined by the department by rule.

1143 Section 31. Section 337.137, Florida Statutes, is repealed.

1144 Section 32. Section 337.139, Florida Statutes, is amended



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1145 to read:

1146 337.139 Efforts to encourage awarding contracts to
1147 disadvantaged business enterprises.—In implementing chapter 90-
1148 136, Laws of Florida, the Department of Transportation shall
1149 institute procedures to encourage the awarding of contracts for
1150 professional services and construction to disadvantaged business
1151 enterprises. For the purposes of this section, the term
1152 “disadvantaged business enterprise” means a small business
1153 concern certified by the Department of Transportation to be
1154 owned and controlled by socially and economically disadvantaged
1155 individuals as defined by the Safe, Accountable, Flexible,
1156 Efficient Transportation Equity Act: A Legacy for Users
1157 (SAFETEA-LU) ~~Surface Transportation and Uniform Relocation Act~~
1158 ~~of 1987~~. The Department of Transportation shall develop and
1159 implement activities to encourage the participation of
1160 disadvantaged business enterprises in the contracting process.
1161 Such efforts may include:

1162 (1) Presolicitation or prebid meetings for the purpose of
1163 informing disadvantaged business enterprises of contracting
1164 opportunities.

1165 (2) Written notice to disadvantaged business enterprises of
1166 contract opportunities for commodities or contractual and
1167 construction services which the disadvantaged business provides.

1168 (3) Provision of adequate information to disadvantaged
1169 business enterprises about the plans, specifications, and
1170 requirements of contracts or the availability of jobs.

1171 (4) Breaking large contracts into several single-purpose
1172 contracts of a size which may be obtained by certified
1173 disadvantaged business enterprises.



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1174 Section 33. Subsection (1) of section 337.14, Florida
1175 Statutes, is amended to read:

1176 337.14 Application for qualification; certificate of
1177 qualification; restrictions; request for hearing.—

1178 (1) Any person desiring to bid for the performance of any
1179 construction contract in excess of \$250,000 which the department
1180 proposes to let must first be certified by the department as
1181 qualified pursuant to this section and rules of the department.
1182 The rules of the department shall address the qualification of
1183 persons to bid on construction contracts in excess of \$250,000
1184 and shall include requirements with respect to the equipment,
1185 past record, experience, financial resources, and organizational
1186 personnel of the applicant necessary to perform the specific
1187 class of work for which the person seeks certification. The
1188 department may ~~is authorized to~~ limit the dollar amount of any
1189 contract upon which a person is qualified to bid or the
1190 aggregate total dollar volume of contracts such person is
1191 allowed to have under contract at any one time. Each applicant
1192 seeking qualification to bid on construction contracts in excess
1193 of \$250,000 shall furnish the department a statement under oath,
1194 on such forms as the department may prescribe, setting forth
1195 detailed information as required on the application. Each
1196 application for certification shall be accompanied by the latest
1197 annual financial statement of the applicant completed within the
1198 last 12 months. If the application or the annual financial
1199 statement shows the financial condition of the applicant more
1200 than 4 months prior to the date on which the application is
1201 received by the department, then an interim financial statement
1202 must be submitted and be accompanied by an updated application.



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1203 The interim financial statement must cover the period from the
1204 end date of the annual statement and must show the financial
1205 condition of the applicant no more than 4 months prior to the
1206 date the interim financial statement is received by the
1207 department. However, upon request by the applicant, an
1208 application and accompanying annual or interim financial
1209 statement received by the department within 15 days after either
1210 4-month period under this subsection shall be considered timely.

1211 Each required annual or interim financial statement must be
1212 audited and accompanied by the opinion of a certified public
1213 accountant ~~or a public accountant approved by the department.~~ An
1214 applicant desiring to bid exclusively for the performance of
1215 construction contracts with proposed budget estimates of less
1216 than \$1 million may submit reviewed annual or reviewed interim
1217 financial statements prepared by a certified public accountant.

1218 The information required by this subsection is confidential and
1219 exempt from the provisions of s. 119.07(1). The department shall
1220 act upon the application for qualification within 30 days after
1221 the department determines that the application is complete. The
1222 department may waive the requirements of this subsection for
1223 projects having a contract price of \$500,000 or less if the
1224 department determines that the project is of a noncritical
1225 nature and the waiver will not endanger public health, safety,
1226 or property.

1227 Section 34. Subsection (3) of section 337.29, Florida
1228 Statutes, is amended to read:

1229 337.29 Vesting of title to roads; liability for torts.—

1230 (3) Title to all roads transferred in accordance with ~~the~~
1231 ~~provisions of~~ s. 335.0415 shall be in the governmental entity to



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1232 which such roads have been transferred, upon the recording of a
1233 deed or a right-of-way map by the appropriate governmental
1234 entity in the public land records of the county or counties in
1235 which such rights-of-way are located. To the extent that
1236 sovereign immunity has been waived, liability for torts shall be
1237 in the governmental entity having operation and maintenance
1238 responsibility as provided in s. 335.0415. Except as otherwise
1239 provided by law, a municipality shall have the same
1240 governmental, corporate, and proprietary powers with relation to
1241 any public road or right-of-way within the municipality which
1242 has been transferred to another governmental entity pursuant to
1243 s. 335.0415 that the municipality has with relation to other
1244 public roads and rights-of-way within the municipality.

1245 Section 35. Section 337.403, Florida Statutes, is amended
1246 to read:

1247 337.403 Interference caused by relocation of utility;
1248 expenses.-

1249 (1) If a ~~Any~~ utility that is ~~heretofore or hereafter~~ placed
1250 upon, under, over, or along any public road or publicly owned
1251 rail corridor ~~that~~ is found by the authority to be unreasonably
1252 interfering in any way with the convenient, safe, or continuous
1253 use, or the maintenance, improvement, extension, or expansion,
1254 of such public road or publicly owned rail corridor, the utility
1255 owner shall, upon 30 days' written notice to the utility or its
1256 agent by the authority, initiate the work necessary to alleviate
1257 the interference ~~be removed or relocated by such utility~~ at its
1258 own expense except as provided in paragraphs (a)-(g) ~~(a)-(f)~~.
1259 The work must be completed within such reasonable time as stated
1260 in the notice or such time as agreed to by the authority and the



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1261 utility owner.

1262 (a) If the relocation of utility facilities, as referred to
1263 in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.
1264 627 of the 84th Congress, is necessitated by the construction of
1265 a project on the federal-aid interstate system, including
1266 extensions thereof within urban areas, and the cost of the
1267 project is eligible and approved for reimbursement by the
1268 Federal Government to the extent of 90 percent or more under the
1269 Federal Aid Highway Act, or any amendment thereof, then in that
1270 event the utility owning or operating such facilities shall
1271 perform any necessary work ~~relocate the facilities~~ upon notice
1272 from order ~~of~~ the department, and the state shall pay the entire
1273 expense properly attributable to such work ~~relocation~~ after
1274 deducting therefrom any increase in the value of a ~~the~~ new
1275 facility and any salvage value derived from an ~~the~~ old facility.

1276 (b) When a joint agreement between the department and the
1277 utility is executed for utility ~~improvement, relocation, or~~
1278 ~~removal~~ work to be accomplished as part of a contract for
1279 construction of a transportation facility, the department may
1280 participate in those utility work ~~improvement, relocation, or~~
1281 ~~removal~~ costs that exceed the department's official estimate of
1282 the cost of the work by more than 10 percent. The amount of such
1283 participation shall be limited to the difference between the
1284 official estimate of all the work in the joint agreement plus 10
1285 percent and the amount awarded for this work in the construction
1286 contract for such work. The department may not participate in
1287 any utility work ~~improvement, relocation, or removal~~ costs that
1288 occur as a result of changes or additions during the course of
1289 the contract.



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1290 (c) When an agreement between the department and utility is
1291 executed for utility ~~improvement, relocation, or removal~~ work to
1292 be accomplished in advance of a contract for construction of a
1293 transportation facility, the department may participate in the
1294 cost of clearing and grubbing necessary to perform such work.

1295 (d) If the utility facility ~~being removed or relocated~~ was
1296 initially installed to exclusively serve the authority or
1297 ~~department~~, its tenants, or both, the authority department shall
1298 bear the costs of the removing or relocating that utility work
1299 facility. However, the authority department is not responsible
1300 for ~~bearing~~ the cost of utility work related to removing or
1301 ~~relocating~~ any subsequent additions to that facility for the
1302 purpose of serving others.

1303 (e) If, under an agreement between a utility and the
1304 authority entered into after July 1, 2009, the utility conveys,
1305 subordinates, or relinquishes a compensable property right to
1306 the authority for the purpose of accommodating the acquisition
1307 or use of the right-of-way by the authority, without the
1308 agreement expressly addressing future responsibility for the
1309 cost of necessary utility work ~~removing or relocating the~~
1310 ~~utility~~, the authority shall bear the cost of removal or
1311 relocation. This paragraph does not impair or restrict, and may
1312 not be used to interpret, the terms of any such agreement
1313 entered into before July 1, 2009.

1314 (f) If the utility is an electric facility being relocated
1315 underground in order to enhance vehicular, bicycle, and
1316 pedestrian safety and in which ownership of the electric
1317 facility to be placed underground has been transferred from a
1318 private to a public utility within the past 5 years, the



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1319 department shall incur all costs of the necessary utility work
1320 ~~relocation~~.

1321 (g) An authority may bear the costs of utility work
1322 required to eliminate an unreasonable interference when the
1323 utility is not able to establish that it has a compensable
1324 property right in the particular property where the utility is
1325 located if:

1326 1. The utility was physically located on the particular
1327 property before the authority acquired rights in the property;

1328 2. The utility demonstrates that it has a compensable
1329 property right in all adjacent properties along the alignment of
1330 the utility; and

1331 3. The information available to the authority does not
1332 establish the relative priorities of the authority's and the
1333 utility's interests in the particular property.

1334 (2) If such utility work ~~removal or relocation~~ is
1335 incidental to work to be done on such road or publicly owned
1336 rail corridor, the notice shall be given at the same time the
1337 contract for the work is advertised for bids, or no less than 30
1338 days before ~~prior to~~ the commencement of such work by the
1339 authority, whichever occurs later.

1340 (3) Whenever a notice from an order of the authority
1341 requires such utility work ~~removal or change in the location of~~
1342 ~~any utility from the right-of-way of a public road or publicly~~
1343 ~~owned rail corridor,~~ and the owner thereof fails to perform the
1344 work ~~remove or change the same~~ at his or her own expense ~~to~~
1345 ~~conform to the order~~ within the time stated in the notice or
1346 such other time as agreed to by the authority and the utility
1347 owner, the authority shall proceed to cause the utility work to



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1348 be performed ~~to be removed~~. The expense thereby incurred shall
1349 be paid out of any money available therefor, and such expense
1350 shall, except as provided in subsection (1), be charged against
1351 the owner and levied and collected and paid into the fund from
1352 which the expense of such relocation was paid.

1353 Section 36. Subsection (1) of section 337.404, Florida
1354 Statutes, is amended to read:

1355 337.404 Removal or relocation of utility facilities; notice
1356 and order; court review.—

1357 (1) Whenever it becomes ~~shall become~~ necessary for the
1358 authority to perform utility work ~~remove or relocate any utility~~
1359 as provided in s. 337.403 ~~the preceding section~~, the owner of
1360 the utility~~7~~ or the owner's chief agent~~7~~ shall be given notice
1361 that the authority will perform of such work ~~removal or~~
1362 relocation and, after the work is completed, shall be given an
1363 order requiring the payment of the cost thereof~~7~~ and a ~~shall be~~
1364 ~~given~~ reasonable time, which may ~~shall~~ not be less than 20 or
1365 ~~not~~ more than 30 days, in which to appear before the authority
1366 to contest the reasonableness of the order. Should the owner or
1367 the owner's representative not appear, the determination of the
1368 cost to the owner shall be final. Authorities considered
1369 agencies for the purposes of chapter 120 shall adjudicate
1370 removal or relocation of utilities pursuant to chapter 120.

1371 Section 37. Subsections (1), (4), and (5) of section
1372 337.408, Florida Statutes, are amended to read:

1373 337.408 Regulation of bus stops, benches, transit shelters,
1374 street light poles, waste disposal receptacles, and modular news
1375 racks within rights-of-way.—

1376 (1) Benches or transit shelters, including advertising



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1377 displayed on benches or transit shelters, may be installed
1378 within the right-of-way limits of any municipal, county, or
1379 state road, except a limited access highway, provided that such
1380 benches or transit shelters are for the comfort or convenience
1381 of the general public or are at designated stops on official bus
1382 routes and provided that written authorization has been given to
1383 a qualified private supplier of such service by the municipal
1384 government within whose incorporated limits such benches or
1385 transit shelters are installed or by the county government
1386 within whose unincorporated limits such benches or transit
1387 shelters are installed. A municipality or county may authorize
1388 the installation, without public bid, of benches and transit
1389 shelters together with advertising displayed thereon within the
1390 right-of-way limits of such roads. All installations shall be in
1391 compliance with all applicable laws and rules, including,
1392 without limitation, the Americans with Disabilities Act.
1393 Municipalities and counties that authorize or have authorized a
1394 bench or transit shelter to be installed within the right-of-way
1395 limits of any road on the State Highway System shall be
1396 responsible for ensuring that the bench or transit shelter
1397 complies with all applicable laws and rules, including, without
1398 limitation, the Americans with Disabilities Act, or shall remove
1399 the bench or transit shelter. The department shall have no
1400 liability for any claims, losses, costs, charges, expenses,
1401 damages, liabilities, attorney fees, or court costs relating to
1402 the installation, removal, or relocation of any benches or
1403 transit shelters authorized by a municipality or county. On and
1404 after July 1, 2012, a municipality or county that authorizes a
1405 bench or transit shelter to be installed within the right-of-way



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1406 limits of any road on the State Highway System must require the
1407 qualified private supplier, or any other person under contract
1408 to install the bench or transit shelter, to indemnify, defend,
1409 and hold harmless the department from any suits, actions,
1410 proceedings, claims, losses, costs, charges, expenses, damages,
1411 liabilities, attorney fees, and court costs relating to the
1412 installation, removal, or relocation of such installations, and
1413 shall annually certify to the department in a notarized signed
1414 statement that this requirement has been met. The certification
1415 shall include the name and address of each person responsible
1416 for indemnifying the department for an authorized installation.
1417 Municipalities and counties that have authorized the
1418 installation of benches or transit shelters within the right-of-
1419 way limits of any road on the State Highway System must remove
1420 or relocate, or cause the removal or relocation of, the
1421 installation at no cost to the department within 60 days after
1422 written notice by the department that the installation is
1423 unreasonably interfering in any way with the convenient, safe,
1424 or continuous use of or the maintenance, improvement, extension,
1425 or expansion of the State Highway System road. Any contract for
1426 the installation of benches or transit shelters or advertising
1427 on benches or transit shelters which was entered into before
1428 April 8, 1992, without public bidding is ratified and affirmed.
1429 Such benches or transit shelters may not interfere with right-
1430 of-way preservation and maintenance. Any bench or transit
1431 shelter located on a sidewalk within the right-of-way limits of
1432 any road on the State Highway System or the county road system
1433 shall be located so as to leave at least 36 inches of clearance
1434 for pedestrians and persons in wheelchairs. Such clearance shall



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1435 be measured in a direction perpendicular to the centerline of
1436 the road.

1437 (4) The department has the authority to direct the
1438 immediate relocation or removal of any bus stop, bench, transit
1439 shelter, waste disposal receptacle, public pay telephone, or
1440 modular news rack that endangers life or property or that is
1441 otherwise not in compliance with applicable laws and rules,
1442 except that transit bus benches that were placed in service
1443 before April 1, 1992, are not required to comply with bench size
1444 and advertising display size requirements established by the
1445 department before March 1, 1992. ~~Any transit bus bench that was~~
1446 ~~in service before April 1, 1992, may be replaced with a bus~~
1447 ~~bench of the same size or smaller, if the bench is damaged or~~
1448 ~~destroyed or otherwise becomes unusable.~~ The department may
1449 adopt rules relating to the regulation of bench size and
1450 advertising display size requirements. If a municipality or
1451 county within which a bench is to be located has adopted an
1452 ordinance or other applicable regulation that establishes bench
1453 size or advertising display sign requirements different from
1454 requirements specified in department rule, the local government
1455 requirement applies within the respective municipality or
1456 county. Placement of any bench or advertising display on the
1457 National Highway System under a local ordinance or regulation
1458 adopted under this subsection is subject to approval of the
1459 Federal Highway Administration.

1460 (5) A bus stop, bench, transit shelter, waste disposal
1461 receptacle, public pay telephone, or modular news rack, or
1462 advertising thereon, may not be erected or placed on the right-
1463 of-way of any road in a manner that conflicts with the



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1464 requirements of federal law, regulations, or safety standards,
1465 thereby causing the state or any political subdivision the loss
1466 of federal funds. Competition among persons seeking to provide
1467 bus stop, bench, transit shelter, waste disposal receptacle,
1468 public pay telephone, or modular news rack services or
1469 advertising on such benches, shelters, receptacles, public pay
1470 telephone, or news racks may be regulated, restricted, or denied
1471 by the appropriate local government entity consistent with this
1472 section.

1473 Section 38. Chapter 338, Florida Statutes, is retitled
1474 "LIMITED ACCESS AND TOLL FACILITIES."

1475 Section 39. Section 338.001, Florida Statutes, is repealed.

1476 Section 40. Present subsections (1) through (6) of section
1477 338.01, Florida Statutes, are renumbered as subsections (2)
1478 through (7), respectively, and new subsections (1) and (8) are
1479 added to that section to read:

1480 338.01 Authority to establish and regulate limited access
1481 facilities.-

1482 (1) The department may establish limited access facilities
1483 as provided in s. 335.02. The primary function of such limited
1484 access facilities shall be to allow high-speed and high-volume
1485 traffic movements within the state. Access to abutting land is
1486 subordinate to this function, and such access must be prohibited
1487 or highly regulated.

1488 (8) The department, or other governmental entity
1489 responsible for the collection of tolls, may pursue the
1490 collection of unpaid tolls and associated fees and other amounts
1491 to which it is entitled by contracting with a private attorney
1492 who is a member in good standing with The Florida Bar or a



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1493 collection agent who is registered and in good standing pursuant
1494 to chapter 559. A collection fee in an amount that is reasonable
1495 within the collection industry, including any reasonable
1496 attorney fees, may be added to the delinquent amount collected
1497 by any attorney or collection agent retained by the department
1498 or other governmental entity. The requirements of s. 287.059 do
1499 not apply to private attorney services procured under this
1500 section.

1501 Section 41. Section 338.151, Florida Statutes, is created
1502 to read:

1503 338.151 Authority of the department to establish tolls on
1504 the State Highway System.—Notwithstanding s. 338.165(8), the
1505 department may establish tolls on new limited access facilities
1506 on the State Highway System, lanes added to existing limited
1507 access facilities on the State Highway System, new major bridges
1508 on the State Highway System over waterways, and replacements for
1509 existing major bridges on the State Highway System over
1510 waterways to pay, fully or partially, for the cost of such
1511 projects. Except for high-occupancy vehicle lanes, express
1512 lanes, the turnpike system, and as otherwise authorized by law,
1513 the department may not establish tolls on lanes of limited
1514 access facilities that exist on July 1, 2012, unless tolls were
1515 in effect for the lanes prior to that date. The authority
1516 provided in this section is in addition to the authority
1517 provided under the Florida Turnpike Enterprise Law and s.
1518 338.166.

1519 Section 42. Subsection (1) of section 338.155, Florida
1520 Statutes, is amended to read:

1521 338.155 Payment of toll on toll facilities required;



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1522 exemptions.-

1523 (1) A person may not ~~No persons are permitted to~~ use any
1524 toll facility without payment of tolls, except employees of the
1525 agency operating the toll project when using the toll facility
1526 on official state business, state military personnel while on
1527 official military business, handicapped persons as provided in
1528 this section, persons exempt from toll payment by the
1529 authorizing resolution for bonds issued to finance the facility,
1530 and persons exempt on a temporary basis where use of such toll
1531 facility is required as a detour route. Any law enforcement
1532 officer operating a marked official vehicle is exempt from toll
1533 payment when on official law enforcement business. Any person
1534 operating a fire vehicle when on official business or a rescue
1535 vehicle when on official business is exempt from toll payment.
1536 Any person participating in the funeral procession of a law
1537 enforcement officer or firefighter killed in the line of duty is
1538 exempt from toll payment. The secretary~~,~~ or the secretary's
1539 designee~~,~~ may suspend the payment of tolls on a toll facility
1540 when necessary to assist in emergency evacuation. The failure to
1541 pay a prescribed toll constitutes a noncriminal traffic
1542 infraction, punishable as a moving violation as provided in
1543 pursuant to s. 318.18. The department may ~~is authorized to~~ adopt
1544 rules relating to the payment, collection, and enforcement of
1545 tolls, as authorized in chapters 316, 318, 320, 322, and 338,
1546 including, but not limited to, rules for the implementation of
1547 video or other image billing and variable pricing. With respect
1548 to toll facilities managed by the department, the revenues of
1549 which are not pledged to repayment of bonds, the department may
1550 by rule allow the use of such facilities by public transit



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1551 vehicles or by vehicles participating in a funeral procession
1552 for an active-duty military service member without the payment
1553 of tolls.

1554 Section 43. Paragraph (c) is added to subsection (3) of
1555 section 338.161, Florida Statutes, to read:

1556 338.161 Authority of department or toll agencies to
1557 advertise and promote electronic toll collection; expanded uses
1558 of electronic toll collection system; studies authorized;
1559 authority of department to collect tolls, fares, and fees for
1560 private and public entities.-

1561 (3)

1562 (c) If the department finds that it can increase nontoll
1563 revenues or add convenience or other value for its customers,
1564 the department is authorized to enter into agreements with
1565 private or public entities for the department's use of its
1566 electronic toll collection and video billing systems to collect
1567 tolls, fares, administrative fees, and other applicable charges
1568 imposed in connection with transportation facilities of the
1569 private or public entities that become interoperable with the
1570 department's electronic toll collection system. The department
1571 may modify its rules regarding toll collection procedures and
1572 the imposition of administrative charges to be applicable to
1573 toll facilities that are not part of the turnpike system or
1574 otherwise owned by the department. This paragraph may not be
1575 construed to limit the authority of the department under any
1576 other provision of law or under any agreement entered into prior
1577 to July 1, 2012.

1578 Section 44. Section 338.166, Florida Statutes, is amended
1579 to read:



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1580 338.166 High-occupancy toll lanes or express lanes.-
1581 (1) Under s. 11, Art. VII of the State Constitution, the
1582 department may request the Division of Bond Finance to issue
1583 bonds secured by toll revenues collected on high-occupancy toll
1584 lanes or express lanes established on facilities owned by the
1585 department located on Interstate 95 in Miami-Dade and Broward
1586 Counties.
1587 (2) The department may continue to collect the toll on the
1588 high-occupancy toll lanes or express lanes after the discharge
1589 of any bond indebtedness related to such project. All tolls so
1590 collected shall first be used to pay the annual cost of the
1591 operation, maintenance, and improvement of the high-occupancy
1592 toll lanes or express lanes project or associated transportation
1593 system.
1594 (3) Any remaining toll revenue from the high-occupancy toll
1595 lanes or express lanes shall be used by the department for the
1596 construction, maintenance, or improvement of any road on the
1597 State Highway System within the county or counties in which the
1598 toll revenues were collected or to support express bus service
1599 on the facility where the toll revenues were collected.
1600 (4) The department may implement variable rate tolls on
1601 high-occupancy toll lanes or express lanes.
1602 (5) Except for high-occupancy toll lanes or express lanes,
1603 tolls may not be charged for use of an interstate highway where
1604 tolls were not charged as of July 1, 1997.
1605 (6) This section does not apply to the turnpike system as
1606 defined under the Florida Turnpike Enterprise Law.
1607 Section 45. Paragraph (a) of subsection (8) of section
1608 338.221, Florida Statutes, is amended to read:



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1609 338.221 Definitions ~~of terms used in ss. 338.22-338.241.~~—As
1610 used in ss. 338.22-338.241, the following words and terms have
1611 the following meanings, unless the context indicates another or
1612 different meaning or intent:

1613 (8) “Economically feasible” means:

1614 (a) For a proposed turnpike project, that, as determined by
1615 the department before the issuance of revenue bonds for the
1616 project, the estimated net revenues of the proposed turnpike
1617 project, excluding feeder roads and turnpike improvements, will
1618 be sufficient to pay at least 50 percent of the annual debt
1619 service on the bonds associated with the project by the end of
1620 the 12th year of operation and to pay at least 100 percent of
1621 the debt service on the bonds by the end of the 30th ~~22nd~~ year
1622 of operation. In implementing this paragraph, up to 50 percent
1623 of the adopted work program costs of the project may be funded
1624 from turnpike revenues.

1625
1626 This subsection does not prohibit the pledging of revenues from
1627 the entire turnpike system to bonds issued to finance or
1628 refinance a turnpike project or group of turnpike projects.

1629 Section 46. Paragraphs (a) and (b) of subsection (1) of
1630 section 338.223, Florida Statutes, are amended to read:

1631 338.223 Proposed turnpike projects.—

1632 (1) (a) Any proposed project to be constructed or acquired
1633 as part of the turnpike system and any turnpike improvement
1634 shall be included in the tentative work program. A ~~No~~ proposed
1635 project or group of proposed projects may not ~~shall~~ be added to
1636 the turnpike system unless such project or projects are
1637 determined to be economically feasible and a statement of



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1638 environmental feasibility has been completed for such project or
1639 projects and such projects are determined to be consistent, to
1640 the maximum extent feasible, with approved local government
1641 comprehensive plans of the local governments in which such
1642 projects are located. The department may authorize engineering
1643 studies, traffic studies, environmental studies, and other
1644 expert studies of the location, costs, economic feasibility, and
1645 practicality of proposed turnpike projects throughout the state
1646 and may proceed with the design phase of such projects. The
1647 department may ~~shall~~ not request legislative approval of a
1648 proposed turnpike project until the design phase of that project
1649 is at least 30 ~~60~~ percent complete. If a proposed project or
1650 group of proposed projects is found to be economically feasible,
1651 consistent, to the maximum extent feasible, with approved local
1652 government comprehensive plans of the local governments in which
1653 such projects are located, and a favorable statement of
1654 environmental feasibility has been completed, the department,
1655 with the approval of the Legislature, shall, after the receipt
1656 of all necessary permits, construct, maintain, and operate such
1657 turnpike projects.

1658 (b) Any proposed turnpike project or improvement shall be
1659 developed in accordance with the Florida Transportation Plan and
1660 the work program pursuant to s. 339.135. Turnpike projects that
1661 add capacity, alter access, affect feeder roads, or affect the
1662 operation of the local transportation system shall be included
1663 in the transportation improvement plan of the affected
1664 metropolitan planning organization. If such turnpike project
1665 does not fall within the jurisdiction of a metropolitan planning
1666 organization, the department shall notify the affected county



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1667 and provide for public hearings in accordance with s.
1668 339.155(5)(c) ~~s. 339.155(6)(c)~~.

1669 Section 47. Subsection (4) of section 338.227, Florida
1670 Statutes, is amended to read:

1671 338.227 Turnpike revenue bonds.—

1672 (4) The Department of Transportation and the Department of
1673 Management Services shall create and implement an outreach
1674 program designed to enhance the participation of minority
1675 persons and minority business enterprises in all contracts
1676 entered into by their respective departments for services
1677 related to the financing of department projects for the
1678 Strategic Intermodal System Plan developed pursuant to s. 339.64
1679 ~~Florida Intrastate Highway System Plan~~. These services shall
1680 include, but are not ~~be~~ limited to, bond counsel and bond
1681 underwriters.

1682 Section 48. Subsection (2) of section 338.2275, Florida
1683 Statutes, is amended to read:

1684 338.2275 Approved turnpike projects.—

1685 (2) The department may ~~is authorized to~~ use turnpike
1686 revenues, the State Transportation Trust Fund moneys allocated
1687 for turnpike projects pursuant to s. 339.65 ~~s. 338.001~~, federal
1688 funds, and bond proceeds, and shall use the most cost-efficient
1689 combination of such funds, in developing a financial plan for
1690 funding turnpike projects. The department must submit a report
1691 of the estimated cost for each ongoing turnpike project and for
1692 each planned project to the Legislature 14 days before the
1693 convening of the regular legislative session. Verification of
1694 economic feasibility and statements of environmental feasibility
1695 for individual turnpike projects must be based on the entire



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1696 project as approved. Statements of environmental feasibility are
1697 not required for those projects listed in s. 12, chapter 90-136,
1698 Laws of Florida, for which the Project Development and
1699 Environmental Reports were completed by July 1, 1990. All
1700 required environmental permits must be obtained before the
1701 department may advertise for bids for contracts for the
1702 construction of any turnpike project.

1703 Section 49. Section 338.228, Florida Statutes, is amended
1704 to read:

1705 338.228 Bonds not debts or pledges of credit of state.—
1706 Turnpike revenue bonds issued under the provisions of ss.
1707 338.22-338.241 are not debts of the state or pledges of the
1708 faith and credit of the state. Such bonds are payable
1709 exclusively from revenues pledged for their payment. All such
1710 bonds shall contain a statement on their face that the state is
1711 not obligated to pay the same or the interest thereon, except
1712 from the revenues pledged for their payment, and that the faith
1713 and credit of the state is not pledged to the payment of the
1714 principal or interest of such bonds. The issuance of turnpike
1715 revenue bonds under the provisions of ss. 338.22-338.241 does
1716 not directly, indirectly, or contingently obligate the state to
1717 levy or to pledge any form of taxation whatsoever, or to make
1718 any appropriation for their payment. Except as provided in ss.
1719 ~~338.001~~, 338.223, ~~and~~ 338.2275, and 339.65, ~~no~~ state funds may
1720 not shall be used on any turnpike project or to pay the
1721 principal or interest of any bonds issued to finance or
1722 refinance any portion of the turnpike system, and all such bonds
1723 shall contain a statement on their face to this effect.

1724 Section 50. Paragraph (c) is added to subsection (3) of



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1725 section 338.231, Florida Statutes, to read:

1726 338.231 Turnpike tolls, fixing; pledge of tolls and other
1727 revenues.—The department shall at all times fix, adjust, charge,
1728 and collect such tolls and amounts for the use of the turnpike
1729 system as are required in order to provide a fund sufficient
1730 with other revenues of the turnpike system to pay the cost of
1731 maintaining, improving, repairing, and operating such turnpike
1732 system; to pay the principal of and interest on all bonds issued
1733 to finance or refinance any portion of the turnpike system as
1734 the same become due and payable; and to create reserves for all
1735 such purposes.

1736 (3)

1737 (c) Notwithstanding any other provision of law to the
1738 contrary, any prepaid toll account of any kind which has
1739 remained inactive for 3 years shall be presumed unclaimed and
1740 its disposition shall be handled by the Department of Financial
1741 Services in accordance with all applicable provisions of chapter
1742 717 relating to the disposition of unclaimed property, and the
1743 prepaid toll account shall be closed by the department.

1744 Section 51. Subsection (2) of section 338.234, Florida
1745 Statutes, is amended to read:

1746 338.234 Granting concessions or selling along the turnpike
1747 system; immunity from taxation.—

1748 (2) The effectuation of the authorized purposes of the
1749 Strategic Intermodal System, created under ss. 339.61-339.65,
1750 Florida Intrastate Highway System and Florida Turnpike
1751 Enterprise, created under this chapter, is for the benefit of
1752 the people of the state, for the increase of their commerce and
1753 prosperity, and for the improvement of their health and living



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1754 conditions; and, because the system and enterprise perform
1755 essential government functions in effectuating such purposes,
1756 neither the turnpike enterprise nor any nongovernment lessee or
1757 licensee renting, leasing, or licensing real property from the
1758 turnpike enterprise, pursuant to an agreement authorized by this
1759 section, are required to pay any commercial rental tax imposed
1760 under s. 212.031 on any capital improvements constructed,
1761 improved, acquired, installed, or used for such purposes.

1762 Section 52. Subsections (1), (2), and (3) of section
1763 339.0805, Florida Statutes, are amended to read:

1764 339.0805 Funds to be expended with certified disadvantaged
1765 business enterprises; ~~specified percentage to be expended;~~
1766 construction management development program; bond guarantee
1767 program.—It is the policy of the state to meaningfully assist
1768 socially and economically disadvantaged business enterprises
1769 through a program that will provide for the development of
1770 skills through construction and business management training, as
1771 well as by providing contracting opportunities and financial
1772 assistance in the form of bond guarantees, to primarily remedy
1773 the effects of past economic disparity.

1774 (1) (a) ~~Except to the extent that the head of the department~~
1775 ~~determines otherwise,~~ The department shall expend ~~not less than~~
1776 ~~10 percent of~~ federal-aid highway funds as defined in 49 C.F.R.
1777 part 26 s. 23.63(a) and state matching funds with small business
1778 concerns owned and controlled by socially and economically
1779 disadvantaged individuals as defined by the Safe, Accountable,
1780 Flexible, Efficient Transportation Equity Act: A Legacy for
1781 Users (SAFETEA-LU) Surface Transportation and Uniform Relocation
1782 Assistance Act of 1987.



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1783 (b) Upon a determination by the department of past and
1784 continuing discrimination in nonfederally funded projects on the
1785 basis of race, color, creed, national origin, or sex, the
1786 department may implement a program tailored to address specific
1787 findings of disparity. The program may include the establishment
1788 of annual goals for expending a percentage of state-administered
1789 highway funds with small business concerns. The department may
1790 utilize set-asides for small business concerns to assist in
1791 achieving goals established pursuant to this subsection. For the
1792 purpose of this subsection, the term "small business concern"
1793 means a business owned and controlled by socially and
1794 economically disadvantaged individuals as defined by the Safe,
1795 Accountable, Flexible, Efficient Transportation Equity Act: A
1796 Legacy for Users (SAFETEA-LU) Surface Transportation and Uniform
1797 Relocation Assistance Act of 1987. The head of the department
1798 may elect to set goals only when significant disparity is
1799 documented. The findings of a disparity study shall be
1800 considered in determining the program goals for each group
1801 qualified to participate. ~~Such a study shall be conducted or~~
1802 ~~updated by the department or its designee at a minimum of every~~
1803 ~~5 years. The department shall adopt rules to implement this~~
1804 ~~subsection on or before October 1, 1993.~~

1805 (c) The department shall certify a socially and
1806 economically disadvantaged business enterprise, ~~which~~
1807 ~~certification shall be valid for 12 months, or as prescribed by~~
1808 49 C.F.R. part 26 ~~23~~. The department's initial application for
1809 certification for a socially and economically disadvantaged
1810 business enterprise shall require sufficient information to
1811 determine eligibility as a small business concern owned and



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1812 controlled by a socially and economically disadvantaged
1813 individual. For continuing eligibility ~~recertification~~ of a
1814 disadvantaged business enterprise, the department may accept an
1815 affidavit, which meets department criteria as to form and
1816 content, certifying that the business remains qualified for
1817 certification in accordance with program requirements. A firm
1818 which does not fulfill all the department's criteria for
1819 certification may ~~shall~~ not be considered a disadvantaged
1820 business enterprise. An applicant who is denied certification
1821 may not reapply within 12 ~~6~~ months after issuance of the denial
1822 letter ~~or the final order, whichever is later~~. The application
1823 and financial information required by this section are
1824 confidential and exempt from s. 119.07(1).

1825 (2) The department shall remove ~~revoke~~ the certification of
1826 a disadvantaged business enterprise upon receipt of notification
1827 of any change in ownership which results in the disadvantaged
1828 individual or individuals used to qualify the business as a
1829 disadvantaged business enterprise, ~~no longer owning at least 51~~
1830 percent of the business enterprise. Such notification shall be
1831 made to the department by certified mail within 30 ~~10~~ days after
1832 the change in ownership, ~~and such business shall be removed from~~
1833 ~~the certified disadvantaged business list until a new~~
1834 ~~application is submitted and approved by the department~~. Failure
1835 to notify the department of the change in the ownership which
1836 qualifies the business as a disadvantaged business enterprise
1837 will also result in removal ~~revocation~~ of certification and
1838 subject the business to the provisions of s. 337.135. In
1839 addition, the department may, for good cause, deny or remove
1840 ~~suspend~~ the certification of a disadvantaged business



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1841 enterprise. As used in this subsection, the term "good cause"
1842 includes, but is not limited to, the disadvantaged business
1843 enterprise:

1844 (a) No longer meeting the certification standards set forth
1845 in department rules;

1846 (b) Making a false, deceptive, or fraudulent statement in
1847 its application for certification or in any other information
1848 submitted to the department;

1849 (c) Failing to maintain the records required by department
1850 rules;

1851 (d) Failing to perform a commercially useful function on
1852 projects for which the enterprise was used to satisfy contract
1853 goals;

1854 (e) Failing to fulfill its contractual obligations with
1855 contractors;

1856 (f) Failing to respond with a statement of interest to
1857 requests for bid quotations from contractors for three
1858 consecutive lettings;

1859 ~~(g) Subcontracting to others more than 49 percent of the~~
1860 ~~amount of any single subcontract that was used by the prime~~
1861 ~~contractor to meet a contract goal;~~

1862 ~~(g)~~(h) Failing to provide notarized certification of
1863 payments received on specific projects to the prime contractor
1864 when required to do so by contract specifications;

1865 ~~(h)~~(i) Failing to schedule an onsite review upon request of
1866 the department; or

1867 ~~(i)~~(j) Becoming insolvent or the subject of a bankruptcy
1868 proceeding.

1869 (3) The head of the department may ~~is authorized to~~ expend



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1870 up to 6 percent of the funds specified in subsection (1) which
1871 are designated to be expended on small business firms owned and
1872 controlled by socially and economically disadvantaged
1873 individuals to conduct, by contract or otherwise, a construction
1874 management development program. Participation in the program
1875 will be limited to those firms which are certified under the
1876 provisions of subsection (1) by the department or the federal
1877 Small Business Administration or to any firm which meets the
1878 definition of a small business in 49 C.F.R. s. 26.65 ~~has annual~~
1879 ~~gross receipts not exceeding \$2 million averaged over a 3-year~~
1880 ~~period~~. The program shall ~~will~~ consist of classroom instruction
1881 and on-the-job instruction. To the extent feasible, the
1882 registration fee shall be set to cover the cost of instruction
1883 and overhead. ~~No~~ Salary may not ~~will~~ be paid to any participant.

1884 Section 53. Paragraph (c) of subsection (4) and paragraph
1885 (e) of subsection (7) of section 339.135, Florida Statutes, are
1886 amended to read:

1887 339.135 Work program; legislative budget request;
1888 definitions; preparation, adoption, execution, and amendment.—

1889 (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.—

1890 (c)1. For purposes of this section, the board of county
1891 commissioners shall serve as the metropolitan planning
1892 organization in those counties which are not located in a
1893 metropolitan planning organization and shall be involved in the
1894 development of the district work program to the same extent as a
1895 metropolitan planning organization.

1896 2. The district work program shall be developed
1897 cooperatively from the outset with the various metropolitan
1898 planning organizations of the state and include, to the maximum



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1899 extent feasible, the project priorities of metropolitan planning
1900 organizations which have been submitted to the district by
1901 October 1 of each year pursuant to s. 339.175(8)(b); however,
1902 the department and a metropolitan planning organization may, in
1903 writing, cooperatively agree to vary this submittal date. To
1904 assist the metropolitan planning organizations in developing
1905 their lists of project priorities, the district shall disclose
1906 to each metropolitan planning organization any anticipated
1907 changes in the allocation or programming of state and federal
1908 funds which may affect the inclusion of metropolitan planning
1909 organization project priorities in the district work program.

1910 3. Prior to submittal of the district work program to the
1911 central office, the district shall provide the affected
1912 metropolitan planning organization with written justification
1913 for any project proposed to be rescheduled or deleted from the
1914 district work program which project is part of the metropolitan
1915 planning organization's transportation improvement program and
1916 is contained in the last 4 years of the previous adopted work
1917 program. By no later than 14 days after submittal of the
1918 district work program to the central office, the affected
1919 metropolitan planning organization may file an objection to such
1920 rescheduling or deletion. When an objection is filed with the
1921 secretary, the rescheduling or deletion may ~~shall~~ not be
1922 included in the district work program unless the inclusion of
1923 such rescheduling or deletion is specifically approved by the
1924 secretary. The Florida Transportation Commission shall include
1925 such objections in its evaluation of the tentative work program
1926 only when the secretary has approved the rescheduling or
1927 deletion.



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1928 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

1929 (e) The department may amend the adopted work program to
1930 transfer fixed capital outlay appropriations for projects within
1931 the same appropriations category or between appropriations
1932 categories, including the following amendments which shall be
1933 subject to the procedures in paragraph (f):

1934 1. Any amendment which deletes any project or project phase
1935 estimated to cost over \$150,000;

1936 2. Any amendment which adds a project estimated to cost
1937 over \$500,000 ~~\$150,000~~ in funds appropriated by the Legislature;

1938 3. Any amendment which advances or defers to another fiscal
1939 year, a right-of-way phase, a construction phase, or a public
1940 transportation project phase estimated to cost over \$1.5 million
1941 ~~\$500,000~~ in funds appropriated by the Legislature, except an
1942 amendment advancing a phase by 1 year to the current fiscal year
1943 or deferring a phase for a period of 90 days or less; or

1944 4. Any amendment which advances or defers to another fiscal
1945 year, any preliminary engineering phase or design phase
1946 estimated to cost over \$500,000 ~~\$150,000~~ in funds appropriated
1947 by the Legislature, except an amendment advancing a phase by 1
1948 year to the current fiscal year or deferring a phase for a
1949 period of 90 days or less.

1950
1951 Beginning July 1, 2013, the department shall index the budget
1952 amendment threshold amounts established in this paragraph to the
1953 Consumer Price Index or similar inflation indicators. Threshold
1954 adjustments for inflation under this paragraph may be made no
1955 more frequently than once a year. Adjustments for inflation are
1956 subject to the notice and review procedures contained in s.



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1957 216.177.

1958 Section 54. Section 339.155, Florida Statutes, is amended
1959 to read:

1960 339.155 Transportation planning.—

1961 (1) THE FLORIDA TRANSPORTATION PLAN.—The department shall
1962 develop ~~and annually update~~ a statewide transportation plan, to
1963 be known as the Florida Transportation Plan. The plan shall be
1964 designed so as to be easily read and understood by the general
1965 public. The plan shall consider the needs of the entire state
1966 transportation system and examine the use of all modes of
1967 transportation to effectively and efficiently meet such needs.
1968 The purpose of the Florida Transportation Plan is to establish
1969 and define the state's long-range transportation goals and
1970 objectives to be accomplished over a period of at least 20 years
1971 within the context of the State Comprehensive Plan, and any
1972 other statutory mandates and authorizations and based upon the
1973 prevailing principles of:

1974 (a) Preserving the existing transportation infrastructure.

1975 (b) Enhancing Florida's economic competitiveness.

1976 (c) Improving travel choices to ensure mobility.

1977 (d) Expanding the state's role as a hub for trade and
1978 investment.

1979 (2) SCOPE OF PLANNING PROCESS.—The department shall carry
1980 out a transportation planning process in conformance with s.
1981 334.046(1) and 23 U.S.C. s. 135. ~~which provides for~~
1982 ~~consideration of projects and strategies that will:~~

1983 ~~(a) Support the economic vitality of the United States,~~
1984 ~~Florida, and the metropolitan areas, especially by enabling~~
1985 ~~global competitiveness, productivity, and efficiency;~~



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1986 ~~(b) Increase the safety and security of the transportation~~
1987 ~~system for motorized and nonmotorized users;~~

1988 ~~(c) Increase the accessibility and mobility options~~
1989 ~~available to people and for freight;~~

1990 ~~(d) Protect and enhance the environment, promote energy~~
1991 ~~conservation, and improve quality of life;~~

1992 ~~(e) Enhance the integration and connectivity of the~~
1993 ~~transportation system, across and between modes throughout~~
1994 ~~Florida, for people and freight;~~

1995 ~~(f) Promote efficient system management and operation; and~~

1996 ~~(g) Emphasize the preservation of the existing~~
1997 ~~transportation system.~~

1998 (3) FORMAT, SCHEDULE, AND REVIEW.—The Florida
1999 Transportation Plan shall be a unified, concise planning
2000 document that clearly defines the state's long-range
2001 transportation goals and objectives ~~and documents the~~
2002 ~~department's short-range objectives developed to further such~~
2003 ~~goals and objectives.~~ The plan shall:

2004 (a) Include a glossary that clearly and succinctly defines
2005 any and all phrases, words, or terms of art included in the
2006 plan, with which the general public may be unfamiliar. ~~and shall~~
2007 ~~consist of, at a minimum, the following components:~~

2008 ~~(b)(a) Document A long-range component documenting the~~
2009 ~~goals and long-term objectives necessary to implement the~~
2010 ~~results of the department's findings from its examination of the~~
2011 ~~criteria specified listed in subsection (2) and s. 334.046(1)~~
2012 ~~and 23 U.S.C. s. 135. The long-range component must~~

2013 (c) Be developed in cooperation with the metropolitan
2014 planning organizations and reconciled, to the maximum extent



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2015 feasible, with the long-range plans developed by metropolitan
2016 planning organizations pursuant to s. 339.175. ~~The plan must~~
2017 ~~also~~

2018 (d) Be developed in consultation with affected local
2019 officials in nonmetropolitan areas and with any affected Indian
2020 tribal governments. ~~The plan must~~

2021 (e) Provide an examination of transportation issues likely
2022 to arise during at least a 20-year period. ~~The long-range~~
2023 ~~component shall~~

2024 (f) Be updated at least once every 5 years, or more often
2025 as necessary, to reflect substantive changes to federal or state
2026 law.

2027 ~~(b) A short-range component documenting the short-term~~
2028 ~~objectives and strategies necessary to implement the goals and~~
2029 ~~long-term objectives contained in the long-range component. The~~
2030 ~~short-range component must define the relationship between the~~
2031 ~~long-range goals and the short-range objectives, specify those~~
2032 ~~objectives against which the department's achievement of such~~
2033 ~~goals will be measured, and identify transportation strategies~~
2034 ~~necessary to efficiently achieve the goals and objectives in the~~
2035 ~~plan. It must provide a policy framework within which the~~
2036 ~~department's legislative budget request, the strategic~~
2037 ~~information resource management plan, and the work program are~~
2038 ~~developed. The short-range component shall serve as the~~
2039 ~~department's annual agency strategic plan pursuant to s.~~
2040 ~~186.021. The short-range component shall be developed consistent~~
2041 ~~with available and forecasted state and federal funds. The~~
2042 ~~short-range component shall also be submitted to the Florida~~
2043 ~~Transportation Commission.~~



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2044 ~~(4) ANNUAL PERFORMANCE REPORT. The department shall develop~~
2045 ~~an annual performance report evaluating the operation of the~~
2046 ~~department for the preceding fiscal year. The report shall also~~
2047 ~~include a summary of the financial operations of the department~~
2048 ~~and shall annually evaluate how well the adopted work program~~
2049 ~~meets the short-term objectives contained in the short-range~~
2050 ~~component of the Florida Transportation Plan. This performance~~
2051 ~~report shall be submitted to the Florida Transportation~~
2052 ~~Commission and the legislative appropriations and transportation~~
2053 ~~committees.~~

2054 (4)~~(5)~~ ADDITIONAL TRANSPORTATION PLANS.-

2055 (a) Upon request by local governmental entities, the
2056 department may in its discretion develop and design
2057 transportation corridors, arterial and collector streets,
2058 vehicular parking areas, and other support facilities which are
2059 consistent with the plans of the department for major
2060 transportation facilities. The department may render to local
2061 governmental entities or their planning agencies such technical
2062 assistance and services as are necessary so that local plans and
2063 facilities are coordinated with the plans and facilities of the
2064 department.

2065 (b) Each regional planning council, as provided for in s.
2066 186.504, or any successor agency thereto, shall develop, as an
2067 element of its strategic regional policy plan, transportation
2068 goals and policies. The transportation goals and policies must
2069 be prioritized to comply with the prevailing principles provided
2070 in subsection (1) ~~(2)~~ and s. 334.046(1). The transportation
2071 goals and policies shall be consistent, to the maximum extent
2072 feasible, with the goals and policies of the metropolitan



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2073 planning organization and the Florida Transportation Plan. The
2074 transportation goals and policies of the regional planning
2075 council will be advisory only and shall be submitted to the
2076 department and any affected metropolitan planning organization
2077 for their consideration and comments. Metropolitan planning
2078 organization plans and other local transportation plans shall be
2079 developed consistent, to the maximum extent feasible, with the
2080 regional transportation goals and policies. The regional
2081 planning council shall review urbanized area transportation
2082 plans and any other planning products stipulated in s. 339.175
2083 and provide the department and respective metropolitan planning
2084 organizations with written recommendations, which the department
2085 and the metropolitan planning organizations shall take under
2086 advisement. Further, the regional planning councils shall
2087 directly assist local governments that ~~which~~ are not part of a
2088 metropolitan area transportation planning process in the
2089 development of the transportation element of their comprehensive
2090 plans as required by s. 163.3177.

2091 (c) Regional transportation plans may be developed in
2092 regional transportation areas in accordance with an interlocal
2093 agreement entered into pursuant to s. 163.01 by two or more
2094 contiguous metropolitan planning organizations; one or more
2095 metropolitan planning organizations and one or more contiguous
2096 counties, none of which is a member of a metropolitan planning
2097 organization; a multicounty regional transportation authority
2098 created by or pursuant to law; two or more contiguous counties
2099 that are not members of a metropolitan planning organization; or
2100 metropolitan planning organizations comprised of three or more
2101 counties.



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2102 (d) The interlocal agreement must, at a minimum, identify
2103 the entity that will coordinate the development of the regional
2104 transportation plan; delineate the boundaries of the regional
2105 transportation area; provide the duration of the agreement and
2106 specify how the agreement may be terminated, modified, or
2107 rescinded; describe the process by which the regional
2108 transportation plan will be developed; and provide how members
2109 of the entity will resolve disagreements regarding
2110 interpretation of the interlocal agreement or disputes relating
2111 to the development or content of the regional transportation
2112 plan. Such interlocal agreement shall become effective upon its
2113 recordation in the official public records of each county in the
2114 regional transportation area.

2115 (e) The regional transportation plan developed pursuant to
2116 this section must, at a minimum, identify regionally significant
2117 transportation facilities located within a regional
2118 transportation area and contain a prioritized list of regionally
2119 significant projects. The projects shall be adopted into the
2120 capital improvements schedule of the local government
2121 comprehensive plan pursuant to s. 163.3177(3).

2122 (5)~~(6)~~ PROCEDURES FOR PUBLIC PARTICIPATION IN
2123 TRANSPORTATION PLANNING.—

2124 (a) During the development of the ~~long-range component of~~
2125 ~~the~~ Florida Transportation Plan and prior to substantive
2126 revisions, the department shall provide citizens, affected
2127 public agencies, representatives of transportation agency
2128 employees, other affected employee representatives, private
2129 providers of transportation, and other known interested parties
2130 with an opportunity to comment on the proposed plan or



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2131 revisions. These opportunities shall include, at a minimum,
2132 publishing a notice in the Florida Administrative Weekly and
2133 within a newspaper of general circulation within the area of
2134 each department district office.

2135 (b) During development of major transportation
2136 improvements, such as those increasing the capacity of a
2137 facility through the addition of new lanes or providing new
2138 access to a limited or controlled access facility or
2139 construction of a facility in a new location, the department
2140 shall hold one or more hearings prior to the selection of the
2141 facility to be provided; prior to the selection of the site or
2142 corridor of the proposed facility; and prior to the selection of
2143 and commitment to a specific design proposal for the proposed
2144 facility. Such public hearings shall be conducted so as to
2145 provide an opportunity for effective participation by interested
2146 persons in the process of transportation planning and site and
2147 route selection and in the specific location and design of
2148 transportation facilities. The various factors involved in the
2149 decision or decisions and any alternative proposals shall be
2150 clearly presented so that the persons attending the hearing may
2151 present their views relating to the decision or decisions that
2152 ~~which~~ will be made.

2153 (c) Opportunity for design hearings:

2154 1. The department, prior to holding a design hearing, shall
2155 duly notify all affected property owners of record, as recorded
2156 in the property appraiser's office, by mail at least 20 days
2157 prior to the date set for the hearing. The affected property
2158 owners shall be:

2159 a. Those whose property lies in whole or in part within 300



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2160 feet on either side of the centerline of the proposed facility.

2161 b. Those who ~~whom~~ the department determines will be
2162 substantially affected environmentally, economically, socially,
2163 or safetywise.

2164 2. For each subsequent hearing, the department shall
2165 publish notice prior to the hearing date in a newspaper of
2166 general circulation for the area affected. These notices must be
2167 published twice, with the first notice appearing at least 15
2168 days, but no later than 30 days, before the hearing.

2169 3. A copy of the notice of opportunity for the hearing must
2170 be furnished to the United States Department of Transportation
2171 and to the appropriate departments of the state government at
2172 the time of publication.

2173 4. The opportunity for another hearing shall be afforded in
2174 any case when proposed locations or designs are so changed from
2175 those presented in the notices specified above or at a hearing
2176 as to have a substantially different social, economic, or
2177 environmental effect.

2178 5. The opportunity for a hearing shall be afforded in each
2179 case in which the department is in doubt as to whether a hearing
2180 is required.

2181 Section 55. Paragraph (a) of subsection (2), paragraph (a)
2182 of subsection (4), and paragraph (b) of subsection (8) of
2183 section 339.175, Florida Statutes, are amended to read:

2184 339.175 Metropolitan planning organization.—

2185 (2) DESIGNATION.—

2186 (a)1. An M.P.O. shall be designated for each urbanized area
2187 of the state; however, this does not require that an individual
2188 M.P.O. be designated for each such area. Such designation shall



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2189 be accomplished by agreement between the Governor and units of
2190 general-purpose local government representing at least 75
2191 percent of the population of the urbanized area; however, the
2192 unit of general-purpose local government that represents the
2193 central city or cities within the M.P.O. jurisdiction, as
2194 defined by the United States Bureau of the Census, must be a
2195 party to such agreement.

2196 2. To the extent possible, only one M.P.O. shall be
2197 designated for each urbanized area or group of contiguous
2198 urbanized areas. More than one M.P.O. may be designated within
2199 an existing urbanized ~~metropolitan planning~~ area only if the
2200 Governor and the existing M.P.O. determine that the size and
2201 complexity of the existing urbanized ~~metropolitan planning~~ area
2202 makes the designation of more than one M.P.O. for the area
2203 appropriate.

2204
2205 Each M.P.O. required under this section must be fully operative
2206 no later than 6 months following its designation.

2207 (4) APPORTIONMENT.—

2208 (a) The Governor shall, with the agreement of the affected
2209 units of general-purpose local government as required by federal
2210 rules and regulations, apportion the membership on the
2211 applicable M.P.O. among the various governmental entities within
2212 the area. At the request of a majority of the affected units of
2213 general-purpose local government comprising an M.P.O., the
2214 Governor and a majority of units of general-purpose local
2215 government serving on an M.P.O. shall cooperatively agree upon
2216 and prescribe who may serve as an alternate member and a method
2217 for appointing alternate members who may vote at any M.P.O.



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2218 meeting that an alternate member attends in place of a regular
2219 member. The method shall be set forth as a part of the
2220 interlocal agreement describing the M.P.O.'s membership or in
2221 the M.P.O.'s operating procedures and bylaws. The governmental
2222 entity so designated shall appoint the appropriate number of
2223 members to the M.P.O. from eligible officials. Representatives
2224 of the department shall serve as nonvoting advisers to members
2225 ~~of~~ the M.P.O. governing board. Additional nonvoting advisers may
2226 be appointed by the M.P.O. as deemed necessary; however, to the
2227 maximum extent feasible, each M.P.O. shall seek to appoint
2228 nonvoting representatives of various multimodal forms of
2229 transportation not otherwise represented by voting members of
2230 the M.P.O. An M.P.O. shall appoint nonvoting advisers
2231 representing major military installations located within the
2232 jurisdictional boundaries of the M.P.O. upon the request of the
2233 aforesaid major military installations and subject to the
2234 agreement of the M.P.O. All nonvoting advisers may attend and
2235 participate fully in governing board meetings but may ~~shall~~ not
2236 ~~have a vote or and shall not~~ be members of the governing board.
2237 The Governor shall review the composition of the M.P.O.
2238 membership in conjunction with the decennial census as prepared
2239 by the United States Department of Commerce, Bureau of the
2240 Census, and reapportion it as necessary to comply with
2241 subsection (3).

2242 (8) TRANSPORTATION IMPROVEMENT PROGRAM.—Each M.P.O. shall,
2243 in cooperation with the state and affected public transportation
2244 operators, develop a transportation improvement program for the
2245 area within the jurisdiction of the M.P.O. In the development of
2246 the transportation improvement program, each M.P.O. must provide



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2247 the public, affected public agencies, representatives of
2248 transportation agency employees, freight shippers, providers of
2249 freight transportation services, private providers of
2250 transportation, representatives of users of public transit, and
2251 other interested parties with a reasonable opportunity to
2252 comment on the proposed transportation improvement program.

2253 (b) Each M.P.O. annually shall prepare a list of project
2254 priorities and shall submit the list to the appropriate district
2255 of the department by October 1 of each year; however, the
2256 department and a metropolitan planning organization may, in
2257 writing, agree to vary this submittal date. Where more than one
2258 M.P.O. exists in an urbanized area, the M.P.O.'s shall
2259 coordinate in the development of regionally significant project
2260 priorities. The list of project priorities must be formally
2261 reviewed by the technical and citizens' advisory committees, and
2262 approved by the M.P.O., before it is transmitted to the
2263 district. The approved list of project priorities must be used
2264 by the district in developing the district work program and must
2265 be used by the M.P.O. in developing its transportation
2266 improvement program. The annual list of project priorities must
2267 be based upon project selection criteria that, at a minimum,
2268 consider the following:

- 2269 1. The approved M.P.O. long-range transportation plan;
2270 2. The Strategic Intermodal System Plan developed under s.
2271 339.64.
2272 3. The priorities developed pursuant to s. 339.2819(4).
2273 4. The results of the transportation management systems;
2274 and
2275 5. The M.P.O.'s public-involvement procedures.



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2276 Section 56. Subsections (1), (2), (3), and (4) of section
2277 339.2819, Florida Statutes, are amended to read:

2278 339.2819 Transportation Regional Incentive Program.—

2279 (1) There is created within the Department of
2280 Transportation a Transportation Regional Incentive Program for
2281 the purpose of providing funds to improve regionally significant
2282 transportation facilities in regional transportation areas
2283 created pursuant to s. 339.155(4) ~~s. 339.155(5)~~.

2284 (2) The percentage of matching funds provided from the
2285 Transportation Regional Incentive Program shall be up to 50
2286 percent of project costs.

2287 (3) The department shall allocate funding available for the
2288 Transportation Regional Incentive Program to the districts based
2289 on a factor derived from equal parts of population and motor
2290 fuel collections for eligible counties in regional
2291 transportation areas created pursuant to s. 339.155(4) ~~s.~~
2292 ~~339.155(5)~~.

2293 (4) (a) Projects to be funded with Transportation Regional
2294 Incentive Program funds shall, at a minimum:

2295 1. ~~Support those transportation facilities that~~ Serve
2296 national, statewide, or regional functions and function as part
2297 of an integrated regional transportation system.

2298 2. Be identified in the capital improvements element of a
2299 comprehensive plan that has been determined to be in compliance
2300 with part II of chapter 163, after July 1, 2005. Further, the
2301 project shall be in compliance with local government
2302 comprehensive plan policies relative to corridor management.

2303 3. Be consistent with the Strategic Intermodal System Plan
2304 developed under s. 339.64.



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2305 4. Have a commitment for local, regional, or private
2306 financial matching funds as a percentage of the overall project
2307 cost.

2308 (b) Projects funded under this section shall be included in
2309 the department's work program developed pursuant to s. 339.135.
2310 The department may not program a project to be funded under this
2311 section unless the project meets the requirements of this
2312 section. In allocating Transportation Regional Incentive Program
2313 funds, priority shall be given to projects that:

2314 (c) The department shall give priority to projects that:

2315 1. Provide connectivity to the Strategic Intermodal System
2316 developed under s. 339.64.

2317 2. Support economic development and the movement of goods
2318 in rural areas of critical economic concern designated under s.
2319 288.0656(7).

2320 3. Are subject to a local ordinance that establishes
2321 corridor management techniques, including access management
2322 strategies, right-of-way acquisition and protection measures,
2323 appropriate land use strategies, zoning, and setback
2324 requirements for adjacent land uses.

2325 4. Improve connectivity between military installations and
2326 the Strategic Highway Network or the Strategic Rail Corridor
2327 Network.

2328
2329 The department shall also consider the extent to which local
2330 matching funds are available to be committed to the project.

2331 Section 57. Subsections (1) and (6) of section 339.62,
2332 Florida Statutes, are amended to read:

2333 339.62 System components.—The Strategic Intermodal System



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2334 shall consist of appropriate components of:

2335 (1) Highway corridors ~~The Florida Intrastate Highway System~~
2336 established under s. 339.65 ~~s. 338.001~~.

2337 (6) Other existing or planned corridors that serve a
2338 statewide or interregional purpose.

2339 Section 58. Subsection (2) of section 339.63, Florida
2340 Statutes, is amended, and subsection (5) is added to that
2341 section, to read:

2342 339.63 System facilities designated; additions and
2343 deletions.—

2344 (2) The Strategic Intermodal System and the Emerging
2345 Strategic Intermodal System include five ~~four~~ different types of
2346 facilities that each form one component of an interconnected
2347 transportation system which types include:

2348 (a) Existing or planned hubs that are ports and terminals
2349 including airports, seaports, spaceports, passenger terminals,
2350 and rail terminals serving to move goods or people between
2351 Florida regions or between Florida and other markets in the
2352 United States and the rest of the world.

2353 (b) Existing or planned corridors that are highways, rail
2354 lines, waterways, and other exclusive-use facilities connecting
2355 major markets within Florida or between Florida and other states
2356 or nations.

2357 (c) Existing or planned intermodal connectors that are
2358 highways, rail lines, waterways or local public transit systems
2359 serving as connectors between the components listed in
2360 paragraphs (a) and (b).

2361 (d) Existing or planned military access facilities that are
2362 highways or rail lines linking Strategic Intermodal System



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2363 corridors to the state's strategic military installations.

2364 (e)~~(d)~~ Existing or planned facilities that significantly
2365 improve the state's competitive position to compete for the
2366 movement of additional goods into and through this state.

2367 (5) (a) The Secretary of Transportation shall designate a
2368 planned facility as part of the Strategic Intermodal System upon
2369 request of the facility if it meets the criteria and thresholds
2370 established by the department pursuant to subsection (4), meets
2371 the definition of an "intermodal logistics center" as defined in
2372 s. 311.101(2), and has been designated in a local comprehensive
2373 plan or local government development order as an intermodal
2374 logistics center or an equivalent planning term.

2375 (b) A facility designated part of the Strategic Intermodal
2376 System pursuant to paragraph (a) that is within the jurisdiction
2377 of a local government that maintains a transportation
2378 concurrency system shall receive a waiver of transportation
2379 concurrency requirements applicable to Strategic Intermodal
2380 System facilities in order to accommodate any development at the
2381 facility which occurs pursuant to a building permit issued on or
2382 before December 31, 2017, but only if such facility is located:

2383 1. Within an area designated pursuant to s. 288.0656(7) as
2384 a rural area of critical economic concern;

2385 2. Within a rural enterprise zone as defined in s.
2386 290.004(5); or

2387 3. Within 15 miles of the boundary of a rural area of
2388 critical economic concern or a rural enterprise zone.

2389 Section 59. Section 339.64, Florida Statutes, is amended to
2390 read:

2391 339.64 Strategic Intermodal System Plan.—



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2392 (1) The department shall develop, in cooperation with
2393 metropolitan planning organizations, regional planning councils,
2394 local governments, ~~the Statewide Intermodal Transportation~~
2395 ~~Advisory Council~~ and other transportation providers, a Strategic
2396 Intermodal System Plan. The plan shall be consistent with the
2397 Florida Transportation Plan developed pursuant to s. 339.155 and
2398 shall be updated at least once every 5 years, subsequent to
2399 updates of the Florida Transportation Plan.

2400 (2) In association with the continued development of the
2401 Strategic Intermodal System Plan, the Florida Transportation
2402 Commission, as part of its work program review process, shall
2403 conduct an annual assessment of the progress that the department
2404 and its transportation partners have made in realizing the goals
2405 of economic development, improved mobility, and increased
2406 intermodal connectivity of the Strategic Intermodal System. The
2407 Florida Transportation Commission shall coordinate with the
2408 department, ~~the Statewide Intermodal Transportation Advisory~~
2409 ~~Council~~, and other appropriate entities when developing this
2410 assessment. The Florida Transportation Commission shall deliver
2411 a report to the Governor and Legislature no later than 14 days
2412 after the regular session begins, with recommendations as
2413 necessary to fully implement the Strategic Intermodal System.

2414 (3) (a) During the development of updates to the Strategic
2415 Intermodal System Plan, the department shall provide
2416 metropolitan planning organizations, regional planning councils,
2417 local governments, transportation providers, affected public
2418 agencies, and citizens with an opportunity to participate in and
2419 comment on the development of the update.

2420 (b) The department also shall coordinate with federal,



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2421 regional, and local partners the planning for the Strategic
2422 Highway Network and the Strategic Rail Corridor Network
2423 transportation facilities that either are included in the
2424 Strategic Intermodal System or that provide a direct connection
2425 between military installations and the Strategic Intermodal
2426 System. In addition, the department shall coordinate with
2427 regional and local partners to determine whether the roads ~~road~~
2428 and other transportation infrastructure that connect military
2429 installations to the Strategic Intermodal System, the Strategic
2430 Highway Network, or the Strategic Rail Corridor are ~~is~~
2431 regionally significant and should be included in the Strategic
2432 Intermodal System Plan.

2433 (4) The Strategic Intermodal System Plan shall include the
2434 following:

2435 (a) A needs assessment.

2436 (b) A project prioritization process.

2437 (c) A map of facilities designated as Strategic Intermodal
2438 System facilities; facilities that are emerging in importance
2439 and that are likely to become part of the system in the future;
2440 and planned facilities that will meet the established criteria.

2441 (d) A finance plan based on reasonable projections of
2442 anticipated revenues, including both 10-year and at least 20-
2443 year cost-feasible components.

2444 (e) An assessment of the impacts of proposed improvements
2445 to Strategic Intermodal System corridors on military
2446 installations that are either located directly on the Strategic
2447 Intermodal System or located on the Strategic Highway Network or
2448 Strategic Rail Corridor Network.

2449 ~~(5) STATEWIDE INTERMODAL TRANSPORTATION ADVISORY COUNCIL.~~



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2450 ~~(a) The Statewide Intermodal Transportation Advisory~~
2451 ~~Council is created to advise and make recommendations to the~~
2452 ~~Legislature and the department on policies, planning, and~~
2453 ~~funding of intermodal transportation projects. The council's~~
2454 ~~responsibilities shall include:~~
2455 ~~1. Advising the department on the policies, planning, and~~
2456 ~~implementation of strategies related to intermodal~~
2457 ~~transportation.~~
2458 ~~2. Providing advice and recommendations to the Legislature~~
2459 ~~on funding for projects to move goods and people in the most~~
2460 ~~efficient and effective manner for the State of Florida.~~
2461 ~~(b) MEMBERSHIP. Members of the Statewide Intermodal~~
2462 ~~Transportation Advisory Council shall consist of the following:~~
2463 ~~1. Six intermodal industry representatives selected by the~~
2464 ~~Governor as follows:~~
2465 ~~a. One representative from an airport involved in the~~
2466 ~~movement of freight and people from their airport facility to~~
2467 ~~another transportation mode.~~
2468 ~~b. One individual representing a fixed route, local~~
2469 ~~government transit system.~~
2470 ~~c. One representative from an intercity bus company~~
2471 ~~providing regularly scheduled bus travel as determined by~~
2472 ~~federal regulations.~~
2473 ~~d. One representative from a spaceport.~~
2474 ~~e. One representative from intermodal trucking companies.~~
2475 ~~f. One representative having command responsibilities of a~~
2476 ~~major military installation.~~
2477 ~~2. Three intermodal industry representatives selected by~~
2478 ~~the President of the Senate as follows:~~



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2479 ~~a. One representative from major line railroads.~~
2480 ~~b. One representative from seaports listed in s. 311.09(1)~~
2481 ~~from the Atlantic Coast.~~
2482 ~~e. One representative from an airport involved in the~~
2483 ~~movement of freight and people from their airport facility to~~
2484 ~~another transportation mode.~~
2485 ~~3. Three intermodal industry representatives selected by~~
2486 ~~the Speaker of the House of Representatives as follows:~~
2487 ~~a. One representative from short-line railroads.~~
2488 ~~b. One representative from seaports listed in s. 311.09(1)~~
2489 ~~from the Gulf Coast.~~
2490 ~~e. One representative from intermodal trucking companies.~~
2491 ~~In no event may this representative be employed by the same~~
2492 ~~company that employs the intermodal trucking company~~
2493 ~~representative selected by the Governor.~~
2494 ~~(c) Initial appointments to the council must be made no~~
2495 ~~later than 30 days after the effective date of this section.~~
2496 ~~1. The initial appointments made by the President of the~~
2497 ~~Senate and the Speaker of the House of Representatives shall~~
2498 ~~serve terms concurrent with those of the respective appointing~~
2499 ~~officer. Beginning January 15, 2005, and for all subsequent~~
2500 ~~appointments, council members appointed by the President of the~~
2501 ~~Senate and the Speaker of the House of Representatives shall~~
2502 ~~serve 2-year terms, concurrent with the term of the respective~~
2503 ~~appointing officer.~~
2504 ~~2. The initial appointees, and all subsequent appointees,~~
2505 ~~made by the Governor shall serve 2-year terms.~~
2506 ~~3. Vacancies on the council shall be filled in the same~~
2507 ~~manner as the initial appointments.~~



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2508 ~~(d) Each member of the council shall be allowed one vote.~~
2509 ~~The council shall select a chair from among its membership.~~
2510 ~~Meetings shall be held at the call of the chair, but not less~~
2511 ~~frequently than quarterly. The members of the council shall be~~
2512 ~~reimbursed for per diem and travel expenses as provided in s.~~
2513 ~~112.061.~~

2514 ~~(e) The department shall provide administrative staff~~
2515 ~~support and shall ensure that council meetings are~~
2516 ~~electronically recorded. Such recordings and all documents~~
2517 ~~received, prepared for, or used by the council in conducting its~~
2518 ~~business shall be preserved pursuant to chapters 119 and 257.~~

2519 Section 60. Section 339.65, Florida Statutes, is created to
2520 read:

2521 339.65 Strategic Intermodal System highway corridors.-

2522 (1) The department shall plan and develop Strategic
2523 Intermodal System highway corridors, including limited and
2524 controlled access facilities, allowing for high-speed and high-
2525 volume traffic movements within the state. The primary function
2526 of the corridors is to provide such traffic movements. Access to
2527 abutting land is subordinate to this function, and such access
2528 must be prohibited or highly regulated.

2529 (2) Strategic Intermodal System highway corridors shall
2530 include facilities from the following components of the State
2531 Highway System that meet the criteria adopted by the department
2532 pursuant to s. 339.63:

2533 (a) Interstate highways.

2534 (b) The Florida Turnpike System.

2535 (c) Interregional and intercity limited access facilities.

2536 (d) Existing interregional and intercity arterial highways



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2537 previously upgraded or upgraded in the future to limited access
2538 or controlled access facility standards.

2539 (e) New limited access facilities necessary to complete a
2540 balanced statewide system.

2541 (3) The department shall adhere to the following policy
2542 guidelines in the development of Strategic Intermodal System
2543 highway corridors. The department shall:

2544 (a) Make capacity improvements to existing facilities where
2545 feasible to minimize costs and environmental impacts.

2546 (b) Identify appropriate arterial highways in major
2547 transportation corridors for inclusion in a program to bring
2548 these facilities up to limited access or controlled access
2549 facility standards.

2550 (c) Coordinate proposed projects with appropriate limited
2551 access projects undertaken by expressway authorities and local
2552 governmental entities.

2553 (d) Maximize the use of limited access facility standards
2554 when constructing new arterial highways.

2555 (e) Identify appropriate new limited access highways for
2556 inclusion as a part of the Florida Turnpike System.

2557 (f) To the maximum extent feasible, ensure that proposed
2558 projects are consistent with approved local government
2559 comprehensive plans of the local jurisdictions in which such
2560 facilities are to be located and with the transportation
2561 improvement program of any metropolitan planning organization
2562 where such facilities are to be located.

2563 (4) The department shall develop and maintain a plan of
2564 Strategic Intermodal System highway corridor projects that are
2565 anticipated to be let to contract for construction within a time



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2566 period of at least 20 years. The plan shall also identify when
2567 segments of the corridor will meet the standards and criteria
2568 developed pursuant to subsection (5).

2569 (5) The department shall establish the standards and
2570 criteria for the functional characteristics and design of
2571 facilities proposed as part of Strategic Intermodal System
2572 highway corridors.

2573 (6) For the purposes of developing the proposed Strategic
2574 Intermodal System highway corridors, beginning in fiscal year
2575 2012-2013 and for each fiscal year thereafter, the minimum
2576 amount allocated shall be based on the fiscal year 2003-2004
2577 allocation of \$450 million adjusted annually by the change in
2578 the Consumer Price Index for the prior fiscal year compared to
2579 the Consumer Price Index for fiscal year 2003-2004.

2580 (7) Any project to be constructed as part of a Strategic
2581 Intermodal System highway corridor shall be included in the
2582 department's adopted work program. Any Strategic Intermodal
2583 System highway corridor projects that are added to or deleted
2584 from the previous adopted work program, or any modification to
2585 Strategic Intermodal System highway corridor projects contained
2586 in the previous adopted work program, shall be specifically
2587 identified and submitted as a separate part of the tentative
2588 work program.

2589 Section 61. Section 341.840, Florida Statutes, is amended
2590 to read:

2591 341.840 Tax exemption.—

2592 (1) The exercise of the powers granted under ss. 341.8201-
2593 341.842 ~~by this act~~ will be in all respects for the benefit of
2594 the people of this state, for the increase of their commerce,



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2595 welfare, and prosperity, and for the improvement of their health
2596 and living conditions. The design, construction, operation,
2597 maintenance, and financing of a high-speed rail system by the
2598 enterprise authority, its agent, or the owner or lessee thereof,
2599 as herein authorized, constitutes the performance of an
2600 essential public function.

2601 (2) (a) For the purposes of this section, the term
2602 "enterprise authority" does not include agents of the enterprise
2603 authority other than contractors who qualify as such pursuant to
2604 subsection (7).

2605 (b) For the purposes of this section, any item or property
2606 that is within the definition of the term "associated
2607 development" in s. 341.8203(1) may ~~shall~~ not be considered ~~to be~~
2608 part of the high-speed rail system as defined in s.
2609 341.8203(3) ~~(6)~~.

2610 (3) (a) Purchases or leases of tangible personal property or
2611 real property by the enterprise authority, excluding agents of
2612 the enterprise authority, are exempt from taxes imposed by
2613 chapter 212 as provided in s. 212.08(6). Purchases or leases of
2614 tangible personal property that is incorporated into the high-
2615 speed rail system as a component part thereof, as determined by
2616 the enterprise authority, by agents of the enterprise authority
2617 or the owner of the high-speed rail system are exempt from sales
2618 or use taxes imposed by chapter 212. Leases, rentals, or
2619 licenses to use real property granted to agents of the
2620 enterprise authority or the owner of the high-speed rail system
2621 are exempt from taxes imposed by s. 212.031 if the real property
2622 becomes part of such system. The exemptions granted in this
2623 subsection do not apply to sales, leases, or licenses by the



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2624 enterprise authority, agents of the authority, or the owner of
2625 the high-speed rail system.

2626 (b) The exemption granted in paragraph (a) to purchases or
2627 leases of tangible personal property by agents of the enterprise
2628 authority or by the owner of the high-speed rail system applies
2629 only to property that becomes a component part of such system.
2630 It does not apply to items, including, but not limited to,
2631 cranes, bulldozers, forklifts, other machinery and equipment,
2632 tools and supplies, or other items of tangible personal property
2633 used in the construction, operation, or maintenance of the high-
2634 speed rail system when such items are not incorporated into the
2635 high-speed rail system as a component part thereof.

2636 (4) Any bonds or other security, and all notes, mortgages,
2637 security agreements, letters of credit, or other instruments
2638 that arise out of or are given to secure the repayment of bonds
2639 or other security, issued by the enterprise authority, or on
2640 behalf of the enterprise authority, their transfer, and the
2641 income therefrom, including any profit made on the sale thereof,
2642 shall at all times be free from taxation of every kind by the
2643 state, the counties, and the municipalities and other political
2644 subdivisions in the state. This subsection, however, does not
2645 exempt from taxation or assessment the leasehold interest of a
2646 lessee in any project or any other property or interest owned by
2647 the lessee. The exemption granted by this subsection is not
2648 applicable to any tax imposed by chapter 220 on interest income
2649 or profits on the sale of debt obligations owned by
2650 corporations.

2651 (5) When property of the enterprise authority is leased to
2652 another person or entity, the property shall be exempt from ad



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2653 valorem taxation only if the use by the lessee qualifies the
2654 property for exemption under s. 196.199.

2655 (6) A leasehold interest held by the enterprise authority
2656 is not subject to intangible tax. However, if a leasehold
2657 interest held by the enterprise authority is subleased to a
2658 nongovernmental lessee, such subleasehold interest shall be
2659 deemed to be an interest described in s. 199.023(1)(d), Florida
2660 Statutes 2005, and is subject to the intangible tax.

2661 (7)(a) In order to be considered an agent of the enterprise
2662 authority for purposes of the exemption from sales and use tax
2663 granted by subsection (3) for tangible personal property
2664 incorporated into the high-speed rail system, a contractor of
2665 the enterprise authority that purchases or fabricates such
2666 tangible personal property must be certified by the enterprise
2667 authority as provided in this subsection.

2668 (b)1. A contractor must apply for a renewal of the
2669 exemption not later than December 1 of each calendar year.

2670 2. A contractor must apply to the enterprise authority on
2671 the application form adopted by the enterprise authority, which
2672 shall develop the form in consultation with the Department of
2673 Revenue.

2674 3. The enterprise authority shall review each submitted
2675 application and determine whether it is complete. The enterprise
2676 authority shall notify the applicant of any deficiencies in the
2677 application within 30 days. Upon receipt of a completed
2678 application, the enterprise authority shall evaluate the
2679 application for exemption under this subsection and issue a
2680 certification that the contractor is qualified to act as an
2681 agent of the enterprise authority for purposes of this section



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2682 or a denial of such certification within 30 days. The enterprise
2683 authority shall provide the Department of Revenue with a copy of
2684 each certification issued upon approval of an application. Upon
2685 receipt of a certification from the enterprise authority, the
2686 Department of Revenue shall issue an exemption permit to the
2687 contractor.

2688 (c)1. The contractor may extend a copy of its exemption
2689 permit to its vendors in lieu of paying sales tax on purchases
2690 of tangible personal property qualifying for exemption under
2691 this section. Possession of a copy of the exemption permit
2692 relieves the seller of the responsibility of collecting tax on
2693 the sale, and the Department of Revenue shall look solely to the
2694 contractor for recovery of tax upon a determination that the
2695 contractor was not entitled to the exemption.

2696 2. The contractor may extend a copy of its exemption permit
2697 to real property subcontractors supplying and installing
2698 tangible personal property that is exempt under subsection (3).
2699 Any such subcontractor may ~~is authorized to~~ extend a copy of the
2700 permit to the subcontractor's vendors in order to purchase
2701 qualifying tangible personal property tax-exempt. If the
2702 subcontractor uses the exemption permit to purchase tangible
2703 personal property that is determined not to qualify for
2704 exemption under subsection (3), the Department of Revenue may
2705 assess and collect any tax, penalties, and interest that are due
2706 from either the contractor holding the exemption permit or the
2707 subcontractor that extended the exemption permit to the seller.

2708 (d) Any contractor authorized to act as an agent of the
2709 enterprise authority under this section shall maintain the
2710 necessary books and records to document the exempt status of



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2711 purchases and fabrication costs made or incurred under the
2712 permit. In addition, an authorized contractor extending its
2713 exemption permit to its subcontractors shall maintain a copy of
2714 the subcontractor's books, records, and invoices indicating all
2715 purchases made by the subcontractor under the authorized
2716 contractor's permit. If, in an audit conducted by the Department
2717 of Revenue, it is determined that tangible personal property
2718 purchased or fabricated claiming exemption under this section
2719 does not meet the criteria for exemption, the amount of taxes
2720 not paid at the time of purchase or fabrication shall be
2721 immediately due and payable to the Department of Revenue,
2722 together with the appropriate interest and penalty, computed
2723 from the date of purchase, in the manner prescribed by chapter
2724 212.

2725 (e) If a contractor fails to apply for a high-speed rail
2726 system exemption permit, or if a contractor initially determined
2727 by the enterprise authority to not qualify for exemption is
2728 subsequently determined to be eligible, the contractor shall
2729 receive the benefit of the exemption in this subsection through
2730 a refund of previously paid taxes for transactions that
2731 otherwise would have been exempt. A refund may not be made for
2732 such taxes without the issuance of a certification by the
2733 enterprise authority that the contractor was authorized to make
2734 purchases tax-exempt and a determination by the Department of
2735 Revenue that the purchases qualified for the exemption.

2736 (f) The enterprise authority may adopt rules governing the
2737 application process for exemption of a contractor as an
2738 authorized agent of the enterprise authority.

2739 (g) The Department of Revenue may adopt rules governing the



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2740 issuance and form of high-speed rail system exemption permits,
2741 the audit of contractors and subcontractors using such permits,
2742 the recapture of taxes on nonqualified purchases, and the manner
2743 and form of refund applications.

2744 Section 62. Subsection (3) of section 343.52, Florida
2745 Statutes, is amended to read:

2746 343.52 Definitions.—As used in this part, the term:

2747 (3) "Area served" means Miami-Dade, Broward, and Palm Beach
2748 Counties. However, this area may be expanded by mutual consent
2749 of the authority and the board of county commissioners of Monroe
2750 County ~~representing the proposed expansion area.~~ The authority
2751 may not expand into any additional counties without the
2752 department's prior written approval.

2753 Section 63. Section 343.53, Florida Statutes, is amended to
2754 read:

2755 343.53 South Florida Regional Transportation Authority.—

2756 (1) There is created and established a body politic and
2757 corporate, an agency of the state, to be known as the "South
2758 Florida Regional Transportation Authority," hereinafter referred
2759 to as the "authority."

2760 (2) The governing board of the authority shall consist of
2761 10 ~~nine~~ voting members, as follows:

2762 (a) The county commissions of Miami-Dade, Broward, and Palm
2763 Beach Counties shall each elect a commissioner as that
2764 commission's representative on the board. The commissioner must
2765 be a member of the county commission when elected and for the
2766 full extent of his or her term.

2767 (b) The county commissions of Miami-Dade, Broward, and Palm
2768 Beach Counties shall each appoint a citizen member to the board



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2769 who is not a member of the county commission but who is a
2770 resident of the county from which he or she is appointed and a
2771 qualified elector of that county. Insofar as practicable, the
2772 citizen member shall represent the business and civic interests
2773 of the community.

2774 (c) The secretary of the Department of Transportation shall
2775 appoint one of the district secretaries, or his or her designee,
2776 for the districts within which the area served by the South
2777 Florida Regional Transportation Authority is located, who shall
2778 serve ex officio as a voting member.

2779 (d) If the authority's service area is expanded pursuant to
2780 s. 343.54(5), the county containing the new service area shall
2781 have two ~~three~~ members appointed to the board as follows:

2782 1. The county commission of the county shall elect a
2783 commissioner as that commission's representative on the board.
2784 The commissioner must be a member of the county commission when
2785 elected and for the full extent of his or her term.

2786 ~~2. The county commission of the county shall appoint a~~
2787 ~~citizen member to the board who is not a member of the county~~
2788 ~~commission but who is a resident and a qualified elector of that~~
2789 ~~county. Insofar as is practicable, the citizen member shall~~
2790 ~~represent the business and civic interests of the community.~~

2791 ~~2.3.~~ The Governor shall appoint a citizen member to the
2792 board who is not a member of the county commission but who is a
2793 resident and a qualified elector of that county.

2794 (e) The Governor shall appoint three ~~two~~ members to the
2795 board who are residents and qualified electors in the area
2796 served by the authority but who are not residents of the same
2797 county ~~and also not residents of the county in which the~~



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2798 ~~district secretary who was appointed pursuant to paragraph (c)~~
2799 ~~is a resident.~~

2800 (3)~~(a)~~ Members of the governing board of the authority
2801 shall be appointed to serve 4-year staggered terms, except that
2802 the terms of the appointees of the Governor shall be concurrent.

2803 ~~(b) The terms of the board members currently serving on the~~
2804 ~~authority that is being succeeded by this act shall expire July~~
2805 ~~30, 2003, at which time the terms of the members appointed~~
2806 ~~pursuant to subsection (2) shall commence. The Governor shall~~
2807 ~~make his or her appointments to the board within 30 days after~~
2808 ~~July 30, 2003.~~

2809 (4) A vacancy during a term shall be filled by the
2810 respective appointing authority in the same manner as the
2811 original appointment and only for the balance of the unexpired
2812 term.

2813 (5) The members of the authority shall serve without
2814 compensation, but are entitled to reimbursement for travel
2815 expenses actually incurred in their duties as provided by law.

2816 Section 64. Paragraph (q) is added to subsection (3) of
2817 section 343.54, Florida Statutes, and subsection (5) of that
2818 section is amended, to read:

2819 343.54 Powers and duties.—

2820 (3) The authority may exercise all powers necessary,
2821 appurtenant, convenient, or incidental to the carrying out of
2822 the aforesaid purposes, including, but not limited to, the
2823 following rights and powers:

2824 (q) To privatize any of the administrative functions of the
2825 authority existing as of July 1, 2012, by contracting with a
2826 private entity or entities to perform any or all of those



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2827 functions, which shall require a two-thirds vote of the entire
2828 membership of the board.

2829 (5) The authority, by a resolution of its governing board,
2830 may expand its service area into Monroe County ~~and enter into a~~
2831 ~~partnership with any county that is contiguous to the service~~
2832 ~~area of the authority.~~ The board shall determine the conditions
2833 and terms of the partnership, except as provided herein.
2834 However, the authority may not expand its service area without
2835 the consent of the board of county commissioners representing
2836 the proposed expansion area, and a county may not be added to
2837 the service area except in the year that federal reauthorization
2838 legislation for transportation funds is enacted. The authority
2839 shall not expand into any county other than Monroe County
2840 without the department's prior written approval.

2841 Section 65. Section 343.56, Florida Statutes, is amended to
2842 read:

2843 343.56 Bonds not debts or pledges of credit of state.—
2844 Revenue bonds issued under the provisions of this part are not
2845 debts of the state or pledges of the faith and credit of the
2846 state. Such bonds are payable exclusively from revenues pledged
2847 for their payment. All such bonds shall contain a statement on
2848 their face that the state is not obligated to pay the same or
2849 the interest thereon, except from the revenues pledged for their
2850 payment, and that the faith and credit of the state is not
2851 pledged to the payment of the principal or interest of such
2852 bonds. The issuance of revenue bonds under the provisions of
2853 this part does not directly, indirectly, or contingently
2854 obligate the state to levy or to pledge any form of taxation
2855 whatsoever, or to make any appropriation for their payment. No



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2856 state funds shall be used or pledged to pay the principal or
2857 interest of any bonds issued to finance or refinance any portion
2858 of the South Florida Regional Transportation Authority transit
2859 system, and all such bonds shall contain a statement on their
2860 face to this effect. ~~However, federal funds being passed through~~
2861 ~~the department to the South Florida Regional Transportation~~
2862 ~~Authority and those state matching funds required by the United~~
2863 ~~States Department of Transportation as a condition of federal~~
2864 ~~funding may be used to pay principal and interest of any bonds~~
2865 ~~issued.~~

2866 Section 66. Section 343.57, Florida Statutes, is amended to
2867 read:

2868 343.57 Pledge to bondholders not to restrict certain rights
2869 of authority.—The state pledges to and agrees with the holders
2870 of the bonds issued pursuant to this part that the state will
2871 not limit or restrict the rights vested in the authority to
2872 construct, reconstruct, maintain, and operate any project as
2873 defined in this part, to establish and collect such fees or
2874 other charges as may be convenient or necessary to produce
2875 sufficient revenues to meet the expenses of maintenance and
2876 operation of the system, and to fulfill the terms of any
2877 agreements made with the holders of bonds authorized by this
2878 part. The state further pledges that it will not in any way
2879 impair the rights or remedies of the holders of such bonds until
2880 the bonds, together with interest thereon, are fully paid and
2881 discharged. Nothing in this section or in any agreement between
2882 the authority and the Department of Transportation shall be
2883 construed to require the Legislature to make or continue any
2884 appropriation of state funds to the authority, including, but



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2885 not limited to, the amounts specified in s. 343.58(4), nor shall
2886 any holder of bonds have any right to require the Legislature to
2887 make or continue any appropriation of state funds.

2888 Section 67. Subsection (4) of section 343.58, Florida
2889 Statutes, is amended, and subsection (6) is added to that
2890 section, to read:

2891 343.58 County funding for the South Florida Regional
2892 Transportation Authority.—

2893 (4) Notwithstanding any other provision of law to the
2894 contrary and effective July 1, 2010, until as provided in
2895 paragraph (d), the department shall transfer annually from the
2896 State Transportation Trust Fund to the South Florida Regional
2897 Transportation Authority the amounts specified in subparagraph
2898 (a)1. or subparagraph (a)2.

2899 (a)1. If the authority becomes responsible for maintaining
2900 and dispatching the South Florida Rail Corridor:

2901 a. \$15 million from the State Transportation Trust Fund to
2902 the South Florida Regional Transportation Authority for
2903 operations, maintenance, and dispatch; and

2904 b. An amount no less than the work program commitments
2905 equal to \$27.1 million for fiscal year 2010-2011, as of July 1,
2906 2009, for operating assistance to the authority and corridor
2907 track maintenance and contract maintenance for the South Florida
2908 Rail Corridor.

2909 2. If the authority does not become responsible for
2910 maintaining and dispatching the South Florida Rail Corridor:

2911 a. \$13.3 million from the State Transportation Trust Fund
2912 to the South Florida Regional Transportation Authority for
2913 operations; and



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2914 b. An amount no less than the work program commitments
2915 equal to \$17.3 million for fiscal year 2010-2011, as of July 1,
2916 2009, for operating assistance to the authority.

2917 (b) Funding required by this subsection may not be provided
2918 from the funds dedicated to the Florida Rail Enterprise under s.
2919 201.15(1)(c)1.d.

2920 (c)1. Funds provided to the authority by the department
2921 under this subsection may not be committed by the authority
2922 without the approval of the department, which may not be
2923 unreasonably withheld. At least 90 days before advertising any
2924 procurement or renewing any existing contract that will rely on
2925 state funds for payment, the authority shall notify the
2926 department of the proposed procurement or renewal and the
2927 proposed terms thereof. If the department, within 60 days after
2928 receipt of notice, objects in writing to the proposed
2929 procurement or renewal, specifying its reasons for objection,
2930 the authority may not proceed with the proposed procurement or
2931 renewal. Failure of the department to object in writing within
2932 60 days after notice shall be deemed consent. This requirement
2933 does not impair or cause the authority to cancel contracts that
2934 exist as of June 30, 2012.

2935 2. To enable the department to evaluate the authority's
2936 proposed uses of state funds, the authority shall annually
2937 provide the department with its proposed budget for the
2938 following authority fiscal year and shall provide the department
2939 with any additional documentation or information required by the
2940 department for its evaluation of the proposed uses of the state
2941 funds.

2942 (d) Funding required by this subsection shall cease upon



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2943 commencement of an alternate dedicated local funding source
2944 sufficient for the authority to meet its responsibilities for
2945 operating, maintaining, and dispatching the South Florida Rail
2946 Corridor. The authority and the department shall cooperate in
2947 the effort to identify and implement such an alternate dedicated
2948 local funding source before July 1, 2019. Upon commencement of
2949 the alternate dedicated local funding source, the department
2950 shall convey to the authority a perpetual commuter rail easement
2951 in the South Florida Rail Corridor and all of the department's
2952 right, title, and interest in rolling stock, equipment, tracks,
2953 and other personal property owned and used by the department for
2954 the operation and maintenance of the commuter rail operations in
2955 the South Florida Rail Corridor.

2956 (6) Before the authority undertakes any new capital
2957 projects or transit system improvements not approved by the
2958 authority board, and not identified in the authority's 5-year
2959 capital program, on or before July 1, 2012, the authority shall
2960 ensure that the funding available to the authority under this
2961 section, together with any revenues available to the authority,
2962 are currently, and are anticipated to continue to be, sufficient
2963 for the authority to meet its obligations under any agreement
2964 through which federal funds have been or are anticipated to be
2965 received by the authority.

2966 Section 68. Section 347.215, Florida Statutes, is created
2967 to read:

2968 347.215 Operation of ferries by joint agreement between
2969 public and private entities.—The county commission of any county
2970 that has granted a license to operate a ferry in the county may
2971 authorize the operation of such ferry by a single party or



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2972 multiple parties under a joint agreement between the appropriate
2973 public entities and one or more private corporations conducting
2974 business in the state.

2975 Section 69. Paragraph (c) of subsection (4) of section
2976 348.0003, Florida Statutes, is amended to read:

2977 348.0003 Expressway authority; formation; membership.—

2978 (4)

2979 (c) Members of each expressway authority, transportation
2980 authority, bridge authority, or toll authority, created pursuant
2981 to this chapter, chapter 343, ~~or chapter 349~~ or any other
2982 general law, legislative enactment shall comply with the
2983 applicable financial disclosure requirements of s. 8, Art. II of
2984 the State Constitution. This paragraph does not subject any
2985 statutorily created authority, other than an expressway
2986 authority created under this part, to any other requirement of
2987 this part except the requirement of this paragraph.

2988 Section 70. Section 348.7645, Florida Statutes, is created
2989 to read:

2990 348.7645 Exit sign to university.—Notwithstanding any
2991 provision of law to the contrary, the authority, upon request by
2992 a university described in this section, shall erect signage at
2993 the most convenient, existing exit directing traffic to a
2994 university with at least 6,000 full-time students which is
2995 located within 5 miles of a roadway operated by the authority.
2996 Any such university shall pay to the authority the actual costs
2997 of any signage erected.

2998 Section 71. Subsection (3) of section 349.03, Florida
2999 Statutes, is amended to read:

3000 349.03 Jacksonville Transportation Authority.—



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3001 (3) (a) The terms of appointed members shall be for 4 years
3002 deemed to have commenced on June 1 of the year in which they are
3003 appointed. Each member shall hold office until a successor has
3004 been appointed and has qualified. A vacancy during a term shall
3005 be filled by the respective appointing authority only for the
3006 balance of the unexpired term. Any member appointed to the
3007 authority for two consecutive full terms shall not be eligible
3008 for appointment to the next succeeding term. One of the members
3009 so appointed shall be designated annually by the members as
3010 chair of the authority, one member shall be designated annually
3011 as the vice chair of the authority, one member shall be
3012 designated annually as the secretary of the authority, and one
3013 member shall be designated annually as the treasurer of the
3014 authority. The members of the authority shall not be entitled to
3015 compensation, but shall be reimbursed for travel expenses or
3016 other expenses actually incurred in their duties as provided by
3017 law. Four voting members of the authority shall constitute a
3018 quorum, and no resolution adopted by the authority shall become
3019 effective unless with the affirmative vote of at least four
3020 members. Members of the authority shall file as their mandatory
3021 financial disclosure a statement of financial interest with the
3022 Commission on Ethics as provided in s. 112.3145.

3023 (b) The authority shall employ an executive director, and
3024 the executive director may hire such staff, permanent or
3025 temporary, as he or she may determine and may organize the staff
3026 of the authority into such departments and units as he or she
3027 may determine. The executive director may appoint department
3028 directors, deputy directors, division chiefs, and staff
3029 assistants to the executive director, as he or she may



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3030 determine. In so appointing the executive director, the
3031 authority may fix the compensation of such appointee, who shall
3032 serve at the pleasure of the authority. All employees of the
3033 authority shall be exempt from the provisions of part II of
3034 chapter 110. The authority may employ such financial advisers
3035 and consultants, technical experts, engineers, and agents and
3036 employees, permanent or temporary, as it may require and may fix
3037 the compensation and qualifications of such persons, firms, or
3038 corporations. The authority may delegate to one or more of its
3039 agents or employees such of its powers as it shall deem
3040 necessary to carry out the purposes of this chapter, subject
3041 always to the supervision and control of the governing body of
3042 the authority.

3043 Section 72. Subsection (8) is added to section 349.04,
3044 Florida Statutes, to read:

3045 349.04 Purposes and powers.—

3046 (8) The authority may conduct public meetings and workshops
3047 by means of communications media technology, as provided in s.
3048 120.54(5). However, a resolution, rule, or formal action is not
3049 binding unless a quorum is physically present at the noticed
3050 meeting location, and only members physically present may vote
3051 on any item.

3052 Section 73. Subsection (6) is added to section 373.118,
3053 Florida Statutes, to read:

3054 373.118 General permits; delegation.—

3055 (6) By July 1, 2012, the department shall initiate
3056 rulemaking to adopt a general permit for stormwater management
3057 systems serving airside activities at airports. The general
3058 permit applies statewide and shall be administered by any water



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3059 management district or any delegated local government pursuant
3060 to the operating agreements applicable to part IV, with no
3061 additional rulemaking required. Such rules are not subject to
3062 any special rulemaking requirements related to small business.

3063 Section 74. Subsection (6) is added to section 373.413,
3064 Florida Statutes, to read:

3065 373.413 Permits for construction or alteration.-

3066 (6) It is the intent of the Legislature that the governing
3067 board or department exercise flexibility in the permitting of
3068 stormwater management systems associated with the construction
3069 or alteration of systems serving state transportation projects
3070 and facilities. Because of the unique limitations of linear
3071 facilities, the governing board or department shall balance the
3072 expenditure of public funds for stormwater treatment for state
3073 transportation projects and facilities with the benefits to the
3074 public in providing the most cost-efficient and effective method
3075 of achieving the treatment objectives. In consideration thereof,
3076 the governing board or department shall allow alternatives to
3077 onsite treatment, including, but not limited to, regional
3078 stormwater treatment systems. The Department of Transportation
3079 is responsible for treating stormwater generated from state
3080 transportation projects but is not responsible for the abatement
3081 of pollutants and flows entering its stormwater management
3082 systems from offsite sources; however, this subsection does not
3083 prohibit the Department of Transportation from receiving and
3084 managing such pollutants and flows when cost effective and
3085 prudent. Further, in association with right-of-way acquisition
3086 for state transportation projects, the Department of
3087 Transportation is responsible for providing stormwater treatment



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3088 and attenuation for the acquired right-of-way but is not
3089 responsible for modifying permits for adjacent lands affected by
3090 right-of-way acquisition when it is not the permittee. The
3091 governing board or department may establish, by rule, specific
3092 criteria to implement the management and treatment alternatives
3093 and activities under this subsection.

3094 Section 75. Section 479.28, Florida Statutes, is repealed.

3095 Section 76. The Department of Transportation may seek
3096 Federal Highway Administration approval of a tourist-oriented
3097 commerce sign pilot program for small businesses, as defined in
3098 s. 288.703, Florida Statutes, in rural areas of critical
3099 economic concern, as defined by s. 288.0656(2)(d) and (e),
3100 Florida Statutes. Upon Federal Highway Administration approval,
3101 the department shall submit the pilot program for legislative
3102 approval in the next regular legislative session.

3103 Section 77. There is established a pilot program for the
3104 Palm Beach County school district to recognize its business
3105 partners. The district may recognize its business partners by
3106 publicly displaying such business partners' names on school
3107 district property in the unincorporated areas of the county.
3108 Project graduation and athletic sponsorships are examples of
3109 appropriate recognition. The district shall make every effort to
3110 display its business partners' names in a manner that is
3111 consistent with the county standards for uniformity in size,
3112 color, and placement of signs. If the provisions of this section
3113 are inconsistent with county ordinances or regulations relating
3114 to signs in the unincorporated areas of the county or
3115 inconsistent with chapter 125 or chapter 166, Florida Statutes,
3116 the provisions of this section prevail. The pilot program



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3117 expires June 30, 2014.

3118 Section 78. Effective upon this act becoming a law, all
3119 administrative rules adopted by the former Pilotage Rate Review
3120 Board, which were in effect upon the effective date of ss. 5 and
3121 6, chapter 2010-225, Laws of Florida, are transferred by a type
3122 two transfer, as defined in s. 20.06(2), Florida Statutes, to
3123 the Pilotage Rate Review Committee of the Board of Pilot
3124 Commissioners and shall apply retroactively to the effective
3125 date of ss. 5 and 6, chapter 2010-225, Laws of Florida.

3126 Section 79. The Florida Transportation Commission shall
3127 conduct a study of the potential for cost savings that might be
3128 realized through increased efficiencies through the sharing of
3129 resources for the accomplishment of design, construction, and
3130 maintenance activities by or on behalf of expressway authorities
3131 in the state. The commission may retain such experts as are
3132 reasonably necessary to complete the study, and the department
3133 shall pay the expenses of such experts. The commission shall
3134 complete the study and provide a written report of its findings
3135 and conclusions to the Governor, the President of the Senate,
3136 the Speaker of the House of Representatives, and the chairs of
3137 each of the appropriations committees of the Legislature by
3138 December 31, 2012. In conducting the study, the commission shall
3139 seek input from the existing expressway authorities.

3140 Section 80. Notwithstanding s. 120.569, s. 120.57, or s.
3141 373.427, Florida Statutes, or any other provision of law to the
3142 contrary, a challenge to a consolidated environmental resource
3143 permit or any associated variance or any sovereign submerged
3144 lands authorization proposed or issued by the Department of
3145 Environmental Protection in connection with the state's



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3146 deepwater ports, as listed in s. 403.021(9), Florida Statutes,
3147 shall be conducted pursuant to the summary hearing provisions of
3148 s. 120.574, Florida Statutes; however, the summary proceeding
3149 shall be conducted within 30 days after a party files a motion
3150 for a summary hearing, regardless of whether the parties agree
3151 to the summary proceeding, and the administrative law judge's
3152 decision shall be in the form of a recommended order and does
3153 not constitute final agency action of the department. The
3154 Department of Environmental Protection shall issue the final
3155 order within 45 working days after receipt of the administrative
3156 law judge's recommended order. The summary hearing provisions of
3157 this section apply to pending administrative proceedings;
3158 however, s. 120.574(1)(b) and (d) and (2)(a)3. and 5., Florida
3159 Statutes, do not apply to pending administrative proceedings.
3160 This section shall take effect upon this act becoming a law.

3161 Section 81. It is the intent of the Legislature to
3162 encourage and facilitate a review by the Pinellas Suncoast
3163 Transit Authority (PSTA) and the Hillsborough Area Regional
3164 Transit Authority (HART) in order to achieve improvements in
3165 regional transit connectivity and implementation of operational
3166 efficiencies and service enhancements that are consistent with
3167 the regional approach to transit identified in the Tampa Bay
3168 Area Regional Transportation Authority's (TBARTA's) Regional
3169 Transportation Master Plan. The Legislature finds that such
3170 improvements and efficiencies can best be achieved through a
3171 joint review, evaluation, and recommendations by the Pinellas
3172 Suncoast Transit Authority and the Hillsborough Area Regional
3173 Transit Authority.

3174 (1) The governing bodies or a designated subcommittee of



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3175 both the Pinellas Suncoast Transit Authority and the
3176 Hillsborough Area Regional Transit Authority shall hold a joint
3177 meeting within 30 days after July 1, 2012, and as often as
3178 deemed necessary thereafter, in order to consider and identify
3179 opportunities for greater efficiency and service improvements,
3180 including specific methods for increasing service connectivity
3181 between the jurisdictions of each agency. The elements to be
3182 reviewed must also include:

3183 (a) Governance structure, including governing board
3184 membership, terms, responsibilities, officers, powers, duties,
3185 and responsibilities;
3186 (b) Funding options and implementation;
3187 (c) Facilities ownership and management;
3188 (d) Current financial obligations and resources; and
3189 (e) Actions to be taken that are consistent with the Tampa
3190 Bay Area Regional Transportation Authority's master plan.

3191 (2) The Pinellas Suncoast Transit Authority and the
3192 Hillsborough Area Regional Transit Authority shall jointly
3193 submit a report to the Speaker of the House of Representatives
3194 and the President of the Senate on the elements described in
3195 this section by February 1, 2013. The report must include
3196 proposed legislation to implement each recommendation and
3197 specific recommendations concerning the reorganization of each
3198 agency, the organizational merger of both agencies, or the
3199 consolidation of functions within and between each agency.

3200 (3) The Tampa Bay Area Regional Transportation Authority
3201 shall assist and facilitate the Pinellas Suncoast Transit
3202 Authority and the Hillsborough Area Regional Transit Authority
3203 in carrying out the purposes of this section. The Tampa Bay Area



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3204 Regional Transportation Authority shall provide technical
3205 assistance and information regarding its master plan, make
3206 recommendations for achieving consistency and improved regional
3207 connectivity, and provide support to the Pinellas Suncoast
3208 Transit Authority and the Hillsborough Area Regional Transit
3209 Authority in the preparation of their joint report and
3210 recommendations to the Legislature. For this purpose, the
3211 Pinellas Suncoast Transit Authority and the Hillsborough Area
3212 Regional Transit Authority shall reimburse the Tampa Bay Area
3213 Regional Transportation Authority for necessary and reasonable
3214 expense in a total amount not to exceed \$100,000.

3215 Section 82. Subsection (7) of section 215.616, Florida
3216 Statutes, is amended to read:

3217 215.616 State bonds for federal aid highway construction.-

3218 ~~(7) Up to \$325 million in bonds may be issued for the~~
3219 ~~Mobility 2000 Initiative with emphasis on the Florida Intrastate~~
3220 ~~Highway System to advance projects in the most cost-effective~~
3221 ~~manner and to support emergency evacuation, improved access to~~
3222 ~~urban areas, or the enhancement of trade and economic growth~~
3223 ~~corridors of statewide and regional significance which promote~~
3224 ~~Florida's economic growth.~~

3225 Section 83. Subsection (3) of section 288.063, Florida
3226 Statutes, is amended to read:

3227 288.063 Contracts for transportation projects.-

3228 (3) With respect to any contract executed pursuant to this
3229 section, the term "transportation project" means a
3230 transportation facility as defined in s. 334.03(30) ~~s.~~
3231 ~~334.03(31)~~ which is necessary in the judgment of the department
3232 to facilitate the economic development and growth of the state.



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3233 Such transportation projects shall be approved only as a
3234 consideration to attract new employment opportunities to the
3235 state or expand or retain employment in existing companies
3236 operating within the state, or to allow for the construction or
3237 expansion of a state or federal correctional facility in a
3238 county having ~~with~~ a population of 75,000 or less that creates
3239 new employment opportunities or expands or retains employment in
3240 the county. The department shall institute procedures to ensure
3241 that small and minority businesses have equal access to funding
3242 provided under this section. Funding for approved transportation
3243 projects may include any expenses, other than administrative
3244 costs and equipment purchases specified in the contract,
3245 necessary for new, or improvement to existing, transportation
3246 facilities. Funds made available pursuant to this section may
3247 not be expended in connection with the relocation of a business
3248 from one community to another community in this state unless the
3249 department determines that without such relocation the business
3250 will move outside this state or determines that the business has
3251 a compelling economic rationale for the relocation which creates
3252 additional jobs. Subject to appropriation for projects under
3253 this section, any appropriation greater than \$10 million shall
3254 be allocated to each of the districts of the Department of
3255 Transportation to ensure equitable geographical distribution.
3256 Such allocated funds that remain uncommitted by the third
3257 quarter of the fiscal year shall be reallocated among the
3258 districts based on pending project requests.

3259 Section 84. Subsection (2) of section 311.22, Florida
3260 Statutes, is amended to read:

3261 311.22 Additional authorization for funding certain



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3262 dredging projects.-

3263 (2) The council shall adopt rules for evaluating the
3264 projects that may be funded pursuant to this section. The rules
3265 must provide criteria for evaluating the economic benefit of the
3266 project. The rules must include the creation of an
3267 administrative review process by the council which is similar to
3268 the process described in s. 311.09(5)-(11) ~~s. 311.09(5)-(12)~~,
3269 and provide for a review by the Department of Transportation and
3270 the Department of Economic Opportunity of all projects submitted
3271 for funding under this section.

3272 Section 85. Section 316.2122, Florida Statutes, is amended
3273 to read:

3274 316.2122 Operation of a low-speed vehicle or mini truck on
3275 certain roadways.-The operation of a low-speed vehicle as
3276 defined in s. 320.01(42) or a mini truck as defined in s.
3277 320.01(45) on any road ~~as defined in s. 334.03(15) or (33)~~ is
3278 authorized with the following restrictions:

3279 (1) A low-speed vehicle or mini truck may be operated only
3280 on streets where the posted speed limit is 35 miles per hour or
3281 less. This does not prohibit a low-speed vehicle or mini truck
3282 from crossing a road or street at an intersection where the road
3283 or street has a posted speed limit of more than 35 miles per
3284 hour.

3285 (2) A low-speed vehicle must be equipped with headlamps,
3286 stop lamps, turn signal lamps, taillamps, reflex reflectors,
3287 parking brakes, rearview mirrors, windshields, seat belts, and
3288 vehicle identification numbers.

3289 (3) A low-speed vehicle or mini truck must be registered
3290 and insured in accordance with s. 320.02 and titled pursuant to



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3291 chapter 319.

3292 (4) Any person operating a low-speed vehicle or mini truck
3293 must have in his or her possession a valid driver's license.

3294 (5) A county or municipality may prohibit the operation of
3295 low-speed vehicles or mini trucks on any road under its
3296 jurisdiction if the governing body of the county or municipality
3297 determines that such prohibition is necessary in the interest of
3298 safety.

3299 (6) The Department of Transportation may prohibit the
3300 operation of low-speed vehicles or mini trucks on any road under
3301 its jurisdiction if it determines that such prohibition is
3302 necessary in the interest of safety.

3303 Section 86. Section 318.12, Florida Statutes, is amended to
3304 read:

3305 318.12 Purpose.—It is the legislative intent in the
3306 adoption of this chapter to decriminalize certain violations of
3307 chapter 316, the Florida Uniform Traffic Control Law; chapter
3308 320, Motor Vehicle Licenses; chapter 322, Drivers' Licenses;
3309 chapter 338, Limited Access Florida Intrastate Highway System
3310 and Toll Facilities; and chapter 1006, Support of Learning,
3311 thereby facilitating the implementation of a more uniform and
3312 expeditious system for the disposition of traffic infractions.

3313 Section 87. Subsections (3) and (4) of section 320.20,
3314 Florida Statutes, are amended to read:

3315 320.20 Disposition of license tax moneys.—The revenue
3316 derived from the registration of motor vehicles, including any
3317 delinquent fees and excluding those revenues collected and
3318 distributed under the provisions of s. 320.081, must be
3319 distributed monthly, as collected, as follows:



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3320 (3) Notwithstanding any other provision of law except
3321 subsections (1) and (2), on July 1, 1996, and annually
3322 thereafter, \$15 million shall be deposited in the State
3323 Transportation Trust Fund solely for the purposes of funding the
3324 Florida Seaport Transportation and Economic Development Program
3325 as provided for in chapter 311. Such revenues shall be
3326 distributed on a 50-50 matching basis to any port listed in s.
3327 311.09(1) to be used for funding projects as described in s.
3328 311.07(3) (b). Such revenues may be assigned, pledged, or set
3329 aside as a trust for the payment of principal or interest on
3330 bonds, tax anticipation certificates, or any other form of
3331 indebtedness issued by an individual port or appropriate local
3332 government having jurisdiction thereof, or collectively by
3333 interlocal agreement among any of the ports, or used to purchase
3334 credit support to permit such borrowings. However, such debt
3335 shall not constitute a general obligation of the State of
3336 Florida. The state does hereby covenant with holders of such
3337 revenue bonds or other instruments of indebtedness issued
3338 hereunder that it will not repeal or impair or amend in any
3339 manner which will materially and adversely affect the rights of
3340 such holders so long as bonds authorized by this section are
3341 outstanding. Any revenues which are not pledged to the repayment
3342 of bonds as authorized by this section may be utilized for
3343 purposes authorized under the Florida Seaport Transportation and
3344 Economic Development Program. This revenue source is in addition
3345 to any amounts provided for and appropriated in accordance with
3346 s. 311.07. The Florida Seaport Transportation and Economic
3347 Development Council shall approve distribution of funds to ports
3348 for projects which have been approved pursuant to s. 311.09(5)-



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3349 (8) ~~s. 311.09(5)-(9)~~. The council and the Department of
3350 Transportation may ~~are authorized to~~ perform such acts as are
3351 required to facilitate and implement ~~the provisions of~~ this
3352 subsection. To better enable the ports to cooperate to their
3353 mutual advantage, the governing body of each port may exercise
3354 powers provided to municipalities or counties in s. 163.01(7)(d)
3355 subject to the provisions of chapter 311 and special acts, if
3356 any, pertaining to a port. The use of funds provided pursuant to
3357 this subsection are limited to eligible projects listed in this
3358 subsection. Income derived from a project completed with the use
3359 of program funds, beyond operating costs and debt service, shall
3360 be restricted to further port capital improvements consistent
3361 with maritime purposes and for no other purpose. Use of such
3362 income for nonmaritime purposes is prohibited. ~~The provisions of~~
3363 ~~s. 311.07(4) do not apply to any funds received pursuant to this~~
3364 ~~subsection.~~ The revenues available under this subsection shall
3365 not be pledged to the payment of any bonds other than the
3366 Florida Ports Financing Commission Series 1996 and Series 1999
3367 Bonds currently outstanding; provided, however, such revenues
3368 may be pledged to secure payment of refunding bonds to refinance
3369 the Florida Ports Financing Commission Series 1996 and Series
3370 1999 Bonds. No refunding bonds secured by revenues available
3371 under this subsection may be issued with a final maturity later
3372 than the final maturity of the Florida Ports Financing
3373 Commission Series 1996 and Series 1999 Bonds or which provide
3374 for higher debt service in any year than is currently payable on
3375 such bonds. Any revenue bonds or other indebtedness issued after
3376 July 1, 2000, other than refunding bonds shall be issued by the
3377 Division of Bond Finance at the request of the Department of



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3378 Transportation pursuant to the State Bond Act.

3379 (4) Notwithstanding any other provision of law except
3380 subsections (1), (2), and (3), on July 1, 1999, and annually
3381 thereafter, \$10 million shall be deposited in the State
3382 Transportation Trust Fund solely for the purposes of funding the
3383 Florida Seaport Transportation and Economic Development Program
3384 as provided in chapter 311 and for funding seaport intermodal
3385 access projects of statewide significance as provided in s.
3386 341.053. Such revenues shall be distributed to any port listed
3387 in s. 311.09(1), to be used for funding projects as follows:

3388 (a) For any seaport intermodal access projects that are
3389 identified in the 1997-1998 Tentative Work Program of the
3390 Department of Transportation, up to the amounts needed to offset
3391 the funding requirements of this section.

3392 (b) For seaport intermodal access projects as described in
3393 s. 341.053(5) that are identified in the 5-year Florida Seaport
3394 Mission Plan as provided in s. 311.09(3). Funding for such
3395 projects shall be on a matching basis as mutually determined by
3396 the Florida Seaport Transportation and Economic Development
3397 Council and the Department of Transportation, provided a minimum
3398 of 25 percent of total project funds shall come from any port
3399 funds, local funds, private funds, or specifically earmarked
3400 federal funds.

3401 (c) On a 50-50 matching basis for projects as described in
3402 s. 311.07(3)(b).

3403 (d) For seaport intermodal access projects that involve the
3404 dredging or deepening of channels, turning basins, or harbors;
3405 or the rehabilitation of wharves, docks, or similar structures.
3406 Funding for such projects shall require a 25 percent match of



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3407 the funds received pursuant to this subsection. Matching funds
3408 shall come from any port funds, federal funds, local funds, or
3409 private funds.

3410
3411 Such revenues may be assigned, pledged, or set aside as a trust
3412 for the payment of principal or interest on bonds, tax
3413 anticipation certificates, or any other form of indebtedness
3414 issued by an individual port or appropriate local government
3415 having jurisdiction thereof, or collectively by interlocal
3416 agreement among any of the ports, or used to purchase credit
3417 support to permit such borrowings. However, such debt shall not
3418 constitute a general obligation of the state. This state does
3419 hereby covenant with holders of such revenue bonds or other
3420 instruments of indebtedness issued hereunder that it will not
3421 repeal or impair or amend this subsection in any manner which
3422 will materially and adversely affect the rights of holders so
3423 long as bonds authorized by this subsection are outstanding. Any
3424 revenues that are not pledged to the repayment of bonds as
3425 authorized by this section may be utilized for purposes
3426 authorized under the Florida Seaport Transportation and Economic
3427 Development Program. This revenue source is in addition to any
3428 amounts provided for and appropriated in accordance with s.
3429 311.07 and subsection (3). The Florida Seaport Transportation
3430 and Economic Development Council shall approve distribution of
3431 funds to ports for projects that have been approved pursuant to
3432 s. 311.09(5)-(8) ~~s. 311.09(5)-(9)~~, or for seaport intermodal
3433 access projects identified in the 5-year Florida Seaport Mission
3434 Plan as provided in s. 311.09(3) and mutually agreed upon by the
3435 Florida Seaport Transportation and Economic Development ~~FSTED~~



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3436 Council and the Department of Transportation. All contracts for
3437 actual construction of projects authorized by this subsection
3438 must include a provision encouraging employment of participants
3439 in the welfare transition program. The goal for employment of
3440 participants in the welfare transition program is 25 percent of
3441 all new employees employed specifically for the project, unless
3442 the Department of Transportation and the Florida Seaport
3443 Transportation and Economic Development Council demonstrate that
3444 such a requirement would severely hamper the successful
3445 completion of the project. In such an instance, Workforce
3446 Florida, Inc., shall establish an appropriate percentage of
3447 employees that must be participants in the welfare transition
3448 program. The council and the Department of Transportation may
3449 ~~are authorized to~~ perform such acts as are required to
3450 facilitate and implement the provisions of this subsection. To
3451 better enable the ports to cooperate to their mutual advantage,
3452 the governing body of each port may exercise powers provided to
3453 municipalities or counties in s. 163.01(7)(d) subject to the
3454 provisions of chapter 311 and special acts, if any, pertaining
3455 to a port. The use of funds provided pursuant to this subsection
3456 is limited to eligible projects listed in this subsection. ~~The~~
3457 ~~provisions of s. 311.07(4) do not apply to any funds received~~
3458 ~~pursuant to this subsection.~~ The revenues available under this
3459 subsection shall not be pledged to the payment of any bonds
3460 other than the Florida Ports Financing Commission Series 1996
3461 and Series 1999 Bonds currently outstanding; provided, however,
3462 such revenues may be pledged to secure payment of refunding
3463 bonds to refinance the Florida Ports Financing Commission Series
3464 1996 and Series 1999 Bonds. No refunding bonds secured by



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3465 revenues available under this subsection may be issued with a
3466 final maturity later than the final maturity of the Florida
3467 Ports Financing Commission Series 1996 and Series 1999 Bonds or
3468 which provide for higher debt service in any year than is
3469 currently payable on such bonds. Any revenue bonds or other
3470 indebtedness issued after July 1, 2000, other than refunding
3471 bonds shall be issued by the Division of Bond Finance at the
3472 request of the Department of Transportation pursuant to the
3473 State Bond Act.

3474 Section 88. Subsection (3) of section 335.02, Florida
3475 Statutes, is amended to read:

3476 335.02 Authority to designate transportation facilities and
3477 rights-of-way and establish lanes; procedure for redesignation
3478 and relocation; application of local regulations.—

3479 (3) The department may establish standards for lanes on the
3480 State Highway System, including the Strategic Intermodal System
3481 highway corridors ~~Florida Intrastate Highway System~~ established
3482 pursuant to s. 339.65 ~~s. 338.001~~. In determining the number of
3483 lanes for any regional corridor or section of highway on the
3484 State Highway System to be funded by the department with state
3485 or federal funds, the department shall evaluate all alternatives
3486 and seek to achieve the highest degree of efficient mobility for
3487 corridor users. In conducting the analysis, the department must
3488 give consideration to the following factors consistent with
3489 sound engineering principles:

3490 (a) Overall economic importance of the corridor as a trade
3491 or tourism corridor.

3492 (b) Safety of corridor users, including the importance of
3493 the corridor for evacuation purposes.



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3494 (c) Cost-effectiveness of alternative methods of increasing
3495 the mobility of corridor users.

3496 (d) Current and projected traffic volumes on the corridor.

3497 (e) Multimodal alternatives.

3498 (f) Use of intelligent transportation technology in
3499 increasing the efficiency of the corridor.

3500 (g) Compliance with state and federal policies related to
3501 clean air, environmental impacts, growth management, livable
3502 communities, and energy conservation.

3503 (h) Addition of special use lanes, such as exclusive truck
3504 lanes, high-occupancy-vehicle toll lanes, and exclusive
3505 interregional traffic lanes.

3506 (i) Availability and cost of rights-of-way, including
3507 associated costs, and the most effective use of existing rights-
3508 of-way.

3509 (j) Regional economic and transportation objectives, where
3510 articulated.

3511 (k) The future land use plan element of local government
3512 comprehensive plans, as appropriate, including designated urban
3513 infill and redevelopment areas.

3514 (l) The traffic circulation element, if applicable, of
3515 local government comprehensive plans, including designated
3516 transportation corridors and public transportation corridors.

3517 (m) The approved metropolitan planning organization's long-
3518 range transportation plan, as appropriate.

3519

3520 This subsection does not preclude a number of lanes in excess of
3521 10 lanes, but an additional factor that must be considered
3522 before the department may determine that the number of lanes



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3523 should be more than 10 is the capacity to accommodate in the
3524 future alternative forms of transportation within existing or
3525 potential rights-of-way.

3526 Section 89. Subsection (2) of section 338.222, Florida
3527 Statutes, is amended to read:

3528 338.222 Department of Transportation sole governmental
3529 entity to acquire, construct, or operate turnpike projects;
3530 exception.—

3531 (2) The department may contract with any local governmental
3532 entity as defined in s. 334.03(13) ~~s. 334.03(14)~~ for the design,
3533 right-of-way acquisition, or construction of any turnpike
3534 project which the Legislature has approved. Local governmental
3535 entities may negotiate with the department for the design,
3536 right-of-way acquisition, and construction of any section of the
3537 turnpike project within areas of their respective jurisdictions
3538 or within counties with which they have interlocal agreements.

3539 Section 90. Subsection (6) of section 339.285, Florida
3540 Statutes, is amended to read:

3541 339.285 Enhanced Bridge Program for Sustainable
3542 Transportation.—

3543 (6) Preference shall be given to bridge projects located on
3544 corridors that connect to the Strategic Intermodal System,
3545 created under s. 339.64, and that have been identified as
3546 regionally significant in accordance with s. 339.155(4)(c), (d),
3547 and (e) ~~s. 339.155(5)(c), (d), and (e)~~.

3548 Section 91. Subsection (2) of section 341.053, Florida
3549 Statutes, is amended to read:

3550 341.053 Intermodal Development Program; administration;
3551 eligible projects; limitations.—



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3552 (2) In recognition of the department's role in the economic
3553 development of this state, the department shall develop a
3554 proposed intermodal development plan to connect Florida's
3555 airports, deepwater seaports, rail systems serving both
3556 passenger and freight, and major intermodal connectors to the
3557 Strategic Intermodal System highway corridors ~~Florida Intrastate~~
3558 ~~Highway System facilities~~ as the primary system for the movement
3559 of people and freight in this state in order to make the
3560 intermodal development plan a fully integrated and
3561 interconnected system. The intermodal development plan must:

3562 (a) Define and assess the state's freight intermodal
3563 network, including airports, seaports, rail lines and terminals,
3564 intercity bus lines and terminals, and connecting highways.

3565 (b) Prioritize statewide infrastructure investments,
3566 including the acceleration of current projects, which are found
3567 by the Freight Stakeholders Task Force to be priority projects
3568 for the efficient movement of people and freight.

3569 (c) Be developed in a manner that will assure maximum use
3570 of existing facilities and optimum integration and coordination
3571 of the various modes of transportation, including both
3572 government-owned and privately owned resources, in the most
3573 cost-effective manner possible.

3574 Section 92. Subsection (2) of section 341.8225, Florida
3575 Statutes, is amended to read:

3576 341.8225 Department of Transportation sole governmental
3577 entity to acquire, construct, or operate high-speed rail
3578 projects; exception.—

3579 (2) Local governmental entities, as defined in s.
3580 334.03(13) ~~s. 334.03(14)~~, may negotiate with the department for



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3581 the design, right-of-way acquisition, and construction of any
3582 component of the high-speed rail system within areas of their
3583 respective jurisdictions or within counties with which they have
3584 interlocal agreements.

3585 Section 93. Subsection (2) of section 403.7211, Florida
3586 Statutes, is amended to read:

3587 403.7211 Hazardous waste facilities managing hazardous
3588 wastes generated offsite; federal facilities managing hazardous
3589 waste.—

3590 (2) The department may ~~shall~~ not issue any permit under s.
3591 403.722 for the construction, initial operation, or substantial
3592 modification of a facility for the disposal, storage, or
3593 treatment of hazardous waste generated offsite which is proposed
3594 to be located in any of the following locations:

3595 (a) Any area where life-threatening concentrations of
3596 hazardous substances could accumulate at any residence or
3597 residential subdivision as the result of a catastrophic event at
3598 the proposed facility, unless each such residence or residential
3599 subdivision is served by at least one arterial road or urban
3600 minor arterial road, as determined under the procedures
3601 referenced in s. 334.03(10) defined in s. 334.03, which provides
3602 safe and direct egress by land to an area where such life-
3603 threatening concentrations of hazardous substances could not
3604 accumulate in a catastrophic event. Egress by any road leading
3605 from any residence or residential subdivision to any point
3606 located within 1,000 yards of the proposed facility is unsafe
3607 for the purposes of this paragraph. In determining whether
3608 egress proposed by the applicant is safe and direct, the
3609 department shall also consider, at a minimum, the following



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3610 factors:

3611 1. Natural barriers such as water bodies, and whether any
3612 road in the proposed evacuation route is impaired by a natural
3613 barrier such as a water body.~~†~~

3614 2. Potential exposure during egress and potential increases
3615 in the duration of exposure.~~†~~

3616 3. Whether any road in a proposed evacuation route passes
3617 in close proximity to the facility.~~†~~ ~~and~~

3618 4. Whether any portion of the evacuation route is
3619 inherently directed toward the facility.

3620 (b) Any location within 1,500 yards of any hospital,
3621 prison, school, nursing home facility, day care facility,
3622 stadium, place of assembled worship, or any other similar site
3623 where individuals are routinely confined or assembled in such a
3624 manner that reasonable access to immediate evacuation is likely
3625 to be unavailable.~~†~~

3626 (c) Any location within 1,000 yards of any residence.~~†~~ ~~or~~

3627 (d) Any location which is inconsistent with rules adopted
3628 by the department under this part.

3629

3630 For the purposes of this subsection, all distances shall be
3631 measured from the outer limit of the active hazardous waste
3632 management area. "Substantial modification" includes: any
3633 physical change in, change in the operations of, or addition to
3634 a facility which could increase the potential offsite impact, or
3635 risk of impact, from a release at that facility; and any change
3636 in permit conditions which is reasonably expected to lead to
3637 greater potential impacts or risks of impacts, from a release at
3638 that facility. "Substantial modification" does not include a



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3639 change in operations, structures, or permit conditions which
3640 does not substantially increase either the potential impact
3641 from, or the risk of, a release. Physical or operational changes
3642 to a facility related solely to the management of nonhazardous
3643 waste at the facility is shall not ~~be~~ considered a substantial
3644 modification. The department shall, by rule, adopt criteria to
3645 determine whether a facility has been substantially modified.
3646 "Initial operation" means the initial commencement of operations
3647 at the facility.

3648 Section 94. Subsection (27) of section 479.01, Florida
3649 Statutes, is amended to read:

3650 479.01 Definitions.—As used in this chapter, the term:

3651 (27) "Urban area" has the same meaning as defined in s.
3652 334.03(31) ~~s. 334.03(32)~~.

3653 Section 95. Subsection (1) of section 479.07, Florida
3654 Statutes, is amended to read:

3655 479.07 Sign permits.—

3656 (1) Except as provided in ss. 479.105(1)(e) and 479.16, a
3657 person may not erect, operate, use, or maintain, or cause to be
3658 erected, operated, used, or maintained, any sign on the State
3659 Highway System outside an urban area, as defined in s.
3660 334.03(31) ~~s. 334.03(32)~~, or on any portion of the interstate or
3661 federal-aid primary highway system without first obtaining a
3662 permit for the sign from the department and paying the annual
3663 fee as provided in this section. As used in this section, the
3664 term "on any portion of the State Highway System, interstate, or
3665 federal-aid primary system" means a sign located within the
3666 controlled area which is visible from any portion of the main-
3667 traveled way of such system.



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3668 Section 96. Subsection (5) of section 479.261, Florida
3669 Statutes, is amended to read:

3670 479.261 Logo sign program.—

3671 (5) At a minimum, permit fees for businesses that
3672 participate in the program must be established in an amount
3673 sufficient to offset the total cost to the department for the
3674 program, including contract costs. The department shall provide
3675 the services in the most efficient and cost-effective manner
3676 through department staff or by contracting for some or all of
3677 the services. The department shall adopt rules that set
3678 reasonable rates based upon factors such as population, traffic
3679 volume, market demand, and costs for annual permit fees.
3680 However, annual permit fees for sign locations inside an urban
3681 area, as defined in s. 334.03(31) ~~s. 334.03(32)~~, may not exceed
3682 \$3,500, and annual permit fees for sign locations outside an
3683 urban area, as defined in s. 334.03(31) ~~s. 334.03(32)~~, may not
3684 exceed \$2,000. After recovering program costs, the proceeds from
3685 the annual permit fees shall be deposited into the State
3686 Transportation Trust Fund and used for transportation purposes.

3687 Section 97. Pembroke Park Boulevard designated; Department
3688 of Transportation to erect suitable markers.—

3689 (1) That portion of State Road 858/Hallandale Beach
3690 Boulevard between Interstate 95/State Road 9 and S.W. 56th
3691 Avenue in Broward County is designated as "Pembroke Park
3692 Boulevard."

3693 (2) The Department of Transportation is directed to erect
3694 suitable markers designating Pembroke Park Boulevard as
3695 described in subsection (1).

3696 Section 98. Paragraph (d) of subsection (1) of section



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3697 316.0083, Florida Statutes, is amended to read:

3698 316.0083 Mark Wandall Traffic Safety Program;
3699 administration; report.—

3700 (1)

3701 (d)1. The owner of the motor vehicle involved in the
3702 violation is responsible and liable for paying the uniform
3703 traffic citation issued for a violation of s. 316.074(1) or s.
3704 316.075(1)(c)1. when the driver failed to stop at a traffic
3705 signal, unless the owner can establish that:

3706 a. The motor vehicle passed through the intersection in
3707 order to yield right-of-way to an emergency vehicle or as part
3708 of a funeral procession;

3709 b. The motor vehicle passed through the intersection at the
3710 direction of a law enforcement officer;

3711 c. The motor vehicle was, at the time of the violation, in
3712 the care, custody, or control of another person; ~~or~~

3713 d. A uniform traffic citation was issued by a law
3714 enforcement officer to the driver of the motor vehicle for the
3715 alleged violation of s. 316.074(1) or s. 316.075(1)(c)1.; or

3716 e. The motor vehicle's owner was deceased on or before the
3717 date that the uniformed traffic citation was issued as
3718 established by an affidavit submitted by the representative of
3719 the motor vehicle owner's estate or other designated person or
3720 family member.

3721 2. In order to establish such facts, the owner of the motor
3722 vehicle shall, within 30 days after the date of issuance of the
3723 traffic citation, furnish to the appropriate governmental entity
3724 an affidavit setting forth detailed information supporting an
3725 exemption as provided in this paragraph.



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3726 a. An affidavit supporting an exemption under sub-
3727 subparagraph 1.c. must include the name, address, date of birth,
3728 and, if known, the driver's license number of the person who
3729 leased, rented, or otherwise had care, custody, or control of
3730 the motor vehicle at the time of the alleged violation. If the
3731 vehicle was stolen at the time of the alleged offense, the
3732 affidavit must include the police report indicating that the
3733 vehicle was stolen.

3734 b. If a traffic citation for a violation of s. 316.074(1)
3735 or s. 316.075(1)(c)1. was issued at the location of the
3736 violation by a law enforcement officer, the affidavit must
3737 include the serial number of the uniform traffic citation.

3738 c. If the motor vehicle's owner to whom a traffic citation
3739 has been issued is deceased, the affidavit must include a
3740 certified copy of the owner's death certificate showing that the
3741 date of death occurred on or before the issuance of the uniform
3742 traffic citation and one of the following:

3743 (I) A bill of sale or other document showing that the
3744 deceased owner's motor vehicle was sold after his or her death
3745 but on or before the date of the alleged violation.

3746 (II) Documentary proof that the registered license plate
3747 belonging to the deceased owner's vehicle was returned to the
3748 department or any branch office or authorized agent of the
3749 department on or before the date of the alleged violation.

3750 (III) A copy of a police report showing the deceased
3751 owner's registered license plate or motor vehicle was stolen
3752 after the owner's death but on or before the date of the alleged
3753 violation.

3754



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3755 Upon receipt of the affidavit and documentation required under
3756 this sub-subparagraph, the governmental entity must dismiss the
3757 citation and provide proof of such dismissal to the person that
3758 submitted the affidavit.

3759 3. Upon receipt of an affidavit, the person designated as
3760 having care, custody, and control of the motor vehicle at the
3761 time of the violation may be issued a traffic citation for a
3762 violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver
3763 failed to stop at a traffic signal. The affidavit is admissible
3764 in a proceeding pursuant to this section for the purpose of
3765 providing proof that the person identified in the affidavit was
3766 in actual care, custody, or control of the motor vehicle. The
3767 owner of a leased vehicle for which a traffic citation is issued
3768 for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when the
3769 driver failed to stop at a traffic signal is not responsible for
3770 paying the traffic citation and is not required to submit an
3771 affidavit as specified in this subsection if the motor vehicle
3772 involved in the violation is registered in the name of the
3773 lessee of such motor vehicle.

3774 4. The submission of a false affidavit is a misdemeanor of
3775 the second degree, punishable as provided in s. 775.082 or s.
3776 775.083.

3777 Section 99. Section 320.089, Florida Statutes, is amended
3778 to read:

3779 320.089 Members of National Guard and active United States
3780 Armed Forces reservists; former prisoners of war; survivors of
3781 Pearl Harbor; Purple Heart medal recipients; Operation Iraqi
3782 Freedom and Operation Enduring Freedom Veterans; Combat Infantry
3783 Badge or Combat Action Badge recipients; special license plates;



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3784 fee.-

3785 (1) (a) Each owner or lessee of an automobile or truck for
3786 private use or recreational vehicle as specified in s.
3787 320.08(9) (c) or (d), which is not used for hire or commercial
3788 use, who is a resident of the state and an active or retired
3789 member of the Florida National Guard, a survivor of the attack
3790 on Pearl Harbor, a recipient of the Purple Heart medal, ~~or~~ an
3791 active or retired member of any branch of the United States
3792 Armed Forces Reserve, or a recipient of the Combat Infantry
3793 Badge or Combat Action Badge shall, upon application to the
3794 department, accompanied by proof of active membership or retired
3795 status in the Florida National Guard, proof of membership in the
3796 Pearl Harbor Survivors Association or proof of active military
3797 duty in Pearl Harbor on December 7, 1941, proof of being a
3798 Purple Heart medal recipient, ~~or~~ proof of active or retired
3799 membership in any branch of the Armed Forces Reserve, or proof
3800 of membership in the Combat Infantrymen's Association, Inc., or
3801 other proof of being a recipient of the Combat Infantry Badge or
3802 Combat Action Badge, and upon payment of the license tax for the
3803 vehicle as provided in s. 320.08, be issued a license plate as
3804 provided by s. 320.06, upon which, in lieu of the serial numbers
3805 prescribed by s. 320.06, shall be stamped the words "National
3806 Guard," "Pearl Harbor Survivor," "Combat-wounded veteran," ~~or~~
3807 "U.S. Reserve," "Combat Infantry Badge," or "Combat Action
3808 Badge" as appropriate, followed by the serial number of the
3809 license plate. Additionally, the Purple Heart plate may have the
3810 words "Purple Heart" stamped on the plate and the likeness of
3811 the Purple Heart medal appearing on the plate.

3812 (b) Notwithstanding any other provision of law to the



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3813 contrary, beginning with fiscal year 2002-2003 and annually
3814 thereafter, the first \$100,000 in general revenue generated from
3815 the sale of license plates issued under this section shall be
3816 deposited into the Grants and Donations Trust Fund, as described
3817 in s. 296.38(2), to be used for the purposes established by law
3818 for that trust fund. Any additional general revenue generated
3819 from the sale of such plates shall be deposited into the State
3820 Homes for Veterans Trust Fund and used solely to construct,
3821 operate, and maintain domiciliary and nursing homes for
3822 veterans, subject to the requirements of chapter 216.

3823 (c) Notwithstanding any provisions of law to the contrary,
3824 an applicant for a Pearl Harbor Survivor license plate or a
3825 Purple Heart license plate who also qualifies for a disabled
3826 veteran's license plate under s. 320.084 shall be issued the
3827 appropriate special license plate without payment of the license
3828 tax imposed by s. 320.08.

3829 (2) Each owner or lessee of an automobile or truck for
3830 private use, truck weighing not more than 7,999 pounds, or
3831 recreational vehicle as specified in s. 320.08(9)(c) or (d),
3832 which is not used for hire or commercial use, who is a resident
3833 of the state and who is a former prisoner of war, or their
3834 unremarried surviving spouse, shall, upon application therefor
3835 to the department, be issued a license plate as provided in s.
3836 320.06, on which license plate are stamped the words "Ex-POW"
3837 followed by the serial number. Each application shall be
3838 accompanied by proof that the applicant meets the qualifications
3839 specified in paragraph (a) or paragraph (b).

3840 (a) A citizen of the United States who served as a member
3841 of the Armed Forces of the United States or the armed forces of



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3842 a nation allied with the United States who was held as a
3843 prisoner of war at such time as the Armed Forces of the United
3844 States were engaged in combat, or their unremarried surviving
3845 spouse, may be issued the special license plate provided for in
3846 this subsection without payment of the license tax imposed by s.
3847 320.08.

3848 (b) A person who was serving as a civilian with the consent
3849 of the United States Government, or a person who was a member of
3850 the Armed Forces of the United States who was not a United
3851 States citizen and was held as a prisoner of war when the Armed
3852 Forces of the United States were engaged in combat, or their
3853 unremarried surviving spouse, may be issued the special license
3854 plate provided for in this subsection upon payment of the
3855 license tax imposed by s. 320.08.

3856 (3) Each owner or lessee of an automobile or truck for
3857 private use, truck weighing not more than 7,999 pounds, or
3858 recreational vehicle as specified in s. 320.08(9)(c) or (d),
3859 which is not used for hire or commercial use, who is a resident
3860 of this state and who is the unremarried surviving spouse of a
3861 recipient of the Purple Heart medal shall, upon application
3862 therefor to the department, with the payment of the required
3863 fees, be issued a license plate as provided in s. 320.06, on
3864 which license plate are stamped the words "Purple Heart" and the
3865 likeness of the Purple Heart medal followed by the serial
3866 number. Each application shall be accompanied by proof that the
3867 applicant is the unremarried surviving spouse of a recipient of
3868 the Purple Heart medal.

3869 (4) The owner or lessee of an automobile or truck for
3870 private use, a truck weighing not more than 7,999 pounds, or a



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3871 recreational vehicle as specified in s. 320.08(9)(c) or (d)
3872 which automobile, truck, or recreational vehicle is not used for
3873 hire or commercial use who is a resident of the state and a
3874 current or former member of the United States military who was
3875 deployed and served in Iraq during Operation Iraqi Freedom or in
3876 Afghanistan during Operation Enduring Freedom shall, upon
3877 application to the department, accompanied by proof of active
3878 membership or former active duty status during one of these
3879 operations, and upon payment of the license tax for the vehicle
3880 as provided in s. 320.08, be issued a license plate as provided
3881 by s. 320.06 upon which, in lieu of the registration license
3882 number prescribed by s. 320.06, shall be stamped the words
3883 "Operation Iraqi Freedom" or "Operation Enduring Freedom," as
3884 appropriate, followed by the registration license number of the
3885 plate.

3886 Section 100. Subsection (10) is added to section 338.165,
3887 Florida Statutes, to read:

3888 338.165 Continuation of tolls.—

3889 (10) The department's Beachline-East Expressway may be
3890 transferred by the department and become part of the turnpike
3891 system under the Florida Turnpike Enterprise Law. Any funds
3892 expended by Florida Turnpike Enterprise for the acquisition of
3893 the Beachline-East Expressway shall be deposited into the State
3894 Transportation Trust Fund, and, notwithstanding any other law to
3895 the contrary, such funds shall first be allocated by the
3896 department to fund the department's obligation to construct the
3897 Wekiva Parkway. The term "Wekiva Parkway" means a limited access
3898 highway or expressway constructed between State Road 429 and
3899 Interstate 4 specifically incorporating the corridor alignment



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3900 recommended by Recommendation 2 of the Wekiva River Basin Area
3901 Task Force final report dated January 15, 2003, and the
3902 recommendations of the SR 429 Working Group which were adopted
3903 January 16, 2004, and related transportation facilities.

3904 Section 101. Section 348.7546, Florida Statutes, is amended
3905 to read:

3906 348.7546 Wekiva Parkway, construction authorized;
3907 financing. ~~Notwithstanding s. 338.2275,~~

3908 (1) The Orlando-Orange County Expressway Authority is
3909 ~~hereby~~ authorized to exercise its condemnation powers and to,
3910 construct, finance, operate, own, and maintain those portions of
3911 the Wekiva Parkway which are identified by agreement between the
3912 authority and the department and which are included as part of
3913 the authority's long-range capital improvement plan. The "Wekiva
3914 Parkway" means any limited access highway or expressway
3915 constructed between State Road 429 and Interstate 4 specifically
3916 incorporating the corridor alignment recommended by
3917 Recommendation 2 of the Wekiva River Basin Area Task Force final
3918 report dated January 15, 2003, and the recommendations of the SR
3919 429 Working Group which ~~that~~ were adopted January 16, 2004. This
3920 project may be financed with any funds available to the
3921 authority for such purpose or revenue bonds issued by the
3922 authority under s. 11, Art. VII of the State Constitution and s.
3923 348.755(1)(b). This section does not invalidate the exercise by
3924 the authority of its condemnation powers or the acquisition of
3925 any property for the Wekiva Parkway before July 1, 2012.

3926 (2) Notwithstanding any other provision of law to the
3927 contrary, in order to ensure that funds are available to the
3928 department for its portion of the Wekiva Parkway, beginning July



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3929 1, 2012, the authority shall repay the expenditures by the
3930 department for costs of operation and maintenance of the
3931 Orlando-Orange County Expressway System in accordance with the
3932 terms of the memorandum of understanding between the authority
3933 and the department ratified by the authority board on February
3934 22, 2012, which requires the authority to pay the department \$10
3935 million on July 1, 2012, and \$20 million on each successive July
3936 1 until the department has been fully reimbursed for all costs
3937 of the Orlando-Orange County Expressway System which were paid,
3938 advanced, or reimbursed to the authority by the department, with
3939 a final payment in the amount of the balance remaining.

3940 Notwithstanding any other law to the contrary, the funds paid to
3941 the department pursuant to this subsection shall be allocated by
3942 the department for construction of the Wekiva Parkway.

3943 (3) The department's obligation to construct its portions
3944 of the Wekiva Parkway is contingent upon the timely payment by
3945 the authority of the annual payments required of the authority
3946 and receipt of all required environmental permits and approvals
3947 by the Federal Government.

3948 Section 102. Subsections (6) is added to section 348.755,
3949 Florida Statutes, to read:

3950 348.755 Bonds of the authority.—

3951 (6) Notwithstanding any other provision of law to the
3952 contrary, on and after July 1, 2012, the authority may not issue
3953 any bonds except as permitted under the terms of the memorandum
3954 of understanding between the authority and the department
3955 ratified by the authority board on February 22, 2012.

3956 Section 103. Subsections (8) and (9) are added to section
3957 348.757, Florida Statutes, to read:



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3958 348.757 Lease-purchase agreement.-

3959 (8) The only lease-purchase agreement authorized by this
3960 section is the lease-purchase agreement between the department
3961 and the authority dated December 23, 1985, as supplemented by a
3962 first supplement to the lease-purchase agreement dated November
3963 25, 1986, and a second supplement to the lease-purchase
3964 agreement dated October 27, 1988.

3965 (9) Upon the earlier of the defeasance, redemption, or
3966 payment in full of the authority bonds issued before July 1,
3967 2012, or the earlier date to which the purchasers of the
3968 authority bonds have consented:

3969 (a) The obligations of the department under the lease-
3970 purchase agreement with the authority, including any obligation
3971 to pay any cost of operation, maintenance, repair, or
3972 rehabilitation of the expressway system, terminate;

3973 (b) The lease purchase agreement terminates;

3974 (c) The expressway system remains the property of the
3975 authority and may not be transferred to the department; and

3976 (d) The authority remains obligated to reimburse the
3977 department in accordance with the terms of the memorandum of
3978 understanding between the authority and the department ratified
3979 by the authority board on February 22, 2012.

3980 Section 104. Subsections (2) and (5) of section 369.317,
3981 Florida Statutes, are amended to read:

3982 369.317 Wekiva Parkway.-

3983 (2) The Wekiva Parkway and related transportation
3984 facilities shall follow the design criteria contained in the
3985 recommendations of the Wekiva River Basin Area Task Force
3986 adopted by reference by the Wekiva River Basin Coordinating



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3987 Committee in its final report of March 16, 2004, and the
3988 recommendations of the Wekiva Coordinating Committee contained
3989 in its final report of March 16, 2004, subject to reasonable
3990 environmental, economic, and engineering considerations. For
3991 those activities associated with the Wekiva Parkway and related
3992 transportation facilities which require authorization pursuant
3993 to part IV of chapter 373, the Department of Environmental
3994 Protection is the exclusive permitting authority.

3995 (5) In Seminole County, ~~the Seminole County Expressway~~
3996 ~~Authority,~~ the Department of Transportation, ~~and the Florida~~
3997 ~~Turnpike Enterprise~~ shall locate the precise corridor and
3998 interchanges for the Wekiva Parkway consistent with the
3999 legislative intent expressed in this act and other provisions of
4000 this act.

4001 Section 105. Vehicles equipped with autonomous technology;
4002 intent.-

4003 (1) As used in this section, the term "autonomous
4004 technology" means technology installed on a motor vehicle that
4005 has the capability to drive the vehicle on which the technology
4006 is installed without the active control or monitoring by a human
4007 operator. The term excludes a motor vehicle enabled with active
4008 safety systems or driver assistance systems, including, without
4009 limitation, a system to provide electronic blind spot
4010 assistance, crash avoidance, emergency braking, parking
4011 assistance, adaptive cruise control, lane keep assistance, lane
4012 departure warning, or traffic jam and queuing assistant, unless
4013 any such system alone or in combination with other systems
4014 enables the vehicle on which the technology is installed to
4015 drive without the active control or monitoring by a human



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4016 operator.

4017 (2) It is the intent of the Legislature to encourage the
4018 safe development, testing, and operation of motor vehicles with
4019 autonomous technology on the public roads of the state. The
4020 Legislature finds that the state does not prohibit or
4021 specifically regulate the testing or operation of autonomous
4022 technology in motor vehicles on public roads.

4023 Section 106. Subsection (89) is added to section 316.003,
4024 Florida Statutes, to read:

4025 316.003 Definitions.—The following words and phrases, when
4026 used in this chapter, shall have the meanings respectively
4027 ascribed to them in this section, except where the context
4028 otherwise requires:

4029 (89) AUTONOMOUS VEHICLE.—Any vehicle equipped with
4030 autonomous technology. The term "autonomous technology" means
4031 technology installed on a motor vehicle that has the capability
4032 to drive the vehicle on which the technology is installed
4033 without the active control or monitoring by a human operator.
4034 The term excludes a motor vehicle enabled with active safety
4035 systems or driver assistance systems, including, without
4036 limitation, a system to provide electronic blind spot
4037 assistance, crash avoidance, emergency braking, parking
4038 assistance, adaptive cruise control, lane keep assistance, lane
4039 departure warning, or traffic jam and queuing assistant, unless
4040 any such system alone or in combination with other systems
4041 enables the vehicle on which the technology is installed to
4042 drive without the active control or monitoring by a human
4043 operator.

4044 Section 107. Section 316.85, Florida Statutes, is created



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4045 to read:

4046 316.85 Autonomous vehicles; operation.—

4047 (1) A person who possesses a valid driver license may
4048 operate an autonomous vehicle in autonomous mode.

4049 (2) For purposes of this chapter, unless the context
4050 otherwise requires, a person shall be deemed to be the operator
4051 of an autonomous vehicle operating in autonomous mode when the
4052 person causes the vehicle's autonomous technology to engage,
4053 regardless of whether the person is physically present in the
4054 vehicle while the vehicle is operating in autonomous mode.

4055 Section 108. Section 319.145, Florida Statutes, is created
4056 to read:

4057 319.145 Autonomous vehicles.—

4058 (1) An autonomous vehicle registered in this state must
4059 continue to meet federal standards and regulations for a motor
4060 vehicle. The vehicle shall:

4061 (a) Have a means to engage and disengage the autonomous
4062 technology which is easily accessible to the operator.

4063 (b) Have a means, inside the vehicle, to visually indicate
4064 when the vehicle is operating in autonomous mode.

4065 (c) Have a means to alert the operator of the vehicle if a
4066 technology failure affecting the ability of the vehicle to
4067 safely operate autonomously is detected while the vehicle is
4068 operating autonomously in order to indicate to the operator to
4069 take control of the vehicle.

4070 (d) Be capable of being operated in compliance with the
4071 applicable traffic and motor vehicle laws of this state.

4072 (2) Federal regulations promulgated by the National Highway
4073 Traffic Safety Administration shall supersede this section when



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4074 found to be in conflict with this section.

4075 Section 109. (1) Vehicles equipped with autonomous
4076 technology may be operated on roads in this state by employees,
4077 contractors, or other persons designated by manufacturers of
4078 autonomous technology for the purpose of testing the technology.
4079 For testing purposes, a human operator shall be present in the
4080 autonomous vehicle such that he or she has the ability to
4081 monitor the vehicle's performance and intervene, if necessary,
4082 unless the vehicle is being tested or demonstrated on a closed
4083 course. Prior to the start of testing in this state, the entity
4084 performing the testing must submit to the Department of Highway
4085 Safety and Motor Vehicles an instrument of insurance, surety
4086 bond, or proof of self-insurance acceptable to the department in
4087 the amount of \$5 million.

4088 (2) The original manufacturer of a vehicle converted by a
4089 third party into an autonomous vehicle shall not be liable in,
4090 and shall have a defense to and be dismissed from, any legal
4091 action brought against the original manufacturer by any person
4092 injured due to an alleged vehicle defect caused by the
4093 conversion of the vehicle, or by equipment installed by the
4094 converter, unless the alleged defect was present in the vehicle
4095 as originally manufactured.

4096 (3) By February 12, 2014, the Department of Highway Safety
4097 and Motor Vehicles shall submit a report to the President of the
4098 Senate and the Speaker of the House of Representatives
4099 recommending additional legislative or regulatory action that
4100 may be required for the safe testing and operation of motor
4101 vehicles equipped with autonomous technology.

4102 Section 110. St. Pete Crosstown designated; Department of



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4103 Transportation to erect suitable markers.-

4104 (1) That portion of 118th Avenue North/County Road 296
4105 between U.S.19/S.R. 55 and 28th Street North/County Road 683 in
4106 Pinellas County is designated as the "St. Pete Crosstown."

4107 (2) The Department of Transportation is directed to erect
4108 suitable markers designating the St. Pete Crosstown as described
4109 in subsection (1).

4110 Section 111. Except as otherwise expressly provided in this
4111 act and except for this section, which shall take effect upon
4112 this act becoming a law, this act shall take effect July 1,
4113 2012.

4114
4115 ===== T I T L E A M E N D M E N T =====

4116 And the title is amended as follows:

4117 Delete lines 37 - 38

4118 and insert:

4119 seaport projects to use a mitigation bank; amending s.
4120 20.23, F.S., relating to the Department of
4121 Transportation; authorizing district secretaries and
4122 executive directors to be a professional engineer from
4123 any state; removing obsolete language relating to
4124 authority of district secretaries to appoint district
4125 directors; amending s. 206.41, F.S., relating to
4126 payment of a tax on fuel under specified provisions;
4127 providing that a restriction on the use of
4128 agricultural equipment to qualify for a refund of the
4129 tax does not apply to citrus harvesting equipment or
4130 citrus fruit loaders; revising the title of ch. 311,
4131 F.S.; amending s. 311.07, F.S.; revising provisions



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4132 for the financing of port transportation or port
4133 facilities projects; increasing funding for the
4134 Florida Seaport Transportation and Economic
4135 Development Program; directing the Florida Seaport
4136 Transportation and Economic Development Council to
4137 develop guidelines for project funding; directing
4138 council staff, the Department of Transportation, and
4139 the Department of Economic Opportunity to work in
4140 cooperation to review projects and allocate funds as
4141 specified; revising certain authorized uses of program
4142 funds; revising the list of projects eligible for
4143 funding under the program; removing a cap on
4144 distribution of program funds; removing a requirement
4145 for a specified audit; authorizing the Department of
4146 Transportation to subject projects funded under the
4147 program to a specified audit; amending s. 311.09,
4148 F.S.; revising provisions for rules of the council for
4149 evaluating certain projects; removing provisions for
4150 review by the Department of Community Affairs of the
4151 list of projects approved by the council; revising
4152 provisions for review and evaluation of such projects
4153 by the Department of Transportation and the Department
4154 of Economic Opportunity; increasing the amount of
4155 funding the Department of Transportation is required
4156 to include in its annual legislative budget request
4157 for the Florida Seaport Transportation and Economic
4158 Development Program; revising provisions relating to
4159 funding to be included in the budget; creating s.
4160 311.10, F.S.; establishing the Strategic Port



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4161 Investment Initiative within the Department of
4162 Transportation; providing for a minimum annual amount
4163 from the State Transportation Trust Fund to fund the
4164 initiative; directing the department to work with
4165 deepwater ports to develop and maintain a priority
4166 list of strategic investment projects; providing
4167 project selection criteria; requiring the department
4168 to schedule a publicly noticed workshop with the
4169 Department of Economic Opportunity and the deepwater
4170 ports to review the proposed projects; directing the
4171 department to finalize a prioritized list of potential
4172 projects after considering comments received in the
4173 workshop; directing the department to include the
4174 proposed seaport projects in the tentative work
4175 program; creating s. 311.101, F.S.; creating the
4176 Intermodal Logistics Center Infrastructure Support
4177 Program within the Department of Transportation;
4178 providing purpose of the program; defining the term
4179 "intermodal logistics center"; providing criteria for
4180 consideration by the department when evaluating
4181 projects for program assistance; directing the
4182 department to coordinate and consult with the
4183 Department of Economic Opportunity in the selection of
4184 projects to be funded; authorizing the department to
4185 administer contracts on behalf of the entity selected
4186 to receive funding; providing for the department's
4187 share of project costs; providing for a certain amount
4188 of funds in the State Transportation Trust Fund to be
4189 made available for eligible projects; directing the



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4190 department to include the proposed projects in the
4191 tentative work program; authorizing the department to
4192 adopt rules; creating s. 311.106, F.S., relating to
4193 seaport stormwater permitting and mitigation;
4194 authorizing a seaport to provide for onsite and
4195 offsite stormwater treatment to mitigate the impact of
4196 port activities; requiring offsite treatment to be
4197 within the same drainage basin and constructed and
4198 maintained by the seaport or in conjunction with a
4199 local government; authorizing the port to provide a
4200 regional treatment facility constructed and maintained
4201 by the seaport or in conjunction with a local
4202 government; amending s. 311.14, F.S., relating to
4203 seaport planning; directing the department to develop,
4204 in coordination with certain partners, a Statewide
4205 Seaport and Waterways System Plan consistent with the
4206 goals of the Florida Transportation Plan; providing
4207 requirements for the plan; removing provisions for the
4208 Florida Seaport Transportation and Economic
4209 Development Council to develop freight-mobility and
4210 trade-corridor plans; removing provisions that require
4211 the Office of the State Public Transportation
4212 Administrator to integrate the Florida Transportation
4213 Plan with certain other plans and programs; removing
4214 provisions relating to the construction of seaport
4215 freight-mobility projects; amending s. 316.003, F.S.;
4216 revising the definition of the term "motor vehicle"
4217 for purposes of the payment and collection of tolls on
4218 toll facilities under specified provisions; amending



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4219 s. 316.091, F.S.; permitting the use of shoulders for
4220 vehicular traffic under certain circumstances;
4221 requiring notice of where vehicular traffic is
4222 allowed; providing what may not be deemed as
4223 authorization; requiring the department to establish a
4224 pilot program to open certain limited access highways
4225 and bridges to bicycles and other human-powered
4226 vehicles; providing requirements for the pilot
4227 program; providing a timeframe for implementation of
4228 the program; authorizing the department to continue or
4229 expand the program; requiring the department to report
4230 findings and recommendations to the Governor and
4231 Legislature by a certain date; amending s. 316.1001,
4232 F.S.; revising requirements for mailing of citations
4233 for failure to pay a toll; authorizing mailing by
4234 certified mail in addition to first class mail;
4235 providing that mailing of the citation to the address
4236 of the registered motor vehicle owner constitutes
4237 notification; removing a requirement for a return
4238 receipt; amending s. 316.2068, F.S.; authorizing a
4239 county or municipality to regulate the operation of
4240 electric personal assistive mobility devices on any
4241 road, street, sidewalk, or bicycle path under its
4242 jurisdiction if the governing body of the county or
4243 municipality determines that such regulation is
4244 necessary in the interest of safety; amending s.
4245 316.515, F.S.; revising provisions for the maximum
4246 allowed length of straight truck-trailer combinations;
4247 revising provisions for operation of implements of



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4248 husbandry and farm equipment on state roads;
4249 authorizing the operation of citrus harvesting
4250 equipment and citrus fruit loaders for certain
4251 purposes; conforming a cross-reference; amending s.
4252 320.01, F.S.; revising the definition of the term
4253 "low-speed vehicle" to include vehicles that are not
4254 electric powered; amending s. 332.08, F.S.;
4255 authorizing a municipality participating in a federal
4256 airport privatization pilot program to sell an airport
4257 or other air navigation facility or certain real
4258 property, improvements, and equipment; requiring
4259 department approval of the agreement under certain
4260 circumstances; providing criteria for department
4261 approval; amending s. 334.03, F.S.; removing the
4262 definition of the term "Florida Intrastate Highway
4263 System" and revising the definitions of the terms
4264 "functional classification" and "State Highway System"
4265 for purposes of the Florida Transportation Code;
4266 amending s. 334.044, F.S.; revising the powers and
4267 duties of the department relating to jurisdictional
4268 responsibility, designating facilities, and highway
4269 landscaping; adding the duty to develop a Freight
4270 Mobility and Trade Plan; requiring the plan to include
4271 certain proposed policies and investments; requiring
4272 the plan to be submitted to the Governor and
4273 Legislature; requiring freight issues to be emphasized
4274 in transportation plans; amending s. 334.047, F.S.;
4275 removing a provision that prohibits the department
4276 from establishing a maximum number of miles of urban



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4277 principal arterial roads; amending s. 335.074, F.S.,
4278 relating to bridge safety inspection reports;
4279 requiring the governmental entity having maintenance
4280 responsibility for a bridge to reduce the maximum
4281 weight, size, or speed limit for the bridge or to
4282 close the bridge upon receipt of a report recommending
4283 the reduction or closure; requiring the entity to post
4284 the reduced limits and notify the department;
4285 requiring the department to post the reduced limits or
4286 to close the bridge under certain circumstances;
4287 requiring costs associated with the department posting
4288 the revised limits or closure of the bridge to be
4289 assessed against and collected from the governmental
4290 entity; amending s. 335.17, F.S.; revising provisions
4291 relating to highway construction noise abatement;
4292 amending s. 336.021, F.S.; revising the date when
4293 imposition of the ninth-cent fuel tax will be levied;
4294 amending s. 336.025, F.S.; revising the date when
4295 impositions and rate changes of the local option fuel
4296 tax shall be levied; revising the definition of the
4297 term "transportation expenditures" for purposes of
4298 specified provisions that restrict the use of local
4299 option fuel tax funds by counties and municipalities;
4300 amending s. 337.111, F.S.; providing additional forms
4301 of security for the cost of removal of monuments or
4302 memorials or modifications to an installation site at
4303 highway rest areas; removing a provision requiring
4304 renewal of a bond; amending s. 337.125, F.S.; revising
4305 provisions relating to a prime contractor's submission



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4306 of a disadvantaged business enterprise utilization
4307 form; repealing s. 337.137, F.S., relating to
4308 subcontracting by socially and economically
4309 disadvantaged business enterprises; amending s.
4310 337.139, F.S.; providing an updated reference to
4311 federal law as it relates to socially and economically
4312 disadvantaged business enterprises; amending s.
4313 337.14, F.S.; revising provisions for applications for
4314 qualification to bid on department contracts; amending
4315 s. 337.29, F.S.; authorizing transfers of right-of-way
4316 between local governments by deed; amending ss.
4317 337.403 and 337.404, F.S.; clarifying provisions
4318 relating to responsibility for the work and costs for
4319 alleviating interference on a public road or publicly
4320 owned rail corridor caused by a utility facility;
4321 requiring the utility owner to initiate and complete
4322 the work necessary within a certain time period;
4323 requiring the local governmental authority to bear the
4324 costs of work on a utility facility that was initially
4325 installed to serve the governmental entity or its
4326 tenants; providing that the governmental entity is not
4327 responsible for the costs of utility work related to
4328 subsequent additions to the facility; requiring that
4329 the local governmental authority bear the costs of
4330 removing or relocating a utility facility under
4331 certain circumstances; providing for notice to the
4332 utility; revising provisions for payment of costs;
4333 revising provisions for completion of work when the
4334 utility owner does not perform the work; amending s.



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4335 337.408, F.S.; revising provisions for certain
4336 facilities installed within the right-of-way limits of
4337 roads on the State Highway System; requiring counties
4338 and municipalities that have authorized a bench or
4339 transit shelter to be responsible for determining if
4340 the facility is compliant with applicable laws and
4341 rules or remove the bench or transit shelter; limiting
4342 liability of the department; requiring a municipality
4343 or county that authorizes a bench or transit shelter
4344 to be installed to require the supplier or installer
4345 to indemnify the department and annually certify that
4346 the requirement has been met; requiring the removal of
4347 such facilities under certain circumstances;
4348 authorizing the department to direct a county or
4349 municipality to remove or relocate a bus stop, bench,
4350 transit shelter, waste disposal receptacle, public pay
4351 telephone, or modular news rack that is not in
4352 compliance with applicable laws or rules; removing a
4353 provision for the replacement of an unusable transit
4354 bus bench that was in service before a certain date;
4355 prohibiting installation of a bus stop that conflicts
4356 with certain laws and regulations resulting in a loss
4357 of federal funds; authorizing the appropriate local
4358 government entity to regulate or deny competition to
4359 provide a bus stop; revising the title of ch. 338,
4360 F.S.; repealing s. 338.001, F.S., relating to
4361 provisions for the Florida Intrastate Highway System
4362 Plan; amending s. 338.01, F.S.; clarifying provisions
4363 governing the designation and function of limited



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4364 access facilities; authorizing the department or other
4365 governmental entities collecting tolls to pursue
4366 collection of unpaid tolls by contracting with a
4367 private attorney or collection agency; authorizing a
4368 collection fee; providing an exception to statutory
4369 requirements related to private attorney services;
4370 creating s. 338.151, F.S.; authorizing the department
4371 to establish tolls on certain transportation
4372 facilities to pay for the cost of such project;
4373 prohibiting the department from establishing tolls on
4374 certain lanes of limited access facilities; providing
4375 an exception; providing for application; amending s.
4376 338.155, F.S.; authorizing the department adopt rules
4377 to allow public transit vehicles and certain military-
4378 service-related funeral processions to use certain
4379 toll facilities without payment of tolls; amending s.
4380 338.161, F.S.; authorizing the department to enter
4381 into agreements for the use of its electronic toll
4382 collection and video billing system; authorizing
4383 modification of its rules regarding toll collection
4384 and an administrative charge; providing for
4385 construction; amending s. 338.166, F.S.; revising a
4386 provision for issuance of bonds secured by toll
4387 revenues collected on high-occupancy toll lanes or
4388 express lanes; revising authorized uses of such toll
4389 revenues; providing restrictions on such use; amending
4390 s. 338.221, F.S.; revising the definition of the term
4391 "economically feasible" for purposes of proposed
4392 turnpike projects; amending s. 338.223, F.S.; revising



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4393 provisions for department requests for legislative
4394 approval of proposed turnpike projects; conforming a
4395 cross-reference; amending s. 338.227, F.S.; conforming
4396 provisions to changes made by the act; directing the
4397 department and the Department of Management Services
4398 to create and implement a program designed to enhance
4399 participation of minority businesses in certain
4400 contracts related to the Strategic Intermodal System
4401 Plan; amending ss. 338.2275 and 338.228, F.S.,
4402 relating to turnpike projects; revising cross-
4403 references; amending s. 338.231, F.S.; providing that
4404 inactive prepaid toll accounts are unclaimed property;
4405 providing for disposition by the Department of
4406 Financial Services and closing of the account;
4407 amending s. 338.234, F.S.; revising provisions that
4408 exempt certain lessees from payment of commercial
4409 rental tax; replacing a reference to the Florida
4410 Intrastate Highway System with a reference to the
4411 Strategic Intermodal System; amending s. 339.0805,
4412 F.S.; revising requirements for expenditure of certain
4413 funds with small business concerns owned and
4414 controlled by socially and economically disadvantaged
4415 individuals; revising a definition of the term "small
4416 business concern"; removing provisions for a periodic
4417 disparity study; deleting obsolete language; revising
4418 provisions for certification as a socially and
4419 economically disadvantaged business enterprise;
4420 revising requirements that a disadvantaged business
4421 enterprise notify the department of certain changes in



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4422 ownership; revising criteria for such a business
4423 enterprise to participate in a construction management
4424 development program; revising references to federal
4425 law; amending s. 339.135, F.S.; revising provisions
4426 for developing the department's tentative work
4427 program; revising provisions for a list of project
4428 priorities submitted by a metropolitan planning
4429 organization; revising criteria for proposed amendment
4430 to the department's adopted work program which
4431 deletes, advances, or defers a project or project
4432 phase; revising threshold amounts; directing the
4433 department to index the budget amendment threshold
4434 amounts to the rate of inflation; prohibiting such
4435 adjustments more frequently than once a year;
4436 subjecting such adjustments to specified notice and
4437 review procedures; amending s. 339.155, F.S.; revising
4438 provisions for the Florida Transportation Plan;
4439 requiring the planning process to conform to specified
4440 federal provisions; removing provisions for a long-
4441 range component, short-range component, and a report;
4442 amending s. 339.175, F.S.; providing that to the
4443 extent possible only one metropolitan planning
4444 organization be designated in a urbanized area;
4445 providing that representatives of the department shall
4446 serve as nonvoting advisers to a metropolitan planning
4447 organization; authorizing the appointment of
4448 additional nonvoting advisers; requiring M.P.O.'s to
4449 coordinate in the development of regionally
4450 significant project priorities; amending s. 339.2819,



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4451 F.S.; revising the state matching funds requirement
4452 for the Transportation Regional Incentive Program;
4453 conforming cross-references; requiring funded projects
4454 to be in the department's work program; requiring a
4455 project to meet the program's requirements prior to
4456 being funded; amending s. 339.62, F.S.; removing the
4457 Florida Intrastate Highway System from and adding
4458 highway corridors to the list of components of the
4459 Strategic Intermodal System; providing for other
4460 corridors to be included in the system; amending s.
4461 339.63, F.S.; adding military access facilities to the
4462 types of facilities included in the Strategic
4463 Intermodal System and the Emerging Strategic
4464 Intermodal System which form components of an
4465 interconnected transportation system; providing that
4466 an intermodal logistics center meeting certain
4467 criteria shall be designated as part of the Strategic
4468 Intermodal System; providing for a waiver of
4469 transportation concurrency for such facility if it is
4470 located within a described area; amending s. 339.64,
4471 F.S.; deleting provisions creating the Statewide
4472 Intermodal Transportation Advisory Council; creating
4473 s. 339.65, F.S.; requiring the department to plan and
4474 develop for Strategic Intermodal System highway
4475 corridors to aid traffic movement around the state;
4476 providing for components of the corridors; requiring
4477 the department to follow specified policy guidelines
4478 when developing the corridors; directing the
4479 department to establish standards and criteria for



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4480 functional design; providing for appropriations;
4481 requiring such highway corridor projects to be a part
4482 of the department's adopted work program; amending
4483 341.840, F.S.; relating to the Florida Rail Enterprise
4484 Act; revising obsolete references to the Florida High-
4485 Speed Rail Authority; providing that certain
4486 transactions made by or on behalf of the enterprise
4487 are exempt from specified taxes; providing for certain
4488 contractors to act as agents on behalf of the
4489 enterprise for purposes of the tax exemption;
4490 authorizing the department to adopt rules; amending s.
4491 343.52, F.S.; revising the definition of the term
4492 "area served" for purposes of provisions for the South
4493 Florida Regional Transportation Authority; revising a
4494 provision for expansion of the area; amending s.
4495 343.53, F.S.; revising membership of and criteria for
4496 appointment to the board of the South Florida Regional
4497 Transportation Authority; amending s. 343.54, F.S.;
4498 requiring a two-thirds vote of such board to privatize
4499 certain functions; revising a provision authorizing
4500 such authority to expand its service area; amending s.
4501 343.56, F.S., relating to bonds of the authority;
4502 removing a provision for the use of certain funds for
4503 payment of principal and interest on bonds; amending
4504 s. 343.57, F.S., relating to a state pledge to
4505 bondholders; providing for construction; providing
4506 that a bondholder shall have no right to require the
4507 Legislature to make any appropriation of state funds;
4508 amending s. 343.58, F.S.; providing conditions for



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4509 funds provided to such authority by the department;
4510 providing for certain funding to cease upon
4511 commencement of an alternate dedicated local funding
4512 source; creating s. 347.215, F.S.; providing for the
4513 operation of ferries by joint agreement between public
4514 and private entities; amending s. 348.0003, F.S.;
4515 revising financial disclosure requirements for certain
4516 transportation authorities; creating s. 348.7645,
4517 F.S.; requiring the Orlando-Orange County Expressway
4518 Authority to erect a sign under certain circumstances;
4519 providing for payment for the cost of the sign;
4520 amending s. 349.03, F.S.; providing for financial
4521 disclosure requirements for the Jacksonville
4522 Transportation Authority; amending s. 349.04, F.S.;
4523 providing that the Jacksonville Transportation
4524 Authority may conduct meetings and workshops using
4525 communications media technology; providing that
4526 certain actions may not be taken unless a quorum is
4527 present in person; providing that members must be
4528 physically present to vote on any item; amending s.
4529 373.118, F.S.; requiring that the Department of
4530 Environmental Protection initiate rulemaking to adopt
4531 a general permit for stormwater management systems
4532 serving airside activities at airports; providing for
4533 statewide application of the general permit; providing
4534 for any water management district or delegated local
4535 government to administer the general permit; providing
4536 that the rules are not subject to any special
4537 rulemaking requirements relating to small business;



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4538 amending s. 373.413, F.S.; providing legislative
4539 intent regarding flexibility in the permitting of
4540 stormwater management systems; requiring the cost of
4541 stormwater treatment for a transportation project to
4542 be balanced with benefits to the public; requiring
4543 that alternatives to onsite treatment be allowed;
4544 specifying responsibilities of the department relating
4545 to abatement of pollutants and permits for adjacent
4546 lands impacted by right-of-way acquisition;
4547 authorizing water management districts and the
4548 Department of Environmental Protection to adopt rules;
4549 repealing s. 479.28, F.S., relating to the rest area
4550 information panel or device program; authorizing the
4551 department to seek Federal Highway Administration
4552 approval of a tourist-oriented commerce sign pilot
4553 program; directing the department to submit the
4554 approved pilot program for legislative approval;
4555 establishing a pilot program for the Palm Beach County
4556 school district to recognize its business partners;
4557 providing for expiration of the program; providing for
4558 the transfer of administrative rules of the former
4559 Pilotage Rate Review Board to the Pilotage Rate Review
4560 Committee of the Board of Pilot Commissioners;
4561 providing for retroactive application of such rules;
4562 requiring the Florida Transportation Commission to
4563 study the potential costs savings of the department
4564 being the operating agent for certain expressway
4565 authorities; providing for certain related expenses to
4566 be paid by the department; requiring a report to the



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4567 Governor and Legislature; providing that a challenge
4568 to a consolidated environmental resource permit or
4569 associated variance or any sovereign submerged lands
4570 authorization proposed or issued by the Department of
4571 Environmental Protection in connection with specified
4572 deepwater ports is subject to specified summary
4573 hearing provisions; requiring such proceedings to be
4574 conducted within a certain timeframe; providing that
4575 the administrative law judge's decision is a
4576 recommended order and does not constitute final agency
4577 action of the Department of Environmental Protection;
4578 requiring the Department of Environmental Protection
4579 to issue the final order within a certain timeframe;
4580 providing applicability of specified provisions;
4581 providing for a review by the Pinellas Suncoast
4582 Transit Authority and the Hillsborough Area Regional
4583 Transit Authority to consider and identify
4584 opportunities and greater efficiency and service
4585 improvements for increasing connectivity between each
4586 authority; requiring a report to the Legislature;
4587 requiring the Tampa Bay Area Regional Transportation
4588 Authority to provide assistance; authorizing
4589 governmental units that regulate the operation of
4590 vehicles for public hire or other for-hire
4591 transportation to request and receive criminal history
4592 record information for the purpose of screening
4593 applicants; amending ss. 215.616, 288.063, 311.22,
4594 316.2122, 318.12, 320.20, 335.02, 338.222, 339.285,
4595 341.053, 341.8225, 403.7211, 479.01, 479.07, and



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4596 479.261, F.S., relating to bonds for federal aid
4597 highway construction, contracts for transportation
4598 projects, dredging projects, operation of low-speed
4599 vehicles or mini-trucks, traffic infractions, license
4600 tax distribution, standards for lanes, turnpike
4601 projects, the Enhanced Bridge Program for Sustainable
4602 Transportation, the Intermodal Development Program,
4603 high-speed rail projects, hazardous waste facilities,
4604 outdoor advertising, and the logo sign program,
4605 respectively; deleting obsolete language; revising
4606 references to conform to the incorporation of the
4607 Florida Intrastate Highway System into the Strategic
4608 Intermodal System and to changes made by the act;
4609 providing honorary designation of certain
4610 transportation facilities in specified counties;
4611 directing the Department of Transportation to erect
4612 suitable markers; amending s. 316.0083, F.S.,
4613 providing an additional defense for certain red-light
4614 traffic infractions; providing for the dismissal of a
4615 uniform traffic citation for a red-light violation
4616 when the motor vehicle owner is deceased and an
4617 affidavit with specified supporting documents is filed
4618 with the issuing agency; amending s. 320.089, F.S.;
4619 providing for the issuance of a Combat Infantry Badge
4620 license plate and a Combat Action Badge license plate;
4621 providing qualifications and requirements for the
4622 plate; providing for the use of proceeds from the sale
4623 of the plate; amending s. 338.165, F.S.; authorizing
4624 the department to transfer certain transportation



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4625 facilities to the turnpike system; providing for use
4626 of funds received from Florida Turnpike Enterprise for
4627 acquisition of such facilities; defining the term
4628 "Wekiva Parkway"; amending s. 348.7546, F.S.; revising
4629 provisions for the Orlando-Orange County Expressway
4630 Authority to construct and maintain the Wekiva
4631 Parkway; providing for construction of specified
4632 provisions; directing the authority to make certain
4633 payments to the department; providing for use of funds
4634 received by the department; providing that the
4635 department's obligation to construct its portions of
4636 the Wekiva Parkway is contingent upon certain events;
4637 amending s. 348.755, F.S.; prohibiting the Orlando-
4638 Orange County Expressway Authority from issuing bonds
4639 except under specified circumstances; amending s.
4640 348.757, F.S.; revising provisions for the Orlando-
4641 Orange County Expressway Authority to enter into
4642 lease-purchase agreements with the department;
4643 amending s. 369.317, F.S.; revising provisions for the
4644 Wekiva Parkway; providing that the Department of
4645 Environmental Protection is the exclusive permitting
4646 authority for certain activities; revising provisions
4647 for location of the parkway; defining the term
4648 "autonomous technology"; providing legislative intent
4649 and findings; amending s. 316.003, F.S.; defining the
4650 terms "autonomous vehicle" and "autonomous technology"
4651 when used in provisions for traffic control; creating
4652 s. 316.85, F.S.; authorizing a person who possesses a
4653 valid driver license to operate an autonomous vehicle;



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4654 specifying that the person who causes the vehicle's
4655 autonomous technology to engage is the operator;
4656 creating s. 319.145, F.S.; requiring an autonomous
4657 vehicle registered in this state to meet federal
4658 standards and regulations for a motor vehicle;
4659 specifying certain requirements for such vehicle;
4660 providing for the application of certain federal
4661 regulations; authorizing the operation of vehicles
4662 equipped with autonomous technology by certain persons
4663 for testing purposes under certain conditions;
4664 requiring an instrument of insurance, surety bond, or
4665 self-insurance prior to the testing of a vehicle;
4666 limiting liability of the original manufacturer of a
4667 vehicle converted to an autonomous vehicle; directing
4668 the department to prepare a report on the safe testing
4669 and operation of vehicles equipped with autonomous
4670 technology and submit the report to the Legislature by
4671 a certain date; providing an honorary designation of a
4672 transportation facility in a specified county;
4673 directing the department to erect suitable markers;
4674 providing effective dates.