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2012 Legislature

1
2 An act relating to transportation and mitigation
3 programs; amending s. 341.301, F.S.; revising the
4 definition of the term "limited covered accident";
5 amending s. 341.302, F.S.; authorizing the Department
6 of Transportation to contract to indemnify against
7 loss and purchase liability insurance coverage for
8 National Railroad Passenger Corporation subject to
9 specified terms and conditions; amending s. 373.4137,
10 F.S.; revising legislative intent to encourage the use
11 of other mitigation options that satisfy state and
12 federal requirements; providing the Department of
13 Transportation or a transportation authority the
14 option of participating in a mitigation project;
15 requiring the Department of Transportation or a
16 transportation authority to submit lists of its
17 projects in the adopted work program to the water
18 management districts; requiring a list rather than a
19 survey of threatened or endangered species and species
20 of special concern affected by a proposed project;
21 providing conditions for the release of certain
22 environmental mitigation funds; prohibiting a
23 mitigation plan from being implemented unless the plan
24 is submitted to and approved by the Department of
25 Environmental Protection; providing additional factors
26 that must be explained regarding the choice of
27 mitigation bank; removing a provision requiring an
28 explanation for excluding certain projects from the

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29 mitigation plan; providing criteria that the
30 Department of Transportation must use in determining
31 which projects to include in or exclude from the
32 mitigation plan; amending s. 373.4135, F.S.;
33 authorizing a governmental entity to create or provide
34 mitigation for projects other than its own under
35 specified circumstances; providing applicability;
36 amending s. 373.4136, F.S.; authorizing certain
37 seaport projects to use a mitigation bank; amending s.
38 20.23, F.S., relating to the Department of
39 Transportation; authorizing district secretaries and
40 executive directors to be a professional engineer from
41 any state; removing obsolete language relating to
42 authority of district secretaries to appoint district
43 directors; amending s. 206.41, F.S., relating to
44 payment of a tax on fuel under specified provisions;
45 providing that a restriction on the use of
46 agricultural equipment to qualify for a refund of the
47 tax does not apply to citrus harvesting equipment or
48 citrus fruit loaders; revising the title of ch. 311,
49 F.S.; amending s. 311.07, F.S.; revising provisions
50 for the financing of port transportation or port
51 facilities projects; increasing funding for the
52 Florida Seaport Transportation and Economic
53 Development Program; directing the Florida Seaport
54 Transportation and Economic Development Council to
55 develop guidelines for project funding; directing
56 council staff, the Department of Transportation, and

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57 | the Department of Economic Opportunity to work in
58 | cooperation to review projects and allocate funds as
59 | specified; revising certain authorized uses of program
60 | funds; revising the list of projects eligible for
61 | funding under the program; removing a cap on
62 | distribution of program funds; removing a requirement
63 | for a specified audit; authorizing the Department of
64 | Transportation to subject projects funded under the
65 | program to a specified audit; amending s. 311.09,
66 | F.S.; revising provisions for rules of the council for
67 | evaluating certain projects; removing provisions for
68 | review by the Department of Community Affairs of the
69 | list of projects approved by the council; revising
70 | provisions for review and evaluation of such projects
71 | by the Department of Transportation and the Department
72 | of Economic Opportunity; increasing the amount of
73 | funding the Department of Transportation is required
74 | to include in its annual legislative budget request
75 | for the Florida Seaport Transportation and Economic
76 | Development Program; revising provisions relating to
77 | funding to be included in the budget; creating s.
78 | 311.10, F.S.; establishing the Strategic Port
79 | Investment Initiative within the Department of
80 | Transportation; providing for a minimum annual amount
81 | from the State Transportation Trust Fund to fund the
82 | initiative; directing the department to work with
83 | deepwater ports to develop and maintain a priority
84 | list of strategic investment projects; providing

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85 | project selection criteria; requiring the department
86 | to schedule a publicly noticed workshop with the
87 | Department of Economic Opportunity and the deepwater
88 | ports to review the proposed projects; directing the
89 | department to finalize a prioritized list of potential
90 | projects after considering comments received in the
91 | workshop; directing the department to include the
92 | proposed seaport projects in the tentative work
93 | program; creating s. 311.101, F.S.; creating the
94 | Intermodal Logistics Center Infrastructure Support
95 | Program within the Department of Transportation;
96 | providing purpose of the program; defining the term
97 | "intermodal logistics center"; providing criteria for
98 | consideration by the department when evaluating
99 | projects for program assistance; directing the
100 | department to coordinate and consult with the
101 | Department of Economic Opportunity in the selection of
102 | projects to be funded; authorizing the department to
103 | administer contracts on behalf of the entity selected
104 | to receive funding; providing for the department's
105 | share of project costs; providing for a certain amount
106 | of funds in the State Transportation Trust Fund to be
107 | made available for eligible projects; directing the
108 | department to include the proposed projects in the
109 | tentative work program; authorizing the department to
110 | adopt rules; creating s. 311.106, F.S., relating to
111 | seaport stormwater permitting and mitigation;
112 | authorizing a seaport to provide for onsite and

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113 offsite stormwater treatment to mitigate the impact of
114 port activities; requiring offsite treatment to be
115 within the same drainage basin and constructed and
116 maintained by the seaport or in conjunction with a
117 local government; authorizing the port to provide a
118 regional treatment facility constructed and maintained
119 by the seaport or in conjunction with a local
120 government; amending s. 311.14, F.S., relating to
121 seaport planning; directing the department to develop,
122 in coordination with certain partners, a Statewide
123 Seaport and Waterways System Plan consistent with the
124 goals of the Florida Transportation Plan; providing
125 requirements for the plan; removing provisions for the
126 Florida Seaport Transportation and Economic
127 Development Council to develop freight-mobility and
128 trade-corridor plans; removing provisions that require
129 the Office of the State Public Transportation
130 Administrator to integrate the Florida Transportation
131 Plan with certain other plans and programs; removing
132 provisions relating to the construction of seaport
133 freight-mobility projects; amending s. 316.003, F.S.;
134 revising the definition of the term "motor vehicle"
135 for purposes of the payment and collection of tolls on
136 toll facilities under specified provisions; amending
137 s. 316.091, F.S.; permitting the use of shoulders for
138 vehicular traffic under certain circumstances;
139 requiring notice of where vehicular traffic is
140 allowed; providing what may not be deemed as

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141 authorization; requiring the department to establish a
142 pilot program to open certain limited access highways
143 and bridges to bicycles and other human-powered
144 vehicles; providing requirements for the pilot
145 program; providing a timeframe for implementation of
146 the program; authorizing the department to continue or
147 expand the program; requiring the department to report
148 findings and recommendations to the Governor and
149 Legislature by a certain date; amending s. 316.1001,
150 F.S.; revising requirements for mailing of citations
151 for failure to pay a toll; authorizing mailing by
152 certified mail in addition to first class mail;
153 providing that mailing of the citation to the address
154 of the registered motor vehicle owner constitutes
155 notification; removing a requirement for a return
156 receipt; amending s. 316.2068, F.S.; authorizing a
157 county or municipality to regulate the operation of
158 electric personal assistive mobility devices on any
159 road, street, sidewalk, or bicycle path under its
160 jurisdiction if the governing body of the county or
161 municipality determines that such regulation is
162 necessary in the interest of safety; amending s.
163 316.515, F.S.; revising provisions for the maximum
164 allowed length of straight truck-trailer combinations;
165 revising provisions for operation of implements of
166 husbandry and farm equipment on state roads;
167 authorizing the operation of citrus harvesting
168 equipment and citrus fruit loaders for certain

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169 | purposes; conforming a cross-reference; amending s.
 170 | 320.01, F.S.; revising the definition of the term
 171 | "low-speed vehicle" to include vehicles that are not
 172 | electric powered; amending s. 332.08, F.S.;
 173 | authorizing a municipality participating in a federal
 174 | airport privatization pilot program to sell an airport
 175 | or other air navigation facility or certain real
 176 | property, improvements, and equipment; requiring
 177 | department approval of the agreement under certain
 178 | circumstances; providing criteria for department
 179 | approval; amending s. 334.03, F.S.; removing the
 180 | definition of the term "Florida Intrastate Highway
 181 | System" and revising the definitions of the terms
 182 | "functional classification" and "State Highway System"
 183 | for purposes of the Florida Transportation Code;
 184 | amending s. 334.044, F.S.; revising the powers and
 185 | duties of the department relating to jurisdictional
 186 | responsibility, designating facilities, and highway
 187 | landscaping; adding the duty to develop a Freight
 188 | Mobility and Trade Plan; requiring the plan to include
 189 | certain proposed policies and investments; requiring
 190 | the plan to be submitted to the Governor and
 191 | Legislature; requiring freight issues to be emphasized
 192 | in transportation plans; amending s. 334.047, F.S.;
 193 | removing a provision that prohibits the department
 194 | from establishing a maximum number of miles of urban
 195 | principal arterial roads; amending s. 335.074, F.S.,
 196 | relating to bridge safety inspection reports;

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197 requiring the governmental entity having maintenance
 198 responsibility for a bridge to reduce the maximum
 199 weight, size, or speed limit for the bridge or to
 200 close the bridge upon receipt of a report recommending
 201 the reduction or closure; requiring the entity to post
 202 the reduced limits and notify the department;
 203 requiring the department to post the reduced limits or
 204 to close the bridge under certain circumstances;
 205 requiring costs associated with the department posting
 206 the revised limits or closure of the bridge to be
 207 assessed against and collected from the governmental
 208 entity; amending s. 335.17, F.S.; revising provisions
 209 relating to highway construction noise abatement;
 210 amending s. 336.021, F.S.; revising the date when
 211 imposition of the ninth-cent fuel tax will be levied;
 212 amending s. 336.025, F.S.; revising the date when
 213 impositions and rate changes of the local option fuel
 214 tax shall be levied; revising the definition of the
 215 term "transportation expenditures" for purposes of
 216 specified provisions that restrict the use of local
 217 option fuel tax funds by counties and municipalities;
 218 amending s. 337.111, F.S.; providing additional forms
 219 of security for the cost of removal of monuments or
 220 memorials or modifications to an installation site at
 221 highway rest areas; removing a provision requiring
 222 renewal of a bond; amending s. 337.125, F.S.; revising
 223 provisions relating to a prime contractor's submission
 224 of a disadvantaged business enterprise utilization

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225 form; repealing s. 337.137, F.S., relating to
 226 subcontracting by socially and economically
 227 disadvantaged business enterprises; amending s.
 228 337.139, F.S.; providing an updated reference to
 229 federal law as it relates to socially and economically
 230 disadvantaged business enterprises; amending s.
 231 337.14, F.S.; revising provisions for applications for
 232 qualification to bid on department contracts; amending
 233 s. 337.29, F.S.; authorizing transfers of right-of-way
 234 between local governments by deed; amending ss.
 235 337.403 and 337.404, F.S.; clarifying provisions
 236 relating to responsibility for the work and costs for
 237 alleviating interference on a public road or publicly
 238 owned rail corridor caused by a utility facility;
 239 requiring the utility owner to initiate and complete
 240 the work necessary within a certain time period;
 241 requiring the local governmental authority to bear the
 242 costs of work on a utility facility that was initially
 243 installed to serve the governmental entity or its
 244 tenants; providing that the governmental entity is not
 245 responsible for the costs of utility work related to
 246 subsequent additions to the facility; requiring that
 247 the local governmental authority bear the costs of
 248 removing or relocating a utility facility under
 249 certain circumstances; providing for notice to the
 250 utility; revising provisions for payment of costs;
 251 revising provisions for completion of work when the
 252 utility owner does not perform the work; amending s.

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253 337.408, F.S.; revising provisions for certain
254 facilities installed within the right-of-way limits of
255 roads on the State Highway System; requiring counties
256 and municipalities that have authorized a bench or
257 transit shelter to be responsible for determining if
258 the facility is compliant with applicable laws and
259 rules or remove the bench or transit shelter; limiting
260 liability of the department; requiring a municipality
261 or county that authorizes a bench or transit shelter
262 to be installed to require the supplier or installer
263 to indemnify the department and annually certify that
264 the requirement has been met; requiring the removal of
265 such facilities under certain circumstances;
266 authorizing the department to direct a county or
267 municipality to remove or relocate a bus stop, bench,
268 transit shelter, waste disposal receptacle, public pay
269 telephone, or modular news rack that is not in
270 compliance with applicable laws or rules; removing a
271 provision for the replacement of an unusable transit
272 bus bench that was in service before a certain date;
273 prohibiting installation of a bus stop that conflicts
274 with certain laws and regulations resulting in a loss
275 of federal funds; authorizing the appropriate local
276 government entity to regulate or deny competition to
277 provide a bus stop; revising the title of ch. 338,
278 F.S.; repealing s. 338.001, F.S., relating to
279 provisions for the Florida Intrastate Highway System
280 Plan; amending s. 338.01, F.S.; clarifying provisions

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281 governing the designation and function of limited
282 access facilities; authorizing the department or other
283 governmental entities collecting tolls to pursue
284 collection of unpaid tolls by contracting with a
285 private attorney or collection agency; authorizing a
286 collection fee; providing an exception to statutory
287 requirements related to private attorney services;
288 creating s. 338.151, F.S.; authorizing the department
289 to establish tolls on certain transportation
290 facilities to pay for the cost of such project;
291 prohibiting the department from establishing tolls on
292 certain lanes of limited access facilities; providing
293 an exception; providing for application; amending s.
294 338.155, F.S.; authorizing the department adopt rules
295 to allow public transit vehicles and certain military-
296 service-related funeral processions to use certain
297 toll facilities without payment of tolls; amending s.
298 338.161, F.S.; authorizing the department to enter
299 into agreements for the use of its electronic toll
300 collection and video billing system; authorizing
301 modification of its rules regarding toll collection
302 and an administrative charge; providing for
303 construction; amending s. 338.166, F.S.; revising a
304 provision for issuance of bonds secured by toll
305 revenues collected on high-occupancy toll lanes or
306 express lanes; revising authorized uses of such toll
307 revenues; providing restrictions on such use; amending
308 s. 338.221, F.S.; revising the definition of the term

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309 | "economically feasible" for purposes of proposed
310 | turnpike projects; amending s. 338.223, F.S.; revising
311 | provisions for department requests for legislative
312 | approval of proposed turnpike projects; conforming a
313 | cross-reference; amending s. 338.227, F.S.; conforming
314 | provisions to changes made by the act; directing the
315 | department and the Department of Management Services
316 | to create and implement a program designed to enhance
317 | participation of minority businesses in certain
318 | contracts related to the Strategic Intermodal System
319 | Plan; amending ss. 338.2275 and 338.228, F.S.,
320 | relating to turnpike projects; revising cross-
321 | references; amending s. 338.231, F.S.; providing that
322 | inactive prepaid toll accounts are unclaimed property;
323 | providing for disposition by the Department of
324 | Financial Services and closing of the account;
325 | amending s. 338.234, F.S.; revising provisions that
326 | exempt certain lessees from payment of commercial
327 | rental tax; replacing a reference to the Florida
328 | Intrastate Highway System with a reference to the
329 | Strategic Intermodal System; amending s. 339.0805,
330 | F.S.; revising requirements for expenditure of certain
331 | funds with small business concerns owned and
332 | controlled by socially and economically disadvantaged
333 | individuals; revising a definition of the term "small
334 | business concern"; removing provisions for a periodic
335 | disparity study; deleting obsolete language; revising
336 | provisions for certification as a socially and

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337 | economically disadvantaged business enterprise;
338 | revising requirements that a disadvantaged business
339 | enterprise notify the department of certain changes in
340 | ownership; revising criteria for such a business
341 | enterprise to participate in a construction management
342 | development program; revising references to federal
343 | law; amending s. 339.135, F.S.; revising provisions
344 | for developing the department's tentative work
345 | program; revising provisions for a list of project
346 | priorities submitted by a metropolitan planning
347 | organization; revising criteria for proposed amendment
348 | to the department's adopted work program which
349 | deletes, advances, or defers a project or project
350 | phase; revising threshold amounts; directing the
351 | department to index the budget amendment threshold
352 | amounts to the rate of inflation; prohibiting such
353 | adjustments more frequently than once a year;
354 | subjecting such adjustments to specified notice and
355 | review procedures; amending s. 339.155, F.S.; revising
356 | provisions for the Florida Transportation Plan;
357 | requiring the planning process to conform to specified
358 | federal provisions; removing provisions for a long-
359 | range component, short-range component, and a report;
360 | amending s. 339.175, F.S.; providing that to the
361 | extent possible only one metropolitan planning
362 | organization be designated in a urbanized area;
363 | providing that representatives of the department shall
364 | serve as nonvoting advisers to a metropolitan planning

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365 organization; authorizing the appointment of
366 additional nonvoting advisers; requiring M.P.O.'s to
367 coordinate in the development of regionally
368 significant project priorities; amending s. 339.2819,
369 F.S.; revising the state matching funds requirement
370 for the Transportation Regional Incentive Program;
371 conforming cross-references; requiring funded projects
372 to be in the department's work program; requiring a
373 project to meet the program's requirements prior to
374 being funded; amending s. 339.62, F.S.; removing the
375 Florida Intrastate Highway System from and adding
376 highway corridors to the list of components of the
377 Strategic Intermodal System; providing for other
378 corridors to be included in the system; amending s.
379 339.63, F.S.; adding military access facilities to the
380 types of facilities included in the Strategic
381 Intermodal System and the Emerging Strategic
382 Intermodal System which form components of an
383 interconnected transportation system; providing that
384 an intermodal logistics center meeting certain
385 criteria shall be designated as part of the Strategic
386 Intermodal System; providing for a waiver of
387 transportation concurrency for such facility if it is
388 located within a described area; amending s. 339.64,
389 F.S.; deleting provisions creating the Statewide
390 Intermodal Transportation Advisory Council; creating
391 s. 339.65, F.S.; requiring the department to plan and
392 develop for Strategic Intermodal System highway

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393 corridors to aid traffic movement around the state;
394 providing for components of the corridors; requiring
395 the department to follow specified policy guidelines
396 when developing the corridors; directing the
397 department to establish standards and criteria for
398 functional design; providing for appropriations;
399 requiring such highway corridor projects to be a part
400 of the department's adopted work program; amending
401 341.840, F.S.; relating to the Florida Rail Enterprise
402 Act; revising obsolete references to the Florida High-
403 Speed Rail Authority; providing that certain
404 transactions made by or on behalf of the enterprise
405 are exempt from specified taxes; providing for certain
406 contractors to act as agents on behalf of the
407 enterprise for purposes of the tax exemption;
408 authorizing the department to adopt rules; amending s.
409 343.52, F.S.; revising the definition of the term
410 "area served" for purposes of provisions for the South
411 Florida Regional Transportation Authority; revising a
412 provision for expansion of the area; amending s.
413 343.53, F.S.; revising membership of and criteria for
414 appointment to the board of the South Florida Regional
415 Transportation Authority; amending s. 343.54, F.S.;
416 requiring a two-thirds vote of such board to privatize
417 certain functions; revising a provision authorizing
418 such authority to expand its service area; amending s.
419 343.56, F.S., relating to bonds of the authority;
420 removing a provision for the use of certain funds for

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421 payment of principal and interest on bonds; amending
 422 s. 343.57, F.S., relating to a state pledge to
 423 bondholders; providing for construction; providing
 424 that a bondholder shall have no right to require the
 425 Legislature to make any appropriation of state funds;
 426 amending s. 343.58, F.S.; providing conditions for
 427 funds provided to such authority by the department;
 428 providing for certain funding to cease upon
 429 commencement of an alternate dedicated local funding
 430 source; creating s. 347.215, F.S.; providing for the
 431 operation of ferries by joint agreement between public
 432 and private entities; amending s. 348.0003, F.S.;
 433 revising financial disclosure requirements for certain
 434 transportation authorities; creating s. 348.7645,
 435 F.S.; requiring the Orlando-Orange County Expressway
 436 Authority to erect a sign under certain circumstances;
 437 providing for payment for the cost of the sign;
 438 amending s. 349.03, F.S.; providing for financial
 439 disclosure requirements for the Jacksonville
 440 Transportation Authority; amending s. 349.04, F.S.;
 441 providing that the Jacksonville Transportation
 442 Authority may conduct meetings and workshops using
 443 communications media technology; providing that
 444 certain actions may not be taken unless a quorum is
 445 present in person; providing that members must be
 446 physically present to vote on any item; amending s.
 447 373.118, F.S.; requiring that the Department of
 448 Environmental Protection initiate rulemaking to adopt

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449 a general permit for stormwater management systems
450 serving airside activities at airports; providing for
451 statewide application of the general permit; providing
452 for any water management district or delegated local
453 government to administer the general permit; providing
454 that the rules are not subject to any special
455 rulemaking requirements relating to small business;
456 amending s. 373.413, F.S.; providing legislative
457 intent regarding flexibility in the permitting of
458 stormwater management systems; requiring the cost of
459 stormwater treatment for a transportation project to
460 be balanced with benefits to the public; requiring
461 that alternatives to onsite treatment be allowed;
462 specifying responsibilities of the department relating
463 to abatement of pollutants and permits for adjacent
464 lands impacted by right-of-way acquisition;
465 authorizing water management districts and the
466 Department of Environmental Protection to adopt rules;
467 repealing s. 479.28, F.S., relating to the rest area
468 information panel or device program; authorizing the
469 department to seek Federal Highway Administration
470 approval of a tourist-oriented commerce sign pilot
471 program; directing the department to submit the
472 approved pilot program for legislative approval;
473 establishing a pilot program for the Palm Beach County
474 school district to recognize its business partners;
475 providing for expiration of the program; providing for
476 the transfer of administrative rules of the former

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477 Pilotage Rate Review Board to the Pilotage Rate Review
 478 Committee of the Board of Pilot Commissioners;
 479 providing for retroactive application of such rules;
 480 requiring the Florida Transportation Commission to
 481 study the potential costs savings of the department
 482 being the operating agent for certain expressway
 483 authorities; providing for certain related expenses to
 484 be paid by the department; requiring a report to the
 485 Governor and Legislature; providing that a challenge
 486 to a consolidated environmental resource permit or
 487 associated variance or any sovereign submerged lands
 488 authorization proposed or issued by the Department of
 489 Environmental Protection in connection with specified
 490 deepwater ports is subject to specified summary
 491 hearing provisions; requiring such proceedings to be
 492 conducted within a certain timeframe; providing that
 493 the administrative law judge's decision is a
 494 recommended order and does not constitute final agency
 495 action of the Department of Environmental Protection;
 496 requiring the Department of Environmental Protection
 497 to issue the final order within a certain timeframe;
 498 providing applicability of specified provisions;
 499 providing for a review by the Pinellas Suncoast
 500 Transit Authority and the Hillsborough Area Regional
 501 Transit Authority to consider and identify
 502 opportunities and greater efficiency and service
 503 improvements for increasing connectivity between each
 504 authority; requiring a report to the Legislature;

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505 requiring the Tampa Bay Area Regional Transportation
 506 Authority to provide assistance; authorizing
 507 governmental units that regulate the operation of
 508 vehicles for public hire or other for-hire
 509 transportation to request and receive criminal history
 510 record information for the purpose of screening
 511 applicants; amending ss. 215.616, 288.063, 311.22,
 512 316.2122, 318.12, 320.20, 335.02, 338.222, 339.285,
 513 341.053, 341.8225, 403.7211, 479.01, 479.07, and
 514 479.261, F.S., relating to bonds for federal aid
 515 highway construction, contracts for transportation
 516 projects, dredging projects, operation of low-speed
 517 vehicles or mini-trucks, traffic infractions, license
 518 tax distribution, standards for lanes, turnpike
 519 projects, the Enhanced Bridge Program for Sustainable
 520 Transportation, the Intermodal Development Program,
 521 high-speed rail projects, hazardous waste facilities,
 522 outdoor advertising, and the logo sign program,
 523 respectively; deleting obsolete language; revising
 524 references to conform to the incorporation of the
 525 Florida Intrastate Highway System into the Strategic
 526 Intermodal System and to changes made by the act;
 527 providing honorary designation of certain
 528 transportation facilities in specified counties;
 529 directing the Department of Transportation to erect
 530 suitable markers; amending s. 316.0083, F.S.,
 531 providing an additional defense for certain red-light
 532 traffic infractions; providing for the dismissal of a

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533 uniform traffic citation for a red-light violation
534 when the motor vehicle owner is deceased and an
535 affidavit with specified supporting documents is filed
536 with the issuing agency; amending s. 320.089, F.S.;
537 providing for the issuance of a Combat Infantry Badge
538 license plate and a Combat Action Badge license plate;
539 providing qualifications and requirements for the
540 plate; providing for the use of proceeds from the sale
541 of the plate; amending s. 338.165, F.S.; authorizing
542 the department to transfer certain transportation
543 facilities to the turnpike system; providing for use
544 of funds received from Florida Turnpike Enterprise for
545 acquisition of such facilities; defining the term
546 "Wekiva Parkway"; amending s. 348.7546, F.S.; revising
547 provisions for the Orlando-Orange County Expressway
548 Authority to construct and maintain the Wekiva
549 Parkway; providing for construction of specified
550 provisions; directing the authority to make certain
551 payments to the department; providing for use of funds
552 received by the department; providing that the
553 department's obligation to construct its portions of
554 the Wekiva Parkway is contingent upon certain events;
555 amending s. 348.755, F.S.; prohibiting the Orlando-
556 Orange County Expressway Authority from issuing bonds
557 except under specified circumstances; amending s.
558 348.757, F.S.; revising provisions for the Orlando-
559 Orange County Expressway Authority to enter into
560 lease-purchase agreements with the department;

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561 amending s. 369.317, F.S.; revising provisions for the
562 Wekiva Parkway; providing that the Department of
563 Environmental Protection is the exclusive permitting
564 authority for certain activities; revising provisions
565 for location of the parkway; defining the term
566 "autonomous technology"; providing legislative intent
567 and findings; amending s. 316.003, F.S.; defining the
568 terms "autonomous vehicle" and "autonomous technology"
569 when used in provisions for traffic control; creating
570 s. 316.85, F.S.; authorizing a person who possesses a
571 valid driver license to operate an autonomous vehicle;
572 specifying that the person who causes the vehicle's
573 autonomous technology to engage is the operator;
574 creating s. 319.145, F.S.; requiring an autonomous
575 vehicle registered in this state to meet federal
576 standards and regulations for a motor vehicle;
577 specifying certain requirements for such vehicle;
578 providing for the application of certain federal
579 regulations; authorizing the operation of vehicles
580 equipped with autonomous technology by certain persons
581 for testing purposes under certain conditions;
582 requiring an instrument of insurance, surety bond, or
583 self-insurance prior to the testing of a vehicle;
584 limiting liability of the original manufacturer of a
585 vehicle converted to an autonomous vehicle; directing
586 the department to prepare a report on the safe testing
587 and operation of vehicles equipped with autonomous
588 technology and submit the report to the Legislature by

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589 a certain date; providing an honorary designation of a
 590 transportation facility in a specified county;
 591 directing the department to erect suitable markers;
 592 providing effective dates.

593
 594 Be It Enacted by the Legislature of the State of Florida:

595
 596 Section 1. Subsection (7) of section 341.301, Florida
 597 Statutes, is amended to read:

598 341.301 Definitions; ss. 341.302-341.303.—As used in ss.
 599 341.302-341.303, the term:

600 (7) "Limited covered accident" means:

601 (a) A collision directly between the trains, locomotives,
 602 rail cars, or rail equipment of the department and the freight
 603 rail operator only, where the collision is caused by or arising
 604 from the willful misconduct of the freight rail operator or its
 605 subsidiaries, agents, licensees, employees, officers, or
 606 directors or where punitive damages or exemplary damages are
 607 awarded due to the conduct of the freight rail operator or its
 608 subsidiaries, agents, licensees, employees, officers, or
 609 directors; or

610 (b) A collision directly between the trains, locomotives,
 611 rail cars, or rail equipment of the department and National
 612 Railroad Passenger Corporation only, where the collision is
 613 caused by or arising from the willful misconduct of National
 614 Railroad Passenger Corporation or its subsidiaries, agents,
 615 licensees, employees, officers, or directors or where punitive
 616 damages or exemplary damages are awarded due to the conduct of

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617 National Railroad Passenger Corporation or its subsidiaries,
 618 agents, licensees, employees, officers, or directors.

619 Section 2. Subsection (17) of section 341.302, Florida
 620 Statutes, is amended to read:

621 341.302 Rail program; duties and responsibilities of the
 622 department.—The department, in conjunction with other
 623 governmental entities, including the rail enterprise and the
 624 private sector, shall develop and implement a rail program of
 625 statewide application designed to ensure the proper maintenance,
 626 safety, revitalization, and expansion of the rail system to
 627 assure its continued and increased availability to respond to
 628 statewide mobility needs. Within the resources provided pursuant
 629 to chapter 216, and as authorized under federal law, the
 630 department shall:

631 (17) In conjunction with the acquisition, ownership,
 632 construction, operation, maintenance, and management of a rail
 633 corridor, have the authority to:

634 (a) Assume obligations pursuant to the following:

635 1.a. The department may assume the obligation by contract
 636 to forever protect, defend, indemnify, and hold harmless the
 637 freight rail operator, or its successors, from whom the
 638 department has acquired a real property interest in the rail
 639 corridor, and that freight rail operator's officers, agents, and
 640 employees, from and against any liability, cost, and expense,
 641 including, but not limited to, commuter rail passengers and rail
 642 corridor invitees in the rail corridor, regardless of whether
 643 the loss, damage, destruction, injury, or death giving rise to
 644 any such liability, cost, or expense is caused in whole or in

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645 part, and to whatever nature or degree, by the fault, failure,
 646 negligence, misconduct, nonfeasance, or misfeasance of such
 647 freight rail operator, its successors, or its officers, agents,
 648 and employees, or any other person or persons whomsoever; ~~or~~
 649 b. The department may assume the obligation by contract to
 650 forever protect, defend, indemnify, and hold harmless National
 651 Railroad Passenger Corporation, or its successors, and officers,
 652 agents, and employees of National Railroad Passenger
 653 Corporation, from and against any liability, cost, and expense,
 654 including, but not limited to, commuter rail passengers and rail
 655 corridor invitees in the rail corridor, regardless of whether
 656 the loss, damage, destruction, injury, or death giving rise to
 657 any such liability, cost, or expense is caused in whole or in
 658 part, and to whatever nature or degree, by the fault, failure,
 659 negligence, misconduct, nonfeasance, or misfeasance of National
 660 Railroad Passenger Corporation, its successors, or its officers,
 661 agents, and employees, or any other person or persons
 662 whomsoever.

663 2. The ~~Provided that~~ such assumption of liability of the
 664 department by contract pursuant to sub-subparagraph 1.a. or sub-
 665 subparagraph 1.b. may ~~shall~~ not in any instance exceed the
 666 following parameters of allocation of risk:

667 a.1. The department may be solely responsible for any
 668 loss, injury, or damage to commuter rail passengers, or rail
 669 corridor invitees, or trespassers, regardless of circumstances
 670 or cause, subject to sub-subparagraph b. and subparagraphs 2.,
 671 3., 4., 5., and 6.

672 b.(I)2. In the event of a limited covered accident, the

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673 authority of the department to protect, defend, and indemnify
 674 the freight operator for all liability, cost, and expense,
 675 including punitive or exemplary damages, in excess of the
 676 deductible or self-insurance retention fund established under
 677 paragraph (b) and actually in force at the time of the limited
 678 covered accident exists only if the freight operator agrees,
 679 with respect to the limited covered accident, to protect,
 680 defend, and indemnify the department for the amount of the
 681 deductible or self-insurance retention fund established under
 682 paragraph (b) and actually in force at the time of the limited
 683 covered accident.

684 (II) In the event of a limited covered accident, the
 685 authority of the department to protect, defend, and indemnify
 686 National Railroad Passenger Corporation for all liability, cost,
 687 and expense, including punitive or exemplary damages, in excess
 688 of the deductible or self-insurance retention fund established
 689 under paragraph (b) and actually in force at the time of the
 690 limited covered accident exists only if National Railroad
 691 Passenger Corporation agrees, with respect to the limited
 692 covered accident, to protect, defend, and indemnify the
 693 department for the amount of the deductible or self-insurance
 694 retention fund established under paragraph (b) and actually in
 695 force at the time of the limited covered accident.

696 3. When only one train is involved in an incident, the
 697 department may be solely responsible for any loss, injury, or
 698 damage if the train is a department train or other train
 699 pursuant to subparagraph 4., but only if:

700 a. When an incident occurs with only a freight train

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701 involved, including incidents with trespassers or at grade
 702 crossings, the freight rail operator is solely responsible for
 703 any loss, injury, or damage, except for commuter rail passengers
 704 and rail corridor invitees; or

705 b. When an incident occurs with only a National Railroad
 706 Passenger Corporation train involved, including incidents with
 707 trespassers or at grade crossings, National Railroad Passenger
 708 Corporation is solely responsible for any loss, injury, or
 709 damage, except for commuter rail passengers and rail corridor
 710 invitees.

711 4. For the purposes of this subsection: r

712 a. Any train involved in an incident that is neither the
 713 department's train nor the freight rail operator's train,
 714 hereinafter referred to in this subsection as an "other train,"
 715 may be treated as a department train, solely for purposes of any
 716 allocation of liability between the department and the freight
 717 rail operator only, but only if the department and the freight
 718 rail operator share responsibility equally as to third parties
 719 outside the rail corridor who incur loss, injury, or damage as a
 720 result of any incident involving both a department train and a
 721 freight rail operator train, and the allocation as between the
 722 department and the freight rail operator, regardless of whether
 723 the other train is treated as a department train, shall remain
 724 one-half each as to third parties outside the rail corridor who
 725 incur loss, injury, or damage as a result of the incident. The
 726 involvement of any other train shall not alter the sharing of
 727 equal responsibility as to third parties outside the rail
 728 corridor who incur loss, injury, or damage as a result of the

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729 incident; or
 730 b. Any train involved in an incident that is neither the
 731 department's train nor the National Railroad Passenger
 732 Corporation's train, hereinafter referred to in this subsection
 733 as an "other train," may be treated as a department train,
 734 solely for purposes of any allocation of liability between the
 735 department and National Railroad Passenger Corporation only, but
 736 only if the department and National Railroad Passenger
 737 Corporation share responsibility equally as to third parties
 738 outside the rail corridor who incur loss, injury, or damage as a
 739 result of any incident involving both a department train and a
 740 National Railroad Passenger Corporation train, and the
 741 allocation as between the department and National Railroad
 742 Passenger Corporation, regardless of whether the other train is
 743 treated as a department train, shall remain one-half each as to
 744 third parties outside the rail corridor who incur loss, injury,
 745 or damage as a result of the incident. The involvement of any
 746 other train shall not alter the sharing of equal responsibility
 747 as to third parties outside the rail corridor who incur loss,
 748 injury, or damage as a result of the incident.

749 5. When more than one train is involved in an incident:
 750 a. (I) If only a department train and freight rail
 751 operator's train, or only an other train as described in sub-
 752 subparagraph 4.a. ~~subparagraph 4.~~ and a freight rail operator's
 753 train, are involved in an incident, the department may be
 754 responsible for its property and all of its people, all commuter
 755 rail passengers, and rail corridor invitees, but only if the
 756 freight rail operator is responsible for its property and all of

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757 its people, and the department and the freight rail operator
 758 each share one-half responsibility as to trespassers or third
 759 parties outside the rail corridor who incur loss, injury, or
 760 damage as a result of the incident; or

761 (II) If only a department train and a National Railroad
 762 Passenger Corporation train, or only an other train as described
 763 in sub-subparagraph 4.b. and a National Railroad Passenger
 764 Corporation train, are involved in an incident, the department
 765 may be responsible for its property and all of its people, all
 766 commuter rail passengers, and rail corridor invitees, but only
 767 if National Railroad Passenger Corporation is responsible for
 768 its property and all of its people, all National Railroad
 769 Passenger Corporation's rail passengers, and the department and
 770 National Railroad Passenger Corporation each share one-half
 771 responsibility as to trespassers or third parties outside the
 772 rail corridor who incur loss, injury, or damage as a result of
 773 the incident.

774 b.(I) If a department train, a freight rail operator
 775 train, and any other train are involved in an incident, the
 776 allocation of liability between the department and the freight
 777 rail operator, regardless of whether the other train is treated
 778 as a department train, shall remain one-half each as to third
 779 parties outside the rail corridor who incur loss, injury, or
 780 damage as a result of the incident; the involvement of any other
 781 train shall not alter the sharing of equal responsibility as to
 782 third parties outside the rail corridor who incur loss, injury,
 783 or damage as a result of the incident; and, if the owner,
 784 operator, or insurer of the other train makes any payment to

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785 injured third parties outside the rail corridor who incur loss,
 786 injury, or damage as a result of the incident, the allocation of
 787 credit between the department and the freight rail operator as
 788 to such payment shall not in any case reduce the freight rail
 789 operator's third-party-sharing allocation of one-half under this
 790 paragraph to less than one-third of the total third party
 791 liability; or

792 (II) If a department train, a National Railroad Passenger
 793 Corporation train, and any other train are involved in an
 794 incident, the allocation of liability between the department and
 795 National Railroad Passenger Corporation, regardless of whether
 796 the other train is treated as a department train, shall remain
 797 one-half each as to third parties outside the rail corridor who
 798 incur loss, injury, or damage as a result of the incident; the
 799 involvement of any other train shall not alter the sharing of
 800 equal responsibility as to third parties outside the rail
 801 corridor who incur loss, injury, or damage as a result of the
 802 incident; and, if the owner, operator, or insurer of the other
 803 train makes any payment to injured third parties outside the
 804 rail corridor who incur loss, injury, or damage as a result of
 805 the incident, the allocation of credit between the department
 806 and National Railroad Passenger Corporation as to such payment
 807 shall not in any case reduce National Railroad Passenger
 808 Corporation's third-party-sharing allocation of one-half under
 809 this sub-subparagraph to less than one-third of the total third
 810 party liability.

811 6. Any such contractual duty to protect, defend,
 812 indemnify, and hold harmless such a freight rail operator or

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813 National Railroad Passenger Corporation shall expressly include
 814 a specific cap on the amount of the contractual duty, which
 815 amount shall not exceed \$200 million without prior legislative
 816 approval, and the department to purchase liability insurance and
 817 establish a self-insurance retention fund in the amount of the
 818 specific cap established under this subparagraph, provided that:

819 a. No such contractual duty shall in any case be effective
 820 nor otherwise extend the department's liability in scope and
 821 effect beyond the contractual liability insurance and self-
 822 insurance retention fund required pursuant to this paragraph;
 823 and

824 b. (I) The freight rail operator's compensation to the
 825 department for future use of the department's rail corridor
 826 shall include a monetary contribution to the cost of such
 827 liability coverage for the sole benefit of the freight rail
 828 operator.

829 (II) National Railroad Passenger Corporation's
 830 compensation to the department for future use of the
 831 department's rail corridor shall include a monetary contribution
 832 to the cost of such liability coverage for the sole benefit of
 833 National Railroad Passenger Corporation.

834 (b) Purchase liability insurance, which amount shall not
 835 exceed \$200 million, and establish a self-insurance retention
 836 fund for the purpose of paying the deductible limit established
 837 in the insurance policies it may obtain, including coverage for
 838 the department, any freight rail operator as described in
 839 paragraph (a), National Railroad Passenger Corporation, commuter
 840 rail service providers, governmental entities, or any ancillary

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841 development, which self-insurance retention fund or deductible
842 shall not exceed \$10 million. The insureds shall pay a
843 reasonable monetary contribution to the cost of such liability
844 coverage for the sole benefit of the insured. Such insurance and
845 self-insurance retention fund may provide coverage for all
846 damages, including, but not limited to, compensatory, special,
847 and exemplary, and be maintained to provide an adequate fund to
848 cover claims and liabilities for loss, injury, or damage arising
849 out of or connected with the ownership, operation, maintenance,
850 and management of a rail corridor.

851 (c) Incur expenses for the purchase of advertisements,
852 marketing, and promotional items.

853

854 Neither the assumption by contract to protect, defend,
855 indemnify, and hold harmless; the purchase of insurance; nor the
856 establishment of a self-insurance retention fund shall be deemed
857 to be a waiver of any defense of sovereign immunity for torts
858 nor deemed to increase the limits of the department's or the
859 governmental entity's liability for torts as provided in s.
860 768.28. The requirements of s. 287.022(1) shall not apply to the
861 purchase of any insurance under this subsection. The provisions
862 of this subsection shall apply and inure fully as to any other
863 governmental entity providing commuter rail service and
864 constructing, operating, maintaining, or managing a rail
865 corridor on publicly owned right-of-way under contract by the
866 governmental entity with the department or a governmental entity
867 designated by the department. Notwithstanding any law to the
868 contrary, procurement for the construction, operation,

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869 maintenance, and management of any rail corridor described in
 870 this subsection, whether by the department, a governmental
 871 entity under contract with the department, or a governmental
 872 entity designated by the department, shall be pursuant to s.
 873 287.057 and shall include, but not be limited to, criteria for
 874 the consideration of qualifications, technical aspects of the
 875 proposal, and price. Further, any such contract for design-build
 876 shall be procured pursuant to the criteria in s. 337.11(7).

877 Section 3. Subsections (1) and (2), paragraph (c) of
 878 subsection (3), and subsections (4) and (5) of section 373.4137,
 879 Florida Statutes, are amended to read:

880 373.4137 Mitigation requirements for specified
 881 transportation projects.—

882 (1) The Legislature finds that environmental mitigation
 883 for the impact of transportation projects proposed by the
 884 Department of Transportation or a transportation authority
 885 established pursuant to chapter 348 or chapter 349 can be more
 886 effectively achieved by regional, long-range mitigation planning
 887 rather than on a project-by-project basis. It is the intent of
 888 the Legislature that mitigation to offset the adverse effects of
 889 these transportation projects be funded by the Department of
 890 Transportation and be carried out by ~~the water management~~
 891 ~~districts, including~~ the use of mitigation banks and any other
 892 mitigation options that satisfy state and federal requirements
 893 ~~established pursuant to this part.~~

894 (2) Environmental impact inventories for transportation
 895 projects proposed by the Department of Transportation or a
 896 transportation authority established pursuant to chapter 348 or

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897 chapter 349 shall be developed as follows:

898 (a) By July 1 of each year, the Department of
899 Transportation, or a transportation authority established
900 pursuant to chapter 348 or chapter 349 which chooses to
901 participate in the program, shall submit to the water management
902 districts a list ~~copy~~ of its projects in the adopted work
903 program and an environmental impact inventory of habitats
904 addressed in the rules adopted pursuant to this part and s. 404
905 of the Clean Water Act, 33 U.S.C. s. 1344, which may be impacted
906 by its plan of construction for transportation projects in the
907 next 3 years of the tentative work program. The Department of
908 Transportation or a transportation authority established
909 pursuant to chapter 348 or chapter 349 may also include in its
910 environmental impact inventory the habitat impacts of any future
911 transportation project. The Department of Transportation and
912 each transportation authority established pursuant to chapter
913 348 or chapter 349 may fund any mitigation activities for future
914 projects using current year funds.

915 (b) The environmental impact inventory shall include a
916 description of these habitat impacts, including their location,
917 acreage, and type; state water quality classification of
918 impacted wetlands and other surface waters; any other state or
919 regional designations for these habitats; and a list ~~survey~~ of
920 threatened species, endangered species, and species of special
921 concern affected by the proposed project.

922 (3)

923 (c) Except for current mitigation projects in the
924 monitoring and maintenance phase and except as allowed by

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925 paragraph (d), the water management districts may request a
 926 transfer of funds from an escrow account no sooner than 30 days
 927 before ~~prior to~~ the date the funds are needed to pay for
 928 activities associated with development or implementation of the
 929 approved mitigation plan described in subsection (4) for the
 930 current fiscal year, including, but not limited to, design,
 931 engineering, production, and staff support. Actual conceptual
 932 plan preparation costs incurred before plan approval may be
 933 submitted to the Department of Transportation or the appropriate
 934 transportation authority each year with the plan. The conceptual
 935 plan preparation costs of each water management district will be
 936 paid from mitigation funds associated with the environmental
 937 impact inventory for the current year. The amount transferred to
 938 the escrow accounts each year by the Department of
 939 Transportation and participating transportation authorities
 940 established pursuant to chapter 348 or chapter 349 shall
 941 correspond to a cost per acre of \$75,000 multiplied by the
 942 projected acres of impact identified in the environmental impact
 943 inventory described in subsection (2). However, the \$75,000 cost
 944 per acre does not constitute an admission against interest by
 945 the state or its subdivisions and ~~nor~~ is not ~~the cost~~ admissible
 946 as evidence of full compensation for any property acquired by
 947 eminent domain or through inverse condemnation. Each July 1, the
 948 cost per acre shall be adjusted by the percentage change in the
 949 average of the Consumer Price Index issued by the United States
 950 Department of Labor for the most recent 12-month period ending
 951 September 30, compared to the base year average, which is the
 952 average for the 12-month period ending September 30, 1996. Each

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953 quarter, the projected acreage of impact shall be reconciled
 954 with the acreage of impact of projects as permitted, including
 955 permit modifications, pursuant to this part and s. 404 of the
 956 Clean Water Act, 33 U.S.C. s. 1344. The subject year's transfer
 957 of funds shall be adjusted accordingly to reflect the acreage of
 958 impacts as permitted. The Department of Transportation and
 959 participating transportation authorities established pursuant to
 960 chapter 348 or chapter 349 are authorized to transfer such funds
 961 from the escrow accounts to the water management districts to
 962 carry out the mitigation programs. Environmental mitigation
 963 funds that are identified for or maintained in an escrow account
 964 for the benefit of a water management district may be released
 965 if the associated transportation project is excluded in whole or
 966 part from the mitigation plan. For a mitigation project that is
 967 in the maintenance and monitoring phase, the water management
 968 district may request and receive a one-time payment based on the
 969 project's expected future maintenance and monitoring costs. Upon
 970 disbursement of the final maintenance and monitoring payment,
 971 the escrow account for the project established by the Department
 972 of Transportation or the participating transportation authority
 973 may be closed. Any interest earned on these disbursed funds
 974 shall remain with the water management district and must be used
 975 as authorized under this section.

976 (4) Before ~~Prior to~~ March 1 of each year, each water
 977 management district, in consultation with the Department of
 978 Environmental Protection, the United States Army Corps of
 979 Engineers, the Department of Transportation, participating
 980 transportation authorities established pursuant to chapter 348

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981 or chapter 349, and other appropriate federal, state, and local
 982 governments, and other interested parties, including entities
 983 operating mitigation banks, shall develop a plan for the primary
 984 purpose of complying with the mitigation requirements adopted
 985 pursuant to this part and 33 U.S.C. s. 1344. In developing such
 986 plans, the districts shall use ~~utilize~~ sound ecosystem
 987 management practices to address significant water resource needs
 988 and shall focus on activities of the Department of Environmental
 989 Protection and the water management districts, such as surface
 990 water improvement and management (SWIM) projects and lands
 991 identified for potential acquisition for preservation,
 992 restoration, or enhancement, and the control of invasive and
 993 exotic plants in wetlands and other surface waters, to the
 994 extent that the ~~such~~ activities comply with the mitigation
 995 requirements adopted under this part and 33 U.S.C. s. 1344. In
 996 determining the activities to be included in the ~~such~~ plans, the
 997 districts shall ~~also~~ consider the purchase of credits from
 998 public or private mitigation banks permitted under s. 373.4136
 999 and associated federal authorization and shall include the ~~such~~
 1000 purchase as a part of the mitigation plan when the ~~such~~ purchase
 1001 would offset the impact of the transportation project, provide
 1002 equal benefits to the water resources than other mitigation
 1003 options being considered, and provide the most cost-effective
 1004 mitigation option. The mitigation plan shall be submitted to the
 1005 water management district governing board, or its designee, for
 1006 review and approval. At least 14 days before ~~prior to~~ approval,
 1007 the water management district shall provide a copy of the draft
 1008 mitigation plan to any person who has requested a copy. The plan

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1009 may not be implemented until it is submitted to and approved, in
 1010 part or in its entirety, by the Department of Environmental
 1011 Protection.

1012 (a) For each transportation project with a funding request
 1013 for the next fiscal year, the mitigation plan must include a
 1014 brief explanation of why a mitigation bank was or was not chosen
 1015 as a mitigation option, including an estimation of identifiable
 1016 costs of the mitigation bank and nonbank options and other
 1017 factors such as time saved, liability for success of the
 1018 mitigation, and long-term maintenance ~~to the extent practicable.~~

1019 (b) Specific projects may be excluded from the mitigation
 1020 plan, in whole or in part, and are ~~shall not be~~ subject to this
 1021 section upon the election agreement of the Department of
 1022 Transportation, ~~or~~ a transportation authority if applicable, or
 1023 ~~and~~ the appropriate water management district ~~that the inclusion~~
 1024 ~~of such projects would hamper the efficiency or timeliness of~~
 1025 ~~the mitigation planning and permitting process. The water~~
 1026 ~~management district may choose to exclude a project in whole or~~
 1027 ~~in part if the district is unable to identify mitigation that~~
 1028 ~~would offset impacts of the project.~~

1029 (c) When determining which projects to include in or
 1030 exclude from the mitigation plan, the Department of
 1031 Transportation shall investigate using credits from a permitted
 1032 mitigation bank before those projects are submitted for
 1033 inclusion in the plan. The investigation shall consider the
 1034 cost-effectiveness of mitigation bank credits, including, but
 1035 not limited to, factors such as time saved, transfer of
 1036 liability for success of the mitigation, and long-term

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1037 maintenance.

1038 (5) The water management district shall ensure ~~be~~
 1039 ~~responsible for ensuring~~ that mitigation requirements pursuant
 1040 to 33 U.S.C. s. 1344 are met for the impacts identified in the
 1041 environmental impact inventory described in subsection (2), by
 1042 implementation of the approved plan described in subsection (4)
 1043 to the extent funding is provided by the Department of
 1044 Transportation, or a transportation authority established
 1045 pursuant to chapter 348 or chapter 349, if applicable. During
 1046 the federal permitting process, the water management district
 1047 may deviate from the approved mitigation plan in order to comply
 1048 with federal permitting requirements.

1049 Section 4. Paragraphs (b) through (e) of subsection (1) of
 1050 section 373.4135, Florida Statutes, are redesignated as
 1051 paragraphs (c) through (f), respectively, and a new paragraph
 1052 (b) is added to that subsection to read:

1053 373.4135 Mitigation banks and offsite regional
 1054 mitigation.—

1055 (1) The Legislature finds that the adverse impacts of
 1056 activities regulated under this part may be offset by the
 1057 creation, maintenance, and use of mitigation banks and offsite
 1058 regional mitigation. Mitigation banks and offsite regional
 1059 mitigation can enhance the certainty of mitigation and provide
 1060 ecological value due to the improved likelihood of environmental
 1061 success associated with their proper construction, maintenance,
 1062 and management. Therefore, the department and the water
 1063 management districts are directed to participate in and
 1064 encourage the establishment of private and public mitigation

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1065 banks and offsite regional mitigation. Mitigation banks and
 1066 offsite regional mitigation should emphasize the restoration and
 1067 enhancement of degraded ecosystems and the preservation of
 1068 uplands and wetlands as intact ecosystems rather than alteration
 1069 of landscapes to create wetlands. This is best accomplished
 1070 through restoration of ecological communities that were
 1071 historically present.

1072 (b) Notwithstanding the provisions of this section, a
 1073 governmental entity may not create or provide mitigation for a
 1074 project other than its own unless the governmental entity uses
 1075 land that was not previously purchased for conservation and
 1076 unless the governmental entity provides the same financial
 1077 assurances as required for mitigation banks permitted under s.
 1078 373.4136. This paragraph does not apply to:

1079 1. Mitigation banks permitted before December 31, 2011,
 1080 under s. 373.4136;

1081 2. Offsite regional mitigation areas established before
 1082 December 31, 2011, under subsection (6);

1083 3. Mitigation for transportation projects under ss.
 1084 373.4137 and 373.4139;

1085 4. Mitigation for impacts from mining activities under s.
 1086 373.41492;

1087 5. Mitigation provided for single-family lots or
 1088 homeowners under subsection (7);

1089 6. Entities authorized in chapter 98-492, Laws of Florida;

1090 7. Mitigation provided for electric utility impacts
 1091 certified under part II of chapter 403; or

1092 8. Mitigation provided on sovereign submerged lands under

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1093 subsection (6).

1094 Section 5. Paragraph (d) of subsection (6) of section

1095 373.4136, Florida Statutes, is amended to read:

1096 373.4136 Establishment and operation of mitigation banks.—

1097 (6) MITIGATION SERVICE AREA.—The department or water

1098 management district shall establish a mitigation service area

1099 for each mitigation bank permit. The department or water

1100 management district shall notify and consider comments received

1101 on the proposed mitigation service area from each local

1102 government within the proposed mitigation service area. Except

1103 as provided herein, mitigation credits may be withdrawn and used

1104 only to offset adverse impacts in the mitigation service area.

1105 The boundaries of the mitigation service area shall depend upon

1106 the geographic area where the mitigation bank could reasonably

1107 be expected to offset adverse impacts. Mitigation service areas

1108 may overlap, and mitigation service areas for two or more

1109 mitigation banks may be approved for a regional watershed.

1110 (d) If the requirements in s. 373.414(1)(b) and (8) are

1111 met, the following projects or activities regulated under this

1112 part shall be eligible to use a mitigation bank, regardless of

1113 whether they are located within the mitigation service area:

1114 1. Projects with adverse impacts partially located within

1115 the mitigation service area.

1116 2. Linear projects, such as roadways, transmission lines,

1117 distribution lines, pipelines, ~~or~~ railways, or seaports listed

1118 in s. 311.09(1).

1119 3. Projects with total adverse impacts of less than 1 acre

1120 in size.

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1121 Section 6. Paragraphs (a) and (b) of subsection (5) of
 1122 section 20.23, Florida Statutes, are amended to read:

1123 20.23 Department of Transportation.—There is created a
 1124 Department of Transportation which shall be a decentralized
 1125 agency.

1126 (5) (a) The operations of the department shall be organized
 1127 into seven districts, each headed by a district secretary, and a
 1128 turnpike enterprise and a rail enterprise, each enterprise
 1129 headed by an executive director. The district secretaries and
 1130 the executive directors shall be registered professional
 1131 engineers in accordance with the provisions of chapter 471 or
 1132 the laws of another state, or, in lieu of professional engineer
 1133 registration, a district secretary or executive director may
 1134 hold an advanced degree in an appropriate related discipline,
 1135 such as a Master of Business Administration. The headquarters of
 1136 the districts shall be located in Polk, Columbia, Washington,
 1137 Broward, Volusia, Miami-Dade, and Hillsborough Counties. The
 1138 headquarters of the turnpike enterprise shall be located in
 1139 Orange County. The headquarters of the rail enterprise shall be
 1140 located in Leon County. In order to provide for efficient
 1141 operations and to expedite the decisionmaking process, the
 1142 department shall provide for maximum decentralization to the
 1143 districts.

1144 (b) Each district secretary may appoint up to three
 1145 district directors ~~or, until July 1, 2005, each district~~
 1146 ~~secretary may appoint up to four district directors~~. These
 1147 positions are exempt from part II of chapter 110.

1148 Section 7. Paragraph (c) of subsection (4) of section

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1149 206.41, Florida Statutes, is amended to read:

1150 206.41 State taxes imposed on motor fuel.—

1151 (4)

1152 (c)1. Any person who uses any motor fuel for agricultural,
 1153 aquacultural, commercial fishing, or commercial aviation
 1154 purposes on which fuel the tax imposed by paragraph (1) (e),
 1155 paragraph (1) (f), or paragraph (1) (g) has been paid is entitled
 1156 to a refund of such tax.

1157 2. For the purposes of this paragraph, "agricultural and
 1158 aquacultural purposes" means motor fuel used in any tractor,
 1159 vehicle, or other farm equipment which is used exclusively on a
 1160 farm or for processing farm products on the farm, and no part of
 1161 which fuel is used in any vehicle or equipment driven or
 1162 operated upon the public highways of this state. This
 1163 restriction does not apply to the movement of a farm vehicle, ~~or~~
 1164 farm equipment, citrus harvesting equipment, or citrus fruit
 1165 loaders between farms. The transporting of bees by water and the
 1166 operating of equipment used in the apiary of a beekeeper shall
 1167 be also deemed an agricultural purpose.

1168 3. For the purposes of this paragraph, "commercial fishing
 1169 and aquacultural purposes" means motor fuel used in the
 1170 operation of boats, vessels, or equipment used exclusively for
 1171 the taking of fish, crayfish, oysters, shrimp, or sponges from
 1172 salt or fresh waters under the jurisdiction of the state for
 1173 resale to the public, and no part of which fuel is used in any
 1174 vehicle or equipment driven or operated upon the highways of
 1175 this state; however, the term may in no way be construed to
 1176 include fuel used for sport or pleasure fishing.

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1177 4. For the purposes of this paragraph, "commercial
 1178 aviation purposes" means motor fuel used in the operation of
 1179 aviation ground support vehicles or equipment, no part of which
 1180 fuel is used in any vehicle or equipment driven or operated upon
 1181 the public highways of this state.

1182 Section 8. Chapter 311, Florida Statutes, is retitled
 1183 "SEAPORT PROGRAMS AND FACILITIES."

1184 Section 9. Section 311.07, Florida Statutes, is amended to
 1185 read:

1186 311.07 Florida seaport transportation and economic
 1187 development funding.—

1188 (1) There is created the Florida Seaport Transportation
 1189 and Economic Development Program within the Department of
 1190 Transportation to finance port transportation or port facilities
 1191 projects that will improve the movement and intermodal
 1192 transportation of cargo or passengers in commerce and trade and
 1193 ~~that will~~ support the interests, purposes, and requirements of
 1194 all ports listed in s. 311.09 located in this state.

1195 (2) A minimum of \$15 ~~\$8~~ million per year shall be made
 1196 available from the State Transportation Trust Fund to fund the
 1197 Florida Seaport Transportation and Economic Development Program.
 1198 The Florida Seaport Transportation and Economic Development
 1199 Council created in s. 311.09 shall develop guidelines for
 1200 project funding. Council staff, the Department of
 1201 Transportation, and the Department of Economic Opportunity shall
 1202 work in cooperation to review projects and allocate funds in
 1203 accordance with the schedule required for the Department of
 1204 Transportation to include these projects in the tentative work

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1205 program developed pursuant to s. 339.135(4).

1206 (3) (a) Florida Seaport Transportation and Economic

1207 Development Program funds shall be used to fund approved

1208 projects on a 50-50 matching basis with any of the deepwater

1209 ports, as listed in s. 311.09 ~~s. 403.021(9)(b)~~, which is

1210 governed by a public body or any other deepwater port which is

1211 governed by a public body and which complies with the water

1212 quality provisions of s. 403.061, the comprehensive master plan

1213 requirements of s. 163.3178(2)(k), and the local financial

1214 management and reporting provisions of part III of chapter 218.

1215 However, program funds used to fund projects that involve the

1216 rehabilitation of wharves, docks, berths, bulkheads, or similar

1217 structures shall require a 25-percent match of funds. Program

1218 funds also may be used by the Seaport Transportation and

1219 Economic Development Council for data and analysis that ~~to~~

1220 ~~develop trade data information products which~~ will assist

1221 Florida's seaports and international trade.

1222 (b) Projects eligible for funding by grants under the

1223 program are limited to the following port facilities or port

1224 transportation projects:

1225 1. Transportation facilities within the jurisdiction of

1226 the port.

1227 2. The dredging or deepening of channels, turning basins,

1228 or harbors.

1229 3. The construction or rehabilitation of wharves, docks,

1230 structures, jetties, piers, storage facilities, cruise

1231 terminals, automated people mover systems, or any facilities

1232 necessary or useful in connection with any of the foregoing.

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1233 4. The acquisition of vessel tracking systems, container
 1234 cranes, or other mechanized equipment used in the movement of
 1235 cargo or passengers in international commerce.

1236 5. The acquisition of land to be used for port purposes.

1237 6. The acquisition, improvement, enlargement, or extension
 1238 of existing port facilities.

1239 7. Environmental protection projects which are necessary
 1240 because of requirements imposed by a state agency as a condition
 1241 of a permit or other form of state approval; which are necessary
 1242 for environmental mitigation required as a condition of a state,
 1243 federal, or local environmental permit; which are necessary for
 1244 the acquisition of spoil disposal sites and improvements to
 1245 existing and future spoil sites; or which result from the
 1246 funding of eligible projects listed in this paragraph.

1247 8. Transportation facilities as defined in s. 334.03(30)
 1248 ~~s. 334.03(31)~~ which are not otherwise part of the Department of
 1249 Transportation's adopted work program.

1250 9. ~~Seaport~~ Intermodal access projects ~~identified in the 5-~~
 1251 ~~year Florida Seaport Mission Plan as provided in s. 311.09(3).~~

1252 10. Construction or rehabilitation of port facilities as
 1253 defined in s. 315.02, excluding any park or recreational
 1254 facilities, in ports listed in s. 311.09(1) with operating
 1255 revenues of \$5 million or less, provided that such projects
 1256 create economic development opportunities, capital improvements,
 1257 and positive financial returns to such ports.

1258 11. Seaport master plan or strategic plan development or
 1259 updates, including the purchase of data to support such plans.

1260 (c) To be eligible for consideration by the council

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1261 pursuant to this section, a project must be consistent with the
 1262 port comprehensive master plan which is incorporated as part of
 1263 the approved local government comprehensive plan as required by
 1264 s. 163.3178(2)(k) or other provisions of the Community Planning
 1265 Act, part II of chapter 163.

1266 ~~(4) A port eligible for matching funds under the program~~
 1267 ~~may receive a distribution of not more than \$7 million during~~
 1268 ~~any 1 calendar year and a distribution of not more than \$30~~
 1269 ~~million during any 5-calendar-year period.~~

1270 (4)~~(5)~~ Any port which receives funding under the program
 1271 shall institute procedures to ensure that jobs created as a
 1272 result of the state funding shall be subject to equal
 1273 opportunity hiring practices in the manner provided in s.
 1274 110.112.

1275 (5)~~(6)~~ The Department of Transportation may ~~shall~~ subject
 1276 any project that receives funds pursuant to this section and s.
 1277 320.20 to a final audit. The department may adopt rules and
 1278 perform such other acts as are necessary or convenient to ensure
 1279 that the final audits are conducted and that any deficiency or
 1280 questioned costs noted by the audit are resolved.

1281 Section 10. Subsections (4) through (13) of section
 1282 311.09, Florida Statutes, are amended to read:

1283 311.09 Florida Seaport Transportation and Economic
 1284 Development Council.—

1285 (4) The council shall adopt rules for evaluating projects
 1286 which may be funded under ss. 311.07 and 320.20. The rules shall
 1287 provide criteria for evaluating the potential project,
 1288 including, but not limited to, such factors as consistency with

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1289 appropriate plans, economic benefit, readiness for construction,
 1290 noncompetition with other Florida ports, and capacity within the
 1291 seaport system ~~economic benefit of the project, measured by the~~
 1292 ~~potential for the proposed project to maintain or increase cargo~~
 1293 ~~flow, cruise passenger movement, international commerce, port~~
 1294 ~~revenues, and the number of jobs for the port's local community.~~

1295 (5) The council shall review and approve or disapprove
 1296 each project eligible to be funded pursuant to the Florida
 1297 Seaport Transportation and Economic Development Program. The
 1298 council shall annually submit to the Secretary of Transportation
 1299 and the executive director of the Department of Economic
 1300 Opportunity, or his or her designee, a list of projects which
 1301 have been approved by the council. The list shall specify the
 1302 recommended funding level for each project; and, if staged
 1303 implementation of the project is appropriate, the funding
 1304 requirements for each stage shall be specified.

1305 ~~(6) The Department of Community Affairs shall review the~~
 1306 ~~list of projects approved by the council to determine~~
 1307 ~~consistency with approved local government comprehensive plans~~
 1308 ~~of the units of local government in which the port is located~~
 1309 ~~and consistency with the port master plan. The Department of~~
 1310 ~~Community Affairs shall identify and notify the council of those~~
 1311 ~~projects which are not consistent, to the maximum extent~~
 1312 ~~feasible, with such comprehensive plans and port master plans.~~

1313 (6)(7) The Department of Transportation shall review the
 1314 list of project applications ~~projects~~ approved by the council
 1315 for consistency with the Florida Transportation Plan, the
 1316 Statewide Seaport and Waterways System Plan, and the

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1317 department's adopted work program. In evaluating the consistency
 1318 of a project, the department shall assess the transportation
 1319 impacts and economic benefits for each project ~~determine whether~~
 1320 ~~the transportation impact of the proposed project is adequately~~
 1321 ~~handled by existing state-owned transportation facilities or by~~
 1322 ~~the construction of additional state-owned transportation~~
 1323 ~~facilities as identified in the Florida Transportation Plan and~~
 1324 ~~the department's adopted work program. In reviewing for~~
 1325 ~~consistency a transportation facility project as defined in s.~~
 1326 ~~334.03(31) which is not otherwise part of the department's work~~
 1327 ~~program, the department shall evaluate whether the project is~~
 1328 ~~needed to provide for projected movement of cargo or passengers~~
 1329 ~~from the port to a state transportation facility or local road.~~
 1330 ~~If the project is needed to provide for projected movement of~~
 1331 ~~cargo or passengers, the project shall be approved for~~
 1332 ~~consistency as a consideration to facilitate the economic~~
 1333 ~~development and growth of the state in a timely manner. The~~
 1334 Department of Transportation shall identify those projects which
 1335 are inconsistent with the Florida Transportation Plan, the
 1336 Statewide Seaport and Waterways System Plan, or ~~and~~ the adopted
 1337 work program and shall notify the council of projects found to
 1338 be inconsistent.

1339 (7)-(8) The Department of Economic Opportunity shall review
 1340 the list of project applications ~~projects~~ approved by the
 1341 council to evaluate the economic benefit of the project and to
 1342 determine whether the project is consistent with the Florida
 1343 Seaport Mission Plan and with state economic development goals
 1344 and policies. The Department of Economic Opportunity shall

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1345 review the proposed project's consistency with state, regional,
 1346 and local plans, as appropriate, and the economic benefits of
 1347 each project based upon the rules adopted pursuant to subsection
 1348 (4). The Department of Economic Opportunity shall identify those
 1349 projects which it has determined do not offer an economic
 1350 benefit to the state, are not consistent with an appropriate
 1351 plan, or are not consistent with the Florida Seaport Mission
 1352 Plan or state economic development goals and policies and shall
 1353 notify the council of its findings.

1354 ~~(8)(9)~~ The council shall review the findings of the
 1355 Department of Economic Opportunity and the Department of
 1356 Transportation. Projects found to be inconsistent pursuant to
 1357 subsections (6), or (7), ~~and (8)~~ or ~~and~~ projects which have been
 1358 determined not to offer an economic benefit to the state
 1359 pursuant to subsection (7) ~~(8)~~ may ~~shall~~ not be included in
 1360 the list of projects to be funded.

1361 ~~(9)(10)~~ The Department of Transportation shall include no
 1362 less than \$15 million per year in its annual legislative budget
 1363 request for the a Florida Seaport Transportation and Economic
 1364 Development grant Program funded under s. 311.07 ~~for expenditure~~
 1365 ~~of funds of not less than \$8 million per year.~~ Such budget shall
 1366 include funding for projects approved by the council which have
 1367 been determined by each agency to be consistent ~~and which have~~
 1368 ~~been determined by the Department of Economic Opportunity to be~~
 1369 ~~economically beneficial.~~ The department shall include the
 1370 specific approved Florida Seaport Transportation and Economic
 1371 Development Program seaport projects to be funded under s.
 1372 311.07 ~~this section~~ during the ensuing fiscal year in the

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1373 tentative work program developed pursuant to s. 339.135(4). The
 1374 total amount of funding to be allocated to Florida Seaport
 1375 Transportation and Economic Development Program ~~seaport~~ projects
 1376 under s. 311.07 during the successive 4 fiscal years shall also
 1377 be included in the tentative work program developed pursuant to
 1378 s. 339.135(4). The council may submit to the department a list
 1379 of approved projects that could be made production-ready within
 1380 the next 2 years. The list shall be submitted by the department
 1381 as part of the needs and project list prepared pursuant to s.
 1382 339.135(2)(b). However, the department shall, upon written
 1383 request of the Florida Seaport Transportation and Economic
 1384 Development Council, submit work program amendments pursuant to
 1385 s. 339.135(7) to the Governor within 10 days after the later of
 1386 the date the request is received by the department or the
 1387 effective date of the amendment, termination, or closure of the
 1388 applicable funding agreement between the department and the
 1389 affected seaport, as required to release the funds from the
 1390 existing commitment. Notwithstanding s. 339.135(7)(c), any work
 1391 program amendment to transfer prior year funds from one approved
 1392 seaport project to another seaport project is subject to the
 1393 procedures in s. 339.135(7)(d). Notwithstanding any provision of
 1394 law to the contrary, the department may transfer unexpended
 1395 budget between the seaport projects as identified in the
 1396 approved work program amendments.

1397 (10)~~(11)~~ The council shall meet at the call of its
 1398 chairperson, at the request of a majority of its membership, or
 1399 at such times as may be prescribed in its bylaws. However, the
 1400 council must meet at least semiannually. A majority of voting

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1401 members of the council constitutes a quorum for the purpose of
1402 transacting the business of the council. All members of the
1403 council are voting members. A vote of the majority of the voting
1404 members present is sufficient for any action of the council,
1405 except that a member representing the Department of
1406 Transportation or the Department of Economic Opportunity may
1407 vote to overrule any action of the council approving a project
1408 pursuant to subsection (5). The bylaws of the council may
1409 require a greater vote for a particular action.

1410 (11)~~(12)~~ Members of the council shall serve without
1411 compensation but are entitled to receive reimbursement for per
1412 diem and travel expenses as provided in s. 112.061. The council
1413 may elect to provide an administrative staff to provide services
1414 to the council on matters relating to the Florida Seaport
1415 Transportation and Economic Development Program and the council.
1416 The cost for such administrative services shall be paid by all
1417 ports that receive funding from the Florida Seaport
1418 Transportation and Economic Development Program, based upon a
1419 pro rata formula measured by each recipient's share of the funds
1420 as compared to the total funds disbursed to all recipients
1421 during the year. The share of costs for administrative services
1422 shall be paid in its total amount by the recipient port upon
1423 execution by the port and the Department of Transportation of a
1424 joint participation agreement for each council-approved project,
1425 and such payment is in addition to the matching funds required
1426 to be paid by the recipient port. Except as otherwise exempted
1427 by law, all moneys derived from the Florida Seaport
1428 Transportation and Economic Development Program shall be

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1429 expended in accordance with the provisions of s. 287.057.
 1430 Seaports subject to competitive negotiation requirements of a
 1431 local governing body shall abide by the provisions of s.
 1432 287.055.

1433 (12)~~(13)~~ Until July 1, 2014, Citrus County may apply for a
 1434 grant through the Florida Seaport Transportation and Economic
 1435 Development Council to perform a feasibility study regarding the
 1436 establishment of a port in Citrus County. The council shall
 1437 evaluate such application pursuant to subsections (5)-(8) ~~(5)-~~
 1438 ~~(9)~~ and, if approved, the Department of Transportation shall
 1439 include the feasibility study in its budget request pursuant to
 1440 subsection (9) ~~(10)~~. If the study determines that a port in
 1441 Citrus County is not feasible, the membership of Port Citrus on
 1442 the council shall terminate.

1443 Section 11. Section 311.10, Florida Statutes, is created
 1444 to read:

1445 311.10 Strategic Port Investment Initiative.-

1446 (1) There is created the Strategic Port Investment
 1447 Initiative within the Department of Transportation. Beginning in
 1448 fiscal year 2012-2013, a minimum of \$35 million annually shall
 1449 be made available from the State Transportation Trust Fund to
 1450 fund the Strategic Port Investment Initiative. The Department of
 1451 Transportation shall work with the deepwater ports listed in s.
 1452 311.09 to develop and maintain a priority list of strategic
 1453 investment projects. Project selection shall be based on
 1454 projects that meet the state's economic development goal of
 1455 becoming a hub for trade, logistics, and export-oriented
 1456 activities by:

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1457 (a) Providing important access and major on-port capacity
 1458 improvements;

1459 (b) Providing capital improvements to strategically
 1460 position the state to maximize opportunities in international
 1461 trade, logistics, or the cruise industry;

1462 (c) Achieving state goals of an integrated intermodal
 1463 transportation system; and

1464 (d) Demonstrating the feasibility and availability of
 1465 matching funds through local or private partners.

1466 (2) Prior to making final project allocations, the
 1467 Department of Transportation shall schedule a publicly noticed
 1468 workshop with the Department of Economic Opportunity and the
 1469 deepwater ports listed in s. 311.09 to review the proposed
 1470 projects. After considering the comments received, the
 1471 Department of Transportation shall finalize a prioritized list
 1472 of potential projects.

1473 (3) The Department of Transportation shall, to the maximum
 1474 extent feasible, include the seaport projects proposed to be
 1475 funded under this section in the tentative work program
 1476 developed under s. 339.135(4).

1477 Section 12. Section 311.101, Florida Statutes, is created
 1478 to read:

1479 311.101 Intermodal Logistics Center Infrastructure Support
 1480 Program.—

1481 (1) There is created within the Department of
 1482 Transportation the Intermodal Logistics Center Infrastructure
 1483 Support Program. The purpose of the program is to provide funds
 1484 for roads, rail facilities, or other means for the conveyance or

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1485 shipment of goods through a seaport, thereby enabling the state
 1486 to respond to private sector market demands and meet the state's
 1487 economic development goal of becoming a hub for trade,
 1488 logistics, and export-oriented activities. The department may
 1489 provide funds to assist with local government projects or
 1490 projects performed by private entities that meet the public
 1491 purpose of enhancing transportation facilities for the
 1492 conveyance or shipment of goods through a seaport to or from an
 1493 intermodal logistics center.

1494 (2) For the purposes of this section, "intermodal
 1495 logistics center," including, but not limited to, an "inland
 1496 port," means a facility or group of facilities serving as a
 1497 point of intermodal transfer of freight in a specific area
 1498 physically separated from a seaport where activities relating to
 1499 transport, logistics, goods distribution, consolidation, or
 1500 value-added activities are carried out and whose activities and
 1501 services are designed to support or be supported by conveyance
 1502 or shipping through one or more seaports listed in s. 311.09.

1503 (3) The department must consider, but is not limited to,
 1504 the following criteria when evaluating projects for Intermodal
 1505 Logistics Center Infrastructure Support Program assistance:

1506 (a) The ability of the project to serve a strategic state
 1507 interest.

1508 (b) The ability of the project to facilitate the cost-
 1509 effective and efficient movement of goods.

1510 (c) The extent to which the project contributes to
 1511 economic activity, including job creation, increased wages, and
 1512 revenues.

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1513 (d) The extent to which the project efficiently interacts
 1514 with and supports the transportation network.

1515 (e) A commitment of a funding match.

1516 (f) The amount of investment or commitments made by the
 1517 owner or developer of the existing or proposed facility.

1518 (g) The extent to which the owner has commitments,
 1519 including memorandums of understanding or memorandums of
 1520 agreements, with private sector businesses planning to locate
 1521 operations at the intermodal logistics center.

1522 (h) Demonstrated local financial support and commitment to
 1523 the project.

1524 (4) The department shall coordinate and consult with the
 1525 Department of Economic Opportunity in the selection of projects
 1526 to be funded by this program.

1527 (5) The department is authorized to administer contracts
 1528 on behalf of the entity selected to receive funding for a
 1529 project under this section.

1530 (6) The department shall provide up to 50 percent of
 1531 project costs for eligible projects.

1532 (7) Beginning in fiscal year 2012-2013, up to \$5 million
 1533 per year shall be made available from the State Transportation
 1534 Trust Fund for the program. The Department of Transportation
 1535 shall include projects proposed to be funded under this section
 1536 in the tentative work program developed pursuant so s.
 1537 339.135(4).

1538 (8) The Department of Transportation is authorized to
 1539 adopt rules to implement this section.

1540 Section 13. Section 311.106, Florida Statutes, is created

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1541 to read:

1542 311.106 Seaport stormwater permitting and mitigation.—A
 1543 seaport listed in s. 403.021(9) (b) is authorized to provide for
 1544 onsite or offsite stormwater treatment for water quality impacts
 1545 caused by a proposed port activity that requires a permit and
 1546 that causes or contributes to pollution from stormwater runoff.
 1547 Offsite stormwater treatment may occur outside of the
 1548 established boundaries of the port, but must be within the same
 1549 drainage basin in which the port activity occurs. A port offsite
 1550 stormwater treatment project must be constructed and maintained
 1551 by the seaport or by the seaport in conjunction with an adjacent
 1552 local government. In order to limit stormwater treatment from
 1553 individual parcels within a port, a seaport may provide for a
 1554 regional stormwater treatment facility that must be constructed
 1555 and maintained by the seaport or by the seaport in conjunction
 1556 with an adjacent local government.

1557 Section 14. Section 311.14, Florida Statutes, is amended
 1558 to read:

1559 311.14 Seaport planning.—

1560 (1) The Department of Transportation shall develop, in
 1561 coordination with the ports listed in s. 311.09(1) and other
 1562 partners, a Statewide Seaport and Waterways System Plan. This
 1563 plan shall be consistent with the goals of the Florida
 1564 Transportation Plan developed pursuant to s. 339.155 and shall
 1565 consider needs identified in individual port master plans and
 1566 those from the seaport strategic plans required under this
 1567 section. The plan will identify 5-year, 10-year, and 20-year
 1568 needs for the seaport system and will include seaport, waterway,

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1569 road, and rail projects that are needed to ensure the success of
 1570 the transportation system as a whole in supporting state
 1571 economic development goals ~~The Florida Seaport Transportation~~
 1572 ~~and Economic Development Council, in cooperation with the Office~~
 1573 ~~of the State Public Transportation Administrator within the~~
 1574 ~~Department of Transportation, shall develop freight mobility and~~
 1575 ~~trade corridor plans to assist in making freight mobility~~
 1576 ~~investments that contribute to the economic growth of the state.~~
 1577 ~~Such plans should enhance the integration and connectivity of~~
 1578 ~~the transportation system across and between transportation~~
 1579 ~~modes throughout Florida for people and freight.~~

1580 ~~(2) The Office of the State Public Transportation~~
 1581 ~~Administrator shall act to integrate freight mobility and trade-~~
 1582 ~~corridor plans into the Florida Transportation Plan developed~~
 1583 ~~pursuant to s. 339.155 and into the plans and programs of~~
 1584 ~~metropolitan planning organizations as provided in s. 339.175.~~
 1585 ~~The office may also provide assistance in expediting the~~
 1586 ~~transportation permitting process relating to the construction~~
 1587 ~~of seaport freight mobility projects located outside the~~
 1588 ~~physical borders of seaports. The Department of Transportation~~
 1589 ~~may contract, as provided in s. 334.044, with any port listed in~~
 1590 ~~s. 311.09(1) or any such other statutorily authorized seaport~~
 1591 ~~entity to act as an agent in the construction of seaport~~
 1592 ~~freight mobility projects.~~

1593 (2)~~(3)~~ Each port shall develop a strategic plan with a 10-
 1594 year horizon. Each plan must include the following:

1595 (a) An economic development component that identifies
 1596 targeted business opportunities for increasing business and

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1597 attracting new business for which a particular facility has a
 1598 strategic advantage over its competitors, identifies financial
 1599 resources and other inducements to encourage growth of existing
 1600 business and acquisition of new business, and provides a
 1601 projected schedule for attainment of the plan's goals.

1602 (b) An infrastructure development and improvement
 1603 component that identifies all projected infrastructure
 1604 improvements within the plan area which require improvement,
 1605 expansion, or development in order for a port to attain a
 1606 strategic advantage for competition with national and
 1607 international competitors.

1608 (c) A component that identifies all intermodal
 1609 transportation facilities, including sea, air, rail, or road
 1610 facilities, which are available or have potential, with
 1611 improvements, to be available for necessary national and
 1612 international commercial linkages and provides a plan for the
 1613 integration of port, airport, and railroad activities with
 1614 existing and planned transportation infrastructure.

1615 (d) A component that identifies physical, environmental,
 1616 and regulatory barriers to achievement of the plan's goals and
 1617 provides recommendations for overcoming those barriers.

1618 (e) An intergovernmental coordination component that
 1619 specifies modes and methods to coordinate plan goals and
 1620 missions with the missions of the Department of Transportation,
 1621 other state agencies, and affected local, general-purpose
 1622 governments.

1623
 1624 To the extent feasible, the port strategic plan must be

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1625 consistent with the local government comprehensive plans of the
 1626 units of local government in which the port is located. Upon
 1627 approval of a plan by the port's board, the plan shall be
 1628 submitted to the Florida Seaport Transportation and Economic
 1629 Development Council.

1630 ~~(3)-(4)~~ The Florida Seaport Transportation and Economic
 1631 Development Council shall review the strategic plans submitted
 1632 by each port and prioritize strategic needs for inclusion in the
 1633 Florida Seaport Mission Plan prepared pursuant to s. 311.09(3).

1634 Section 15. Subsection (21) of section 316.003, Florida
 1635 Statutes, is amended to read:

1636 316.003 Definitions.—The following words and phrases, when
 1637 used in this chapter, shall have the meanings respectively
 1638 ascribed to them in this section, except where the context
 1639 otherwise requires:

1640 (21) MOTOR VEHICLE.—Except when used in s. 316.1001, any
 1641 self-propelled vehicle not operated upon rails or guideway, but
 1642 not including any bicycle, motorized scooter, electric personal
 1643 assistive mobility device, or moped. For purposes of s.
 1644 316.1001, "motor vehicle" has the same meaning as in s.
 1645 320.01(1)(a).

1646 Section 16. Subsection (4) of section 316.091, Florida
 1647 Statutes, is amended, subsection (5) is renumbered as subsection
 1648 (7), and new subsections (5) and (6) are added to that section,
 1649 to read:

1650 316.091 Limited access facilities; interstate highways;
 1651 use restricted.—

1652 (4) No person shall operate a bicycle or other human-

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1653 powered vehicle on the roadway or along the shoulder of a
 1654 limited access highway, including bridges, unless official signs
 1655 and a designated, marked bicycle lane are present at the
 1656 entrance of the section of highway indicating that such use is
 1657 permitted pursuant to a pilot program of the Department of
 1658 Transportation ~~an interstate highway.~~

1659 (5) The Department of Transportation and expressway
 1660 authorities are authorized to designate use of shoulders of
 1661 limited access facilities and interstate highways under their
 1662 jurisdiction for such vehicular traffic determined to improve
 1663 safety, reliability, and transportation system efficiency.
 1664 Appropriate traffic signs or dynamic lane control signals shall
 1665 be erected along those portions of the facility affected to give
 1666 notice to the public of the action to be taken, clearly
 1667 indicating when the shoulder is open to designated vehicular
 1668 traffic. This section may not be deemed to authorize such
 1669 designation in violation of any federal law or any covenant
 1670 established in a resolution or trust indenture relating to the
 1671 issuance of turnpike bonds, expressway authority bonds, or other
 1672 bonds.

1673 (6) The Department of Transportation shall establish a 2-
 1674 year pilot program, in three separate urban areas, in which it
 1675 shall erect signs and designate marked bicycle lanes indicating
 1676 highway approaches and bridge segments of limited access
 1677 highways as open to use by operators of bicycles and other
 1678 human-powered vehicles, under the following conditions:

1679 (a) The limited access highway approaches and bridge
 1680 segments chosen must cross a river, lake, bay, inlet, or surface

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1681 water where no street or highway crossing the water body is
 1682 available for use within 2 miles of the entrance to the limited
 1683 access facility measured along the shortest public right-of-way.

1684 (b) The Department of Transportation, with the concurrence
 1685 of the Federal Highway Administration on the interstate
 1686 facilities, shall establish the three highway approaches and
 1687 bridge segments for the pilot project by October 1, 2012. In
 1688 selecting the highway approaches and bridge segments, the
 1689 Department of Transportation shall consider, without limitation,
 1690 a minimum size of population in the urban area within 5 miles of
 1691 the highway approach and bridge segment, the lack of bicycle
 1692 access by other means, cost, safety, and operational impacts.

1693 (c) The Department of Transportation shall begin the pilot
 1694 program by erecting signs and designating marked bicycle lanes
 1695 indicating highway approaches and bridge segments of limited
 1696 access highways, as qualified by the conditions described in
 1697 this subsection, as open to use by operators of bicycles and
 1698 other human-powered vehicles no later than March 1, 2013.

1699 (d) The Department of Transportation shall conduct the
 1700 pilot program for a minimum of 2 years following the
 1701 implementation date.

1702 (e) The Department of Transportation shall submit a report
 1703 of its findings and recommendations from the pilot program to
 1704 the Governor, the President of the Senate, and the Speaker of
 1705 the House of Representatives by September 1, 2015. The report
 1706 shall include, at a minimum, bicycle crash data occurring in the
 1707 designated segments of the pilot program, usage by operators of
 1708 bicycles and other human-powered vehicles, enforcement issues,

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1709 operational impacts, and the cost of the pilot program.

1710 Section 17. Paragraph (b) of subsection (2) of section
1711 316.1001, Florida Statutes, is amended to read:

1712 316.1001 Payment of toll on toll facilities required;
1713 penalties.—

1714 (2)

1715 (b) A citation issued under this subsection may be issued
1716 by mailing the citation by first-class mail or by certified
1717 mail, return receipt requested, to the address of the registered
1718 owner of the motor vehicle involved in the violation. Mailing
1719 Receipt of the citation to such address constitutes
1720 notification. In the case of joint ownership of a motor vehicle,
1721 the traffic citation must be mailed to the first name appearing
1722 on the registration, unless the first name appearing on the
1723 registration is a business organization, in which case the
1724 second name appearing on the registration may be used. A
1725 citation issued under this paragraph must be mailed to the
1726 registered owner of the motor vehicle involved in the violation
1727 within 14 days after the date of issuance of the citation. In
1728 addition to the citation, notification must be sent to the
1729 registered owner of the motor vehicle involved in the violation
1730 specifying remedies available under ss. 318.14(12) and
1731 318.18(7).

1732 Section 18. Subsection (5) of section 316.2068, Florida
1733 Statutes, is amended to read:

1734 316.2068 Electric personal assistive mobility devices;
1735 regulations.—

1736 (5) A county or municipality may regulate ~~prohibit~~ the

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1737 operation of electric personal assistive mobility devices on any
 1738 road, street, sidewalk, or bicycle path under its jurisdiction
 1739 if the governing body of the county or municipality determines
 1740 that regulation ~~such a prohibition~~ is necessary in the interest
 1741 of safety.

1742 Section 19. Paragraph (a) of subsection (3) and paragraphs
 1743 (a) and (c) of subsection (5) of section 316.515, Florida
 1744 Statutes, are amended to read:

1745 316.515 Maximum width, height, length.—

1746 (3) LENGTH LIMITATION.—Except as otherwise provided in
 1747 this section, length limitations apply solely to a semitrailer
 1748 or trailer, and not to a truck tractor or to the overall length
 1749 of a combination of vehicles. No combination of commercial motor
 1750 vehicles coupled together and operating on the public roads may
 1751 consist of more than one truck tractor and two trailing units.
 1752 Unless otherwise specifically provided for in this section, a
 1753 combination of vehicles not qualifying as commercial motor
 1754 vehicles may consist of no more than two units coupled together;
 1755 such nonqualifying combination of vehicles may not exceed a
 1756 total length of 65 feet, inclusive of the load carried thereon,
 1757 but exclusive of safety and energy conservation devices approved
 1758 by the department for use on vehicles using public roads.
 1759 Notwithstanding any other provision of this section, a truck
 1760 tractor-semitrailer combination engaged in the transportation of
 1761 automobiles or boats may transport motor vehicles or boats on
 1762 part of the power unit; and, except as may otherwise be mandated
 1763 under federal law, an automobile or boat transporter semitrailer
 1764 may not exceed 50 feet in length, exclusive of the load;

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1765 however, the load may extend up to an additional 6 feet beyond
 1766 the rear of the trailer. The 50-foot length limitation does not
 1767 apply to non-stinger-steered automobile or boat transporters
 1768 that are 65 feet or less in overall length, exclusive of the
 1769 load carried thereon, or to stinger-steered automobile or boat
 1770 transporters that are 75 feet or less in overall length,
 1771 exclusive of the load carried thereon. For purposes of this
 1772 subsection, a "stinger-steered automobile or boat transporter"
 1773 is an automobile or boat transporter configured as a semitrailer
 1774 combination wherein the fifth wheel is located on a drop frame
 1775 located behind and below the rearmost axle of the power unit.
 1776 Notwithstanding paragraphs (a) and (b), any straight truck or
 1777 truck tractor-semitrailer combination engaged in the
 1778 transportation of horticultural trees may allow the load to
 1779 extend up to an additional 10 feet beyond the rear of the
 1780 vehicle, provided said trees are resting against a retaining bar
 1781 mounted above the truck bed so that the root balls of the trees
 1782 rest on the floor and to the front of the truck bed and the tops
 1783 of the trees extend up over and to the rear of the truck bed,
 1784 and provided the overhanging portion of the load is covered with
 1785 protective fabric.

1786 (a) *Straight trucks.*—~~A No~~ straight truck may not exceed a
 1787 length of 40 feet in extreme overall dimension, exclusive of
 1788 safety and energy conservation devices approved by the
 1789 department for use on vehicles using public roads. A straight
 1790 truck may tow no more than one trailer, and the overall length
 1791 of the truck-trailer combination may not exceed 68 feet ~~such~~
 1792 ~~trailer may not exceed a length of 28 feet. However, such~~

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1793 ~~trailer limitation does not apply if the overall length of the~~
 1794 ~~truck-trailer combination is 65 feet or less, including the load~~
 1795 thereon. Notwithstanding any other provisions of this section, a
 1796 truck-trailer combination engaged in the transportation of
 1797 boats, or boat trailers whose design dictates a front-to-rear
 1798 stacking method may ~~shall~~ not exceed the length limitations of
 1799 this paragraph exclusive of the load; however, the load may
 1800 extend up to an additional 6 feet beyond the rear of the
 1801 trailer.

1802 (5) IMPLEMENTS OF HUSBANDRY AND FARM EQUIPMENT;
 1803 AGRICULTURAL TRAILERS; FORESTRY EQUIPMENT; SAFETY REQUIREMENTS.—

1804 (a) Notwithstanding any other provisions of law, straight
 1805 trucks, agricultural tractors, citrus harvesting equipment,
 1806 citrus fruit loaders, and cotton module movers, not exceeding 50
 1807 feet in length, or any combination of up to and including three
 1808 implements of husbandry, including the towing power unit, and
 1809 any single agricultural trailer with a load thereon or any
 1810 agricultural implements attached to a towing power unit, or a
 1811 self-propelled agricultural implement or an agricultural
 1812 tractor, is authorized for the purpose of transporting peanuts,
 1813 grains, soybeans, citrus, cotton, hay, straw, or other
 1814 perishable farm products from their point of production to the
 1815 first point of change of custody or of long-term storage, and
 1816 for the purpose of returning to such point of production, or for
 1817 the purpose of moving such tractors, movers, and implements from
 1818 one point of agricultural production to another, by a person
 1819 engaged in the production of any such product or custom hauler,
 1820 if such vehicle or combination of vehicles otherwise complies

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1821 with this section. The Department of Transportation may issue
 1822 overlength permits for cotton module movers greater than 50 feet
 1823 but not more than 55 feet in overall length. Such vehicles shall
 1824 be operated in accordance with all safety requirements
 1825 prescribed by law and rules of the Department of Transportation.

1826 (c) The width and height limitations of this section do
 1827 not apply to farming or agricultural equipment, whether self-
 1828 propelled, pulled, or hauled, when temporarily operated during
 1829 daylight hours upon a public road that is not a limited access
 1830 facility as defined in s. 334.03(12) ~~s. 334.03(13)~~, and the
 1831 width and height limitations may be exceeded by such equipment
 1832 without a permit. To be eligible for this exemption, the
 1833 equipment shall be operated within a radius of 50 miles of the
 1834 real property owned, rented, or leased by the equipment owner.
 1835 However, equipment being delivered by a dealer to a purchaser is
 1836 not subject to the 50-mile limitation. Farming or agricultural
 1837 equipment greater than 174 inches in width must have one warning
 1838 lamp mounted on each side of the equipment to denote the width
 1839 and must have a slow-moving vehicle sign. Warning lamps required
 1840 by this paragraph must be visible from the front and rear of the
 1841 vehicle and must be visible from a distance of at least 1,000
 1842 feet.

1843 Section 20. Subsection (42) of section 320.01, Florida
 1844 Statutes, is amended to read:

1845 320.01 Definitions, general.—As used in the Florida
 1846 Statutes, except as otherwise provided, the term:

1847 (42) "Low-speed vehicle" means any four-wheeled ~~electric~~
 1848 vehicle whose top speed is greater than 20 miles per hour but

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1849 | not greater than 25 miles per hour, including, but not limited
 1850 | to, neighborhood electric vehicles. Low-speed vehicles must
 1851 | comply with the safety standards in 49 C.F.R. s. 571.500 and s.
 1852 | 316.2122.

1853 | Section 21. Section 332.08, Florida Statutes, is amended
 1854 | to read:

1855 | 332.08 Additional powers.—

1856 | (1) In addition to the general powers in ss. 332.01-332.12
 1857 | conferred and without limitation thereof, a municipality which
 1858 | has established or may hereafter establish airports, restricted
 1859 | landing areas, or other air navigation facilities, or which has
 1860 | acquired or set apart or may hereafter acquire or set apart real
 1861 | property for such purposes, is hereby authorized:

1862 | (a) ~~(1)~~ To vest authority for the construction,
 1863 | enlargement, improvement, maintenance, equipment, operation, and
 1864 | regulation thereof in an officer, a board or body of such
 1865 | municipality by ordinance or resolution which shall prescribe
 1866 | the powers and duties of such officer, board or body. The
 1867 | expense of such construction, enlargement, improvement,
 1868 | maintenance, equipment, operation, and regulation shall be a
 1869 | responsibility of the municipality.

1870 | (b)1. ~~(2)~~ ~~(a)~~ To adopt and amend all needful rules,
 1871 | regulations, and ordinances for the management, government, and
 1872 | use of any properties under its control, whether within or
 1873 | without the territorial limits of the municipality; to appoint
 1874 | airport guards or police, with full police powers; to fix by
 1875 | ordinance or resolution, as may be appropriate, penalties for
 1876 | the violation of such ~~said~~ rules, regulations, and ordinances,

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1877 and enforce such ~~said~~ penalties in the same manner in which
 1878 penalties prescribed by other rules, regulations, and ordinances
 1879 of the municipality are enforced.

1880 2. ~~(b) Provided,~~ Where a county operates one or more
 1881 airports, its regulations for the government thereof shall be by
 1882 resolution of the board of county commissioners, ~~shall be~~
 1883 recorded in the minutes of the board, and promulgated by posting
 1884 a copy at the courthouse and at every such airport for 4
 1885 consecutive weeks or by publication once a week in a newspaper
 1886 published in the county for the same period. Such regulations
 1887 shall be enforced as are the criminal laws. Violation thereof
 1888 shall be a misdemeanor of the second degree, punishable as
 1889 provided in s. 775.082 or s. 775.083.

1890 (c) ~~(3)~~ To lease for a term not exceeding 30 years such
 1891 airports or other air navigation facilities, or real property
 1892 acquired or set apart for airport purposes, to private parties,
 1893 any municipal or state government or the national government, or
 1894 any department of either thereof, for operation; to lease or
 1895 assign for a term not exceeding 30 years to private parties, any
 1896 municipal or state government or the national government, or any
 1897 department of either thereof, for operation or use consistent
 1898 with the purposes of ss. 332.01-332.12, space, area,
 1899 improvements, or equipment on such airports; to sell any part of
 1900 such airports, other air navigation facilities, or real property
 1901 to any municipal or state government, or the United States or
 1902 any department or instrumentality thereof, for aeronautical
 1903 purposes or purposes incidental thereto, and to confer the
 1904 privileges of concessions of supplying upon its airports goods,

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1905 commodities, things, services, and facilities; provided, that in
 1906 each case in so doing the public is not deprived of its rightful
 1907 equal and uniform use thereof.

1908 (d) ~~(4)~~ To sell or lease any property, real or personal,
 1909 acquired for airport purposes and belonging to the municipality,
 1910 which, in the judgment of its governing body, may not be
 1911 required for aeronautic purposes, in accordance with the laws of
 1912 this state, or the provisions of the charter of the
 1913 municipality, governing the sale or leasing of similar
 1914 municipally owned property.

1915 (e) ~~(5)~~ To exercise all powers necessarily incidental to
 1916 the exercise of the general and special powers herein granted,
 1917 and is specifically authorized to assess and shall assess
 1918 against and collect from the owner or operator of each and every
 1919 airplane using such airports a sufficient fee or service charge
 1920 to cover the cost of the service furnished airplanes using such
 1921 airports, including the liquidation of bonds or other
 1922 indebtedness for construction and improvements.

1923 (2) Notwithstanding any other provision of this section, a
 1924 municipality participating in the Federal Aviation
 1925 Administration's Airport Privatization Pilot Program pursuant to
 1926 49 U.S.C. s. 47134 may lease or sell an airport or other air
 1927 navigation facility or real property, together with improvements
 1928 and equipment, acquired or set apart for airport purposes to a
 1929 private party under such terms and conditions as negotiated by
 1930 the municipality. If state funds were provided to the
 1931 municipality pursuant to s. 332.007, the municipality must
 1932 obtain approval of the agreement from the Department of

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1933 Transportation, which is authorized to approve the agreement if
 1934 it determines the state's investment has been adequately
 1935 considered and protected consistent with the applicable
 1936 conditions specified in 49 U.S.C. s. 47134.

1937 Section 22. Subsections (11) through (37) of section
 1938 334.03, Florida Statutes, are renumbered as subsections (10)
 1939 through (36), respectively, and present subsections (10), (11),
 1940 and (25) of that section are amended to read:

1941 334.03 Definitions.—When used in the Florida
 1942 Transportation Code, the term:

1943 ~~(10) "Florida Intrastate Highway System" means a system of~~
 1944 ~~limited access and controlled access facilities on the State~~
 1945 ~~Highway System which have the capacity to provide high-speed and~~
 1946 ~~high-volume traffic movements in an efficient and safe manner.~~

1947 (10)~~(11)~~ "Functional classification" means the assignment
 1948 of roads into systems according to the character of service they
 1949 provide in relation to the total road network using procedures
 1950 developed by the Federal Highway Administration. ~~Basic~~
 1951 ~~functional categories include arterial roads, collector roads,~~
 1952 ~~and local roads which may be subdivided into principal, major,~~
 1953 ~~or minor levels. Those levels may be additionally divided into~~
 1954 ~~rural and urban categories.~~

1955 (24)~~(25)~~ "State Highway System" means ~~the following, which~~
 1956 ~~shall be facilities to which access is regulated:~~

1957 ~~(a)~~ the interstate system and all other roads within the
 1958 state which were under the jurisdiction of the state on June 10,
 1959 1995, and roads constructed by an agency of the state for the
 1960 State Highway System, plus roads transferred to the state's

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1961 jurisdiction after that date by mutual consent with another
 1962 governmental entity, but not including roads so transferred from
 1963 the state's jurisdiction. These facilities shall be facilities
 1964 to which access is regulated.†

1965 ~~(b) All rural arterial routes and their extensions into~~
 1966 ~~and through urban areas;~~

1967 ~~(c) All urban principal arterial routes; and~~

1968 ~~(d) The urban minor arterial mileage on the existing State~~
 1969 ~~Highway System as of July 1, 1987, plus additional mileage to~~
 1970 ~~comply with the 2-percent requirement as described below.~~

1971
 1972 ~~However, not less than 2 percent of the public road mileage of~~
 1973 ~~each urbanized area on record as of June 30, 1986, shall be~~
 1974 ~~included as minor arterials in the State Highway System.~~

1975 ~~Urbanized areas not meeting the foregoing minimum requirement~~
 1976 ~~shall have transferred to the State Highway System additional~~
 1977 ~~minor arterials of the highest significance in which case the~~
 1978 ~~total minor arterials in the State Highway System from any~~
 1979 ~~urbanized area shall not exceed 2.5 percent of that area's total~~
 1980 ~~public urban road mileage.~~

1981 Section 23. Subsections (11), (13), and (26) of section
 1982 334.044, Florida Statutes, are amended, and subsection (33) is
 1983 added to that section, to read:

1984 334.044 Department; powers and duties.—The department
 1985 shall have the following general powers and duties:

1986 (11) To establish a numbering system for public roads, and
 1987 to functionally classify such roads, ~~and to assign~~
 1988 ~~jurisdictional responsibility.~~

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1989 (13) To ~~designate existing and to~~ plan proposed
 1990 transportation facilities as part of the State Highway System,
 1991 and to construct, maintain, and operate such facilities.

1992 (26) To provide for the enhancement of environmental
 1993 benefits, including air and water quality; to prevent roadside
 1994 erosion; to conserve the natural roadside growth and scenery;
 1995 and to provide for the implementation and maintenance of
 1996 roadside conservation, enhancement, and stabilization programs.
 1997 No less than 1.5 percent of the amount contracted for
 1998 construction projects shall be allocated by the department on a
 1999 statewide basis for the purchase of plant materials. Department
 2000 districts may not expend funds for landscaping in connection
 2001 with any project that is limited to resurfacing existing lanes
 2002 unless the expenditure has been approved by the department's
 2003 secretary or the secretary's designee. ~~with,~~ To the greatest
 2004 extent practical, a minimum of 50 percent of the these funds
 2005 allocated under this subsection shall be allocated for large
 2006 plant materials and the remaining funds for other plant
 2007 materials. All ~~such~~ plant materials shall be purchased from
 2008 Florida commercial nursery stock in this state on a uniform
 2009 competitive bid basis. The department shall ~~will~~ develop grades
 2010 and standards for landscaping materials purchased through this
 2011 process. To accomplish these activities, the department may
 2012 contract with nonprofit organizations having the primary purpose
 2013 of developing youth employment opportunities.

2014 (33) To develop, in coordination with its partners and
 2015 stakeholders, a Freight Mobility and Trade Plan to assist in
 2016 making freight mobility investments that contribute to the

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2017 economic growth of the state. Such plan should enhance the
 2018 integration and connectivity of the transportation system across
 2019 and between transportation modes throughout the state. The
 2020 department shall deliver the Freight Mobility and Trade Plan to
 2021 the Governor, the President of the Senate, and the Speaker of
 2022 the House of Representatives by July 1, 2013.

2023 (a) The Freight Mobility and Trade Plan shall include, but
 2024 need not be limited to, proposed policies and investments that
 2025 promote the following:

2026 1. Increasing the flow of domestic and international trade
 2027 through the state's seaports and airports, including specific
 2028 policies and investments that will recapture cargo currently
 2029 shipped through seaports and airports located outside the state.

2030 2. Increasing the development of intermodal logistic
 2031 centers in the state, including specific strategies, policies,
 2032 and investments that capitalize on the empty backhaul trucking
 2033 and rail market in the state.

2034 3. Increasing the development of manufacturing industries
 2035 in the state, including specific policies and investments in
 2036 transportation facilities that will promote the successful
 2037 development and expansion of manufacturing facilities.

2038 4. Increasing the implementation of compressed natural gas
 2039 (CNG), liquefied natural gas (LNG), and propane energy policies
 2040 that reduce transportation costs for businesses and residents
 2041 located in the state.

2042 (b) Freight issues and needs shall also be given emphasis
 2043 in all appropriate transportation plans, including the Florida
 2044 Transportation Plan and the Strategic Intermodal System Plan.

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2045 Section 24. Section 334.047, Florida Statutes, is amended
 2046 to read:

2047 334.047 Prohibition.—Notwithstanding any other provision
 2048 of law to the contrary, the Department of Transportation may not
 2049 establish a cap on the number of miles in the State Highway
 2050 System ~~or a maximum number of miles of urban principal arterial~~
 2051 ~~roads, as defined in s. 334.03, within a district or county.~~

2052 Section 25. Subsection (5) is added to section 335.074,
 2053 Florida Statutes, to read:

2054 335.074 Safety inspection of bridges.—

2055 (5) Upon receipt of an inspection report that recommends
 2056 reducing the weight, size, or speed limit on a bridge, the
 2057 governmental entity having maintenance responsibility for the
 2058 bridge must reduce the maximum limits for the bridge in
 2059 accordance with the inspection report and post the limits in
 2060 accordance with s. 316.555. The governmental entity must, within
 2061 30 days after receipt of an inspection report recommending lower
 2062 limits, notify the department that the limitations have been
 2063 implemented and the bridge has been posted accordingly. If the
 2064 required actions are not taken within 30 days after receipt of
 2065 an inspection report, the department shall post the bridge in
 2066 accordance with the recommendations in the inspection report.
 2067 All costs incurred by the department in connection with
 2068 providing notice of the bridge's limitations or restrictions
 2069 shall be assessed against and collected from the governmental
 2070 entity having maintenance responsibility for the bridge. If an
 2071 inspection report recommends closure of a bridge, the bridge
 2072 shall be immediately closed. If the governmental entity does not

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2073 close the bridge immediately upon receipt of an inspection
 2074 report recommending closure, the department shall close the
 2075 bridge. All costs incurred by the department in connection with
 2076 the bridge closure shall be assessed against and collected from
 2077 the governmental entity having maintenance responsibility for
 2078 the bridge. Nothing in this subsection alters existing
 2079 jurisdictional responsibilities for the operation and
 2080 maintenance of bridges.

2081 Section 26. Subsections (1) and (2) of section 335.17,
 2082 Florida Statutes, are amended to read:

2083 335.17 State highway construction; means of noise
 2084 abatement.—

2085 (1) The department shall make use of noise-control methods
 2086 as part of highway construction projects involving new location
 2087 or capacity expansion ~~in the construction of all new state~~
 2088 ~~highways~~, with particular emphasis on those highways located in
 2089 or near urban-residential developments which abut such highway
 2090 rights-of-way.

2091 (2) All highway projects by the department, regardless of
 2092 funding source, shall be developed in conformity with federal
 2093 standards for noise abatement as contained in 23 C.F.R. 772 as
 2094 such regulations existed on July 13, 2011 ~~March 1, 1989~~. The
 2095 department shall, at a minimum, comply with federal requirements
 2096 in the following areas:

2097 (a) Analysis of traffic noise impacts and abatement
 2098 measures;

2099 (b) Noise abatement;

2100 (c) Information for local officials;

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2101 (d) Traffic noise prediction; and

2102 (e) Construction noise.

2103 Section 27. Subsection (5) of section 336.021, Florida
 2104 Statutes, is amended to read:

2105 336.021 County transportation system; levy of ninth-cent
 2106 fuel tax on motor fuel and diesel fuel.—

2107 (5) All impositions of the tax shall be levied before
 2108 October ~~July~~ 1 of each year to be effective January 1 of the
 2109 following year. However, levies of the tax which were in effect
 2110 on July 1, 2002, and which expire on August 31 of any year may
 2111 be reimposed at the current authorized rate to be effective
 2112 September 1 of the year of expiration. All impositions shall be
 2113 required to end on December 31 of a year. A decision to rescind
 2114 the tax shall not take effect on any date other than December 31
 2115 and shall require a minimum of 60 days' notice to the department
 2116 of such decision.

2117 Section 28. Paragraphs (a) and (b) of subsection (1),
 2118 paragraph (a) of subsection (5), and subsection (7) of section
 2119 336.025, Florida Statutes, are amended to read:

2120 336.025 County transportation system; levy of local option
 2121 fuel tax on motor fuel and diesel fuel.—

2122 (1)(a) In addition to other taxes allowed by law, there
 2123 may be levied as provided in ss. 206.41(1)(e) and 206.87(1)(c) a
 2124 1-cent, 2-cent, 3-cent, 4-cent, 5-cent, or 6-cent local option
 2125 fuel tax upon every gallon of motor fuel and diesel fuel sold in
 2126 a county and taxed under the provisions of part I or part II of
 2127 chapter 206.

2128 1. All impositions and rate changes of the tax shall be

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2129 levied before October ~~July~~ 1 to be effective January 1 of the
 2130 following year for a period not to exceed 30 years, and the
 2131 applicable method of distribution shall be established pursuant
 2132 to subsection (3) or subsection (4). However, levies of the tax
 2133 which were in effect on July 1, 2002, and which expire on August
 2134 31 of any year may be reimposed at the current authorized rate
 2135 effective September 1 of the year of expiration. Upon
 2136 expiration, the tax may be relieved provided that a
 2137 redetermination of the method of distribution is made as
 2138 provided in this section.

2139 2. County and municipal governments shall utilize moneys
 2140 received pursuant to this paragraph only for transportation
 2141 expenditures.

2142 3. Any tax levied pursuant to this paragraph may be
 2143 extended on a majority vote of the governing body of the county.
 2144 A redetermination of the method of distribution shall be
 2145 established pursuant to subsection (3) or subsection (4), if,
 2146 after July 1, 1986, the tax is extended or the tax rate changed,
 2147 for the period of extension or for the additional tax.

2148 (b) In addition to other taxes allowed by law, there may
 2149 be levied as provided in s. 206.41(1)(e) a 1-cent, 2-cent, 3-
 2150 cent, 4-cent, or 5-cent local option fuel tax upon every gallon
 2151 of motor fuel sold in a county and taxed under the provisions of
 2152 part I of chapter 206. The tax shall be levied by an ordinance
 2153 adopted by a majority plus one vote of the membership of the
 2154 governing body of the county or by referendum.

2155 1. All impositions and rate changes of the tax shall be
 2156 levied before October ~~July~~ 1, to be effective January 1 of the

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2157 following year. However, levies of the tax which were in effect
2158 on July 1, 2002, and which expire on August 31 of any year may
2159 be reimposed at the current authorized rate effective September
2160 1 of the year of expiration.

2161 2. The county may, prior to levy of the tax, establish by
2162 interlocal agreement with one or more municipalities located
2163 therein, representing a majority of the population of the
2164 incorporated area within the county, a distribution formula for
2165 dividing the entire proceeds of the tax among county government
2166 and all eligible municipalities within the county. If no
2167 interlocal agreement is adopted before the effective date of the
2168 tax, tax revenues shall be distributed pursuant to the
2169 provisions of subsection (4). If no interlocal agreement exists,
2170 a new interlocal agreement may be established prior to June 1 of
2171 any year pursuant to this subparagraph. However, any interlocal
2172 agreement agreed to under this subparagraph after the initial
2173 levy of the tax or change in the tax rate authorized in this
2174 section shall under no circumstances materially or adversely
2175 affect the rights of holders of outstanding bonds which are
2176 backed by taxes authorized by this paragraph, and the amounts
2177 distributed to the county government and each municipality shall
2178 not be reduced below the amount necessary for the payment of
2179 principal and interest and reserves for principal and interest
2180 as required under the covenants of any bond resolution
2181 outstanding on the date of establishment of the new interlocal
2182 agreement.

2183 3. County and municipal governments shall use moneys
2184 received pursuant to this paragraph for transportation

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2185 expenditures needed to meet the requirements of the capital
 2186 improvements element of an adopted comprehensive plan or for
 2187 expenditures needed to meet immediate local transportation
 2188 problems and for other transportation-related expenditures that
 2189 are critical for building comprehensive roadway networks by
 2190 local governments. For purposes of this paragraph, expenditures
 2191 for the construction of new roads, the reconstruction or
 2192 resurfacing of existing paved roads, or the paving of existing
 2193 graded roads shall be deemed to increase capacity and such
 2194 projects shall be included in the capital improvements element
 2195 of an adopted comprehensive plan. Expenditures for purposes of
 2196 this paragraph shall not include routine maintenance of roads.

2197 (5) (a) By October ~~July~~ 1 of each year, the county shall
 2198 notify the Department of Revenue of the rate of the taxes levied
 2199 pursuant to paragraphs (1) (a) and (b), and of its decision to
 2200 rescind or change the rate of a tax, if applicable, and shall
 2201 provide the department with a certified copy of the interlocal
 2202 agreement established under subparagraph (1) (b)2. or
 2203 subparagraph (3) (a)1. with distribution proportions established
 2204 by such agreement or pursuant to subsection (4), if applicable.
 2205 A decision to rescind a tax may ~~shall~~ not take effect on any
 2206 date other than December 31 and requires ~~shall require~~ a minimum
 2207 of 60 days' notice to the Department of Revenue of such
 2208 decision.

2209 (7) For the purposes of this section, "transportation
 2210 expenditures" means expenditures by the local government from
 2211 local or state shared revenue sources, excluding expenditures of
 2212 bond proceeds, for the following programs:

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- 2213 (a) Public transportation operations and maintenance.
- 2214 (b) Roadway and right-of-way maintenance and equipment and
- 2215 structures used primarily for the storage and maintenance of
- 2216 such equipment.
- 2217 (c) Roadway and right-of-way drainage.
- 2218 (d) Street lighting installation, operation, maintenance,
- 2219 and repair.
- 2220 (e) Traffic signs, traffic engineering, signalization, and
- 2221 pavement markings, installation, operation, maintenance, and
- 2222 repair.
- 2223 (f) Bridge maintenance and operation.
- 2224 (g) Debt service and current expenditures for
- 2225 transportation capital projects in the foregoing program areas,
- 2226 including construction or reconstruction of roads and sidewalks.
- 2227 Section 29. Subsection (4) of section 337.111, Florida
- 2228 Statutes, is amended to read:
- 2229 337.111 Contracting for monuments and memorials to
- 2230 military veterans at rest areas.—The Department of
- 2231 Transportation is authorized to enter into contract with any
- 2232 not-for-profit group or organization that has been operating for
- 2233 not less than 2 years for the installation of monuments and
- 2234 memorials honoring Florida's military veterans at highway rest
- 2235 areas around the state pursuant to the provisions of this
- 2236 section.
- 2237 (4) The group or organization making the proposal shall
- 2238 provide an annual renewable ~~a 10-year~~ bond, an irrevocable
- 2239 letter of credit, or another form of security as approved by the
- 2240 department's comptroller, for the purpose of securing the cost

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2241 of removal of the monument and any modifications made to the
 2242 site as part of the placement of the monument should the
 2243 Department of Transportation determine it necessary to remove or
 2244 relocate the monument. Such removal or relocation shall be
 2245 approved by the committee described in subsection (1). ~~Prior to~~
 2246 ~~expiration, the bond shall be renewed for another 10-year period~~
 2247 ~~if the memorial is to remain in place.~~

2248 Section 30. Subsection (1) of section 337.125, Florida
 2249 Statutes, is amended to read:

2250 337.125 Socially and economically disadvantaged business
 2251 enterprises; notice requirements.—

2252 (1) When contract goals are established, in order to
 2253 document that a subcontract is with a certified socially and
 2254 economically disadvantaged business enterprise, the prime
 2255 contractor must either submit a disadvantaged business
 2256 enterprise utilization form which has been signed by the
 2257 socially and economically disadvantaged business enterprise and
 2258 the prime contractor, or submit the written or oral quotation of
 2259 the socially and economically disadvantaged business enterprise,
 2260 and information contained in the quotation must be confirmed as
 2261 determined by the department by rule.

2262 Section 31. Section 337.137, Florida Statutes, is
 2263 repealed.

2264 Section 32. Section 337.139, Florida Statutes, is amended
 2265 to read:

2266 337.139 Efforts to encourage awarding contracts to
 2267 disadvantaged business enterprises.—In implementing chapter 90-
 2268 136, Laws of Florida, the Department of Transportation shall

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2269 institute procedures to encourage the awarding of contracts for
 2270 professional services and construction to disadvantaged business
 2271 enterprises. For the purposes of this section, the term
 2272 "disadvantaged business enterprise" means a small business
 2273 concern certified by the Department of Transportation to be
 2274 owned and controlled by socially and economically disadvantaged
 2275 individuals as defined by the Safe, Accountable, Flexible,
 2276 Efficient Transportation Equity Act: A Legacy for Users
 2277 (SAFETEA-LU) ~~Surface Transportation and Uniform Relocation Act~~
 2278 ~~of 1987~~. The Department of Transportation shall develop and
 2279 implement activities to encourage the participation of
 2280 disadvantaged business enterprises in the contracting process.
 2281 Such efforts may include:

2282 (1) Presolicitation or prebid meetings for the purpose of
 2283 informing disadvantaged business enterprises of contracting
 2284 opportunities.

2285 (2) Written notice to disadvantaged business enterprises
 2286 of contract opportunities for commodities or contractual and
 2287 construction services which the disadvantaged business provides.

2288 (3) Provision of adequate information to disadvantaged
 2289 business enterprises about the plans, specifications, and
 2290 requirements of contracts or the availability of jobs.

2291 (4) Breaking large contracts into several single-purpose
 2292 contracts of a size which may be obtained by certified
 2293 disadvantaged business enterprises.

2294 Section 33. Subsection (1) of section 337.14, Florida
 2295 Statutes, is amended to read:

2296 337.14 Application for qualification; certificate of

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2297 qualification; restrictions; request for hearing.—
 2298 (1) Any person desiring to bid for the performance of any
 2299 construction contract in excess of \$250,000 which the department
 2300 proposes to let must first be certified by the department as
 2301 qualified pursuant to this section and rules of the department.
 2302 The rules of the department shall address the qualification of
 2303 persons to bid on construction contracts in excess of \$250,000
 2304 and shall include requirements with respect to the equipment,
 2305 past record, experience, financial resources, and organizational
 2306 personnel of the applicant necessary to perform the specific
 2307 class of work for which the person seeks certification. The
 2308 department may ~~is authorized to~~ limit the dollar amount of any
 2309 contract upon which a person is qualified to bid or the
 2310 aggregate total dollar volume of contracts such person is
 2311 allowed to have under contract at any one time. Each applicant
 2312 seeking qualification to bid on construction contracts in excess
 2313 of \$250,000 shall furnish the department a statement under oath,
 2314 on such forms as the department may prescribe, setting forth
 2315 detailed information as required on the application. Each
 2316 application for certification shall be accompanied by the latest
 2317 annual financial statement of the applicant completed within the
 2318 last 12 months. If the application or the annual financial
 2319 statement shows the financial condition of the applicant more
 2320 than 4 months prior to the date on which the application is
 2321 received by the department, then an interim financial statement
 2322 must be submitted and be accompanied by an updated application.
 2323 The interim financial statement must cover the period from the
 2324 end date of the annual statement and must show the financial

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2325 condition of the applicant no more than 4 months prior to the
 2326 date the interim financial statement is received by the
 2327 department. However, upon request by the applicant, an
 2328 application and accompanying annual or interim financial
 2329 statement received by the department within 15 days after either
 2330 4-month period under this subsection shall be considered timely.

2331 Each required annual or interim financial statement must be
 2332 audited and accompanied by the opinion of a certified public
 2333 accountant ~~or a public accountant approved by the department.~~ An
 2334 applicant desiring to bid exclusively for the performance of
 2335 construction contracts with proposed budget estimates of less
 2336 than \$1 million may submit reviewed annual or reviewed interim
 2337 financial statements prepared by a certified public accountant.

2338 The information required by this subsection is confidential and
 2339 exempt from the provisions of s. 119.07(1). The department shall
 2340 act upon the application for qualification within 30 days after
 2341 the department determines that the application is complete. The
 2342 department may waive the requirements of this subsection for
 2343 projects having a contract price of \$500,000 or less if the
 2344 department determines that the project is of a noncritical
 2345 nature and the waiver will not endanger public health, safety,
 2346 or property.

2347 Section 34. Subsection (3) of section 337.29, Florida
 2348 Statutes, is amended to read:

2349 337.29 Vesting of title to roads; liability for torts.—

2350 (3) Title to all roads transferred in accordance with ~~the~~
 2351 ~~provisions of~~ s. 335.0415 shall be in the governmental entity to
 2352 which such roads have been transferred, upon the recording of a

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2353 deed or a right-of-way map by the appropriate governmental
 2354 entity in the public land records of the county or counties in
 2355 which such rights-of-way are located. To the extent that
 2356 sovereign immunity has been waived, liability for torts shall be
 2357 in the governmental entity having operation and maintenance
 2358 responsibility as provided in s. 335.0415. Except as otherwise
 2359 provided by law, a municipality shall have the same
 2360 governmental, corporate, and proprietary powers with relation to
 2361 any public road or right-of-way within the municipality which
 2362 has been transferred to another governmental entity pursuant to
 2363 s. 335.0415 that the municipality has with relation to other
 2364 public roads and rights-of-way within the municipality.

2365 Section 35. Section 337.403, Florida Statutes, is amended
 2366 to read:

2367 337.403 Interference caused by relocation of utility;
 2368 expenses.—

2369 (1) If a Any utility that is ~~heretofore or hereafter~~
 2370 placed upon, under, over, or along any public road or publicly
 2371 owned rail corridor ~~that~~ is found by the authority to be
 2372 unreasonably interfering in any way with the convenient, safe,
 2373 or continuous use, or the maintenance, improvement, extension,
 2374 or expansion, of such public road or publicly owned rail
 2375 corridor, the utility owner shall, upon 30 days' written notice
 2376 to the utility or its agent by the authority, initiate the work
 2377 necessary to alleviate the interference ~~be removed or relocated~~
 2378 ~~by such utility~~ at its own expense except as provided in
 2379 paragraphs (a)-(g) ~~(a)-(f)~~. The work must be completed within
 2380 such reasonable time as stated in the notice or such time as

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2381 agreed to by the authority and the utility owner.

2382 (a) If the relocation of utility facilities, as referred

2383 to in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.

2384 627 of the 84th Congress, is necessitated by the construction of

2385 a project on the federal-aid interstate system, including

2386 extensions thereof within urban areas, and the cost of the

2387 project is eligible and approved for reimbursement by the

2388 Federal Government to the extent of 90 percent or more under the

2389 Federal Aid Highway Act, or any amendment thereof, then in that

2390 event the utility owning or operating such facilities shall

2391 perform any necessary work ~~relocate the facilities~~ upon notice

2392 from ~~order of~~ the department, and the state shall pay the entire

2393 expense properly attributable to such work ~~relocation~~ after

2394 deducting therefrom any increase in the value of a ~~the~~ new

2395 facility and any salvage value derived from an ~~the~~ old facility.

2396 (b) When a joint agreement between the department and the

2397 utility is executed for utility ~~improvement, relocation, or~~

2398 ~~removal~~ work to be accomplished as part of a contract for

2399 construction of a transportation facility, the department may

2400 participate in those utility work ~~improvement, relocation, or~~

2401 ~~removal~~ costs that exceed the department's official estimate of

2402 the cost of the work by more than 10 percent. The amount of such

2403 participation shall be limited to the difference between the

2404 official estimate of all the work in the joint agreement plus 10

2405 percent and the amount awarded for this work in the construction

2406 contract for such work. The department may not participate in

2407 any utility work ~~improvement, relocation, or removal~~ costs that

2408 occur as a result of changes or additions during the course of

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2409 the contract.

2410 (c) When an agreement between the department and utility
 2411 is executed for utility ~~improvement, relocation, or removal~~ work
 2412 to be accomplished in advance of a contract for construction of
 2413 a transportation facility, the department may participate in the
 2414 cost of clearing and grubbing necessary to perform such work.

2415 (d) If the utility facility ~~being removed or relocated~~ was
 2416 initially installed to exclusively serve the authority or
 2417 ~~department,~~ its tenants, or both, the authority department shall
 2418 bear the costs of the removing or relocating that utility work
 2419 ~~facility.~~ However, the authority department is not responsible
 2420 for ~~bearing~~ the cost of utility work related to removing or
 2421 ~~relocating~~ any subsequent additions to that facility for the
 2422 purpose of serving others.

2423 (e) If, under an agreement between a utility and the
 2424 authority entered into after July 1, 2009, the utility conveys,
 2425 subordinates, or relinquishes a compensable property right to
 2426 the authority for the purpose of accommodating the acquisition
 2427 or use of the right-of-way by the authority, without the
 2428 agreement expressly addressing future responsibility for the
 2429 cost of necessary utility work ~~removing or relocating the~~
 2430 ~~utility,~~ the authority shall bear the cost of removal or
 2431 relocation. This paragraph does not impair or restrict, and may
 2432 not be used to interpret, the terms of any such agreement
 2433 entered into before July 1, 2009.

2434 (f) If the utility is an electric facility being relocated
 2435 underground in order to enhance vehicular, bicycle, and
 2436 pedestrian safety and in which ownership of the electric

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2437 facility to be placed underground has been transferred from a
 2438 private to a public utility within the past 5 years, the
 2439 department shall incur all costs of the necessary utility work
 2440 ~~relocation~~.

2441 (g) An authority may bear the costs of utility work
 2442 required to eliminate an unreasonable interference when the
 2443 utility is not able to establish that it has a compensable
 2444 property right in the particular property where the utility is
 2445 located if:

2446 1. The utility was physically located on the particular
 2447 property before the authority acquired rights in the property;

2448 2. The utility demonstrates that it has a compensable
 2449 property right in all adjacent properties along the alignment of
 2450 the utility; and

2451 3. The information available to the authority does not
 2452 establish the relative priorities of the authority's and the
 2453 utility's interests in the particular property.

2454 (2) If such utility work ~~removal or relocation~~ is
 2455 incidental to work to be done on such road or publicly owned
 2456 rail corridor, the notice shall be given at the same time the
 2457 contract for the work is advertised for bids, or no less than 30
 2458 days before ~~prior to~~ the commencement of such work by the
 2459 authority, whichever occurs later.

2460 (3) Whenever a notice from ~~an order of~~ the authority
 2461 requires such utility work ~~removal or change in the location of~~
 2462 ~~any utility from the right-of-way of a public road or publicly~~
 2463 ~~owned rail corridor,~~ and the owner thereof fails to perform the
 2464 work ~~remove or change the same~~ at his or her own expense ~~to~~

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2465 ~~conform to the order~~ within the time stated in the notice or
 2466 such other time as agreed to by the authority and the utility
 2467 owner, the authority shall proceed to cause the utility work to
 2468 be performed ~~to be removed~~. The expense thereby incurred shall
 2469 be paid out of any money available therefor, and such expense
 2470 shall, except as provided in subsection (1), be charged against
 2471 the owner and levied and collected and paid into the fund from
 2472 which the expense of such relocation was paid.

2473 Section 36. Subsection (1) of section 337.404, Florida
 2474 Statutes, is amended to read:

2475 337.404 Removal or relocation of utility facilities;
 2476 notice and order; court review.—

2477 (1) Whenever it becomes ~~shall become~~ necessary for the
 2478 authority to perform utility work ~~remove or relocate any utility~~
 2479 as provided in s. 337.403 ~~the preceding section~~, the owner of
 2480 the utility~~7~~ or the owner's chief agent~~7~~, shall be given notice
 2481 that the authority will perform ~~of such work removal or~~
 2482 ~~relocation~~ and, after the work is completed, shall be given an
 2483 order requiring the payment of the cost thereof~~7~~, and a ~~shall be~~
 2484 ~~given~~ reasonable time, which may ~~shall~~ not be less than 20 or
 2485 ~~not~~ more than 30 days, in which to appear before the authority
 2486 to contest the reasonableness of the order. Should the owner or
 2487 the owner's representative not appear, the determination of the
 2488 cost to the owner shall be final. Authorities considered
 2489 agencies for the purposes of chapter 120 shall adjudicate
 2490 removal or relocation of utilities pursuant to chapter 120.

2491 Section 37. Subsections (1), (4), and (5) of section
 2492 337.408, Florida Statutes, are amended to read:

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2493 337.408 Regulation of bus stops, benches, transit
2494 shelters, street light poles, waste disposal receptacles, and
2495 modular news racks within rights-of-way.-

2496 (1) Benches or transit shelters, including advertising
2497 displayed on benches or transit shelters, may be installed
2498 within the right-of-way limits of any municipal, county, or
2499 state road, except a limited access highway, provided that such
2500 benches or transit shelters are for the comfort or convenience
2501 of the general public or are at designated stops on official bus
2502 routes and provided that written authorization has been given to
2503 a qualified private supplier of such service by the municipal
2504 government within whose incorporated limits such benches or
2505 transit shelters are installed or by the county government
2506 within whose unincorporated limits such benches or transit
2507 shelters are installed. A municipality or county may authorize
2508 the installation, without public bid, of benches and transit
2509 shelters together with advertising displayed thereon within the
2510 right-of-way limits of such roads. All installations shall be in
2511 compliance with all applicable laws and rules, including,
2512 without limitation, the Americans with Disabilities Act.
2513 Municipalities and counties that authorize or have authorized a
2514 bench or transit shelter to be installed within the right-of-way
2515 limits of any road on the State Highway System shall be
2516 responsible for ensuring that the bench or transit shelter
2517 complies with all applicable laws and rules, including, without
2518 limitation, the Americans with Disabilities Act, or shall remove
2519 the bench or transit shelter. The department shall have no
2520 liability for any claims, losses, costs, charges, expenses,

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2521 damages, liabilities, attorney fees, or court costs relating to
 2522 the installation, removal, or relocation of any benches or
 2523 transit shelters authorized by a municipality or county. On and
 2524 after July 1, 2012, a municipality or county that authorizes a
 2525 bench or transit shelter to be installed within the right-of-way
 2526 limits of any road on the State Highway System must require the
 2527 qualified private supplier, or any other person under contract
 2528 to install the bench or transit shelter, to indemnify, defend,
 2529 and hold harmless the department from any suits, actions,
 2530 proceedings, claims, losses, costs, charges, expenses, damages,
 2531 liabilities, attorney fees, and court costs relating to the
 2532 installation, removal, or relocation of such installations, and
 2533 shall annually certify to the department in a notarized signed
 2534 statement that this requirement has been met. The certification
 2535 shall include the name and address of each person responsible
 2536 for indemnifying the department for an authorized installation.
 2537 Municipalities and counties that have authorized the
 2538 installation of benches or transit shelters within the right-of-
 2539 way limits of any road on the State Highway System must remove
 2540 or relocate, or cause the removal or relocation of, the
 2541 installation at no cost to the department within 60 days after
 2542 written notice by the department that the installation is
 2543 unreasonably interfering in any way with the convenient, safe,
 2544 or continuous use of or the maintenance, improvement, extension,
 2545 or expansion of the State Highway System road. Any contract for
 2546 the installation of benches or transit shelters or advertising
 2547 on benches or transit shelters which was entered into before
 2548 April 8, 1992, without public bidding is ratified and affirmed.

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2549 Such benches or transit shelters may not interfere with right-
 2550 of-way preservation and maintenance. Any bench or transit
 2551 shelter located on a sidewalk within the right-of-way limits of
 2552 any road on the State Highway System or the county road system
 2553 shall be located so as to leave at least 36 inches of clearance
 2554 for pedestrians and persons in wheelchairs. Such clearance shall
 2555 be measured in a direction perpendicular to the centerline of
 2556 the road.

2557 (4) The department has the authority to direct the
 2558 immediate relocation or removal of any bus stop, bench, transit
 2559 shelter, waste disposal receptacle, public pay telephone, or
 2560 modular news rack that endangers life or property or that is
 2561 otherwise not in compliance with applicable laws and rules,
 2562 except that transit bus benches that were placed in service
 2563 before April 1, 1992, are not required to comply with bench size
 2564 and advertising display size requirements established by the
 2565 department before March 1, 1992. ~~Any transit bus bench that was~~
 2566 ~~in service before April 1, 1992, may be replaced with a bus~~
 2567 ~~bench of the same size or smaller, if the bench is damaged or~~
 2568 ~~destroyed or otherwise becomes unusable.~~ The department may
 2569 adopt rules relating to the regulation of bench size and
 2570 advertising display size requirements. If a municipality or
 2571 county within which a bench is to be located has adopted an
 2572 ordinance or other applicable regulation that establishes bench
 2573 size or advertising display sign requirements different from
 2574 requirements specified in department rule, the local government
 2575 requirement applies within the respective municipality or
 2576 county. Placement of any bench or advertising display on the

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2577 National Highway System under a local ordinance or regulation
 2578 adopted under this subsection is subject to approval of the
 2579 Federal Highway Administration.

2580 (5) A bus stop, bench, transit shelter, waste disposal
 2581 receptacle, public pay telephone, or modular news rack, or
 2582 advertising thereon, may not be erected or placed on the right-
 2583 of-way of any road in a manner that conflicts with the
 2584 requirements of federal law, regulations, or safety standards,
 2585 thereby causing the state or any political subdivision the loss
 2586 of federal funds. Competition among persons seeking to provide
 2587 bus stop, bench, transit shelter, waste disposal receptacle,
 2588 public pay telephone, or modular news rack services or
 2589 advertising on such benches, shelters, receptacles, public pay
 2590 telephone, or news racks may be regulated, restricted, or denied
 2591 by the appropriate local government entity consistent with this
 2592 section.

2593 Section 38. Chapter 338, Florida Statutes, is retitled
 2594 "LIMITED ACCESS AND TOLL FACILITIES."

2595 Section 39. Section 338.001, Florida Statutes, is
 2596 repealed.

2597 Section 40. Present subsections (1) through (6) of section
 2598 338.01, Florida Statutes, are renumbered as subsections (2)
 2599 through (7), respectively, and new subsections (1) and (8) are
 2600 added to that section to read:

2601 338.01 Authority to establish and regulate limited access
 2602 facilities.-

2603 (1) The department may establish limited access facilities
 2604 as provided in s. 335.02. The primary function of such limited

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2605 access facilities shall be to allow high-speed and high-volume
 2606 traffic movements within the state. Access to abutting land is
 2607 subordinate to this function, and such access must be prohibited
 2608 or highly regulated.

2609 (8) The department, or other governmental entity
 2610 responsible for the collection of tolls, may pursue the
 2611 collection of unpaid tolls and associated fees and other amounts
 2612 to which it is entitled by contracting with a private attorney
 2613 who is a member in good standing with The Florida Bar or a
 2614 collection agent who is registered and in good standing pursuant
 2615 to chapter 559. A collection fee in an amount that is reasonable
 2616 within the collection industry, including any reasonable
 2617 attorney fees, may be added to the delinquent amount collected
 2618 by any attorney or collection agent retained by the department
 2619 or other governmental entity. The requirements of s. 287.059 do
 2620 not apply to private attorney services procured under this
 2621 section.

2622 Section 41. Section 338.151, Florida Statutes, is created
 2623 to read:

2624 338.151 Authority of the department to establish tolls on
 2625 the State Highway System.—Notwithstanding s. 338.165(8), the
 2626 department may establish tolls on new limited access facilities
 2627 on the State Highway System, lanes added to existing limited
 2628 access facilities on the State Highway System, new major bridges
 2629 on the State Highway System over waterways, and replacements for
 2630 existing major bridges on the State Highway System over
 2631 waterways to pay, fully or partially, for the cost of such
 2632 projects. Except for high-occupancy vehicle lanes, express

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2633 lanes, the turnpike system, and as otherwise authorized by law,
 2634 the department may not establish tolls on lanes of limited
 2635 access facilities that exist on July 1, 2012, unless tolls were
 2636 in effect for the lanes prior to that date. The authority
 2637 provided in this section is in addition to the authority
 2638 provided under the Florida Turnpike Enterprise Law and s.
 2639 338.166.

2640 Section 42. Subsection (1) of section 338.155, Florida
 2641 Statutes, is amended to read:

2642 338.155 Payment of toll on toll facilities required;
 2643 exemptions.—

2644 (1) A person may not ~~No persons are permitted to~~ use any
 2645 toll facility without payment of tolls, except employees of the
 2646 agency operating the toll project when using the toll facility
 2647 on official state business, state military personnel while on
 2648 official military business, handicapped persons as provided in
 2649 this section, persons exempt from toll payment by the
 2650 authorizing resolution for bonds issued to finance the facility,
 2651 and persons exempt on a temporary basis where use of such toll
 2652 facility is required as a detour route. Any law enforcement
 2653 officer operating a marked official vehicle is exempt from toll
 2654 payment when on official law enforcement business. Any person
 2655 operating a fire vehicle when on official business or a rescue
 2656 vehicle when on official business is exempt from toll payment.
 2657 Any person participating in the funeral procession of a law
 2658 enforcement officer or firefighter killed in the line of duty is
 2659 exempt from toll payment. The secretary~~7~~ or the secretary's
 2660 designee~~7~~ may suspend the payment of tolls on a toll facility

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2661 when necessary to assist in emergency evacuation. The failure to
 2662 pay a prescribed toll constitutes a noncriminal traffic
 2663 infraction, punishable as a moving violation as provided in
 2664 ~~pursuant to~~ s. 318.18. The department may ~~is authorized to~~ adopt
 2665 rules relating to the payment, collection, and enforcement of
 2666 tolls, as authorized in chapters 316, 318, 320, 322, and 338,
 2667 including, but not limited to, rules for the implementation of
 2668 video or other image billing and variable pricing. With respect
 2669 to toll facilities managed by the department, the revenues of
 2670 which are not pledged to repayment of bonds, the department may
 2671 by rule allow the use of such facilities by public transit
 2672 vehicles or by vehicles participating in a funeral procession
 2673 for an active-duty military service member without the payment
 2674 of tolls.

2675 Section 43. Paragraph (c) is added to subsection (3) of
 2676 section 338.161, Florida Statutes, to read:

2677 338.161 Authority of department or toll agencies to
 2678 advertise and promote electronic toll collection; expanded uses
 2679 of electronic toll collection system; studies authorized;
 2680 authority of department to collect tolls, fares, and fees for
 2681 private and public entities.-

2682 (3)

2683 (c) If the department finds that it can increase nontoll
 2684 revenues or add convenience or other value for its customers,
 2685 the department is authorized to enter into agreements with
 2686 private or public entities for the department's use of its
 2687 electronic toll collection and video billing systems to collect
 2688 tolls, fares, administrative fees, and other applicable charges

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2689 imposed in connection with transportation facilities of the
 2690 private or public entities that become interoperable with the
 2691 department's electronic toll collection system. The department
 2692 may modify its rules regarding toll collection procedures and
 2693 the imposition of administrative charges to be applicable to
 2694 toll facilities that are not part of the turnpike system or
 2695 otherwise owned by the department. This paragraph may not be
 2696 construed to limit the authority of the department under any
 2697 other provision of law or under any agreement entered into prior
 2698 to July 1, 2012.

2699 Section 44. Section 338.166, Florida Statutes, is amended
 2700 to read:

2701 338.166 High-occupancy toll lanes or express lanes.—

2702 (1) Under s. 11, Art. VII of the State Constitution, the
 2703 department may request the Division of Bond Finance to issue
 2704 bonds secured by toll revenues collected on high-occupancy toll
 2705 lanes or express lanes established on facilities owned by the
 2706 department located on Interstate 95 in Miami-Dade and Broward
 2707 Counties.

2708 (2) The department may continue to collect the toll on the
 2709 high-occupancy toll lanes or express lanes after the discharge
 2710 of any bond indebtedness related to such project. All tolls so
 2711 collected shall first be used to pay the annual cost of the
 2712 operation, maintenance, and improvement of the high-occupancy
 2713 toll lanes or express lanes project or associated transportation
 2714 system.

2715 (3) Any remaining toll revenue from the high-occupancy
 2716 toll lanes or express lanes shall be used by the department for

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2717 the construction, maintenance, or improvement of any road on the
 2718 State Highway System within the county or counties in which the
 2719 toll revenues were collected or to support express bus service
 2720 on the facility where the toll revenues were collected.

2721 (4) The department may implement variable rate tolls on
 2722 high-occupancy toll lanes or express lanes.

2723 (5) Except for high-occupancy toll lanes or express lanes,
 2724 tolls may not be charged for use of an interstate highway where
 2725 tolls were not charged as of July 1, 1997.

2726 (6) This section does not apply to the turnpike system as
 2727 defined under the Florida Turnpike Enterprise Law.

2728 Section 45. Paragraph (a) of subsection (8) of section
 2729 338.221, Florida Statutes, is amended to read:

2730 338.221 ~~Definitions of terms used in ss. 338.22-338.241.-~~
 2731 As used in ss. 338.22-338.241, the following words and terms
 2732 have the following meanings, unless the context indicates
 2733 another or different meaning or intent:

2734 (8) "Economically feasible" means:

2735 (a) For a proposed turnpike project, that, as determined
 2736 by the department before the issuance of revenue bonds for the
 2737 project, the estimated net revenues of the proposed turnpike
 2738 project, excluding feeder roads and turnpike improvements, will
 2739 be sufficient to pay at least 50 percent of the annual debt
 2740 service on the bonds associated with the project by the end of
 2741 the 12th year of operation and to pay at least 100 percent of
 2742 the debt service on the bonds by the end of the 30th ~~22nd~~ year
 2743 of operation. In implementing this paragraph, up to 50 percent
 2744 of the adopted work program costs of the project may be funded

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2745 from turnpike revenues.

2746

2747 This subsection does not prohibit the pledging of revenues from
 2748 the entire turnpike system to bonds issued to finance or
 2749 refinance a turnpike project or group of turnpike projects.

2750 Section 46. Paragraphs (a) and (b) of subsection (1) of
 2751 section 338.223, Florida Statutes, are amended to read:

2752 338.223 Proposed turnpike projects.—

2753 (1) (a) Any proposed project to be constructed or acquired
 2754 as part of the turnpike system and any turnpike improvement
 2755 shall be included in the tentative work program. A ~~No~~ proposed
 2756 project or group of proposed projects may not ~~shall~~ be added to
 2757 the turnpike system unless such project or projects are
 2758 determined to be economically feasible and a statement of
 2759 environmental feasibility has been completed for such project or
 2760 projects and such projects are determined to be consistent, to
 2761 the maximum extent feasible, with approved local government
 2762 comprehensive plans of the local governments in which such
 2763 projects are located. The department may authorize engineering
 2764 studies, traffic studies, environmental studies, and other
 2765 expert studies of the location, costs, economic feasibility, and
 2766 practicality of proposed turnpike projects throughout the state
 2767 and may proceed with the design phase of such projects. The
 2768 department may ~~shall~~ not request legislative approval of a
 2769 proposed turnpike project until the design phase of that project
 2770 is at least 30 ~~60~~ percent complete. If a proposed project or
 2771 group of proposed projects is found to be economically feasible,
 2772 consistent, to the maximum extent feasible, with approved local

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2773 government comprehensive plans of the local governments in which
 2774 such projects are located, and a favorable statement of
 2775 environmental feasibility has been completed, the department,
 2776 with the approval of the Legislature, shall, after the receipt
 2777 of all necessary permits, construct, maintain, and operate such
 2778 turnpike projects.

2779 (b) Any proposed turnpike project or improvement shall be
 2780 developed in accordance with the Florida Transportation Plan and
 2781 the work program pursuant to s. 339.135. Turnpike projects that
 2782 add capacity, alter access, affect feeder roads, or affect the
 2783 operation of the local transportation system shall be included
 2784 in the transportation improvement plan of the affected
 2785 metropolitan planning organization. If such turnpike project
 2786 does not fall within the jurisdiction of a metropolitan planning
 2787 organization, the department shall notify the affected county
 2788 and provide for public hearings in accordance with s.
 2789 339.155(5)(c) ~~s. 339.155(6)(e)~~.

2790 Section 47. Subsection (4) of section 338.227, Florida
 2791 Statutes, is amended to read:

2792 338.227 Turnpike revenue bonds.—

2793 (4) The Department of Transportation and the Department of
 2794 Management Services shall create and implement an outreach
 2795 program designed to enhance the participation of minority
 2796 persons and minority business enterprises in all contracts
 2797 entered into by their respective departments for services
 2798 related to the financing of department projects for the
 2799 Strategic Intermodal System Plan developed pursuant to s. 339.64
 2800 ~~Florida Intrastate Highway System Plan~~. These services shall

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2801 include, but are not ~~be~~ limited to, bond counsel and bond
 2802 underwriters.

2803 Section 48. Subsection (2) of section 338.2275, Florida
 2804 Statutes, is amended to read:

2805 338.2275 Approved turnpike projects.—

2806 (2) The department may ~~is authorized to~~ use turnpike
 2807 revenues, the State Transportation Trust Fund moneys allocated
 2808 for turnpike projects pursuant to s. 339.65 ~~s. 338.001~~, federal
 2809 funds, and bond proceeds, and shall use the most cost-efficient
 2810 combination of such funds, in developing a financial plan for
 2811 funding turnpike projects. The department must submit a report
 2812 of the estimated cost for each ongoing turnpike project and for
 2813 each planned project to the Legislature 14 days before the
 2814 convening of the regular legislative session. Verification of
 2815 economic feasibility and statements of environmental feasibility
 2816 for individual turnpike projects must be based on the entire
 2817 project as approved. Statements of environmental feasibility are
 2818 not required for those projects listed in s. 12, chapter 90-136,
 2819 Laws of Florida, for which the Project Development and
 2820 Environmental Reports were completed by July 1, 1990. All
 2821 required environmental permits must be obtained before the
 2822 department may advertise for bids for contracts for the
 2823 construction of any turnpike project.

2824 Section 49. Section 338.228, Florida Statutes, is amended
 2825 to read:

2826 338.228 Bonds not debts or pledges of credit of state.—
 2827 Turnpike revenue bonds issued under the provisions of ss.
 2828 338.22-338.241 are not debts of the state or pledges of the

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2829 faith and credit of the state. Such bonds are payable
 2830 exclusively from revenues pledged for their payment. All such
 2831 bonds shall contain a statement on their face that the state is
 2832 not obligated to pay the same or the interest thereon, except
 2833 from the revenues pledged for their payment, and that the faith
 2834 and credit of the state is not pledged to the payment of the
 2835 principal or interest of such bonds. The issuance of turnpike
 2836 revenue bonds under the provisions of ss. 338.22-338.241 does
 2837 not directly, indirectly, or contingently obligate the state to
 2838 levy or to pledge any form of taxation whatsoever, or to make
 2839 any appropriation for their payment. Except as provided in ss.
 2840 ~~338.001~~, 338.223, ~~and~~ 338.2275, and 339.65, ~~no~~ state funds may
 2841 not shall be used on any turnpike project or to pay the
 2842 principal or interest of any bonds issued to finance or
 2843 refinance any portion of the turnpike system, and all such bonds
 2844 shall contain a statement on their face to this effect.

2845 Section 50. Paragraph (c) is added to subsection (3) of
 2846 section 338.231, Florida Statutes, to read:

2847 338.231 Turnpike tolls, fixing; pledge of tolls and other
 2848 revenues.—The department shall at all times fix, adjust, charge,
 2849 and collect such tolls and amounts for the use of the turnpike
 2850 system as are required in order to provide a fund sufficient
 2851 with other revenues of the turnpike system to pay the cost of
 2852 maintaining, improving, repairing, and operating such turnpike
 2853 system; to pay the principal of and interest on all bonds issued
 2854 to finance or refinance any portion of the turnpike system as
 2855 the same become due and payable; and to create reserves for all
 2856 such purposes.

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2857 (3)
 2858 (c) Notwithstanding any other provision of law to the
 2859 contrary, any prepaid toll account of any kind which has
 2860 remained inactive for 3 years shall be presumed unclaimed and
 2861 its disposition shall be handled by the Department of Financial
 2862 Services in accordance with all applicable provisions of chapter
 2863 717 relating to the disposition of unclaimed property, and the
 2864 prepaid toll account shall be closed by the department.

2865 Section 51. Subsection (2) of section 338.234, Florida
 2866 Statutes, is amended to read:

2867 338.234 Granting concessions or selling along the turnpike
 2868 system; immunity from taxation.—

2869 (2) The effectuation of the authorized purposes of the
 2870 Strategic Intermodal System, created under ss. 339.61-339.65,
 2871 ~~Florida Intrastate Highway System~~ and Florida Turnpike
 2872 Enterprise, created under this chapter, is for the benefit of
 2873 the people of the state, for the increase of their commerce and
 2874 prosperity, and for the improvement of their health and living
 2875 conditions; and, because the system and enterprise perform
 2876 essential government functions in effectuating such purposes,
 2877 neither the turnpike enterprise nor any nongovernment lessee or
 2878 licensee renting, leasing, or licensing real property from the
 2879 turnpike enterprise, pursuant to an agreement authorized by this
 2880 section, are required to pay any commercial rental tax imposed
 2881 under s. 212.031 on any capital improvements constructed,
 2882 improved, acquired, installed, or used for such purposes.

2883 Section 52. Subsections (1), (2), and (3) of section
 2884 339.0805, Florida Statutes, are amended to read:

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2885 339.0805 Funds to be expended with certified disadvantaged
 2886 business enterprises; ~~specified percentage to be expended;~~
 2887 construction management development program; bond guarantee
 2888 program.—It is the policy of the state to meaningfully assist
 2889 socially and economically disadvantaged business enterprises
 2890 through a program that will provide for the development of
 2891 skills through construction and business management training, as
 2892 well as by providing contracting opportunities and financial
 2893 assistance in the form of bond guarantees, to primarily remedy
 2894 the effects of past economic disparity.

2895 (1) (a) ~~Except to the extent that the head of the~~
 2896 ~~department determines otherwise,~~ The department shall expend ~~not~~
 2897 ~~less than 10 percent of~~ federal-aid highway funds as defined in
 2898 49 C.F.R. part 26 s. 23.63(a) and state matching funds with
 2899 small business concerns owned and controlled by socially and
 2900 economically disadvantaged individuals as defined by the Safe,
 2901 Accountable, Flexible, Efficient Transportation Equity Act: A
 2902 Legacy for Users (SAFETEA-LU) Surface Transportation and Uniform
 2903 Relocation Assistance Act of 1987.

2904 (b) Upon a determination by the department of past and
 2905 continuing discrimination in nonfederally funded projects on the
 2906 basis of race, color, creed, national origin, or sex, the
 2907 department may implement a program tailored to address specific
 2908 findings of disparity. The program may include the establishment
 2909 of annual goals for expending a percentage of state-administered
 2910 highway funds with small business concerns. The department may
 2911 utilize set-asides for small business concerns to assist in
 2912 achieving goals established pursuant to this subsection. For the

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2913 | purpose of this subsection, the term "small business concern"
 2914 | means a business owned and controlled by socially and
 2915 | economically disadvantaged individuals as defined by the Safe,
 2916 | Accountable, Flexible, Efficient Transportation Equity Act: A
 2917 | Legacy for Users (SAFETEA-LU) ~~Surface Transportation and Uniform~~
 2918 | ~~Relocation Assistance Act of 1987.~~ The head of the department
 2919 | may elect to set goals only when significant disparity is
 2920 | documented. The findings of a disparity study shall be
 2921 | considered in determining the program goals for each group
 2922 | qualified to participate. ~~Such a study shall be conducted or~~
 2923 | ~~updated by the department or its designee at a minimum of every~~
 2924 | ~~5 years. The department shall adopt rules to implement this~~
 2925 | ~~subsection on or before October 1, 1993.~~

2926 | (c) The department shall certify a socially and
 2927 | economically disadvantaged business enterprise, ~~which~~
 2928 | ~~certification shall be valid for 12 months, or~~ as prescribed by
 2929 | 49 C.F.R. part 26 ~~23~~. The department's initial application for
 2930 | certification for a socially and economically disadvantaged
 2931 | business enterprise shall require sufficient information to
 2932 | determine eligibility as a small business concern owned and
 2933 | controlled by a socially and economically disadvantaged
 2934 | individual. For continuing eligibility ~~recertification~~ of a
 2935 | disadvantaged business enterprise, the department may accept an
 2936 | affidavit, which meets department criteria as to form and
 2937 | content, certifying that the business remains qualified for
 2938 | certification in accordance with program requirements. A firm
 2939 | which does not fulfill all the department's criteria for
 2940 | certification may ~~shall~~ not be considered a disadvantaged

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2941 business enterprise. An applicant who is denied certification
 2942 may not reapply within 12 ~~6~~ months after issuance of the denial
 2943 letter ~~or the final order, whichever is later~~. The application
 2944 and financial information required by this section are
 2945 confidential and exempt from s. 119.07(1).

2946 (2) The department shall remove ~~revoke~~ the certification
 2947 of a disadvantaged business enterprise upon receipt of
 2948 notification of any change in ownership which results in the
 2949 disadvantaged individual or individuals used to qualify the
 2950 business as a disadvantaged business enterprise, no longer
 2951 owning at least 51 percent of the business enterprise. Such
 2952 notification shall be made to the department by certified mail
 2953 within 30 ~~10~~ days after the change in ownership, ~~and such~~
 2954 ~~business shall be removed from the certified disadvantaged~~
 2955 ~~business list until a new application is submitted and approved~~
 2956 ~~by the department~~. Failure to notify the department of the
 2957 change in the ownership which qualifies the business as a
 2958 disadvantaged business enterprise will also result in removal
 2959 ~~revocation~~ of certification and subject the business to the
 2960 provisions of s. 337.135. In addition, the department may, for
 2961 good cause, deny or remove ~~suspend~~ the certification of a
 2962 disadvantaged business enterprise. As used in this subsection,
 2963 the term "good cause" includes, but is not limited to, the
 2964 disadvantaged business enterprise:

2965 (a) No longer meeting the certification standards set
 2966 forth in department rules;

2967 (b) Making a false, deceptive, or fraudulent statement in
 2968 its application for certification or in any other information

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2969 submitted to the department;

2970 (c) Failing to maintain the records required by department

2971 rules;

2972 (d) Failing to perform a commercially useful function on

2973 projects for which the enterprise was used to satisfy contract

2974 goals;

2975 (e) Failing to fulfill its contractual obligations with

2976 contractors;

2977 (f) Failing to respond with a statement of interest to

2978 requests for bid quotations from contractors for three

2979 consecutive lettings;

2980 ~~(g) Subcontracting to others more than 49 percent of the~~

2981 ~~amount of any single subcontract that was used by the prime~~

2982 ~~contractor to meet a contract goal;~~

2983 (g)~~(h)~~ Failing to provide notarized certification of

2984 payments received on specific projects to the prime contractor

2985 when required to do so by contract specifications;

2986 (h)~~(i)~~ Failing to schedule an onsite review upon request

2987 of the department; or

2988 (i)~~(j)~~ Becoming insolvent or the subject of a bankruptcy

2989 proceeding.

2990 (3) The head of the department may ~~is authorized to~~ expend

2991 up to 6 percent of the funds specified in subsection (1) which

2992 are designated to be expended on small business firms owned and

2993 controlled by socially and economically disadvantaged

2994 individuals to conduct, by contract or otherwise, a construction

2995 management development program. Participation in the program

2996 will be limited to those firms which are certified under the

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2997 provisions of subsection (1) by the department or the federal
 2998 Small Business Administration or to any firm which meets the
 2999 definition of a small business in 49 C.F.R. s. 26.65 ~~has annual~~
 3000 ~~gross receipts not exceeding \$2 million averaged over a 3-year~~
 3001 ~~period.~~ The program shall ~~will~~ consist of classroom instruction
 3002 and on-the-job instruction. To the extent feasible, the
 3003 registration fee shall be set to cover the cost of instruction
 3004 and overhead. ~~No~~ Salary may not ~~will~~ be paid to any participant.

3005 Section 53. Paragraph (c) of subsection (4) and paragraph
 3006 (e) of subsection (7) of section 339.135, Florida Statutes, are
 3007 amended to read:

3008 339.135 Work program; legislative budget request;
 3009 definitions; preparation, adoption, execution, and amendment.—

3010 (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.—

3011 (c)1. For purposes of this section, the board of county
 3012 commissioners shall serve as the metropolitan planning
 3013 organization in those counties which are not located in a
 3014 metropolitan planning organization and shall be involved in the
 3015 development of the district work program to the same extent as a
 3016 metropolitan planning organization.

3017 2. The district work program shall be developed
 3018 cooperatively from the outset with the various metropolitan
 3019 planning organizations of the state and include, to the maximum
 3020 extent feasible, the project priorities of metropolitan planning
 3021 organizations which have been submitted to the district by
 3022 October 1 of each year pursuant to s. 339.175(8)(b); however,
 3023 the department and a metropolitan planning organization may, in
 3024 writing, cooperatively agree to vary this submittal date. To

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3025 assist the metropolitan planning organizations in developing
3026 their lists of project priorities, the district shall disclose
3027 to each metropolitan planning organization any anticipated
3028 changes in the allocation or programming of state and federal
3029 funds which may affect the inclusion of metropolitan planning
3030 organization project priorities in the district work program.

3031 3. Prior to submittal of the district work program to the
3032 central office, the district shall provide the affected
3033 metropolitan planning organization with written justification
3034 for any project proposed to be rescheduled or deleted from the
3035 district work program which project is part of the metropolitan
3036 planning organization's transportation improvement program and
3037 is contained in the last 4 years of the previous adopted work
3038 program. By no later than 14 days after submittal of the
3039 district work program to the central office, the affected
3040 metropolitan planning organization may file an objection to such
3041 rescheduling or deletion. When an objection is filed with the
3042 secretary, the rescheduling or deletion may ~~shall~~ not be
3043 included in the district work program unless the inclusion of
3044 such rescheduling or deletion is specifically approved by the
3045 secretary. The Florida Transportation Commission shall include
3046 such objections in its evaluation of the tentative work program
3047 only when the secretary has approved the rescheduling or
3048 deletion.

3049 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

3050 (e) The department may amend the adopted work program to
3051 transfer fixed capital outlay appropriations for projects within
3052 the same appropriations category or between appropriations

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3053 categories, including the following amendments which shall be
 3054 subject to the procedures in paragraph (f):

- 3055 1. Any amendment which deletes any project or project
 3056 phase estimated to cost over \$150,000;
- 3057 2. Any amendment which adds a project estimated to cost
 3058 over \$500,000 ~~\$150,000~~ in funds appropriated by the Legislature;
- 3059 3. Any amendment which advances or defers to another
 3060 fiscal year, a right-of-way phase, a construction phase, or a
 3061 public transportation project phase estimated to cost over \$1.5
 3062 million ~~\$500,000~~ in funds appropriated by the Legislature,
 3063 except an amendment advancing a phase by 1 year to the current
 3064 fiscal year or deferring a phase for a period of 90 days or
 3065 less; or
- 3066 4. Any amendment which advances or defers to another
 3067 fiscal year, any preliminary engineering phase or design phase
 3068 estimated to cost over \$500,000 ~~\$150,000~~ in funds appropriated
 3069 by the Legislature, except an amendment advancing a phase by 1
 3070 year to the current fiscal year or deferring a phase for a
 3071 period of 90 days or less.

3072

3073 Beginning July 1, 2013, the department shall index the budget
 3074 amendment threshold amounts established in this paragraph to the
 3075 Consumer Price Index or similar inflation indicators. Threshold
 3076 adjustments for inflation under this paragraph may be made no
 3077 more frequently than once a year. Adjustments for inflation are
 3078 subject to the notice and review procedures contained in s.
 3079 216.177.

3080 Section 54. Section 339.155, Florida Statutes, is amended

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3081 to read:

3082 339.155 Transportation planning.—

3083 (1) THE FLORIDA TRANSPORTATION PLAN.—The department shall

3084 develop ~~and annually update~~ a statewide transportation plan, to

3085 be known as the Florida Transportation Plan. The plan shall be

3086 designed so as to be easily read and understood by the general

3087 public. The plan shall consider the needs of the entire state

3088 transportation system and examine the use of all modes of

3089 transportation to effectively and efficiently meet such needs.

3090 The purpose of the Florida Transportation Plan is to establish

3091 and define the state's long-range transportation goals and

3092 objectives to be accomplished over a period of at least 20 years

3093 within the context of the State Comprehensive Plan, and any

3094 other statutory mandates and authorizations and based upon the

3095 prevailing principles of:

3096 (a) Preserving the existing transportation infrastructure.

3097 (b) Enhancing Florida's economic competitiveness.

3098 (c) Improving travel choices to ensure mobility.

3099 (d) Expanding the state's role as a hub for trade and

3100 investment.

3101 (2) SCOPE OF PLANNING PROCESS.—The department shall carry

3102 out a transportation planning process in conformance with s.

3103 334.046(1) and 23 U.S.C. s. 135. ~~which provides for~~

3104 ~~consideration of projects and strategies that will:~~

3105 ~~(a) Support the economic vitality of the United States,~~

3106 ~~Florida, and the metropolitan areas, especially by enabling~~

3107 ~~global competitiveness, productivity, and efficiency;~~

3108 ~~(b) Increase the safety and security of the transportation~~

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3109 ~~system for motorized and nonmotorized users;~~
 3110 ~~(c) Increase the accessibility and mobility options~~
 3111 ~~available to people and for freight;~~
 3112 ~~(d) Protect and enhance the environment, promote energy~~
 3113 ~~conservation, and improve quality of life;~~
 3114 ~~(e) Enhance the integration and connectivity of the~~
 3115 ~~transportation system, across and between modes throughout~~
 3116 ~~Florida, for people and freight;~~
 3117 ~~(f) Promote efficient system management and operation; and~~
 3118 ~~(g) Emphasize the preservation of the existing~~
 3119 ~~transportation system.~~

3120 (3) FORMAT, SCHEDULE, AND REVIEW.—The Florida
 3121 Transportation Plan shall be a unified, concise planning
 3122 document that clearly defines the state's long-range
 3123 transportation goals and objectives ~~and documents the~~
 3124 ~~department's short-range objectives developed to further such~~
 3125 ~~goals and objectives.~~ The plan shall:

3126 (a) Include a glossary that clearly and succinctly defines
 3127 any and all phrases, words, or terms of art included in the
 3128 plan, with which the general public may be unfamiliar. ~~and shall~~
 3129 ~~consist of, at a minimum, the following components:~~

3130 (b) ~~(a)~~ Document A long-range component documenting the
 3131 goals and long-term objectives necessary to implement the
 3132 results of the department's findings from its examination of the
 3133 criteria specified ~~listed~~ in subsection ~~(2)~~ and s. 334.046(1)
 3134 and 23 U.S.C. s. 135. ~~The long-range component must~~

3135 (c) Be developed in cooperation with the metropolitan
 3136 planning organizations and reconciled, to the maximum extent

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3137 | feasible, with the long-range plans developed by metropolitan
 3138 | planning organizations pursuant to s. 339.175. ~~The plan must~~
 3139 | ~~also~~

3140 | (d) Be developed in consultation with affected local
 3141 | officials in nonmetropolitan areas and with any affected Indian
 3142 | tribal governments. ~~The plan must~~

3143 | (e) Provide an examination of transportation issues likely
 3144 | to arise during at least a 20-year period. ~~The long-range~~
 3145 | ~~component shall~~

3146 | (f) Be updated at least once every 5 years, or more often
 3147 | as necessary, to reflect substantive changes to federal or state
 3148 | law.

3149 | ~~(b) A short-range component documenting the short-term~~
 3150 | ~~objectives and strategies necessary to implement the goals and~~
 3151 | ~~long-term objectives contained in the long-range component. The~~
 3152 | ~~short-range component must define the relationship between the~~
 3153 | ~~long-range goals and the short-range objectives, specify those~~
 3154 | ~~objectives against which the department's achievement of such~~
 3155 | ~~goals will be measured, and identify transportation strategies~~
 3156 | ~~necessary to efficiently achieve the goals and objectives in the~~
 3157 | ~~plan. It must provide a policy framework within which the~~
 3158 | ~~department's legislative budget request, the strategic~~
 3159 | ~~information resource management plan, and the work program are~~
 3160 | ~~developed. The short-range component shall serve as the~~
 3161 | ~~department's annual agency strategic plan pursuant to s.~~
 3162 | ~~186.021. The short-range component shall be developed consistent~~
 3163 | ~~with available and forecasted state and federal funds. The~~
 3164 | ~~short-range component shall also be submitted to the Florida~~

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3165 ~~Transportation Commission.~~
 3166 ~~(4) ANNUAL PERFORMANCE REPORT. The department shall~~
 3167 ~~develop an annual performance report evaluating the operation of~~
 3168 ~~the department for the preceding fiscal year. The report shall~~
 3169 ~~also include a summary of the financial operations of the~~
 3170 ~~department and shall annually evaluate how well the adopted work~~
 3171 ~~program meets the short-term objectives contained in the short-~~
 3172 ~~range component of the Florida Transportation Plan. This~~
 3173 ~~performance report shall be submitted to the Florida~~
 3174 ~~Transportation Commission and the legislative appropriations and~~
 3175 ~~transportation committees.~~

3176 ~~(4)~~(5) ADDITIONAL TRANSPORTATION PLANS.—

3177 (a) Upon request by local governmental entities, the
 3178 department may in its discretion develop and design
 3179 transportation corridors, arterial and collector streets,
 3180 vehicular parking areas, and other support facilities which are
 3181 consistent with the plans of the department for major
 3182 transportation facilities. The department may render to local
 3183 governmental entities or their planning agencies such technical
 3184 assistance and services as are necessary so that local plans and
 3185 facilities are coordinated with the plans and facilities of the
 3186 department.

3187 (b) Each regional planning council, as provided for in s.
 3188 186.504, or any successor agency thereto, shall develop, as an
 3189 element of its strategic regional policy plan, transportation
 3190 goals and policies. The transportation goals and policies must
 3191 be prioritized to comply with the prevailing principles provided
 3192 in subsection (1) ~~(2)~~ and s. 334.046(1). The transportation

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3193 | goals and policies shall be consistent, to the maximum extent
3194 | feasible, with the goals and policies of the metropolitan
3195 | planning organization and the Florida Transportation Plan. The
3196 | transportation goals and policies of the regional planning
3197 | council will be advisory only and shall be submitted to the
3198 | department and any affected metropolitan planning organization
3199 | for their consideration and comments. Metropolitan planning
3200 | organization plans and other local transportation plans shall be
3201 | developed consistent, to the maximum extent feasible, with the
3202 | regional transportation goals and policies. The regional
3203 | planning council shall review urbanized area transportation
3204 | plans and any other planning products stipulated in s. 339.175
3205 | and provide the department and respective metropolitan planning
3206 | organizations with written recommendations, which the department
3207 | and the metropolitan planning organizations shall take under
3208 | advisement. Further, the regional planning councils shall
3209 | directly assist local governments that ~~which~~ are not part of a
3210 | metropolitan area transportation planning process in the
3211 | development of the transportation element of their comprehensive
3212 | plans as required by s. 163.3177.

3213 | (c) Regional transportation plans may be developed in
3214 | regional transportation areas in accordance with an interlocal
3215 | agreement entered into pursuant to s. 163.01 by two or more
3216 | contiguous metropolitan planning organizations; one or more
3217 | metropolitan planning organizations and one or more contiguous
3218 | counties, none of which is a member of a metropolitan planning
3219 | organization; a multicounty regional transportation authority
3220 | created by or pursuant to law; two or more contiguous counties

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3221 that are not members of a metropolitan planning organization; or
 3222 metropolitan planning organizations comprised of three or more
 3223 counties.

3224 (d) The interlocal agreement must, at a minimum, identify
 3225 the entity that will coordinate the development of the regional
 3226 transportation plan; delineate the boundaries of the regional
 3227 transportation area; provide the duration of the agreement and
 3228 specify how the agreement may be terminated, modified, or
 3229 rescinded; describe the process by which the regional
 3230 transportation plan will be developed; and provide how members
 3231 of the entity will resolve disagreements regarding
 3232 interpretation of the interlocal agreement or disputes relating
 3233 to the development or content of the regional transportation
 3234 plan. Such interlocal agreement shall become effective upon its
 3235 recordation in the official public records of each county in the
 3236 regional transportation area.

3237 (e) The regional transportation plan developed pursuant to
 3238 this section must, at a minimum, identify regionally significant
 3239 transportation facilities located within a regional
 3240 transportation area and contain a prioritized list of regionally
 3241 significant projects. The projects shall be adopted into the
 3242 capital improvements schedule of the local government
 3243 comprehensive plan pursuant to s. 163.3177(3).

3244 (5) ~~(6)~~ PROCEDURES FOR PUBLIC PARTICIPATION IN
 3245 TRANSPORTATION PLANNING.—

3246 (a) During the development of the ~~long-range component of~~
 3247 ~~the~~ Florida Transportation Plan and prior to substantive
 3248 revisions, the department shall provide citizens, affected

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3249 public agencies, representatives of transportation agency
 3250 employees, other affected employee representatives, private
 3251 providers of transportation, and other known interested parties
 3252 with an opportunity to comment on the proposed plan or
 3253 revisions. These opportunities shall include, at a minimum,
 3254 publishing a notice in the Florida Administrative Weekly and
 3255 within a newspaper of general circulation within the area of
 3256 each department district office.

3257 (b) During development of major transportation
 3258 improvements, such as those increasing the capacity of a
 3259 facility through the addition of new lanes or providing new
 3260 access to a limited or controlled access facility or
 3261 construction of a facility in a new location, the department
 3262 shall hold one or more hearings prior to the selection of the
 3263 facility to be provided; prior to the selection of the site or
 3264 corridor of the proposed facility; and prior to the selection of
 3265 and commitment to a specific design proposal for the proposed
 3266 facility. Such public hearings shall be conducted so as to
 3267 provide an opportunity for effective participation by interested
 3268 persons in the process of transportation planning and site and
 3269 route selection and in the specific location and design of
 3270 transportation facilities. The various factors involved in the
 3271 decision or decisions and any alternative proposals shall be
 3272 clearly presented so that the persons attending the hearing may
 3273 present their views relating to the decision or decisions that
 3274 ~~which~~ will be made.

3275 (c) Opportunity for design hearings:

3276 1. The department, prior to holding a design hearing,

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3277 shall duly notify all affected property owners of record, as
 3278 recorded in the property appraiser's office, by mail at least 20
 3279 days prior to the date set for the hearing. The affected
 3280 property owners shall be:

3281 a. Those whose property lies in whole or in part within
 3282 300 feet on either side of the centerline of the proposed
 3283 facility.

3284 b. Those who ~~whom~~ the department determines will be
 3285 substantially affected environmentally, economically, socially,
 3286 or safetywise.

3287 2. For each subsequent hearing, the department shall
 3288 publish notice prior to the hearing date in a newspaper of
 3289 general circulation for the area affected. These notices must be
 3290 published twice, with the first notice appearing at least 15
 3291 days, but no later than 30 days, before the hearing.

3292 3. A copy of the notice of opportunity for the hearing
 3293 must be furnished to the United States Department of
 3294 Transportation and to the appropriate departments of the state
 3295 government at the time of publication.

3296 4. The opportunity for another hearing shall be afforded
 3297 in any case when proposed locations or designs are so changed
 3298 from those presented in the notices specified above or at a
 3299 hearing as to have a substantially different social, economic,
 3300 or environmental effect.

3301 5. The opportunity for a hearing shall be afforded in each
 3302 case in which the department is in doubt as to whether a hearing
 3303 is required.

3304 Section 55. Paragraph (a) of subsection (2), paragraph (a)

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3305 of subsection (4), and paragraph (b) of subsection (8) of
 3306 section 339.175, Florida Statutes, are amended to read:
 3307 339.175 Metropolitan planning organization.—
 3308 (2) DESIGNATION.—
 3309 (a)1. An M.P.O. shall be designated for each urbanized
 3310 area of the state; however, this does not require that an
 3311 individual M.P.O. be designated for each such area. Such
 3312 designation shall be accomplished by agreement between the
 3313 Governor and units of general-purpose local government
 3314 representing at least 75 percent of the population of the
 3315 urbanized area; however, the unit of general-purpose local
 3316 government that represents the central city or cities within the
 3317 M.P.O. jurisdiction, as defined by the United States Bureau of
 3318 the Census, must be a party to such agreement.
 3319 2. To the extent possible, only one M.P.O. shall be
 3320 designated for each urbanized area or group of contiguous
 3321 urbanized areas. More than one M.P.O. may be designated within
 3322 an existing urbanized ~~metropolitan planning~~ area only if the
 3323 Governor and the existing M.P.O. determine that the size and
 3324 complexity of the existing urbanized ~~metropolitan planning~~ area
 3325 makes the designation of more than one M.P.O. for the area
 3326 appropriate.
 3327
 3328 Each M.P.O. required under this section must be fully operative
 3329 no later than 6 months following its designation.
 3330 (4) APPORTIONMENT.—
 3331 (a) The Governor shall, with the agreement of the affected
 3332 units of general-purpose local government as required by federal

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3333 rules and regulations, apportion the membership on the
3334 applicable M.P.O. among the various governmental entities within
3335 the area. At the request of a majority of the affected units of
3336 general-purpose local government comprising an M.P.O., the
3337 Governor and a majority of units of general-purpose local
3338 government serving on an M.P.O. shall cooperatively agree upon
3339 and prescribe who may serve as an alternate member and a method
3340 for appointing alternate members who may vote at any M.P.O.
3341 meeting that an alternate member attends in place of a regular
3342 member. The method shall be set forth as a part of the
3343 interlocal agreement describing the M.P.O.'s membership or in
3344 the M.P.O.'s operating procedures and bylaws. The governmental
3345 entity so designated shall appoint the appropriate number of
3346 members to the M.P.O. from eligible officials. Representatives
3347 of the department shall serve as nonvoting advisers to ~~members~~
3348 ~~of~~ the M.P.O. governing board. Additional nonvoting advisers may
3349 be appointed by the M.P.O. as deemed necessary; however, to the
3350 maximum extent feasible, each M.P.O. shall seek to appoint
3351 nonvoting representatives of various multimodal forms of
3352 transportation not otherwise represented by voting members of
3353 the M.P.O. An M.P.O. shall appoint nonvoting advisers
3354 representing major military installations located within the
3355 jurisdictional boundaries of the M.P.O. upon the request of the
3356 aforesaid major military installations and subject to the
3357 agreement of the M.P.O. All nonvoting advisers may attend and
3358 participate fully in governing board meetings but may ~~shall~~ not
3359 ~~have a vote~~ or ~~and shall not~~ be members of the governing board.
3360 The Governor shall review the composition of the M.P.O.

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3361 membership in conjunction with the decennial census as prepared
3362 by the United States Department of Commerce, Bureau of the
3363 Census, and reapportion it as necessary to comply with
3364 subsection (3).

3365 (8) TRANSPORTATION IMPROVEMENT PROGRAM.—Each M.P.O. shall,
3366 in cooperation with the state and affected public transportation
3367 operators, develop a transportation improvement program for the
3368 area within the jurisdiction of the M.P.O. In the development of
3369 the transportation improvement program, each M.P.O. must provide
3370 the public, affected public agencies, representatives of
3371 transportation agency employees, freight shippers, providers of
3372 freight transportation services, private providers of
3373 transportation, representatives of users of public transit, and
3374 other interested parties with a reasonable opportunity to
3375 comment on the proposed transportation improvement program.

3376 (b) Each M.P.O. annually shall prepare a list of project
3377 priorities and shall submit the list to the appropriate district
3378 of the department by October 1 of each year; however, the
3379 department and a metropolitan planning organization may, in
3380 writing, agree to vary this submittal date. Where more than one
3381 M.P.O. exists in an urbanized area, the M.P.O.'s shall
3382 coordinate in the development of regionally significant project
3383 priorities. The list of project priorities must be formally
3384 reviewed by the technical and citizens' advisory committees, and
3385 approved by the M.P.O., before it is transmitted to the
3386 district. The approved list of project priorities must be used
3387 by the district in developing the district work program and must
3388 be used by the M.P.O. in developing its transportation

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3389 improvement program. The annual list of project priorities must
 3390 be based upon project selection criteria that, at a minimum,
 3391 consider the following:

- 3392 1. The approved M.P.O. long-range transportation plan;
- 3393 2. The Strategic Intermodal System Plan developed under s.
 3394 339.64.
- 3395 3. The priorities developed pursuant to s. 339.2819(4).
- 3396 4. The results of the transportation management systems;
 3397 and
- 3398 5. The M.P.O.'s public-involvement procedures.

3399 Section 56. Subsections (1), (2), (3), and (4) of section
 3400 339.2819, Florida Statutes, are amended to read:

3401 339.2819 Transportation Regional Incentive Program.—

3402 (1) There is created within the Department of
 3403 Transportation a Transportation Regional Incentive Program for
 3404 the purpose of providing funds to improve regionally significant
 3405 transportation facilities in regional transportation areas
 3406 created pursuant to s. 339.155(4) ~~s. 339.155(5)~~.

3407 (2) The percentage of matching funds provided from the
 3408 Transportation Regional Incentive Program shall be up to 50
 3409 percent of project costs.

3410 (3) The department shall allocate funding available for
 3411 the Transportation Regional Incentive Program to the districts
 3412 based on a factor derived from equal parts of population and
 3413 motor fuel collections for eligible counties in regional
 3414 transportation areas created pursuant to s. 339.155(4) ~~s.~~
 3415 ~~339.155(5)~~.

3416 (4) (a) Projects to be funded with Transportation Regional

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3417 Incentive Program funds shall, at a minimum:

3418 1. ~~Support those transportation facilities that~~ Serve

3419 national, statewide, or regional functions and function as part

3420 of an integrated regional transportation system.

3421 2. Be identified in the capital improvements element of a

3422 comprehensive plan that has been determined to be in compliance

3423 with part II of chapter 163, after July 1, 2005. Further, the

3424 project shall be in compliance with local government

3425 comprehensive plan policies relative to corridor management.

3426 3. Be consistent with the Strategic Intermodal System Plan

3427 developed under s. 339.64.

3428 4. Have a commitment for local, regional, or private

3429 financial matching funds as a percentage of the overall project

3430 cost.

3431 (b) Projects funded under this section shall be included

3432 in the department's work program developed pursuant to s.

3433 339.135. The department may not program a project to be funded

3434 under this section unless the project meets the requirements of

3435 this section. In allocating Transportation Regional Incentive

3436 Program funds, priority shall be given to projects that:

3437 (c) The department shall give priority to projects that:

3438 1. Provide connectivity to the Strategic Intermodal System

3439 developed under s. 339.64.

3440 2. Support economic development and the movement of goods

3441 in rural areas of critical economic concern designated under s.

3442 288.0656(7).

3443 3. Are subject to a local ordinance that establishes

3444 corridor management techniques, including access management

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3445 strategies, right-of-way acquisition and protection measures,
 3446 appropriate land use strategies, zoning, and setback
 3447 requirements for adjacent land uses.

3448 4. Improve connectivity between military installations and
 3449 the Strategic Highway Network or the Strategic Rail Corridor
 3450 Network.

3451
 3452 The department shall also consider the extent to which local
 3453 matching funds are available to be committed to the project.

3454 Section 57. Subsections (1) and (6) of section 339.62,
 3455 Florida Statutes, are amended to read:

3456 339.62 System components.—The Strategic Intermodal System
 3457 shall consist of appropriate components of:

3458 (1) Highway corridors ~~The Florida Intrastate Highway~~
 3459 ~~System~~ established under s. 339.65 ~~s. 338.001~~.

3460 (6) Other existing or planned corridors that serve a
 3461 statewide or interregional purpose.

3462 Section 58. Subsection (2) of section 339.63, Florida
 3463 Statutes, is amended, and subsection (5) is added to that
 3464 section, to read:

3465 339.63 System facilities designated; additions and
 3466 deletions.—

3467 (2) The Strategic Intermodal System and the Emerging
 3468 Strategic Intermodal System include five ~~four~~ different types of
 3469 facilities that each form one component of an interconnected
 3470 transportation system which types include:

3471 (a) Existing or planned hubs that are ports and terminals
 3472 including airports, seaports, spaceports, passenger terminals,

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3473 and rail terminals serving to move goods or people between
 3474 Florida regions or between Florida and other markets in the
 3475 United States and the rest of the world.

3476 (b) Existing or planned corridors that are highways, rail
 3477 lines, waterways, and other exclusive-use facilities connecting
 3478 major markets within Florida or between Florida and other states
 3479 or nations.

3480 (c) Existing or planned intermodal connectors that are
 3481 highways, rail lines, waterways or local public transit systems
 3482 serving as connectors between the components listed in
 3483 paragraphs (a) and (b).

3484 (d) Existing or planned military access facilities that
 3485 are highways or rail lines linking Strategic Intermodal System
 3486 corridors to the state's strategic military installations.

3487 (e)~~(d)~~ Existing or planned facilities that significantly
 3488 improve the state's competitive position to compete for the
 3489 movement of additional goods into and through this state.

3490 (5) (a) The Secretary of Transportation shall designate a
 3491 planned facility as part of the Strategic Intermodal System upon
 3492 request of the facility if it meets the criteria and thresholds
 3493 established by the department pursuant to subsection (4), meets
 3494 the definition of an "intermodal logistics center" as defined in
 3495 s. 311.101(2), and has been designated in a local comprehensive
 3496 plan or local government development order as an intermodal
 3497 logistics center or an equivalent planning term.

3498 (b) A facility designated part of the Strategic Intermodal
 3499 System pursuant to paragraph (a) that is within the jurisdiction
 3500 of a local government that maintains a transportation

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3501 concurrency system shall receive a waiver of transportation
 3502 concurrency requirements applicable to Strategic Intermodal
 3503 System facilities in order to accommodate any development at the
 3504 facility which occurs pursuant to a building permit issued on or
 3505 before December 31, 2017, but only if such facility is located:

3506 1. Within an area designated pursuant to s. 288.0656(7) as
 3507 a rural area of critical economic concern;

3508 2. Within a rural enterprise zone as defined in s.
 3509 290.004(5); or

3510 3. Within 15 miles of the boundary of a rural area of
 3511 critical economic concern or a rural enterprise zone.

3512 Section 59. Section 339.64, Florida Statutes, is amended
 3513 to read:

3514 339.64 Strategic Intermodal System Plan.—

3515 (1) The department shall develop, in cooperation with
 3516 metropolitan planning organizations, regional planning councils,
 3517 local governments, ~~the Statewide Intermodal Transportation~~
 3518 ~~Advisory Council~~ and other transportation providers, a Strategic
 3519 Intermodal System Plan. The plan shall be consistent with the
 3520 Florida Transportation Plan developed pursuant to s. 339.155 and
 3521 shall be updated at least once every 5 years, subsequent to
 3522 updates of the Florida Transportation Plan.

3523 (2) In association with the continued development of the
 3524 Strategic Intermodal System Plan, the Florida Transportation
 3525 Commission, as part of its work program review process, shall
 3526 conduct an annual assessment of the progress that the department
 3527 and its transportation partners have made in realizing the goals
 3528 of economic development, improved mobility, and increased

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3529 intermodal connectivity of the Strategic Intermodal System. The
 3530 Florida Transportation Commission shall coordinate with the
 3531 department, ~~the Statewide Intermodal Transportation Advisory~~
 3532 ~~Council~~, and other appropriate entities when developing this
 3533 assessment. The Florida Transportation Commission shall deliver
 3534 a report to the Governor and Legislature no later than 14 days
 3535 after the regular session begins, with recommendations as
 3536 necessary to fully implement the Strategic Intermodal System.

3537 (3) (a) During the development of updates to the Strategic
 3538 Intermodal System Plan, the department shall provide
 3539 metropolitan planning organizations, regional planning councils,
 3540 local governments, transportation providers, affected public
 3541 agencies, and citizens with an opportunity to participate in and
 3542 comment on the development of the update.

3543 (b) The department also shall coordinate with federal,
 3544 regional, and local partners the planning for the Strategic
 3545 Highway Network and the Strategic Rail Corridor Network
 3546 transportation facilities that either are included in the
 3547 Strategic Intermodal System or that provide a direct connection
 3548 between military installations and the Strategic Intermodal
 3549 System. In addition, the department shall coordinate with
 3550 regional and local partners to determine whether the roads ~~road~~
 3551 and other transportation infrastructure that connect military
 3552 installations to the Strategic Intermodal System, the Strategic
 3553 Highway Network, or the Strategic Rail Corridor are ~~is~~
 3554 regionally significant and should be included in the Strategic
 3555 Intermodal System Plan.

3556 (4) The Strategic Intermodal System Plan shall include the

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3557 following:

3558 (a) A needs assessment.

3559 (b) A project prioritization process.

3560 (c) A map of facilities designated as Strategic Intermodal

3561 System facilities; facilities that are emerging in importance

3562 and that are likely to become part of the system in the future;

3563 and planned facilities that will meet the established criteria.

3564 (d) A finance plan based on reasonable projections of

3565 anticipated revenues, including both 10-year and at least 20-

3566 year cost-feasible components.

3567 (e) An assessment of the impacts of proposed improvements

3568 to Strategic Intermodal System corridors on military

3569 installations that are either located directly on the Strategic

3570 Intermodal System or located on the Strategic Highway Network or

3571 Strategic Rail Corridor Network.

3572 ~~(5) STATEWIDE INTERMODAL TRANSPORTATION ADVISORY COUNCIL.~~

3573 ~~(a) The Statewide Intermodal Transportation Advisory~~

3574 ~~Council is created to advise and make recommendations to the~~

3575 ~~Legislature and the department on policies, planning, and~~

3576 ~~funding of intermodal transportation projects. The council's~~

3577 ~~responsibilities shall include:~~

3578 ~~1. Advising the department on the policies, planning, and~~

3579 ~~implementation of strategies related to intermodal~~

3580 ~~transportation.~~

3581 ~~2. Providing advice and recommendations to the Legislature~~

3582 ~~on funding for projects to move goods and people in the most~~

3583 ~~efficient and effective manner for the State of Florida.~~

3584 ~~(b) MEMBERSHIP. Members of the Statewide Intermodal~~

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3585 ~~Transportation Advisory Council shall consist of the following:~~
 3586 ~~1. Six intermodal industry representatives selected by the~~
 3587 ~~Governor as follows:~~
 3588 ~~a. One representative from an airport involved in the~~
 3589 ~~movement of freight and people from their airport facility to~~
 3590 ~~another transportation mode.~~
 3591 ~~b. One individual representing a fixed route, local-~~
 3592 ~~government transit system.~~
 3593 ~~c. One representative from an intercity bus company~~
 3594 ~~providing regularly scheduled bus travel as determined by~~
 3595 ~~federal regulations.~~
 3596 ~~d. One representative from a spaceport.~~
 3597 ~~e. One representative from intermodal trucking companies.~~
 3598 ~~f. One representative having command responsibilities of a~~
 3599 ~~major military installation.~~
 3600 ~~2. Three intermodal industry representatives selected by~~
 3601 ~~the President of the Senate as follows:~~
 3602 ~~a. One representative from major-line railroads.~~
 3603 ~~b. One representative from seaports listed in s. 311.09(1)~~
 3604 ~~from the Atlantic Coast.~~
 3605 ~~c. One representative from an airport involved in the~~
 3606 ~~movement of freight and people from their airport facility to~~
 3607 ~~another transportation mode.~~
 3608 ~~3. Three intermodal industry representatives selected by~~
 3609 ~~the Speaker of the House of Representatives as follows:~~
 3610 ~~a. One representative from short-line railroads.~~
 3611 ~~b. One representative from seaports listed in s. 311.09(1)~~
 3612 ~~from the Gulf Coast.~~

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3613 ~~e. One representative from intermodal trucking companies.~~
 3614 ~~In no event may this representative be employed by the same~~
 3615 ~~company that employs the intermodal trucking company~~
 3616 ~~representative selected by the Governor.~~

3617 ~~(c) Initial appointments to the council must be made no~~
 3618 ~~later than 30 days after the effective date of this section.~~

3619 ~~1. The initial appointments made by the President of the~~
 3620 ~~Senate and the Speaker of the House of Representatives shall~~
 3621 ~~serve terms concurrent with those of the respective appointing~~
 3622 ~~officer. Beginning January 15, 2005, and for all subsequent~~
 3623 ~~appointments, council members appointed by the President of the~~
 3624 ~~Senate and the Speaker of the House of Representatives shall~~
 3625 ~~serve 2-year terms, concurrent with the term of the respective~~
 3626 ~~appointing officer.~~

3627 ~~2. The initial appointees, and all subsequent appointees,~~
 3628 ~~made by the Governor shall serve 2-year terms.~~

3629 ~~3. Vacancies on the council shall be filled in the same~~
 3630 ~~manner as the initial appointments.~~

3631 ~~(d) Each member of the council shall be allowed one vote.~~
 3632 ~~The council shall select a chair from among its membership.~~
 3633 ~~Meetings shall be held at the call of the chair, but not less~~
 3634 ~~frequently than quarterly. The members of the council shall be~~
 3635 ~~reimbursed for per diem and travel expenses as provided in s.~~
 3636 ~~112.061.~~

3637 ~~(e) The department shall provide administrative staff~~
 3638 ~~support and shall ensure that council meetings are~~
 3639 ~~electronically recorded. Such recordings and all documents~~
 3640 ~~received, prepared for, or used by the council in conducting its~~

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3641 ~~business shall be preserved pursuant to chapters 119 and 257.~~
 3642 Section 60. Section 339.65, Florida Statutes, is created
 3643 to read:
 3644 339.65 Strategic Intermodal System highway corridors.—
 3645 (1) The department shall plan and develop Strategic
 3646 Intermodal System highway corridors, including limited and
 3647 controlled access facilities, allowing for high-speed and high-
 3648 volume traffic movements within the state. The primary function
 3649 of the corridors is to provide such traffic movements. Access to
 3650 abutting land is subordinate to this function, and such access
 3651 must be prohibited or highly regulated.
 3652 (2) Strategic Intermodal System highway corridors shall
 3653 include facilities from the following components of the State
 3654 Highway System that meet the criteria adopted by the department
 3655 pursuant to s. 339.63:
 3656 (a) Interstate highways.
 3657 (b) The Florida Turnpike System.
 3658 (c) Interregional and intercity limited access facilities.
 3659 (d) Existing interregional and intercity arterial highways
 3660 previously upgraded or upgraded in the future to limited access
 3661 or controlled access facility standards.
 3662 (e) New limited access facilities necessary to complete a
 3663 balanced statewide system.
 3664 (3) The department shall adhere to the following policy
 3665 guidelines in the development of Strategic Intermodal System
 3666 highway corridors. The department shall:
 3667 (a) Make capacity improvements to existing facilities
 3668 where feasible to minimize costs and environmental impacts.

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3669 (b) Identify appropriate arterial highways in major
 3670 transportation corridors for inclusion in a program to bring
 3671 these facilities up to limited access or controlled access
 3672 facility standards.

3673 (c) Coordinate proposed projects with appropriate limited
 3674 access projects undertaken by expressway authorities and local
 3675 governmental entities.

3676 (d) Maximize the use of limited access facility standards
 3677 when constructing new arterial highways.

3678 (e) Identify appropriate new limited access highways for
 3679 inclusion as a part of the Florida Turnpike System.

3680 (f) To the maximum extent feasible, ensure that proposed
 3681 projects are consistent with approved local government
 3682 comprehensive plans of the local jurisdictions in which such
 3683 facilities are to be located and with the transportation
 3684 improvement program of any metropolitan planning organization
 3685 where such facilities are to be located.

3686 (4) The department shall develop and maintain a plan of
 3687 Strategic Intermodal System highway corridor projects that are
 3688 anticipated to be let to contract for construction within a time
 3689 period of at least 20 years. The plan shall also identify when
 3690 segments of the corridor will meet the standards and criteria
 3691 developed pursuant to subsection (5).

3692 (5) The department shall establish the standards and
 3693 criteria for the functional characteristics and design of
 3694 facilities proposed as part of Strategic Intermodal System
 3695 highway corridors.

3696 (6) For the purposes of developing the proposed Strategic

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3697 Intermodal System highway corridors, beginning in fiscal year
 3698 2012-2013 and for each fiscal year thereafter, the minimum
 3699 amount allocated shall be based on the fiscal year 2003-2004
 3700 allocation of \$450 million adjusted annually by the change in
 3701 the Consumer Price Index for the prior fiscal year compared to
 3702 the Consumer Price Index for fiscal year 2003-2004.

3703 (7) Any project to be constructed as part of a Strategic
 3704 Intermodal System highway corridor shall be included in the
 3705 department's adopted work program. Any Strategic Intermodal
 3706 System highway corridor projects that are added to or deleted
 3707 from the previous adopted work program, or any modification to
 3708 Strategic Intermodal System highway corridor projects contained
 3709 in the previous adopted work program, shall be specifically
 3710 identified and submitted as a separate part of the tentative
 3711 work program.

3712 Section 61. Section 341.840, Florida Statutes, is amended
 3713 to read:

3714 341.840 Tax exemption.—

3715 (1) The exercise of the powers granted under ss. 341.8201-
 3716 341.842 ~~by this act~~ will be in all respects for the benefit of
 3717 the people of this state, for the increase of their commerce,
 3718 welfare, and prosperity, and for the improvement of their health
 3719 and living conditions. The design, construction, operation,
 3720 maintenance, and financing of a high-speed rail system by the
 3721 enterprise authority, its agent, or the owner or lessee thereof,
 3722 as herein authorized, constitutes the performance of an
 3723 essential public function.

3724 (2) (a) For the purposes of this section, the term

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3725 "enterprise authority" does not include agents of the enterprise
 3726 authority other than contractors who qualify as such pursuant to
 3727 subsection (7).

3728 (b) For the purposes of this section, any item or property
 3729 that is within the definition of the term "associated
 3730 development" in s. 341.8203(1) may ~~shall~~ not be considered ~~to be~~
 3731 part of the high-speed rail system as defined in s.
 3732 341.8203(3) ~~(6)~~.

3733 (3) (a) Purchases or leases of tangible personal property
 3734 or real property by the enterprise authority, excluding agents
 3735 of the enterprise authority, are exempt from taxes imposed by
 3736 chapter 212 as provided in s. 212.08(6). Purchases or leases of
 3737 tangible personal property that is incorporated into the high-
 3738 speed rail system as a component part thereof, as determined by
 3739 the enterprise authority, by agents of the enterprise authority
 3740 or the owner of the high-speed rail system are exempt from sales
 3741 or use taxes imposed by chapter 212. Leases, rentals, or
 3742 licenses to use real property granted to agents of the
 3743 enterprise authority or the owner of the high-speed rail system
 3744 are exempt from taxes imposed by s. 212.031 if the real property
 3745 becomes part of such system. The exemptions granted in this
 3746 subsection do not apply to sales, leases, or licenses by the
 3747 enterprise authority, agents of the authority, or the owner of
 3748 the high-speed rail system.

3749 (b) The exemption granted in paragraph (a) to purchases or
 3750 leases of tangible personal property by agents of the enterprise
 3751 authority or by the owner of the high-speed rail system applies
 3752 only to property that becomes a component part of such system.

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3753 It does not apply to items, including, but not limited to,
 3754 cranes, bulldozers, forklifts, other machinery and equipment,
 3755 tools and supplies, or other items of tangible personal property
 3756 used in the construction, operation, or maintenance of the high-
 3757 speed rail system when such items are not incorporated into the
 3758 high-speed rail system as a component part thereof.

3759 (4) Any bonds or other security, and all notes, mortgages,
 3760 security agreements, letters of credit, or other instruments
 3761 that arise out of or are given to secure the repayment of bonds
 3762 or other security, issued by the enterprise authority, or on
 3763 behalf of the enterprise authority, their transfer, and the
 3764 income therefrom, including any profit made on the sale thereof,
 3765 shall at all times be free from taxation of every kind by the
 3766 state, the counties, and the municipalities and other political
 3767 subdivisions in the state. This subsection, however, does not
 3768 exempt from taxation or assessment the leasehold interest of a
 3769 lessee in any project or any other property or interest owned by
 3770 the lessee. The exemption granted by this subsection is not
 3771 applicable to any tax imposed by chapter 220 on interest income
 3772 or profits on the sale of debt obligations owned by
 3773 corporations.

3774 (5) When property of the enterprise authority is leased to
 3775 another person or entity, the property shall be exempt from ad
 3776 valorem taxation only if the use by the lessee qualifies the
 3777 property for exemption under s. 196.199.

3778 (6) A leasehold interest held by the enterprise authority
 3779 is not subject to intangible tax. However, if a leasehold
 3780 interest held by the enterprise authority is subleased to a

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3781 nongovernmental lessee, such subleasehold interest shall be
 3782 deemed to be an interest described in s. 199.023(1)(d), Florida
 3783 Statutes 2005, and is subject to the intangible tax.

3784 (7)(a) In order to be considered an agent of the
 3785 enterprise authority for purposes of the exemption from sales
 3786 and use tax granted by subsection (3) for tangible personal
 3787 property incorporated into the high-speed rail system, a
 3788 contractor of the enterprise authority that purchases or
 3789 fabricates such tangible personal property must be certified by
 3790 the enterprise authority as provided in this subsection.

3791 (b)1. A contractor must apply for a renewal of the
 3792 exemption not later than December 1 of each calendar year.

3793 2. A contractor must apply to the enterprise authority on
 3794 the application form adopted by the enterprise authority, which
 3795 shall develop the form in consultation with the Department of
 3796 Revenue.

3797 3. The enterprise authority shall review each submitted
 3798 application and determine whether it is complete. The enterprise
 3799 authority shall notify the applicant of any deficiencies in the
 3800 application within 30 days. Upon receipt of a completed
 3801 application, the enterprise authority shall evaluate the
 3802 application for exemption under this subsection and issue a
 3803 certification that the contractor is qualified to act as an
 3804 agent of the enterprise authority for purposes of this section
 3805 or a denial of such certification within 30 days. The enterprise
 3806 authority shall provide the Department of Revenue with a copy of
 3807 each certification issued upon approval of an application. Upon
 3808 receipt of a certification from the enterprise authority, the

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3809 Department of Revenue shall issue an exemption permit to the
 3810 contractor.

3811 (c)1. The contractor may extend a copy of its exemption
 3812 permit to its vendors in lieu of paying sales tax on purchases
 3813 of tangible personal property qualifying for exemption under
 3814 this section. Possession of a copy of the exemption permit
 3815 relieves the seller of the responsibility of collecting tax on
 3816 the sale, and the Department of Revenue shall look solely to the
 3817 contractor for recovery of tax upon a determination that the
 3818 contractor was not entitled to the exemption.

3819 2. The contractor may extend a copy of its exemption
 3820 permit to real property subcontractors supplying and installing
 3821 tangible personal property that is exempt under subsection (3).
 3822 Any such subcontractor may ~~is authorized to~~ extend a copy of the
 3823 permit to the subcontractor's vendors in order to purchase
 3824 qualifying tangible personal property tax-exempt. If the
 3825 subcontractor uses the exemption permit to purchase tangible
 3826 personal property that is determined not to qualify for
 3827 exemption under subsection (3), the Department of Revenue may
 3828 assess and collect any tax, penalties, and interest that are due
 3829 from either the contractor holding the exemption permit or the
 3830 subcontractor that extended the exemption permit to the seller.

3831 (d) Any contractor authorized to act as an agent of the
 3832 enterprise authority under this section shall maintain the
 3833 necessary books and records to document the exempt status of
 3834 purchases and fabrication costs made or incurred under the
 3835 permit. In addition, an authorized contractor extending its
 3836 exemption permit to its subcontractors shall maintain a copy of

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3837 the subcontractor's books, records, and invoices indicating all
 3838 purchases made by the subcontractor under the authorized
 3839 contractor's permit. If, in an audit conducted by the Department
 3840 of Revenue, it is determined that tangible personal property
 3841 purchased or fabricated claiming exemption under this section
 3842 does not meet the criteria for exemption, the amount of taxes
 3843 not paid at the time of purchase or fabrication shall be
 3844 immediately due and payable to the Department of Revenue,
 3845 together with the appropriate interest and penalty, computed
 3846 from the date of purchase, in the manner prescribed by chapter
 3847 212.

3848 (e) If a contractor fails to apply for a high-speed rail
 3849 system exemption permit, or if a contractor initially determined
 3850 by the enterprise authority to not qualify for exemption is
 3851 subsequently determined to be eligible, the contractor shall
 3852 receive the benefit of the exemption in this subsection through
 3853 a refund of previously paid taxes for transactions that
 3854 otherwise would have been exempt. A refund may not be made for
 3855 such taxes without the issuance of a certification by the
 3856 enterprise authority that the contractor was authorized to make
 3857 purchases tax-exempt and a determination by the Department of
 3858 Revenue that the purchases qualified for the exemption.

3859 (f) The enterprise authority may adopt rules governing the
 3860 application process for exemption of a contractor as an
 3861 authorized agent of the enterprise authority.

3862 (g) The Department of Revenue may adopt rules governing
 3863 the issuance and form of high-speed rail system exemption
 3864 permits, the audit of contractors and subcontractors using such

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3865 permits, the recapture of taxes on nonqualified purchases, and
 3866 the manner and form of refund applications.

3867 Section 62. Subsection (3) of section 343.52, Florida
 3868 Statutes, is amended to read:

3869 343.52 Definitions.—As used in this part, the term:

3870 (3) "Area served" means Miami-Dade, Broward, and Palm
 3871 Beach Counties. However, this area may be expanded by mutual
 3872 consent of the authority and the board of county commissioners
 3873 of Monroe County ~~representing the proposed expansion area.~~ The
 3874 authority may not expand into any additional counties without
 3875 the department's prior written approval.

3876 Section 63. Section 343.53, Florida Statutes, is amended
 3877 to read:

3878 343.53 South Florida Regional Transportation Authority.—

3879 (1) There is created and established a body politic and
 3880 corporate, an agency of the state, to be known as the "South
 3881 Florida Regional Transportation Authority," hereinafter referred
 3882 to as the "authority."

3883 (2) The governing board of the authority shall consist of
 3884 10 ~~nine~~ voting members, as follows:

3885 (a) The county commissions of Miami-Dade, Broward, and
 3886 Palm Beach Counties shall each elect a commissioner as that
 3887 commission's representative on the board. The commissioner must
 3888 be a member of the county commission when elected and for the
 3889 full extent of his or her term.

3890 (b) The county commissions of Miami-Dade, Broward, and
 3891 Palm Beach Counties shall each appoint a citizen member to the
 3892 board who is not a member of the county commission but who is a

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3893 resident of the county from which he or she is appointed and a
 3894 qualified elector of that county. Insofar as practicable, the
 3895 citizen member shall represent the business and civic interests
 3896 of the community.

3897 (c) The secretary of the Department of Transportation
 3898 shall appoint one of the district secretaries, or his or her
 3899 designee, for the districts within which the area served by the
 3900 South Florida Regional Transportation Authority is located, who
 3901 shall serve ex officio as a voting member.

3902 (d) If the authority's service area is expanded pursuant
 3903 to s. 343.54(5), the county containing the new service area
 3904 shall have two ~~three~~ members appointed to the board as follows:

3905 1. The county commission of the county shall elect a
 3906 commissioner as that commission's representative on the board.
 3907 The commissioner must be a member of the county commission when
 3908 elected and for the full extent of his or her term.

3909 ~~2. The county commission of the county shall appoint a~~
 3910 ~~citizen member to the board who is not a member of the county~~
 3911 ~~commission but who is a resident and a qualified elector of that~~
 3912 ~~county. Insofar as is practicable, the citizen member shall~~
 3913 ~~represent the business and civic interests of the community.~~

3914 ~~2.3.~~ The Governor shall appoint a citizen member to the
 3915 board who is not a member of the county commission but who is a
 3916 resident and a qualified elector of that county.

3917 (e) The Governor shall appoint three ~~two~~ members to the
 3918 board who are residents and qualified electors in the area
 3919 served by the authority but who are not residents of the same
 3920 county ~~and also not residents of the county in which the~~

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3921 ~~district secretary who was appointed pursuant to paragraph (c)~~
 3922 ~~is a resident.~~

3923 (3) ~~(a)~~ Members of the governing board of the authority
 3924 shall be appointed to serve 4-year staggered terms, except that
 3925 the terms of the appointees of the Governor shall be concurrent.

3926 ~~(b) The terms of the board members currently serving on~~
 3927 ~~the authority that is being succeeded by this act shall expire~~
 3928 ~~July 30, 2003, at which time the terms of the members appointed~~
 3929 ~~pursuant to subsection (2) shall commence. The Governor shall~~
 3930 ~~make his or her appointments to the board within 30 days after~~
 3931 ~~July 30, 2003.~~

3932 (4) A vacancy during a term shall be filled by the
 3933 respective appointing authority in the same manner as the
 3934 original appointment and only for the balance of the unexpired
 3935 term.

3936 (5) The members of the authority shall serve without
 3937 compensation, but are entitled to reimbursement for travel
 3938 expenses actually incurred in their duties as provided by law.

3939 Section 64. Paragraph (q) is added to subsection (3) of
 3940 section 343.54, Florida Statutes, and subsection (5) of that
 3941 section is amended, to read:

3942 343.54 Powers and duties.—

3943 (3) The authority may exercise all powers necessary,
 3944 appurtenant, convenient, or incidental to the carrying out of
 3945 the aforesaid purposes, including, but not limited to, the
 3946 following rights and powers:

3947 (q) To privatize any of the administrative functions of
 3948 the authority existing as of July 1, 2012, by contracting with a

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3949 private entity or entities to perform any or all of those
 3950 functions, which shall require a two-thirds vote of the entire
 3951 membership of the board.

3952 (5) The authority, by a resolution of its governing board,
 3953 may expand its service area into Monroe County ~~and enter into a~~
 3954 ~~partnership with any county that is contiguous to the service~~
 3955 ~~area of the authority.~~ The board shall determine the conditions
 3956 and terms of the partnership, except as provided herein.
 3957 However, the authority may not expand its service area without
 3958 the consent of the board of county commissioners representing
 3959 the proposed expansion area, and a county may not be added to
 3960 the service area except in the year that federal reauthorization
 3961 legislation for transportation funds is enacted. The authority
 3962 shall not expand into any county other than Monroe County
 3963 without the department's prior written approval.

3964 Section 65. Section 343.56, Florida Statutes, is amended
 3965 to read:

3966 343.56 Bonds not debts or pledges of credit of state.—
 3967 Revenue bonds issued under the provisions of this part are not
 3968 debts of the state or pledges of the faith and credit of the
 3969 state. Such bonds are payable exclusively from revenues pledged
 3970 for their payment. All such bonds shall contain a statement on
 3971 their face that the state is not obligated to pay the same or
 3972 the interest thereon, except from the revenues pledged for their
 3973 payment, and that the faith and credit of the state is not
 3974 pledged to the payment of the principal or interest of such
 3975 bonds. The issuance of revenue bonds under the provisions of
 3976 this part does not directly, indirectly, or contingently

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3977 obligate the state to levy or to pledge any form of taxation
 3978 whatsoever, or to make any appropriation for their payment. No
 3979 state funds shall be used or pledged to pay the principal or
 3980 interest of any bonds issued to finance or refinance any portion
 3981 of the South Florida Regional Transportation Authority transit
 3982 system, and all such bonds shall contain a statement on their
 3983 face to this effect. ~~However, federal funds being passed through~~
 3984 ~~the department to the South Florida Regional Transportation~~
 3985 ~~Authority and those state matching funds required by the United~~
 3986 ~~States Department of Transportation as a condition of federal~~
 3987 ~~funding may be used to pay principal and interest of any bonds~~
 3988 ~~issued.~~

3989 Section 66. Section 343.57, Florida Statutes, is amended
 3990 to read:

3991 343.57 Pledge to bondholders not to restrict certain
 3992 rights of authority.—The state pledges to and agrees with the
 3993 holders of the bonds issued pursuant to this part that the state
 3994 will not limit or restrict the rights vested in the authority to
 3995 construct, reconstruct, maintain, and operate any project as
 3996 defined in this part, to establish and collect such fees or
 3997 other charges as may be convenient or necessary to produce
 3998 sufficient revenues to meet the expenses of maintenance and
 3999 operation of the system, and to fulfill the terms of any
 4000 agreements made with the holders of bonds authorized by this
 4001 part. The state further pledges that it will not in any way
 4002 impair the rights or remedies of the holders of such bonds until
 4003 the bonds, together with interest thereon, are fully paid and
 4004 discharged. Nothing in this section or in any agreement between

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4005 the authority and the Department of Transportation shall be
 4006 construed to require the Legislature to make or continue any
 4007 appropriation of state funds to the authority, including, but
 4008 not limited to, the amounts specified in s. 343.58(4), nor shall
 4009 any holder of bonds have any right to require the Legislature to
 4010 make or continue any appropriation of state funds.

4011 Section 67. Subsection (4) of section 343.58, Florida
 4012 Statutes, is amended, and subsection (6) is added to that
 4013 section, to read:

4014 343.58 County funding for the South Florida Regional
 4015 Transportation Authority.—

4016 (4) Notwithstanding any other provision of law to the
 4017 contrary and effective July 1, 2010, until as provided in
 4018 paragraph (d), the department shall transfer annually from the
 4019 State Transportation Trust Fund to the South Florida Regional
 4020 Transportation Authority the amounts specified in subparagraph
 4021 (a)1. or subparagraph (a)2.

4022 (a)1. If the authority becomes responsible for maintaining
 4023 and dispatching the South Florida Rail Corridor:

4024 a. \$15 million from the State Transportation Trust Fund to
 4025 the South Florida Regional Transportation Authority for
 4026 operations, maintenance, and dispatch; and

4027 b. An amount no less than the work program commitments
 4028 equal to \$27.1 million for fiscal year 2010-2011, as of July 1,
 4029 2009, for operating assistance to the authority and corridor
 4030 track maintenance and contract maintenance for the South Florida
 4031 Rail Corridor.

4032 2. If the authority does not become responsible for

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4033 maintaining and dispatching the South Florida Rail Corridor:
 4034 a. \$13.3 million from the State Transportation Trust Fund
 4035 to the South Florida Regional Transportation Authority for
 4036 operations; and
 4037 b. An amount no less than the work program commitments
 4038 equal to \$17.3 million for fiscal year 2010-2011, as of July 1,
 4039 2009, for operating assistance to the authority.
 4040 (b) Funding required by this subsection may not be
 4041 provided from the funds dedicated to the Florida Rail Enterprise
 4042 under s. 201.15(1)(c)1.d.
 4043 (c)1. Funds provided to the authority by the department
 4044 under this subsection may not be committed by the authority
 4045 without the approval of the department, which may not be
 4046 unreasonably withheld. At least 90 days before advertising any
 4047 procurement or renewing any existing contract that will rely on
 4048 state funds for payment, the authority shall notify the
 4049 department of the proposed procurement or renewal and the
 4050 proposed terms thereof. If the department, within 60 days after
 4051 receipt of notice, objects in writing to the proposed
 4052 procurement or renewal, specifying its reasons for objection,
 4053 the authority may not proceed with the proposed procurement or
 4054 renewal. Failure of the department to object in writing within
 4055 60 days after notice shall be deemed consent. This requirement
 4056 does not impair or cause the authority to cancel contracts that
 4057 exist as of June 30, 2012.
 4058 2. To enable the department to evaluate the authority's
 4059 proposed uses of state funds, the authority shall annually
 4060 provide the department with its proposed budget for the

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4061 following authority fiscal year and shall provide the department
 4062 with any additional documentation or information required by the
 4063 department for its evaluation of the proposed uses of the state
 4064 funds.

4065 (d) Funding required by this subsection shall cease upon
 4066 commencement of an alternate dedicated local funding source
 4067 sufficient for the authority to meet its responsibilities for
 4068 operating, maintaining, and dispatching the South Florida Rail
 4069 Corridor. The authority and the department shall cooperate in
 4070 the effort to identify and implement such an alternate dedicated
 4071 local funding source before July 1, 2019. Upon commencement of
 4072 the alternate dedicated local funding source, the department
 4073 shall convey to the authority a perpetual commuter rail easement
 4074 in the South Florida Rail Corridor and all of the department's
 4075 right, title, and interest in rolling stock, equipment, tracks,
 4076 and other personal property owned and used by the department for
 4077 the operation and maintenance of the commuter rail operations in
 4078 the South Florida Rail Corridor.

4079 (6) Before the authority undertakes any new capital
 4080 projects or transit system improvements not approved by the
 4081 authority board, and not identified in the authority's 5-year
 4082 capital program, on or before July 1, 2012, the authority shall
 4083 ensure that the funding available to the authority under this
 4084 section, together with any revenues available to the authority,
 4085 are currently, and are anticipated to continue to be, sufficient
 4086 for the authority to meet its obligations under any agreement
 4087 through which federal funds have been or are anticipated to be
 4088 received by the authority.

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4089 Section 68. Section 347.215, Florida Statutes, is created
 4090 to read:

4091 347.215 Operation of ferries by joint agreement between
 4092 public and private entities.—The county commission of any county
 4093 that has granted a license to operate a ferry in the county may
 4094 authorize the operation of such ferry by a single party or
 4095 multiple parties under a joint agreement between the appropriate
 4096 public entities and one or more private corporations conducting
 4097 business in the state.

4098 Section 69. Paragraph (c) of subsection (4) of section
 4099 348.0003, Florida Statutes, is amended to read:

4100 348.0003 Expressway authority; formation; membership.—
 4101 (4)

4102 (c) Members of each expressway authority, transportation
 4103 authority, bridge authority, or toll authority, created pursuant
 4104 to this chapter, chapter 343, ~~or chapter 349~~ or any other
 4105 general law, legislative enactment shall comply with the
 4106 applicable financial disclosure requirements of s. 8, Art. II of
 4107 the State Constitution. This paragraph does not subject any
 4108 statutorily created authority, other than an expressway
 4109 authority created under this part, to any other requirement of
 4110 this part except the requirement of this paragraph.

4111 Section 70. Section 348.7645, Florida Statutes, is created
 4112 to read:

4113 348.7645 Exit sign to university.—Notwithstanding any
 4114 provision of law to the contrary, the authority, upon request by
 4115 a university described in this section, shall erect signage at
 4116 the most convenient, existing exit directing traffic to a

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4117 university with at least 6,000 full-time students which is
 4118 located within 5 miles of a roadway operated by the authority.
 4119 Any such university shall pay to the authority the actual costs
 4120 of any signage erected.

4121 Section 71. Subsection (3) of section 349.03, Florida
 4122 Statutes, is amended to read:

4123 349.03 Jacksonville Transportation Authority.—

4124 (3) (a) The terms of appointed members shall be for 4 years
 4125 deemed to have commenced on June 1 of the year in which they are
 4126 appointed. Each member shall hold office until a successor has
 4127 been appointed and has qualified. A vacancy during a term shall
 4128 be filled by the respective appointing authority only for the
 4129 balance of the unexpired term. Any member appointed to the
 4130 authority for two consecutive full terms shall not be eligible
 4131 for appointment to the next succeeding term. One of the members
 4132 so appointed shall be designated annually by the members as
 4133 chair of the authority, one member shall be designated annually
 4134 as the vice chair of the authority, one member shall be
 4135 designated annually as the secretary of the authority, and one
 4136 member shall be designated annually as the treasurer of the
 4137 authority. The members of the authority shall not be entitled to
 4138 compensation, but shall be reimbursed for travel expenses or
 4139 other expenses actually incurred in their duties as provided by
 4140 law. Four voting members of the authority shall constitute a
 4141 quorum, and no resolution adopted by the authority shall become
 4142 effective unless with the affirmative vote of at least four
 4143 members. Members of the authority shall file as their mandatory
 4144 financial disclosure a statement of financial interest with the

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4145 Commission on Ethics as provided in s. 112.3145.

4146 (b) The authority shall employ an executive director, and
 4147 the executive director may hire such staff, permanent or
 4148 temporary, as he or she may determine and may organize the staff
 4149 of the authority into such departments and units as he or she
 4150 may determine. The executive director may appoint department
 4151 directors, deputy directors, division chiefs, and staff
 4152 assistants to the executive director, as he or she may
 4153 determine. In so appointing the executive director, the
 4154 authority may fix the compensation of such appointee, who shall
 4155 serve at the pleasure of the authority. All employees of the
 4156 authority shall be exempt from the provisions of part II of
 4157 chapter 110. The authority may employ such financial advisers
 4158 and consultants, technical experts, engineers, and agents and
 4159 employees, permanent or temporary, as it may require and may fix
 4160 the compensation and qualifications of such persons, firms, or
 4161 corporations. The authority may delegate to one or more of its
 4162 agents or employees such of its powers as it shall deem
 4163 necessary to carry out the purposes of this chapter, subject
 4164 always to the supervision and control of the governing body of
 4165 the authority.

4166 Section 72. Subsection (8) is added to section 349.04,
 4167 Florida Statutes, to read:

4168 349.04 Purposes and powers.—

4169 (8) The authority may conduct public meetings and
 4170 workshops by means of communications media technology, as
 4171 provided in s. 120.54(5). However, a resolution, rule, or formal
 4172 action is not binding unless a quorum is physically present at

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4173 the noticed meeting location, and only members physically
 4174 present may vote on any item.

4175 Section 73. Subsection (6) is added to section 373.118,
 4176 Florida Statutes, to read:

4177 373.118 General permits; delegation.—

4178 (6) By July 1, 2012, the department shall initiate
 4179 rulemaking to adopt a general permit for stormwater management
 4180 systems serving airside activities at airports. The general
 4181 permit applies statewide and shall be administered by any water
 4182 management district or any delegated local government pursuant
 4183 to the operating agreements applicable to part IV, with no
 4184 additional rulemaking required. Such rules are not subject to
 4185 any special rulemaking requirements related to small business.

4186 Section 74. Subsection (6) is added to section 373.413,
 4187 Florida Statutes, to read:

4188 373.413 Permits for construction or alteration.—

4189 (6) It is the intent of the Legislature that the governing
 4190 board or department exercise flexibility in the permitting of
 4191 stormwater management systems associated with the construction
 4192 or alteration of systems serving state transportation projects
 4193 and facilities. Because of the unique limitations of linear
 4194 facilities, the governing board or department shall balance the
 4195 expenditure of public funds for stormwater treatment for state
 4196 transportation projects and facilities with the benefits to the
 4197 public in providing the most cost-efficient and effective method
 4198 of achieving the treatment objectives. In consideration thereof,
 4199 the governing board or department shall allow alternatives to
 4200 onsite treatment, including, but not limited to, regional

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4201 stormwater treatment systems. The Department of Transportation
 4202 is responsible for treating stormwater generated from state
 4203 transportation projects but is not responsible for the abatement
 4204 of pollutants and flows entering its stormwater management
 4205 systems from offsite sources; however, this subsection does not
 4206 prohibit the Department of Transportation from receiving and
 4207 managing such pollutants and flows when cost effective and
 4208 prudent. Further, in association with right-of-way acquisition
 4209 for state transportation projects, the Department of
 4210 Transportation is responsible for providing stormwater treatment
 4211 and attenuation for the acquired right-of-way but is not
 4212 responsible for modifying permits for adjacent lands affected by
 4213 right-of-way acquisition when it is not the permittee. The
 4214 governing board or department may establish, by rule, specific
 4215 criteria to implement the management and treatment alternatives
 4216 and activities under this subsection.

4217 Section 75. Section 479.28, Florida Statutes, is repealed.

4218 Section 76. The Department of Transportation may seek
 4219 Federal Highway Administration approval of a tourist-oriented
 4220 commerce sign pilot program for small businesses, as defined in
 4221 s. 288.703, Florida Statutes, in rural areas of critical
 4222 economic concern, as defined by s. 288.0656(2)(d) and (e),
 4223 Florida Statutes. Upon Federal Highway Administration approval,
 4224 the department shall submit the pilot program for legislative
 4225 approval in the next regular legislative session.

4226 Section 77. There is established a pilot program for the
 4227 Palm Beach County school district to recognize its business
 4228 partners. The district may recognize its business partners by

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4229 publicly displaying such business partners' names on school
 4230 district property in the unincorporated areas of the county.
 4231 Project graduation and athletic sponsorships are examples of
 4232 appropriate recognition. The district shall make every effort to
 4233 display its business partners' names in a manner that is
 4234 consistent with the county standards for uniformity in size,
 4235 color, and placement of signs. If the provisions of this section
 4236 are inconsistent with county ordinances or regulations relating
 4237 to signs in the unincorporated areas of the county or
 4238 inconsistent with chapter 125 or chapter 166, Florida Statutes,
 4239 the provisions of this section prevail. The pilot program
 4240 expires June 30, 2014.

4241 Section 78. Effective upon this act becoming a law, all
 4242 administrative rules adopted by the former Pilotage Rate Review
 4243 Board, which were in effect upon the effective date of ss. 5 and
 4244 6, chapter 2010-225, Laws of Florida, are transferred by a type
 4245 two transfer, as defined in s. 20.06(2), Florida Statutes, to
 4246 the Pilotage Rate Review Committee of the Board of Pilot
 4247 Commissioners and shall apply retroactively to the effective
 4248 date of ss. 5 and 6, chapter 2010-225, Laws of Florida.

4249 Section 79. The Florida Transportation Commission shall
 4250 conduct a study of the potential for cost savings that might be
 4251 realized through increased efficiencies through the sharing of
 4252 resources for the accomplishment of design, construction, and
 4253 maintenance activities by or on behalf of expressway authorities
 4254 in the state. The commission may retain such experts as are
 4255 reasonably necessary to complete the study, and the department
 4256 shall pay the expenses of such experts. The commission shall

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4257 complete the study and provide a written report of its findings
 4258 and conclusions to the Governor, the President of the Senate,
 4259 the Speaker of the House of Representatives, and the chairs of
 4260 each of the appropriations committees of the Legislature by
 4261 December 31, 2012. In conducting the study, the commission shall
 4262 seek input from the existing expressway authorities.

4263 Section 80. Notwithstanding s. 120.569, s. 120.57, or s.
 4264 373.427, Florida Statutes, or any other provision of law to the
 4265 contrary, a challenge to a consolidated environmental resource
 4266 permit or any associated variance or any sovereign submerged
 4267 lands authorization proposed or issued by the Department of
 4268 Environmental Protection in connection with the state's
 4269 deepwater ports, as listed in s. 403.021(9), Florida Statutes,
 4270 shall be conducted pursuant to the summary hearing provisions of
 4271 s. 120.574, Florida Statutes; however, the summary proceeding
 4272 shall be conducted within 30 days after a party files a motion
 4273 for a summary hearing, regardless of whether the parties agree
 4274 to the summary proceeding, and the administrative law judge's
 4275 decision shall be in the form of a recommended order and does
 4276 not constitute final agency action of the department. The
 4277 Department of Environmental Protection shall issue the final
 4278 order within 45 working days after receipt of the administrative
 4279 law judge's recommended order. The summary hearing provisions of
 4280 this section apply to pending administrative proceedings;
 4281 however, s. 120.574(1)(b) and (d) and (2)(a)3. and 5., Florida
 4282 Statutes, do not apply to pending administrative proceedings.
 4283 This section shall take effect upon this act becoming a law.

4284 Section 81. It is the intent of the Legislature to

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4285 encourage and facilitate a review by the Pinellas Suncoast
 4286 Transit Authority (PSTA) and the Hillsborough Area Regional
 4287 Transit Authority (HART) in order to achieve improvements in
 4288 regional transit connectivity and implementation of operational
 4289 efficiencies and service enhancements that are consistent with
 4290 the regional approach to transit identified in the Tampa Bay
 4291 Area Regional Transportation Authority's (TBARTA's) Regional
 4292 Transportation Master Plan. The Legislature finds that such
 4293 improvements and efficiencies can best be achieved through a
 4294 joint review, evaluation, and recommendations by the Pinellas
 4295 Suncoast Transit Authority and the Hillsborough Area Regional
 4296 Transit Authority.

4297 (1) The governing bodies or a designated subcommittee of
 4298 both the Pinellas Suncoast Transit Authority and the
 4299 Hillsborough Area Regional Transit Authority shall hold a joint
 4300 meeting within 30 days after July 1, 2012, and as often as
 4301 deemed necessary thereafter, in order to consider and identify
 4302 opportunities for greater efficiency and service improvements,
 4303 including specific methods for increasing service connectivity
 4304 between the jurisdictions of each agency. The elements to be
 4305 reviewed must also include:

4306 (a) Governance structure, including governing board
 4307 membership, terms, responsibilities, officers, powers, duties,
 4308 and responsibilities;

4309 (b) Funding options and implementation;

4310 (c) Facilities ownership and management;

4311 (d) Current financial obligations and resources; and

4312 (e) Actions to be taken that are consistent with the Tampa

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4313 Bay Area Regional Transportation Authority's master plan.
 4314 (2) The Pinellas Suncoast Transit Authority and the
 4315 Hillsborough Area Regional Transit Authority shall jointly
 4316 submit a report to the Speaker of the House of Representatives
 4317 and the President of the Senate on the elements described in
 4318 this section by February 1, 2013. The report must include
 4319 proposed legislation to implement each recommendation and
 4320 specific recommendations concerning the reorganization of each
 4321 agency, the organizational merger of both agencies, or the
 4322 consolidation of functions within and between each agency.
 4323 (3) The Tampa Bay Area Regional Transportation Authority
 4324 shall assist and facilitate the Pinellas Suncoast Transit
 4325 Authority and the Hillsborough Area Regional Transit Authority
 4326 in carrying out the purposes of this section. The Tampa Bay Area
 4327 Regional Transportation Authority shall provide technical
 4328 assistance and information regarding its master plan, make
 4329 recommendations for achieving consistency and improved regional
 4330 connectivity, and provide support to the Pinellas Suncoast
 4331 Transit Authority and the Hillsborough Area Regional Transit
 4332 Authority in the preparation of their joint report and
 4333 recommendations to the Legislature. For this purpose, the
 4334 Pinellas Suncoast Transit Authority and the Hillsborough Area
 4335 Regional Transit Authority shall reimburse the Tampa Bay Area
 4336 Regional Transportation Authority for necessary and reasonable
 4337 expense in a total amount not to exceed \$100,000.
 4338 Section 82. Subsection (7) of section 215.616, Florida
 4339 Statutes, is amended to read:
 4340 215.616 State bonds for federal aid highway construction.-

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4341 ~~(7) Up to \$325 million in bonds may be issued for the~~
 4342 ~~Mobility 2000 Initiative with emphasis on the Florida Intrastate~~
 4343 ~~Highway System to advance projects in the most cost-effective~~
 4344 ~~manner and to support emergency evacuation, improved access to~~
 4345 ~~urban areas, or the enhancement of trade and economic growth~~
 4346 ~~corridors of statewide and regional significance which promote~~
 4347 ~~Florida's economic growth.~~

4348 Section 83. Subsection (3) of section 288.063, Florida
 4349 Statutes, is amended to read:

4350 288.063 Contracts for transportation projects.-

4351 (3) With respect to any contract executed pursuant to this
 4352 section, the term "transportation project" means a
 4353 transportation facility as defined in s. 334.03(30) ~~s.~~
 4354 ~~334.03(31)~~ which is necessary in the judgment of the department
 4355 to facilitate the economic development and growth of the state.
 4356 Such transportation projects shall be approved only as a
 4357 consideration to attract new employment opportunities to the
 4358 state or expand or retain employment in existing companies
 4359 operating within the state, or to allow for the construction or
 4360 expansion of a state or federal correctional facility in a
 4361 county having ~~with~~ a population of 75,000 or less that creates
 4362 new employment opportunities or expands or retains employment in
 4363 the county. The department shall institute procedures to ensure
 4364 that small and minority businesses have equal access to funding
 4365 provided under this section. Funding for approved transportation
 4366 projects may include any expenses, other than administrative
 4367 costs and equipment purchases specified in the contract,
 4368 necessary for new, or improvement to existing, transportation

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4369 facilities. Funds made available pursuant to this section may
 4370 not be expended in connection with the relocation of a business
 4371 from one community to another community in this state unless the
 4372 department determines that without such relocation the business
 4373 will move outside this state or determines that the business has
 4374 a compelling economic rationale for the relocation which creates
 4375 additional jobs. Subject to appropriation for projects under
 4376 this section, any appropriation greater than \$10 million shall
 4377 be allocated to each of the districts of the Department of
 4378 Transportation to ensure equitable geographical distribution.
 4379 Such allocated funds that remain uncommitted by the third
 4380 quarter of the fiscal year shall be reallocated among the
 4381 districts based on pending project requests.

4382 Section 84. Subsection (2) of section 311.22, Florida
 4383 Statutes, is amended to read:

4384 311.22 Additional authorization for funding certain
 4385 dredging projects.—

4386 (2) The council shall adopt rules for evaluating the
 4387 projects that may be funded pursuant to this section. The rules
 4388 must provide criteria for evaluating the economic benefit of the
 4389 project. The rules must include the creation of an
 4390 administrative review process by the council which is similar to
 4391 the process described in s. 311.09(5)-(11) ~~s. 311.09(5)-(12)~~,
 4392 and provide for a review by the Department of Transportation and
 4393 the Department of Economic Opportunity of all projects submitted
 4394 for funding under this section.

4395 Section 85. Section 316.2122, Florida Statutes, is amended
 4396 to read:

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4397 316.2122 Operation of a low-speed vehicle or mini truck on
 4398 certain roadways.—The operation of a low-speed vehicle as
 4399 defined in s. 320.01(42) or a mini truck as defined in s.
 4400 320.01(45) on any road ~~as defined in s. 334.03(15) or (33)~~ is
 4401 authorized with the following restrictions:

4402 (1) A low-speed vehicle or mini truck may be operated only
 4403 on streets where the posted speed limit is 35 miles per hour or
 4404 less. This does not prohibit a low-speed vehicle or mini truck
 4405 from crossing a road or street at an intersection where the road
 4406 or street has a posted speed limit of more than 35 miles per
 4407 hour.

4408 (2) A low-speed vehicle must be equipped with headlamps,
 4409 stop lamps, turn signal lamps, taillamps, reflex reflectors,
 4410 parking brakes, rearview mirrors, windshields, seat belts, and
 4411 vehicle identification numbers.

4412 (3) A low-speed vehicle or mini truck must be registered
 4413 and insured in accordance with s. 320.02 and titled pursuant to
 4414 chapter 319.

4415 (4) Any person operating a low-speed vehicle or mini truck
 4416 must have in his or her possession a valid driver's license.

4417 (5) A county or municipality may prohibit the operation of
 4418 low-speed vehicles or mini trucks on any road under its
 4419 jurisdiction if the governing body of the county or municipality
 4420 determines that such prohibition is necessary in the interest of
 4421 safety.

4422 (6) The Department of Transportation may prohibit the
 4423 operation of low-speed vehicles or mini trucks on any road under
 4424 its jurisdiction if it determines that such prohibition is

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4425 necessary in the interest of safety.

4426 Section 86. Section 318.12, Florida Statutes, is amended
4427 to read:

4428 318.12 Purpose.—It is the legislative intent in the
4429 adoption of this chapter to decriminalize certain violations of
4430 chapter 316, the Florida Uniform Traffic Control Law; chapter
4431 320, Motor Vehicle Licenses; chapter 322, Drivers' Licenses;
4432 chapter 338, Limited Access Florida Intrastate Highway System
4433 and Toll Facilities; and chapter 1006, Support of Learning,
4434 thereby facilitating the implementation of a more uniform and
4435 expeditious system for the disposition of traffic infractions.

4436 Section 87. Subsections (3) and (4) of section 320.20,
4437 Florida Statutes, are amended to read:

4438 320.20 Disposition of license tax moneys.—The revenue
4439 derived from the registration of motor vehicles, including any
4440 delinquent fees and excluding those revenues collected and
4441 distributed under the provisions of s. 320.081, must be
4442 distributed monthly, as collected, as follows:

4443 (3) Notwithstanding any other provision of law except
4444 subsections (1) and (2), on July 1, 1996, and annually
4445 thereafter, \$15 million shall be deposited in the State
4446 Transportation Trust Fund solely for the purposes of funding the
4447 Florida Seaport Transportation and Economic Development Program
4448 as provided for in chapter 311. Such revenues shall be
4449 distributed on a 50-50 matching basis to any port listed in s.
4450 311.09(1) to be used for funding projects as described in s.
4451 311.07(3) (b). Such revenues may be assigned, pledged, or set
4452 aside as a trust for the payment of principal or interest on

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4453 | bonds, tax anticipation certificates, or any other form of
 4454 | indebtedness issued by an individual port or appropriate local
 4455 | government having jurisdiction thereof, or collectively by
 4456 | interlocal agreement among any of the ports, or used to purchase
 4457 | credit support to permit such borrowings. However, such debt
 4458 | shall not constitute a general obligation of the State of
 4459 | Florida. The state does hereby covenant with holders of such
 4460 | revenue bonds or other instruments of indebtedness issued
 4461 | hereunder that it will not repeal or impair or amend in any
 4462 | manner which will materially and adversely affect the rights of
 4463 | such holders so long as bonds authorized by this section are
 4464 | outstanding. Any revenues which are not pledged to the repayment
 4465 | of bonds as authorized by this section may be utilized for
 4466 | purposes authorized under the Florida Seaport Transportation and
 4467 | Economic Development Program. This revenue source is in addition
 4468 | to any amounts provided for and appropriated in accordance with
 4469 | s. 311.07. The Florida Seaport Transportation and Economic
 4470 | Development Council shall approve distribution of funds to ports
 4471 | for projects which have been approved pursuant to s. 311.09(5)-
 4472 | (8) ~~s. 311.09(5)-(9)~~. The council and the Department of
 4473 | Transportation may ~~are authorized to~~ perform such acts as are
 4474 | required to facilitate and implement ~~the provisions of~~ this
 4475 | subsection. To better enable the ports to cooperate to their
 4476 | mutual advantage, the governing body of each port may exercise
 4477 | powers provided to municipalities or counties in s. 163.01(7)(d)
 4478 | subject to the provisions of chapter 311 and special acts, if
 4479 | any, pertaining to a port. The use of funds provided pursuant to
 4480 | this subsection are limited to eligible projects listed in this

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4481 subsection. Income derived from a project completed with the use
 4482 of program funds, beyond operating costs and debt service, shall
 4483 be restricted to further port capital improvements consistent
 4484 with maritime purposes and for no other purpose. Use of such
 4485 income for nonmaritime purposes is prohibited. ~~The provisions of~~
 4486 ~~s. 311.07(4) do not apply to any funds received pursuant to this~~
 4487 ~~subsection.~~ The revenues available under this subsection shall
 4488 not be pledged to the payment of any bonds other than the
 4489 Florida Ports Financing Commission Series 1996 and Series 1999
 4490 Bonds currently outstanding; provided, however, such revenues
 4491 may be pledged to secure payment of refunding bonds to refinance
 4492 the Florida Ports Financing Commission Series 1996 and Series
 4493 1999 Bonds. No refunding bonds secured by revenues available
 4494 under this subsection may be issued with a final maturity later
 4495 than the final maturity of the Florida Ports Financing
 4496 Commission Series 1996 and Series 1999 Bonds or which provide
 4497 for higher debt service in any year than is currently payable on
 4498 such bonds. Any revenue bonds or other indebtedness issued after
 4499 July 1, 2000, other than refunding bonds shall be issued by the
 4500 Division of Bond Finance at the request of the Department of
 4501 Transportation pursuant to the State Bond Act.

4502 (4) Notwithstanding any other provision of law except
 4503 subsections (1), (2), and (3), on July 1, 1999, and annually
 4504 thereafter, \$10 million shall be deposited in the State
 4505 Transportation Trust Fund solely for the purposes of funding the
 4506 Florida Seaport Transportation and Economic Development Program
 4507 as provided in chapter 311 and for funding seaport intermodal
 4508 access projects of statewide significance as provided in s.

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4509 341.053. Such revenues shall be distributed to any port listed
 4510 in s. 311.09(1), to be used for funding projects as follows:

4511 (a) For any seaport intermodal access projects that are
 4512 identified in the 1997-1998 Tentative Work Program of the
 4513 Department of Transportation, up to the amounts needed to offset
 4514 the funding requirements of this section.

4515 (b) For seaport intermodal access projects as described in
 4516 s. 341.053(5) that are identified in the 5-year Florida Seaport
 4517 Mission Plan as provided in s. 311.09(3). Funding for such
 4518 projects shall be on a matching basis as mutually determined by
 4519 the Florida Seaport Transportation and Economic Development
 4520 Council and the Department of Transportation, provided a minimum
 4521 of 25 percent of total project funds shall come from any port
 4522 funds, local funds, private funds, or specifically earmarked
 4523 federal funds.

4524 (c) On a 50-50 matching basis for projects as described in
 4525 s. 311.07(3)(b).

4526 (d) For seaport intermodal access projects that involve
 4527 the dredging or deepening of channels, turning basins, or
 4528 harbors; or the rehabilitation of wharves, docks, or similar
 4529 structures. Funding for such projects shall require a 25 percent
 4530 match of the funds received pursuant to this subsection.
 4531 Matching funds shall come from any port funds, federal funds,
 4532 local funds, or private funds.

4533
 4534 Such revenues may be assigned, pledged, or set aside as a trust
 4535 for the payment of principal or interest on bonds, tax
 4536 anticipation certificates, or any other form of indebtedness

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4537 | issued by an individual port or appropriate local government
 4538 | having jurisdiction thereof, or collectively by interlocal
 4539 | agreement among any of the ports, or used to purchase credit
 4540 | support to permit such borrowings. However, such debt shall not
 4541 | constitute a general obligation of the state. This state does
 4542 | hereby covenant with holders of such revenue bonds or other
 4543 | instruments of indebtedness issued hereunder that it will not
 4544 | repeal or impair or amend this subsection in any manner which
 4545 | will materially and adversely affect the rights of holders so
 4546 | long as bonds authorized by this subsection are outstanding. Any
 4547 | revenues that are not pledged to the repayment of bonds as
 4548 | authorized by this section may be utilized for purposes
 4549 | authorized under the Florida Seaport Transportation and Economic
 4550 | Development Program. This revenue source is in addition to any
 4551 | amounts provided for and appropriated in accordance with s.
 4552 | 311.07 and subsection (3). The Florida Seaport Transportation
 4553 | and Economic Development Council shall approve distribution of
 4554 | funds to ports for projects that have been approved pursuant to
 4555 | s. 311.09(5)-(8) ~~s. 311.09(5)-(9)~~, or for seaport intermodal
 4556 | access projects identified in the 5-year Florida Seaport Mission
 4557 | Plan as provided in s. 311.09(3) and mutually agreed upon by the
 4558 | Florida Seaport Transportation and Economic Development ~~FSTED~~
 4559 | Council and the Department of Transportation. All contracts for
 4560 | actual construction of projects authorized by this subsection
 4561 | must include a provision encouraging employment of participants
 4562 | in the welfare transition program. The goal for employment of
 4563 | participants in the welfare transition program is 25 percent of
 4564 | all new employees employed specifically for the project, unless

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4565 the Department of Transportation and the Florida Seaport
 4566 Transportation and Economic Development Council demonstrate that
 4567 such a requirement would severely hamper the successful
 4568 completion of the project. In such an instance, Workforce
 4569 Florida, Inc., shall establish an appropriate percentage of
 4570 employees that must be participants in the welfare transition
 4571 program. The council and the Department of Transportation may
 4572 ~~are authorized to~~ perform such acts as are required to
 4573 facilitate and implement the provisions of this subsection. To
 4574 better enable the ports to cooperate to their mutual advantage,
 4575 the governing body of each port may exercise powers provided to
 4576 municipalities or counties in s. 163.01(7)(d) subject to the
 4577 provisions of chapter 311 and special acts, if any, pertaining
 4578 to a port. The use of funds provided pursuant to this subsection
 4579 is limited to eligible projects listed in this subsection. ~~The~~
 4580 ~~provisions of s. 311.07(4) do not apply to any funds received~~
 4581 ~~pursuant to this subsection.~~ The revenues available under this
 4582 subsection shall not be pledged to the payment of any bonds
 4583 other than the Florida Ports Financing Commission Series 1996
 4584 and Series 1999 Bonds currently outstanding; provided, however,
 4585 such revenues may be pledged to secure payment of refunding
 4586 bonds to refinance the Florida Ports Financing Commission Series
 4587 1996 and Series 1999 Bonds. No refunding bonds secured by
 4588 revenues available under this subsection may be issued with a
 4589 final maturity later than the final maturity of the Florida
 4590 Ports Financing Commission Series 1996 and Series 1999 Bonds or
 4591 which provide for higher debt service in any year than is
 4592 currently payable on such bonds. Any revenue bonds or other

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4593 indebtedness issued after July 1, 2000, other than refunding
 4594 bonds shall be issued by the Division of Bond Finance at the
 4595 request of the Department of Transportation pursuant to the
 4596 State Bond Act.

4597 Section 88. Subsection (3) of section 335.02, Florida
 4598 Statutes, is amended to read:

4599 335.02 Authority to designate transportation facilities
 4600 and rights-of-way and establish lanes; procedure for
 4601 redesignation and relocation; application of local regulations.—

4602 (3) The department may establish standards for lanes on
 4603 the State Highway System, including the Strategic Intermodal
 4604 System highway corridors ~~Florida Intrastate Highway System~~
 4605 established pursuant to s. 339.65 ~~s. 338.001~~. In determining the
 4606 number of lanes for any regional corridor or section of highway
 4607 on the State Highway System to be funded by the department with
 4608 state or federal funds, the department shall evaluate all
 4609 alternatives and seek to achieve the highest degree of efficient
 4610 mobility for corridor users. In conducting the analysis, the
 4611 department must give consideration to the following factors
 4612 consistent with sound engineering principles:

4613 (a) Overall economic importance of the corridor as a trade
 4614 or tourism corridor.

4615 (b) Safety of corridor users, including the importance of
 4616 the corridor for evacuation purposes.

4617 (c) Cost-effectiveness of alternative methods of
 4618 increasing the mobility of corridor users.

4619 (d) Current and projected traffic volumes on the corridor.

4620 (e) Multimodal alternatives.

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4621 (f) Use of intelligent transportation technology in
 4622 increasing the efficiency of the corridor.

4623 (g) Compliance with state and federal policies related to
 4624 clean air, environmental impacts, growth management, livable
 4625 communities, and energy conservation.

4626 (h) Addition of special use lanes, such as exclusive truck
 4627 lanes, high-occupancy-vehicle toll lanes, and exclusive
 4628 interregional traffic lanes.

4629 (i) Availability and cost of rights-of-way, including
 4630 associated costs, and the most effective use of existing rights-
 4631 of-way.

4632 (j) Regional economic and transportation objectives, where
 4633 articulated.

4634 (k) The future land use plan element of local government
 4635 comprehensive plans, as appropriate, including designated urban
 4636 infill and redevelopment areas.

4637 (l) The traffic circulation element, if applicable, of
 4638 local government comprehensive plans, including designated
 4639 transportation corridors and public transportation corridors.

4640 (m) The approved metropolitan planning organization's
 4641 long-range transportation plan, as appropriate.

4642
 4643 This subsection does not preclude a number of lanes in excess of
 4644 10 lanes, but an additional factor that must be considered
 4645 before the department may determine that the number of lanes
 4646 should be more than 10 is the capacity to accommodate in the
 4647 future alternative forms of transportation within existing or
 4648 potential rights-of-way.

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4649 Section 89. Subsection (2) of section 338.222, Florida
 4650 Statutes, is amended to read:

4651 338.222 Department of Transportation sole governmental
 4652 entity to acquire, construct, or operate turnpike projects;
 4653 exception.—

4654 (2) The department may contract with any local
 4655 governmental entity as defined in s. 334.03(13) ~~s. 334.03(14)~~
 4656 for the design, right-of-way acquisition, or construction of any
 4657 turnpike project which the Legislature has approved. Local
 4658 governmental entities may negotiate with the department for the
 4659 design, right-of-way acquisition, and construction of any
 4660 section of the turnpike project within areas of their respective
 4661 jurisdictions or within counties with which they have interlocal
 4662 agreements.

4663 Section 90. Subsection (6) of section 339.285, Florida
 4664 Statutes, is amended to read:

4665 339.285 Enhanced Bridge Program for Sustainable
 4666 Transportation.—

4667 (6) Preference shall be given to bridge projects located
 4668 on corridors that connect to the Strategic Intermodal System,
 4669 created under s. 339.64, and that have been identified as
 4670 regionally significant in accordance with s. 339.155(4)(c), (d),
 4671 and (e) ~~s. 339.155(5)(c), (d), and (e)~~.

4672 Section 91. Subsection (2) of section 341.053, Florida
 4673 Statutes, is amended to read:

4674 341.053 Intermodal Development Program; administration;
 4675 eligible projects; limitations.—

4676 (2) In recognition of the department's role in the

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4677 economic development of this state, the department shall develop
 4678 a proposed intermodal development plan to connect Florida's
 4679 airports, deepwater seaports, rail systems serving both
 4680 passenger and freight, and major intermodal connectors to the
 4681 Strategic Intermodal System highway corridors ~~Florida Intrastate~~
 4682 ~~Highway System facilities~~ as the primary system for the movement
 4683 of people and freight in this state in order to make the
 4684 intermodal development plan a fully integrated and
 4685 interconnected system. The intermodal development plan must:

4686 (a) Define and assess the state's freight intermodal
 4687 network, including airports, seaports, rail lines and terminals,
 4688 intercity bus lines and terminals, and connecting highways.

4689 (b) Prioritize statewide infrastructure investments,
 4690 including the acceleration of current projects, which are found
 4691 by the Freight Stakeholders Task Force to be priority projects
 4692 for the efficient movement of people and freight.

4693 (c) Be developed in a manner that will assure maximum use
 4694 of existing facilities and optimum integration and coordination
 4695 of the various modes of transportation, including both
 4696 government-owned and privately owned resources, in the most
 4697 cost-effective manner possible.

4698 Section 92. Subsection (2) of section 341.8225, Florida
 4699 Statutes, is amended to read:

4700 341.8225 Department of Transportation sole governmental
 4701 entity to acquire, construct, or operate high-speed rail
 4702 projects; exception.—

4703 (2) Local governmental entities, as defined in s.
 4704 334.03(13) ~~s. 334.03(14)~~, may negotiate with the department for

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4705 the design, right-of-way acquisition, and construction of any
 4706 component of the high-speed rail system within areas of their
 4707 respective jurisdictions or within counties with which they have
 4708 interlocal agreements.

4709 Section 93. Subsection (2) of section 403.7211, Florida
 4710 Statutes, is amended to read:

4711 403.7211 Hazardous waste facilities managing hazardous
 4712 wastes generated offsite; federal facilities managing hazardous
 4713 waste.—

4714 (2) The department may ~~shall~~ not issue any permit under s.
 4715 403.722 for the construction, initial operation, or substantial
 4716 modification of a facility for the disposal, storage, or
 4717 treatment of hazardous waste generated offsite which is proposed
 4718 to be located in any of the following locations:

4719 (a) Any area where life-threatening concentrations of
 4720 hazardous substances could accumulate at any residence or
 4721 residential subdivision as the result of a catastrophic event at
 4722 the proposed facility, unless each such residence or residential
 4723 subdivision is served by at least one arterial road or urban
 4724 minor arterial road, as determined under the procedures
 4725 referenced in s. 334.03(10) ~~defined in s. 334.03~~, which provides
 4726 safe and direct egress by land to an area where such life-
 4727 threatening concentrations of hazardous substances could not
 4728 accumulate in a catastrophic event. Egress by any road leading
 4729 from any residence or residential subdivision to any point
 4730 located within 1,000 yards of the proposed facility is unsafe
 4731 for the purposes of this paragraph. In determining whether
 4732 egress proposed by the applicant is safe and direct, the

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4733 department shall also consider, at a minimum, the following
 4734 factors:

4735 1. Natural barriers such as water bodies, and whether any
 4736 road in the proposed evacuation route is impaired by a natural
 4737 barrier such as a water body.†

4738 2. Potential exposure during egress and potential
 4739 increases in the duration of exposure.†

4740 3. Whether any road in a proposed evacuation route passes
 4741 in close proximity to the facility.†~~and~~

4742 4. Whether any portion of the evacuation route is
 4743 inherently directed toward the facility.

4744 (b) Any location within 1,500 yards of any hospital,
 4745 prison, school, nursing home facility, day care facility,
 4746 stadium, place of assembled worship, or any other similar site
 4747 where individuals are routinely confined or assembled in such a
 4748 manner that reasonable access to immediate evacuation is likely
 4749 to be unavailable.†

4750 (c) Any location within 1,000 yards of any residence.†~~or~~

4751 (d) Any location which is inconsistent with rules adopted
 4752 by the department under this part.

4753
 4754 For the purposes of this subsection, all distances shall be
 4755 measured from the outer limit of the active hazardous waste
 4756 management area. "Substantial modification" includes: any
 4757 physical change in, change in the operations of, or addition to
 4758 a facility which could increase the potential offsite impact, or
 4759 risk of impact, from a release at that facility; and any change
 4760 in permit conditions which is reasonably expected to lead to

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4761 greater potential impacts or risks of impacts, from a release at
 4762 that facility. "Substantial modification" does not include a
 4763 change in operations, structures, or permit conditions which
 4764 does not substantially increase either the potential impact
 4765 from, or the risk of, a release. Physical or operational changes
 4766 to a facility related solely to the management of nonhazardous
 4767 waste at the facility is ~~shall~~ not ~~be~~ considered a substantial
 4768 modification. The department shall, by rule, adopt criteria to
 4769 determine whether a facility has been substantially modified.
 4770 "Initial operation" means the initial commencement of operations
 4771 at the facility.

4772 Section 94. Subsection (27) of section 479.01, Florida
 4773 Statutes, is amended to read:

4774 479.01 Definitions.—As used in this chapter, the term:

4775 (27) "Urban area" has the same meaning as defined in s.
 4776 334.03(31) ~~s. 334.03(32)~~.

4777 Section 95. Subsection (1) of section 479.07, Florida
 4778 Statutes, is amended to read:

4779 479.07 Sign permits.—

4780 (1) Except as provided in ss. 479.105(1)(e) and 479.16, a
 4781 person may not erect, operate, use, or maintain, or cause to be
 4782 erected, operated, used, or maintained, any sign on the State
 4783 Highway System outside an urban area, as defined in s.
 4784 334.03(31) ~~s. 334.03(32)~~, or on any portion of the interstate or
 4785 federal-aid primary highway system without first obtaining a
 4786 permit for the sign from the department and paying the annual
 4787 fee as provided in this section. As used in this section, the
 4788 term "on any portion of the State Highway System, interstate, or

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4789 federal-aid primary system" means a sign located within the
 4790 controlled area which is visible from any portion of the main-
 4791 traveled way of such system.

4792 Section 96. Subsection (5) of section 479.261, Florida
 4793 Statutes, is amended to read:

4794 479.261 Logo sign program.—

4795 (5) At a minimum, permit fees for businesses that
 4796 participate in the program must be established in an amount
 4797 sufficient to offset the total cost to the department for the
 4798 program, including contract costs. The department shall provide
 4799 the services in the most efficient and cost-effective manner
 4800 through department staff or by contracting for some or all of
 4801 the services. The department shall adopt rules that set
 4802 reasonable rates based upon factors such as population, traffic
 4803 volume, market demand, and costs for annual permit fees.
 4804 However, annual permit fees for sign locations inside an urban
 4805 area, as defined in s. 334.03(31) ~~s. 334.03(32)~~, may not exceed
 4806 \$3,500, and annual permit fees for sign locations outside an
 4807 urban area, as defined in s. 334.03(31) ~~s. 334.03(32)~~, may not
 4808 exceed \$2,000. After recovering program costs, the proceeds from
 4809 the annual permit fees shall be deposited into the State
 4810 Transportation Trust Fund and used for transportation purposes.

4811 Section 97. Pembroke Park Boulevard designated; Department
 4812 of Transportation to erect suitable markers.—

4813 (1) That portion of State Road 858/Hallandale Beach
 4814 Boulevard between Interstate 95/State Road 9 and S.W. 56th
 4815 Avenue in Broward County is designated as "Pembroke Park
 4816 Boulevard."

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4817 (2) The Department of Transportation is directed to erect
 4818 suitable markers designating Pembroke Park Boulevard as
 4819 described in subsection (1).

4820 Section 98. Paragraph (d) of subsection (1) of section
 4821 316.0083, Florida Statutes, is amended to read:

4822 316.0083 Mark Wandall Traffic Safety Program;
 4823 administration; report.-

4824 (1)

4825 (d)1. The owner of the motor vehicle involved in the
 4826 violation is responsible and liable for paying the uniform
 4827 traffic citation issued for a violation of s. 316.074(1) or s.
 4828 316.075(1)(c)1. when the driver failed to stop at a traffic
 4829 signal, unless the owner can establish that:

4830 a. The motor vehicle passed through the intersection in
 4831 order to yield right-of-way to an emergency vehicle or as part
 4832 of a funeral procession;

4833 b. The motor vehicle passed through the intersection at
 4834 the direction of a law enforcement officer;

4835 c. The motor vehicle was, at the time of the violation, in
 4836 the care, custody, or control of another person; ~~or~~

4837 d. A uniform traffic citation was issued by a law
 4838 enforcement officer to the driver of the motor vehicle for the
 4839 alleged violation of s. 316.074(1) or s. 316.075(1)(c)1.; or

4840 e. The motor vehicle's owner was deceased on or before the
 4841 date that the uniformed traffic citation was issued as
 4842 established by an affidavit submitted by the representative of
 4843 the motor vehicle owner's estate or other designated person or
 4844 family member.

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4845 2. In order to establish such facts, the owner of the
 4846 motor vehicle shall, within 30 days after the date of issuance
 4847 of the traffic citation, furnish to the appropriate governmental
 4848 entity an affidavit setting forth detailed information
 4849 supporting an exemption as provided in this paragraph.

4850 a. An affidavit supporting an exemption under sub-
 4851 subparagraph 1.c. must include the name, address, date of birth,
 4852 and, if known, the driver's license number of the person who
 4853 leased, rented, or otherwise had care, custody, or control of
 4854 the motor vehicle at the time of the alleged violation. If the
 4855 vehicle was stolen at the time of the alleged offense, the
 4856 affidavit must include the police report indicating that the
 4857 vehicle was stolen.

4858 b. If a traffic citation for a violation of s. 316.074(1)
 4859 or s. 316.075(1)(c)1. was issued at the location of the
 4860 violation by a law enforcement officer, the affidavit must
 4861 include the serial number of the uniform traffic citation.

4862 c. If the motor vehicle's owner to whom a traffic citation
 4863 has been issued is deceased, the affidavit must include a
 4864 certified copy of the owner's death certificate showing that the
 4865 date of death occurred on or before the issuance of the uniform
 4866 traffic citation and one of the following:

4867 (I) A bill of sale or other document showing that the
 4868 deceased owner's motor vehicle was sold after his or her death
 4869 but on or before the date of the alleged violation.

4870 (II) Documentary proof that the registered license plate
 4871 belonging to the deceased owner's vehicle was returned to the
 4872 department or any branch office or authorized agent of the

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4873 department on or before the date of the alleged violation.
 4874 (III) A copy of a police report showing the deceased
 4875 owner's registered license plate or motor vehicle was stolen
 4876 after the owner's death but on or before the date of the alleged
 4877 violation.

4878
 4879 Upon receipt of the affidavit and documentation required under
 4880 this sub-subparagraph, the governmental entity must dismiss the
 4881 citation and provide proof of such dismissal to the person that
 4882 submitted the affidavit.

4883 3. Upon receipt of an affidavit, the person designated as
 4884 having care, custody, and control of the motor vehicle at the
 4885 time of the violation may be issued a traffic citation for a
 4886 violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver
 4887 failed to stop at a traffic signal. The affidavit is admissible
 4888 in a proceeding pursuant to this section for the purpose of
 4889 providing proof that the person identified in the affidavit was
 4890 in actual care, custody, or control of the motor vehicle. The
 4891 owner of a leased vehicle for which a traffic citation is issued
 4892 for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when the
 4893 driver failed to stop at a traffic signal is not responsible for
 4894 paying the traffic citation and is not required to submit an
 4895 affidavit as specified in this subsection if the motor vehicle
 4896 involved in the violation is registered in the name of the
 4897 lessee of such motor vehicle.

4898 4. The submission of a false affidavit is a misdemeanor of
 4899 the second degree, punishable as provided in s. 775.082 or s.
 4900 775.083.

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4901 Section 99. Section 320.089, Florida Statutes, is amended
 4902 to read:

4903 320.089 Members of National Guard and active United States
 4904 Armed Forces reservists; former prisoners of war; survivors of
 4905 Pearl Harbor; Purple Heart medal recipients; Operation Iraqi
 4906 Freedom and Operation Enduring Freedom Veterans; Combat Infantry
 4907 Badge or Combat Action Badge recipients; special license plates;
 4908 fee.—

4909 (1) (a) Each owner or lessee of an automobile or truck for
 4910 private use or recreational vehicle as specified in s.
 4911 320.08(9)(c) or (d), which is not used for hire or commercial
 4912 use, who is a resident of the state and an active or retired
 4913 member of the Florida National Guard, a survivor of the attack
 4914 on Pearl Harbor, a recipient of the Purple Heart medal, ~~or~~ an
 4915 active or retired member of any branch of the United States
 4916 Armed Forces Reserve, or a recipient of the Combat Infantry
 4917 Badge or Combat Action Badge shall, upon application to the
 4918 department, accompanied by proof of active membership or retired
 4919 status in the Florida National Guard, proof of membership in the
 4920 Pearl Harbor Survivors Association or proof of active military
 4921 duty in Pearl Harbor on December 7, 1941, proof of being a
 4922 Purple Heart medal recipient, ~~or~~ proof of active or retired
 4923 membership in any branch of the Armed Forces Reserve, or proof
 4924 of membership in the Combat Infantrymen's Association, Inc., or
 4925 other proof of being a recipient of the Combat Infantry Badge or
 4926 Combat Action Badge, and upon payment of the license tax for the
 4927 vehicle as provided in s. 320.08, be issued a license plate as
 4928 provided by s. 320.06, upon which, in lieu of the serial numbers

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4929 prescribed by s. 320.06, shall be stamped the words "National
 4930 Guard," "Pearl Harbor Survivor," "Combat-wounded veteran," ~~or~~
 4931 "U.S. Reserve," "Combat Infantry Badge," or "Combat Action
 4932 Badge" as appropriate, followed by the serial number of the
 4933 license plate. Additionally, the Purple Heart plate may have the
 4934 words "Purple Heart" stamped on the plate and the likeness of
 4935 the Purple Heart medal appearing on the plate.

4936 (b) Notwithstanding any other provision of law to the
 4937 contrary, beginning with fiscal year 2002-2003 and annually
 4938 thereafter, the first \$100,000 in general revenue generated from
 4939 the sale of license plates issued under this section shall be
 4940 deposited into the Grants and Donations Trust Fund, as described
 4941 in s. 296.38(2), to be used for the purposes established by law
 4942 for that trust fund. Any additional general revenue generated
 4943 from the sale of such plates shall be deposited into the State
 4944 Homes for Veterans Trust Fund and used solely to construct,
 4945 operate, and maintain domiciliary and nursing homes for
 4946 veterans, subject to the requirements of chapter 216.

4947 (c) Notwithstanding any provisions of law to the contrary,
 4948 an applicant for a Pearl Harbor Survivor license plate or a
 4949 Purple Heart license plate who also qualifies for a disabled
 4950 veteran's license plate under s. 320.084 shall be issued the
 4951 appropriate special license plate without payment of the license
 4952 tax imposed by s. 320.08.

4953 (2) Each owner or lessee of an automobile or truck for
 4954 private use, truck weighing not more than 7,999 pounds, or
 4955 recreational vehicle as specified in s. 320.08(9)(c) or (d),
 4956 which is not used for hire or commercial use, who is a resident

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4957 of the state and who is a former prisoner of war, or their
 4958 unremarried surviving spouse, shall, upon application therefor
 4959 to the department, be issued a license plate as provided in s.
 4960 320.06, on which license plate are stamped the words "Ex-POW"
 4961 followed by the serial number. Each application shall be
 4962 accompanied by proof that the applicant meets the qualifications
 4963 specified in paragraph (a) or paragraph (b).

4964 (a) A citizen of the United States who served as a member
 4965 of the Armed Forces of the United States or the armed forces of
 4966 a nation allied with the United States who was held as a
 4967 prisoner of war at such time as the Armed Forces of the United
 4968 States were engaged in combat, or their unremarried surviving
 4969 spouse, may be issued the special license plate provided for in
 4970 this subsection without payment of the license tax imposed by s.
 4971 320.08.

4972 (b) A person who was serving as a civilian with the
 4973 consent of the United States Government, or a person who was a
 4974 member of the Armed Forces of the United States who was not a
 4975 United States citizen and was held as a prisoner of war when the
 4976 Armed Forces of the United States were engaged in combat, or
 4977 their unremarried surviving spouse, may be issued the special
 4978 license plate provided for in this subsection upon payment of
 4979 the license tax imposed by s. 320.08.

4980 (3) Each owner or lessee of an automobile or truck for
 4981 private use, truck weighing not more than 7,999 pounds, or
 4982 recreational vehicle as specified in s. 320.08(9)(c) or (d),
 4983 which is not used for hire or commercial use, who is a resident
 4984 of this state and who is the unremarried surviving spouse of a

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4985 recipient of the Purple Heart medal shall, upon application
4986 therefor to the department, with the payment of the required
4987 fees, be issued a license plate as provided in s. 320.06, on
4988 which license plate are stamped the words "Purple Heart" and the
4989 likeness of the Purple Heart medal followed by the serial
4990 number. Each application shall be accompanied by proof that the
4991 applicant is the unremarried surviving spouse of a recipient of
4992 the Purple Heart medal.

4993 (4) The owner or lessee of an automobile or truck for
4994 private use, a truck weighing not more than 7,999 pounds, or a
4995 recreational vehicle as specified in s. 320.08(9)(c) or (d)
4996 which automobile, truck, or recreational vehicle is not used for
4997 hire or commercial use who is a resident of the state and a
4998 current or former member of the United States military who was
4999 deployed and served in Iraq during Operation Iraqi Freedom or in
5000 Afghanistan during Operation Enduring Freedom shall, upon
5001 application to the department, accompanied by proof of active
5002 membership or former active duty status during one of these
5003 operations, and upon payment of the license tax for the vehicle
5004 as provided in s. 320.08, be issued a license plate as provided
5005 by s. 320.06 upon which, in lieu of the registration license
5006 number prescribed by s. 320.06, shall be stamped the words
5007 "Operation Iraqi Freedom" or "Operation Enduring Freedom," as
5008 appropriate, followed by the registration license number of the
5009 plate.

5010 Section 100. Subsection (10) is added to section 338.165,
5011 Florida Statutes, to read:

5012 338.165 Continuation of tolls.—

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5013 (10) The department's Beachline-East Expressway may be
 5014 transferred by the department and become part of the turnpike
 5015 system under the Florida Turnpike Enterprise Law. Any funds
 5016 expended by Florida Turnpike Enterprise for the acquisition of
 5017 the Beachline-East Expressway shall be deposited into the State
 5018 Transportation Trust Fund, and, notwithstanding any other law to
 5019 the contrary, such funds shall first be allocated by the
 5020 department to fund the department's obligation to construct the
 5021 Wekiva Parkway. The term "Wekiva Parkway" means a limited access
 5022 highway or expressway constructed between State Road 429 and
 5023 Interstate 4 specifically incorporating the corridor alignment
 5024 recommended by Recommendation 2 of the Wekiva River Basin Area
 5025 Task Force final report dated January 15, 2003, and the
 5026 recommendations of the SR 429 Working Group which were adopted
 5027 January 16, 2004, and related transportation facilities.

5028 Section 101. Section 348.7546, Florida Statutes, is
 5029 amended to read:

5030 348.7546 Wekiva Parkway, construction authorized;
 5031 financing. ~~Notwithstanding s. 338.2275,~~

5032 (1) The Orlando-Orange County Expressway Authority is
 5033 hereby authorized to exercise its condemnation powers and to
 5034 construct, finance, operate, own, and maintain those portions of
 5035 the Wekiva Parkway which are identified by agreement between the
 5036 authority and the department and which are included as part of
 5037 the authority's long-range capital improvement plan. The "Wekiva
 5038 Parkway" means any limited access highway or expressway
 5039 constructed between State Road 429 and Interstate 4 specifically
 5040 incorporating the corridor alignment recommended by

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5041 Recommendation 2 of the Wekiva River Basin Area Task Force final
 5042 report dated January 15, 2003, and the recommendations of the SR
 5043 429 Working Group which ~~that~~ were adopted January 16, 2004. This
 5044 project may be financed with any funds available to the
 5045 authority for such purpose or revenue bonds issued by the
 5046 authority under s. 11, Art. VII of the State Constitution and s.
 5047 348.755(1)(b). This section does not invalidate the exercise by
 5048 the authority of its condemnation powers or the acquisition of
 5049 any property for the Wekiva Parkway before July 1, 2012.

5050 (2) Notwithstanding any other provision of law to the
 5051 contrary, in order to ensure that funds are available to the
 5052 department for its portion of the Wekiva Parkway, beginning July
 5053 1, 2012, the authority shall repay the expenditures by the
 5054 department for costs of operation and maintenance of the
 5055 Orlando-Orange County Expressway System in accordance with the
 5056 terms of the memorandum of understanding between the authority
 5057 and the department ratified by the authority board on February
 5058 22, 2012, which requires the authority to pay the department \$10
 5059 million on July 1, 2012, and \$20 million on each successive July
 5060 1 until the department has been fully reimbursed for all costs
 5061 of the Orlando-Orange County Expressway System which were paid,
 5062 advanced, or reimbursed to the authority by the department, with
 5063 a final payment in the amount of the balance remaining.

5064 Notwithstanding any other law to the contrary, the funds paid to
 5065 the department pursuant to this subsection shall be allocated by
 5066 the department for construction of the Wekiva Parkway.

5067 (3) The department's obligation to construct its portions
 5068 of the Wekiva Parkway is contingent upon the timely payment by

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5069 the authority of the annual payments required of the authority
 5070 and receipt of all required environmental permits and approvals
 5071 by the Federal Government.

5072 Section 102. Subsections (6) is added to section 348.755,
 5073 Florida Statutes, to read:

5074 348.755 Bonds of the authority.—

5075 (6) Notwithstanding any other provision of law to the
 5076 contrary, on and after July 1, 2012, the authority may not issue
 5077 any bonds except as permitted under the terms of the memorandum
 5078 of understanding between the authority and the department
 5079 ratified by the authority board on February 22, 2012.

5080 Section 103. Subsections (8) and (9) are added to section
 5081 348.757, Florida Statutes, to read:

5082 348.757 Lease-purchase agreement.—

5083 (8) The only lease-purchase agreement authorized by this
 5084 section is the lease-purchase agreement between the department
 5085 and the authority dated December 23, 1985, as supplemented by a
 5086 first supplement to the lease-purchase agreement dated November
 5087 25, 1986, and a second supplement to the lease-purchase
 5088 agreement dated October 27, 1988.

5089 (9) Upon the earlier of the defeasance, redemption, or
 5090 payment in full of the authority bonds issued before July 1,
 5091 2012, or the earlier date to which the purchasers of the
 5092 authority bonds have consented:

5093 (a) The obligations of the department under the lease-
 5094 purchase agreement with the authority, including any obligation
 5095 to pay any cost of operation, maintenance, repair, or
 5096 rehabilitation of the expressway system, terminate;

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5097 (b) The lease purchase agreement terminates;
 5098 (c) The expressway system remains the property of the
 5099 authority and may not be transferred to the department; and
 5100 (d) The authority remains obligated to reimburse the
 5101 department in accordance with the terms of the memorandum of
 5102 understanding between the authority and the department ratified
 5103 by the authority board on February 22, 2012.

5104 Section 104. Subsections (2) and (5) of section 369.317,
 5105 Florida Statutes, are amended to read:

5106 369.317 Wekiva Parkway.—

5107 (2) The Wekiva Parkway and related transportation
 5108 facilities shall follow the design criteria contained in the
 5109 recommendations of the Wekiva River Basin Area Task Force
 5110 adopted by reference by the Wekiva River Basin Coordinating
 5111 Committee in its final report of March 16, 2004, and the
 5112 recommendations of the Wekiva Coordinating Committee contained
 5113 in its final report of March 16, 2004, subject to reasonable
 5114 environmental, economic, and engineering considerations. For
 5115 those activities associated with the Wekiva Parkway and related
 5116 transportation facilities which require authorization pursuant
 5117 to part IV of chapter 373, the Department of Environmental
 5118 Protection is the exclusive permitting authority.

5119 (5) In Seminole County, ~~the Seminole County Expressway~~
 5120 ~~Authority,~~ the Department of Transportation, ~~and the Florida~~
 5121 ~~Turnpike Enterprise~~ shall locate the precise corridor and
 5122 interchanges for the Wekiva Parkway consistent with the
 5123 legislative intent expressed in this act and other provisions of
 5124 this act.

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5125 Section 105. Vehicles equipped with autonomous technology;
 5126 intent.—

5127 (1) As used in this section, the term "autonomous
 5128 technology" means technology installed on a motor vehicle that
 5129 has the capability to drive the vehicle on which the technology
 5130 is installed without the active control or monitoring by a human
 5131 operator. The term excludes a motor vehicle enabled with active
 5132 safety systems or driver assistance systems, including, without
 5133 limitation, a system to provide electronic blind spot
 5134 assistance, crash avoidance, emergency braking, parking
 5135 assistance, adaptive cruise control, lane keep assistance, lane
 5136 departure warning, or traffic jam and queuing assistant, unless
 5137 any such system alone or in combination with other systems
 5138 enables the vehicle on which the technology is installed to
 5139 drive without the active control or monitoring by a human
 5140 operator.

5141 (2) It is the intent of the Legislature to encourage the
 5142 safe development, testing, and operation of motor vehicles with
 5143 autonomous technology on the public roads of the state. The
 5144 Legislature finds that the state does not prohibit or
 5145 specifically regulate the testing or operation of autonomous
 5146 technology in motor vehicles on public roads.

5147 Section 106. Subsection (89) is added to section 316.003,
 5148 Florida Statutes, to read:

5149 316.003 Definitions.—The following words and phrases, when
 5150 used in this chapter, shall have the meanings respectively
 5151 ascribed to them in this section, except where the context
 5152 otherwise requires:

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5153 (89) AUTONOMOUS VEHICLE.—Any vehicle equipped with
 5154 autonomous technology. The term "autonomous technology" means
 5155 technology installed on a motor vehicle that has the capability
 5156 to drive the vehicle on which the technology is installed
 5157 without the active control or monitoring by a human operator.
 5158 The term excludes a motor vehicle enabled with active safety
 5159 systems or driver assistance systems, including, without
 5160 limitation, a system to provide electronic blind spot
 5161 assistance, crash avoidance, emergency braking, parking
 5162 assistance, adaptive cruise control, lane keep assistance, lane
 5163 departure warning, or traffic jam and queuing assistant, unless
 5164 any such system alone or in combination with other systems
 5165 enables the vehicle on which the technology is installed to
 5166 drive without the active control or monitoring by a human
 5167 operator.

5168 Section 107. Section 316.85, Florida Statutes, is created
 5169 to read:

5170 316.85 Autonomous vehicles; operation.—

5171 (1) A person who possesses a valid driver license may
 5172 operate an autonomous vehicle in autonomous mode.

5173 (2) For purposes of this chapter, unless the context
 5174 otherwise requires, a person shall be deemed to be the operator
 5175 of an autonomous vehicle operating in autonomous mode when the
 5176 person causes the vehicle's autonomous technology to engage,
 5177 regardless of whether the person is physically present in the
 5178 vehicle while the vehicle is operating in autonomous mode.

5179 Section 108. Section 319.145, Florida Statutes, is created
 5180 to read:

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5181 319.145 Autonomous vehicles.—

5182 (1) An autonomous vehicle registered in this state must
 5183 continue to meet federal standards and regulations for a motor
 5184 vehicle. The vehicle shall:

5185 (a) Have a means to engage and disengage the autonomous
 5186 technology which is easily accessible to the operator.

5187 (b) Have a means, inside the vehicle, to visually indicate
 5188 when the vehicle is operating in autonomous mode.

5189 (c) Have a means to alert the operator of the vehicle if a
 5190 technology failure affecting the ability of the vehicle to
 5191 safely operate autonomously is detected while the vehicle is
 5192 operating autonomously in order to indicate to the operator to
 5193 take control of the vehicle.

5194 (d) Be capable of being operated in compliance with the
 5195 applicable traffic and motor vehicle laws of this state.

5196 (2) Federal regulations promulgated by the National
 5197 Highway Traffic Safety Administration shall supersede this
 5198 section when found to be in conflict with this section.

5199 Section 109. (1) Vehicles equipped with autonomous
 5200 technology may be operated on roads in this state by employees,
 5201 contractors, or other persons designated by manufacturers of
 5202 autonomous technology for the purpose of testing the technology.
 5203 For testing purposes, a human operator shall be present in the
 5204 autonomous vehicle such that he or she has the ability to
 5205 monitor the vehicle's performance and intervene, if necessary,
 5206 unless the vehicle is being tested or demonstrated on a closed
 5207 course. Prior to the start of testing in this state, the entity
 5208 performing the testing must submit to the Department of Highway

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5209 Safety and Motor Vehicles an instrument of insurance, surety
 5210 bond, or proof of self-insurance acceptable to the department in
 5211 the amount of \$5 million.

5212 (2) The original manufacturer of a vehicle converted by a
 5213 third party into an autonomous vehicle shall not be liable in,
 5214 and shall have a defense to and be dismissed from, any legal
 5215 action brought against the original manufacturer by any person
 5216 injured due to an alleged vehicle defect caused by the
 5217 conversion of the vehicle, or by equipment installed by the
 5218 converter, unless the alleged defect was present in the vehicle
 5219 as originally manufactured.

5220 (3) By February 12, 2014, the Department of Highway Safety
 5221 and Motor Vehicles shall submit a report to the President of the
 5222 Senate and the Speaker of the House of Representatives
 5223 recommending additional legislative or regulatory action that
 5224 may be required for the safe testing and operation of motor
 5225 vehicles equipped with autonomous technology.

5226 Section 110. St. Pete Crosstown designated; Department of
 5227 Transportation to erect suitable markers.-

5228 (1) That portion of 118th Avenue North/County Road 296
 5229 between U.S.19/S.R. 55 and 28th Street North/County Road 683 in
 5230 Pinellas County is designated as the "St. Pete Crosstown."

5231 (2) The Department of Transportation is directed to erect
 5232 suitable markers designating the St. Pete Crosstown as described
 5233 in subsection (1).

5234 Section 111. Except as otherwise expressly provided in
 5235 this act and except for this section, which shall take effect
 5236 upon this act becoming a law, this act shall take effect July 1,

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